



Office of the
Comptroller of the Currency

COMPTROLLER'S LICENSING MANUAL

BRANCHES AND RELOCATIONS

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Introduction

This booklet of the *Comptroller's Licensing Manual* provides guidance on the licensing procedures of the Office of the Comptroller of the Currency (OCC) concerning branches and relocations. The requirements referred to reflect provisions in existing statutes and regulations. The relevant statutes and regulations are listed at the end of this booklet or referenced as applicable throughout the document.¹

This booklet contains policies and procedures to guide a national bank, federal savings association (FSA), or FSA that has elected to be a covered savings association (CSA) in submitting a request to the OCC for prior approval to establish or relocate a branch or relocate its main or home office.² This booklet also discusses the exemption from the branch application process for certain highly rated FSAs. In addition, it describes the requirements applicable to an FSA agency office. Unless otherwise noted, this booklet collectively refers to national banks and FSAs as banks.

National banks and FSAs are subject to different branching and relocation application or notice provisions and requirements.³ The “Application Process” section of this booklet discusses application procedures and requirements that are common to national banks and FSAs. Subsequent sections discuss policies, standards, procedures, and regulatory requirements specific to each charter. Refer to 12 CFR 5.30 for a national bank and 12 CFR 5.31 for an FSA. The booklet contains hyperlinks to other related booklets and filing samples, such as the [Branch and Relocation Application](#).

¹ This booklet also includes procedures that banks must follow when filing applications and notices with the OCC. Such procedures are not substantive rules that establish decision criteria; they are steps a bank must take to allow the OCC to assess whether a bank has met the substantive requirements for the application or notice in existing statutes and regulations. Consistent with the Administrative Procedure Act (APA), the OCC may issue guidance concerning licensing that has binding procedural steps a bank must take to allow the OCC to assess a bank's application or notice. See 5 USC 553(b)(A).

² A federal savings association (FSA) may elect to be a covered savings association (CSA) under 12 USC 1464a and 12 CFR 101.3(a)(1). Pursuant to 12 CFR 101.4(a)(2), the CSA is subject to the authorization, terms, and conditions that govern the establishment, relocation, or closing of a national bank branch, and may operate the branch under the national bank branching regulation subject to the same authorization, terms, and conditions as a similarly located branch of a similarly located national bank. Refer to OCC Bulletin 2019-31, [“Covered Savings Associations Implementation: Covered Savings Associations.”](#)

³ Pursuant to 12 CFR 5.3, a filing refers to an application or notice submitted to the OCC.

Key Policies

Decision Criteria

Principles

In determining whether to approve a branch or relocation application, the OCC is guided by the following principles:

- Maintaining a safe and sound banking system.
- Encouraging a bank to provide fair access to financial services by helping to meet the credit needs of its entire community.
- Ensuring compliance with laws and regulations.
- Promoting fair treatment of customers, including efficiency and better service.

Conditions

The OCC may impose appropriate conditions on any application approval to:

- protect the safety and soundness of the bank.
- prevent possible conflicts of interest.
- address significant supervisory, Community Reinvestment Act (CRA), or compliance concerns.
- ensure that approval is consistent with OCC policies and applicable statutory and regulatory standards.

Such conditions are enforceable under 12 USC 1818.

Community Reinvestment Act Considerations

The OCC considers the performance of the filer under the CRA when making a decision on the filer's proposed branch or relocation application.⁴ When analyzing performance under the CRA, the OCC reviews any comment letters received from the public, the filer's responses to those letters, and information available from the most recent CRA performance evaluations. Refer to the ["Public Notice and Comments"](#) booklet of the *Comptroller's Licensing Manual* for specific details.

⁴ Refer to 12 CFR Part 25 for national banks.

Depository Institution Management Interlocks Act

The Depository Institution Management Interlocks Act (DIMIA) prohibits certain management interlocks. The purpose of the DIMIA is to foster competition by generally prohibiting a management official from serving two nonaffiliated depository organizations in situations when the management interlock likely would have an anticompetitive effect. A bank's establishment of a new branch may trigger DIMIA restrictions that are based on the location of branches of unaffiliated banks or savings associations in the same community or relevant metropolitan statistical area (MSA). For a detailed discussion, refer to the ["Management Interlocks"](#) booklet of the *Comptroller's Licensing Manual*.

Undercapitalized Banks

Prompt corrective action (12 USC 1831o and 12 CFR 6) restricts the activities of a bank categorized as undercapitalized, significantly undercapitalized, or critically undercapitalized. Unless a bank is well capitalized, it must receive prior OCC approval for most branching and relocation activities. Moreover, an undercapitalized bank may not establish or acquire an additional branch office unless the OCC has accepted the bank's capital restoration plan, the bank is implementing the plan, and the OCC determines that the proposed branching is consistent with and will further the achievement of the plan, or the Federal Deposit Insurance Corporation (FDIC) determines that the proposed branching is consistent with the purpose of the prompt corrective action statute.⁵

⁵ Refer to 12 USC 1831o(e)(4).

