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OCC Publishes Guide to Mortgage Lending in Indian Country

WASHINGTON, D.C. -- Comptroller Eugene A. Ludwig today announced the publication of the Guide to Mortgage Lending in Indian Country in an address before a conference on Banking in Indian Country: Expanding the Horizons. The conference is co-sponsored by the Office of the Comptroller of the Currency (OCC) and the Department of Justice's Office of Tribal Justice.

The Comptroller said the Guide was designed to help banks deal with the challenges of lending to Native Americans, including some unique legal challenges. "This guide reflects our ongoing commitment to ensuring full and fair access to credit for all Americans. It helps banks understand and address legal and operational challenges to making home loans in Indian country," he said. "It also provides general information about Native Americans, tribes, tribal land and tribal sovereignty."

The Guide was produced by the OCC's Native American Working Group, which the Comptroller formed in 1994 to address banking issues unique to Indian country and to assist national banks in making loans to Native Americans or tribes. The publication is divided into four sections:

- Operating in Indian Country -- background information about Indian culture and an introduction to legal issues that arise when lending to Native Americans or tribes. For example, federal law generally prohibits a lender from obtaining a mortgage on real property held in trust by the federal government for an Indian tribe, but loans secured by leasehold interests in tribal trust or restricted lands are permissible.
- Residential Mortgage Lending Process -- steps in the mortgage lending process unique to lending in Indian country. An example is the requirement to obtain approval from the Bureau of Indian Affairs for mortgages on trust lands.
- Types of Mortgage Loan Programs -- government loan guarantee and secondary market programs available to lenders making mortgage loans to residents of Indian reservations. Examples include information about special programs at the departments of Housing and Urban Development and Agriculture, and programs for selling loans in the secondary market.
- Compliance Issues -- consumer compliance laws that relate to mortgage lending in Indian Country, such as the fair lending laws and the Community Reinvestment Act.

Copies of the Guide to Mortgage Lending in Indian Country may be purchased from the OCC for \$15. Please send your written request, with payment, to: Comptroller of the Currency, P.O. Box

70004, Chicago, IL 60673-0004. The text of the publication will also be available on the OCC's homepage at <http://www.occ.treas.gov>.

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The OCC charters, regulates and supervises approximately 2,800 national banks and 66 federal branches and agencies of foreign banks in the U.S., accounting for more than half the nation's banking assets. Its mission is to ensure a safe, sound and competitive national banking system that supports the citizens, communities and economy of the United States.