

The Housing Act of 1949, referred to in subsec. (b)(1), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title V of the Housing Act of 1949 is classified generally to subchapter III (§1471 et seq.) of chapter 8A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

#### AMENDMENTS

1996—Subsec. (m). Pub. L. 104-208 added subsec. (m).

1992—Subsec. (c). Pub. L. 102-550, §932(b), inserted “, other than loan application register information under subsection (j) of this section,” after “under this section”.

Subsecs. (j) to (l). Pub. L. 102-550, §932(a), added subsecs. (j) to (l).

1991—Subsec. (h)(1). Pub. L. 102-242, §212(a)(1)(A), added par. (1) and struck out former par. (1) which read as follows: “the Comptroller of the Currency for national banks;”.

Subsec. (h)(3). Pub. L. 102-242, §212(a)(1)(B), added par. (3) and struck out former par. (3) which read as follows: “the Federal Deposit Insurance Corporation for banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks, and any other depository institution described in section 2802(2)(A) of this title which is not otherwise referred to in this paragraph;”.

1989—Subsec. (a)(1). Pub. L. 101-73, §1211(c)(1), inserted “(or for which the institution received completed applications)” after “originated”.

Subsec. (a)(2). Pub. L. 101-73, §1211(c)(2)(A), inserted “(or for which completed applications were received)” after “originated or purchased” in last sentence.

Pub. L. 101-73, §1211(f), inserted at end “For purposes of this paragraph, other lending institutions shall be deemed to have a home office or branch office within a primary metropolitan statistical area, metropolitan statistical area, or consolidated metropolitan statistical area that is not comprised of designated primary metropolitan statistical areas if such institutions have originated or purchased or received completed applications for at least 5 mortgage loans in such area in the preceding calendar year.”

Subsec. (b)(4). Pub. L. 101-73, §1211(a), added par. (4).

Subsec. (e). Pub. L. 101-73, §1211(i), substituted “Subject to subsection (h) of this section, the Board” for “The Board”.

Subsec. (g)(1). Pub. L. 101-73, §1211(c)(2)(B), inserted “(or for which completed applications are received)” after “made”.

Subsec. (g)(2). Pub. L. 101-73, §1211(c)(2)(C), inserted “(or for which completed applications are received)” after “approved”.

Subsec. (h). Pub. L. 101-73, §1211(b), added subsec. (h).

Subsec. (i). Pub. L. 101-73, §1211(j), added subsec. (i).

1988—Subsec. (a)(1). Pub. L. 100-242, §570(h), substituted “at least one branch” for “at at least one branch”.

Subsec. (g). Pub. L. 100-242, §565(a)(2), added subsec. (g).

1983—Subsecs. (a), (f). Pub. L. 98-181 substituted “primary metropolitan statistical area, metropolitan statistical area, or consolidated metropolitan statistical area that is not comprised of designated primary metropolitan statistical areas” for “standard metropolitan statistical area” wherever appearing.

1980—Subsec. (a)(1). Pub. L. 96-399, §340(a)(1), substituted “Department of Commerce” for “Office of Management and Budget”.

Subsec. (a)(2)(A). Pub. L. 96-399, §340(a)(2), revised applicable factors so as to include mortgage loans in a census tract, or by a county, and exclude readily available and reasonably costing census tracts, or by ZIP code.

Subsecs. (d) to (f). Pub. L. 96-399, §340(a)(3), added subsecs. (d) to (f).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 932(c) of Pub. L. 102-550 provided that: “The amendments made by subsections (a) and (b) [amending

this section] shall apply with respect to information disclosed under section 304 of the Home Mortgage Disclosure Act of 1975 [this section] for any year which ends after the date of the enactment of this Act [Oct. 28, 1992].”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-73 applicable to each calendar year beginning after Dec. 31, 1989, see section 1211(k) of Pub. L. 101-73, set out as a note under section 2802 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 565(a)(2) of Pub. L. 100-242 applicable to the portion of calendar year 1988 that begins Aug. 19, 1988, and to each calendar year beginning after Dec. 31, 1988, see section 565(a)(4) of Pub. L. 100-242, as amended, set out as a note under section 2802 of this title.

#### EVALUATION AND REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING A UNIFIED SYSTEM FOR ENFORCING FAIR LENDING LAWS AND REGULATIONS

Evaluation of status and effectiveness of data collection and analysis systems involving fair lending, etc., and report thereof, see section 340(e) of Pub. L. 96-399, set out as a note under section 3305 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2807, 2809, 2810 of this title.

## § 2804. Enforcement

### (a) Regulations

The Board shall prescribe such regulations as may be necessary to carry out the purposes of this chapter. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary and proper to effectuate the purposes of this chapter, and prevent circumvention or evasion thereof, or to facilitate compliance therewith.

