

**Federal Deposit Insurance Corporation**

**Pt. 365, Subpt. A, App. A**

example, the institution may choose to contact all customers affected by telephone or by mail, or by electronic mail for those customers for whom it has a valid e-mail address and who have agreed to receive communications electronically.

[66 FR 8638, Feb. 1, 2001, as amended at 69 FR 77619, Dec. 28, 2004; 70 FR 15754, Mar. 29, 2005; 71 FR 5780, Feb. 3, 2006]

**PART 365—REAL ESTATE LENDING STANDARDS**

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AUTHORITY: 12 U.S.C. 1828(o) and 5101 *et seq.*

SOURCE: 57 FR 62896, 62900, Dec. 31, 1992, unless otherwise noted.

**Subpart A—Real Estate Lending Standards**

**§ 365.1 Purpose and scope.**

This subpart, issued pursuant to section 304 of the Federal Deposit Insurance Corporation Improvement Act of 1991, 12 U.S.C. 1828(o), prescribes standards for real estate lending to be used by insured state nonmember banks (including state-licensed insured branches of foreign banks) in adopting internal real estate lending policies.

[57 FR 62896, 62900, Dec. 31, 1992, as amended at 75 FR 44692, July 28, 2010]

**§ 365.2 Real estate lending standards.**

(a) Each insured state nonmember bank shall adopt and maintain written policies that establish appropriate limits and standards for extensions of credit that are secured by liens on or

interests in real estate, or that are made for the purpose of financing permanent improvements to real estate.

(b)(1) Real estate lending policies adopted pursuant to this section must:

(i) Be consistent with safe and sound banking practices;

(ii) Be appropriate to the size of the institution and the nature and scope of its operations; and

(iii) Be reviewed and approved by the bank's board of directors at least annually.

(2) The lending policies must establish:

(i) Loan portfolio diversification standards;

(ii) Prudent underwriting standards, including loan-to-value limits, that are clear and measurable;

(iii) Loan administration procedures for the bank's real estate portfolio; and

(iv) Documentation, approval, and reporting requirements to monitor compliance with the bank's real estate lending policies.

(c) Each insured state nonmember bank must monitor conditions in the real estate market in its lending area to ensure that its real estate lending policies continue to be appropriate for current market conditions.

(d) The real estate lending policies adopted pursuant to this section should reflect consideration of the Interagency Guidelines for Real Estate Lending Policies established by the Federal bank and thrift supervisory agencies.

**APPENDIX A TO SUBPART A OF PART 365—INTERAGENCY GUIDELINES FOR REAL ESTATE LENDING POLICIES**

The agencies' regulations require that each insured depository institution adopt and maintain a written policy that establishes appropriate limits and standards for all extensions of credit that are secured by liens on or interests in real estate or made for the purpose of financing the construction of a building or other improvements.<sup>5</sup> These guidelines are intended to assist institutions in the formulation and maintenance of a real estate lending policy that is appropriate to the size of the institution and the nature and

<sup>5</sup>The agencies have adopted a uniform rule on real estate lending. See 12 CFR part 365 (FDIC); 12 CFR part 208, subpart C (FRB); 12 CFR part 34, subpart D (OCC); and 12 CFR 563.100–101 (OTS).