

(b) If OTS notifies you within 30 days that the Notice presents supervisory concerns, or raises significant issues of law or policy, you must apply for and receive OTS's prior written approval in accordance with §516.1(c) of this chapter before making a salvage investment.

(c) If your service corporation or lower-tier entity is a GAAP-consolidated subsidiary, your salvage investment under this section will be considered an investment in a subsidiary for purposes of part 567 of this chapter.

PART 560—LENDING AND INVESTMENT

Sec.

- 560.1 General.
- 560.2 Applicability of law.
- 560.3 Definitions.

Subpart A—Lending and Investment Powers for Federal Savings Associations

- 560.30 General lending and investment powers of federal savings associations.
- 560.31 Election regarding categorization of loans or investments and related calculations.
- 560.32 Pass-through investments.
- 560.33 Late charges.
- 560.34 Prepayments.
- 560.35 Adjustments to home loans.
- 560.36 De minimis investments.
- 560.37 Real estate for office and related facilities.
- 560.40 Commercial paper and corporate debt securities.
- 560.41 Leasing.
- 560.42 State and local government obligations.
- 560.43 Foreign assistance investments.

Subpart B—Lending and Investment Provisions Applicable to all Savings Associations

- 560.93 Lending limitations.
- 560.100 Real estate lending standards; purpose and scope.
- 560.101 Real estate lending standards.
- 560.110 Most favored lender usury preemption.
- 560.120 Letters of credit and other independent undertakings to pay against documents.
- 560.121 Investment in state housing corporations.
- 560.130 Prohibition on loan procurement fees.
- 560.160 Asset classification.
- 560.170 Records for lending transactions.

- 560.172 Re-evaluation of real estate owned.

Subpart C—Alternative Mortgage Transactions

- 560.210 Disclosures for variable rate transactions.
- 560.220 Alternative Mortgage Parity Act.

AUTHORITY: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1701j-3, 1828, 3803, 3806; 42 U.S.C. 4106.

SOURCE: 61 FR 50971, Sept. 30, 1996, unless otherwise noted.

§ 560.1 General.

(a) *Authority and scope.* This part is being issued by OTS under its general rulemaking and supervisory authority under the Home Owners' Loan Act (HOLA), 12 U.S.C. 1462 *et seq.* Subpart A of this part sets forth the lending and investment powers of Federal savings associations. Subpart B of this part contains safety-and-soundness based lending and investment provisions applicable to all savings associations. Subpart C of this part addresses alternative mortgages and applies to all savings associations.

(b) *General lending standards.* Each savings association is expected to conduct its lending and investment activities prudently. Each association should use lending and investment standards that are consistent with safety and soundness, ensure adequate portfolio diversification and are appropriate for the size and condition of the institution, the nature and scope of its operations, and conditions in its lending market. Each association should adequately monitor the condition of its portfolio and the adequacy of any collateral securing its loans.

§ 560.2 Applicability of law.

(a) *Occupation of field.* Pursuant to sections 4(a) and 5(a) of the HOLA, 12 U.S.C. 1463(a), 1464(a), OTS is authorized to promulgate regulations that preempt state laws affecting the operations of federal savings associations when deemed appropriate to facilitate the safe and sound operation of federal savings associations, to enable federal savings associations to conduct their operations in accordance with the best practices of thrift institutions in the United States, or to further other purposes of the HOLA. To enhance safety and soundness and to enable federal