### (b) Powers of certain other agencies

Compliance with the requirements imposed under this chapter shall be enforced under—

(1) section 1818 of this title, in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a)<sup>1</sup> of the Federal Reserve Act [12 U.S.C. 601 et seq., 611 et seq.], by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks as defined in section 1813(f) of this title, insured State branches of foreign banks, and any other depository institution not referred to in this paragraph or para-

<sup>1</sup> See References in Text note below.

graph (2) or (3) of this subsection, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 1818 of this title, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act [12 U.S.C. 1751 et seq.], by the Administrator of the National Credit Union Administration with respect to any credit union; and

(4) other lending institutions, by the Secretary of Housing and Urban Development.

The terms used in paragraph (1) that are not defined in this chapter or otherwise defined in section 1813(s) of this title shall have the meaning given to them in section 3101 of this title.

**(c) Violations of this chapter deemed violations of certain other provisions**

For the purpose of the exercise by any agency referred to in subsection (b) of this section of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this chapter shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b) of this section, each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this chapter, any other authority conferred on it by law.

(Pub. L. 94-200, title III, §305, Dec. 31, 1975, 89 Stat. 1126; Pub. L. 101-73, title VII, §744(p)(1), title XII, §1211(g), Aug. 9, 1989, 103 Stat. 440, 526; Pub. L. 102-242, title II, §212(a)(2), Dec. 19, 1991, 105 Stat. 2299.)

REFERENCES IN TEXT

Section 25 of the Federal Reserve Act, referred to in subsec. (b)(1)(B), is classified to subchapter I (§601 et seq.) of chapter 6 of this title. Section 25(a) of the Federal Reserve Act, which is classified to subchapter II (§611 et seq.) of chapter 6 of this title, was renumbered section 25A of that act by Pub. L. 102-242, title I, §142(e)(2), Dec. 19, 1991, 105 Stat. 2281.

The Federal Credit Union Act, referred to in subsec. (b)(3), is act June 26, 1934, ch. 750, 48 Stat. 1216, as amended, which is classified generally to chapter 14 (§1751 et seq.) of this title. For complete classification of this Act to the Code, see section 1751 of this title and Tables.

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-242, §212(a)(2)(B), inserted at end “The terms used in paragraph (1) that are not defined in this chapter or otherwise defined in section 1813(s) of this title shall have the meaning given to them in section 3101 of this title.”

Subsec. (b)(1). Pub. L. 102-242, §212(a)(2)(A), added par. (1) and struck out former par. (1) which read as follows: “section 1818 of this title, in the case of—

“(A) national banks, by the Comptroller of the Currency;

“(B) member banks of the Federal Reserve System, other than national banks, by the Board;

“(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and mutual savings banks as defined in section 1813(f) of this title and any other depository institution not referred to in this paragraph or

paragraph (2) or (3) of this subsection, by the Board of Directors of the Federal Deposit Insurance Corporation;”.

1989—Subsec. (b)(2). Pub. L. 101-73, §744(p)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “section 1464(d) of this title, section 1730 of this title, and sections 1426(i) and 1437 of this title, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation) in the case of any institution subject to any of those provisions; and”.

Subsec. (b)(4). Pub. L. 101-73, §1211(g), added par. (4).

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 1211(g) of Pub. L. 101-73 applicable to each calendar year beginning after Dec. 31, 1989, see section 1211(k) of Pub. L. 101-73, set out as a note under section 2802 of this title.

**§ 2805. Relation to State laws**

(a) This chapter does not annul, alter, or affect, or exempt any State chartered depository institution subject to the provisions of this chapter from complying with the laws of any State or subdivision thereof with respect to public disclosure and recordkeeping by depositor institutions, except to the extent that those laws are inconsistent with any provision of this chapter, and then only to the extent of the inconsistency. The Board is authorized to determine whether such inconsistencies exist. The Board may not determine that any such law is inconsistent with any provision of this chapter if the Board determines that such law requires the maintenance of records with greater geographic or other detail than is required under this chapter, or that such law otherwise provides greater disclosure than is required under this chapter.

(b) The Board may by regulation exempt from the requirements of this chapter any State chartered depository institution within any State or subdivision thereof if it determines that, under the law of such State or subdivision, that institution is subject to requirements substantially similar to those imposed under this chapter, and that such law contains adequate provisions for enforcement. Notwithstanding any other provision of this subsection, compliance with the requirements imposed under this subsection shall be enforced under—

(1) section 1818 of this title in the case of national banks, by the Comptroller of the Currency; and

(2) section 1818 of this title, by the Director of the Office of Thrift Supervision in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation.

(Pub. L. 94-200, title III, §306, Dec. 31, 1975, 89 Stat. 1127; Pub. L. 100-628, title X, §1087(b), Nov. 7, 1988, 102 Stat. 3280; Pub. L. 101-73, title VII, §744(p)(2), Aug. 9, 1989, 103 Stat. 440.)

AMENDMENTS

1989—Subsec. (b)(2). Pub. L. 101-73 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “section 1464(d) of this title in the case of any institution subject to that provision, by the Federal Home Loan Bank Board.”

1988—Subsec. (b)(1), (2). Pub. L. 100-628 substituted “section” for “Section”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2803, 2809, 2810 of this title.