

PARTS 117–127 [RESERVED]**PART 128—NONDISCRIMINATION REQUIREMENTS**

Sec.

- 128.1 Definitions.
- 128.2 Nondiscrimination in lending and other services.
- 128.3 Nondiscrimination in applications.
- 128.4 Nondiscriminatory advertising.
- 128.5 Equal Housing Lender Poster.
- 128.6 Loan application register.
- 128.7 Nondiscrimination in employment.
- 128.8 Complaints.
- 128.9 Guidelines relating to nondiscrimination in lending.
- 128.10 Supplementary guidelines.
- 128.11 Nondiscriminatory appraisal and underwriting.

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§ 128.1 Definitions.

As used in this part 128—

(a) *Application*. For purposes of this part, an application for a loan or other service is as defined in Regulation C, 12 CFR 203.2(b).

(b) *Savings association*. The term “savings association” means any Federal savings association as defined in 12 U.S.C. 1813(b)(2).

(c) *Dwelling*. The term “dwelling” means a residential structure (whether or not it is attached to real property) located in a state of the United States of America, the District of Columbia, or the Commonwealth of Puerto Rico. The term includes an individual condominium unit, cooperative unit, or mobile or manufactured home.

§ 128.2 Nondiscrimination in lending and other services.

(a) No savings association may deny a loan or other service, or discriminate in the purchase of loans or securities or discriminate in fixing the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of such loan or other service on the basis of the age or location of the dwelling, or on the basis of the race, color, religion, sex, handicap, familial status (having one or more children under the age of 18), marital status, age (provided

the person has the capacity to contract) or national origin of:

- (1) An applicant or joint applicant;
- (2) Any person associated with an applicant or joint applicant regarding such loan or other service, or with the purposes of such loan or other service;
- (3) The present or prospective owners, lessees, tenants, or occupants of the dwelling(s) for which such loan or other service is to be made or given;
- (4) The present or prospective owners, lessees, tenants, or occupants of other dwellings in the vicinity of the dwelling(s) for which such loan or other service is to be made or given.

(b) A savings association shall consider without prejudice the combined income of joint applicants for a loan or other service.

(c) No savings association may discriminate against an applicant for a loan or other service on any prohibited basis (as defined in 12 CFR 202.2(z) and 24 CFR part 100).

Note to § 128.2: *See also*, § 128.9(b) and (c).

§ 128.3 Nondiscrimination in applications.

(a) No savings association may discourage, or refuse to allow, receive, or consider, any application, request, or inquiry regarding a loan or other service, or discriminate in imposing conditions upon, or in processing, any such application, request, or inquiry on the basis of the age or location of the dwelling, or on the basis of the race, color, religion, sex, handicap, familial status (having one or more children under the age of 18), marital status, age (provided the person has the capacity to contract), national origin, or other characteristics prohibited from consideration in § 128.2(c) of this part, of the prospective borrower or other person, who:

- (1) Makes application for any such loan or other service;
- (2) Requests forms or papers to be used to make application for any such loan or other service; or
- (3) Inquires about the availability of such loan or other service.

(b) A savings association shall inform each inquirer of his or her right to file