



**Federal Deposit Insurance Corporation**

550 17th Street NW, Washington, DC 20429-9990

**Financial Institution Letter**

**FIL-39-2013**

**September 16, 2013**

## **REGULATORY RELIEF**

### **Guidance to Help Financial Institutions and Facilitate Recovery in Areas of Colorado Affected by Severe Storms, Flooding, Landslides, and Mudslides**

**Summary:** The FDIC has announced a series of steps intended to provide regulatory relief to financial institutions and facilitate recovery in areas of Colorado affected by severe storms, flooding, landslides, and mudslides.

**Statement of Applicability to Institutions Under \$1 Billion in Total Assets:** This Financial Institution Letter applies to all FDIC-supervised institutions.

#### **Distribution:**

FDIC-Supervised Banks (Commercial and Savings) in Colorado

#### **Suggested Routing:**

Chief Executive Officer  
Compliance Officer  
Chief Lending Officer

#### **Related Topics:**

Lending  
Investments  
Publishing Requirements  
Consumer Laws  
Community Reinvestment Act

#### **Contact:**

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#### **Note:**

FDIC Financial Institution Letters (FILs) may be accessed from the FDIC's Web site at [www.fdic.gov/news/news/financial/2013/index.html](http://www.fdic.gov/news/news/financial/2013/index.html).

To receive FILs electronically, please visit <http://www.fdic.gov/about/subscriptions/fil.html>.

Paper copies may be obtained through the FDIC's Public Information Center, 3501 Fairfax Drive, E-1002, Arlington, VA 22226 (877-275-3342 or 703-562-2200).

#### **Highlights:**

- Severe storms, flooding, landslides, and mudslides have caused significant property damage in areas of Colorado beginning September 11, 2013, and continuing.
- A federal disaster for selected areas in Colorado was declared on September 14, 2013. Additional designations may be made after damage assessments are completed in the affected areas. A current list of designated areas is available at [www.fema.gov](http://www.fema.gov).
- The FDIC is encouraging banks to work constructively with borrowers experiencing difficulties beyond their control because of damage caused by the severe weather.
- Extending repayment terms, restructuring existing loans, or easing terms for new loans, if done in a manner consistent with sound banking practices, can contribute to the health of the local community and serve the long-term interests of the lending institution.
- Banks may receive favorable Community Reinvestment Act consideration for community development loans, investments, and services in support of disaster recovery.
- The FDIC also will consider regulatory relief from certain filing and publishing requirements.

## **Supervisory Practices Regarding Depository Institutions and Borrowers Affected by Severe Storms, Flooding, Landslides, and Mudslides in Areas of Colorado**

The Federal Deposit Insurance Corporation (FDIC) recognizes the serious impact of severe storms, flooding, landslides, and mudslides on customers and operations of financial institutions in certain areas of Colorado and will provide regulatory assistance to institutions subject to its supervision. These initiatives will provide regulatory relief and facilitate recovery. The FDIC encourages depository institutions in the affected areas to meet the financial services needs of their communities.

The affected areas in Colorado are Adams, Boulder, Larimer, and Weld counties.

**Lending:** Bankers should work constructively with borrowers in communities affected by the severe weather. The FDIC realizes that the effects of natural disasters on local businesses and individuals are often transitory, and prudent efforts to adjust or alter terms on existing loans in affected areas should not be subject to examiner criticism. In supervising institutions affected by the severe weather, the FDIC will consider the unusual circumstances they face. The FDIC recognizes that efforts to work with borrowers in communities under stress can be consistent with safe-and-sound banking practices as well as in the public interest<sup>1</sup>.

**Community Reinvestment Act (CRA):** Financial institutions may receive CRA consideration for community development loans, investments, or services that revitalize or stabilize federally designated disaster areas in their assessment areas or in the states or regions that include their assessment areas. For additional information, institutions should review the *Interagency Questions and Answers Regarding Community Reinvestment* at <http://www.ffiec.gov/cra/pdf/2010-4903.pdf> at Section 12(g)(4)(ii). For help in identifying community development activities to revitalize or stabilize a disaster area, financial institutions can contact their regional Community Affairs Officer (see <http://www.fdic.gov/consumers/community/offices.html>).

**Investments:** Bankers should monitor municipal securities and loans affected by the severe weather. The FDIC realizes local government projects may be negatively affected. Appropriate monitoring and prudent efforts to stabilize such investments are encouraged.

**Reporting Requirements:** FDIC-supervised institutions affected by the severe weather should notify the Dallas Regional Office if they expect a delay in filing Reports of Income and Condition or other reports. The FDIC will evaluate any causes beyond the control of a reporting institution when considering the length of an acceptable delay.

**Publishing Requirements:** The FDIC understands the damage caused by the severe weather may affect compliance with publishing and other requirements for branch closings, relocations, and temporary facilities under various laws and regulations. Banks experiencing disaster-related difficulties in complying with any publishing or other requirements should contact the Dallas Regional Office.

**Consumer Laws:** Regarding consumer loans, Regulation Z provides consumers an option to waive or modify the three-day rescission period when a "bona fide personal financial emergency" exists. To exercise this option, the consumer must provide the lender with a statement describing the emergency in accordance with the regulation.

**Temporary Banking Facilities:** The Dallas Regional Office will expedite any request to operate temporary banking facilities by an institution whose offices have been damaged or that desires to provide more convenient availability of services to those affected by the severe weather. In most cases, a telephone notice to the FDIC will suffice initially. Necessary written notification can be submitted later.

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<sup>1</sup> Modifications of existing loans should be evaluated individually to determine whether they represent troubled debt restructurings (TDRs). This evaluation should be based on the facts and circumstances of each borrower and loan, which requires judgment, as not all modifications are TDRs.