Application Process

Public Notice and Comment Period

In general, branch establishments and branch, main, and home office relocations are subject to a public notice requirement and comment period. Refer to 12 CFR 5.8 and 5.10. The notice must be published in a newspaper of general circulation in the community in which the filer proposes to do business. The national bank and FSA policy and requirements sections of this booklet list timing requirements and exceptions to the public notice and comment period requirements. Refer to 12 CFR 5.30, 5.31, and 5.40.

The comment period for branch establishments and relocations starts the day after publication in the newspaper. The comment period is 30 days, or 15 days for short-distance relocation applications.⁶ During the comment period, any person may submit written comments to the appropriate OCC licensing office. Refer to the [“Public Notice and Comments”](#) booklet of the *Comptroller’s Licensing Manual*.

If applicable, notices should state that a filing is being made with the OCC. All notices also should state the subject matter of the public notice or filing and that the OCC will review public comments. The publication should be in English and state

- the application type (including identification of branch type, e.g., intermittent, temporary, mobile, or messenger).
- if an application is required, the date of the filing.
- the bank’s name and location. (If a bank is operating under more than one name or under a name not substantially similar to its legal name, the public notice should contain both the legal name and the name the bank uses in the community in which the publication circulates.)
- the location of the proposed branch. (If the filing is to relocate a branch, or a main or home office, include the current and proposed locations.)
- that the public may submit comments to the appropriate OCC licensing office.
- the address of the appropriate OCC licensing office where comments should be sent.
- the term of the public comment period, which is 15 days for short-distance relocations or 30 days for branch establishments or relocations that do not meet short-distance criteria.
- that the public portion of the filing is available on request.⁷
- a description of the intermittent nature of the branch, if applicable, including the event, location, frequency, and time period(s) the branch would be open.
- all steps if part of a multi-step transaction.
- any other information the OCC requires.

⁶ An FSA relocating a branch that satisfies the short-distance definition under 12 CFR 5.3 is not required to publish notice. Refer to the “FSA Policies and Requirements” section of this booklet for more detail.

⁷ This requirement applies only to banks that must file an application to establish or relocate a branch.

The OCC may extend the comment period pursuant to 12 CFR 5.10, if

- the filer fails to file all required publicly available information on a timely basis to permit review by interested persons or makes a request for confidential treatment not granted by the OCC that delays the public availability of that information,
- any person requesting an extension satisfactorily demonstrates to the OCC that additional time is necessary to develop factual information that the OCC determines is necessary to consider the filing, or
- the OCC finds that other extenuating circumstances exist.

Expedited Review

When an application is required, the OCC provides expedited review of branch and relocation applications if the filer is an eligible bank or savings association. In most cases, an eligible FSA would file an application only for a home office relocation. Refer to the “FSA Policies and Requirements” section of this booklet for more detail. An application for a branch establishment or relocation of a branch, main, or home office, processed under expedited review, is deemed approved the latter of the 15th day after the close of the public comment period or the 45th day after the OCC receives the filing (or the 30th day after the filing is received in the case of a short-distance branch, main, or home office relocation) unless the OCC

- decides the application before the end of the expedited review period,
- determines that the filing is not eligible for expedited review, or
- removes the application from the expedited review process.

The OCC may remove an application from expedited review if the filing, or an adverse comment about the filing, presents significant supervisory, CRA, or compliance concerns, or raises significant legal or policy issues requiring additional OCC review. Filers should refer to 12 CFR 5.13(a)(2) and the [“Public Notice and Comments”](#) booklet of the *Comptroller’s Licensing Manual* for a more detailed discussion about the reasons why the OCC would remove an application from expedited review.

The OCC notifies a filer promptly whenever it decides to remove an application from expedited review and provides a written explanation of the reasons for that decision, including if it results from information obtained in a public comment.

Standard Review

A standard review means that the application is not expedited and is not deemed approved under the expedited review time frames described in the preceding section, “Expedited Review.” A bank application receiving standard review treatment must receive a written decision from the OCC before opening a new branch or relocating a branch, main, or home office.

Applications Involving Multiple Filings

If a bank makes a filing for any activity or transaction that depends on the approval of another filing, or if requests for approval for more than one activity or transaction are combined in a single filing, none of the subject filings may be deemed approved upon expiration of the applicable time periods, unless all of the filings are subject to expedited review procedures and the longest of the time periods expires without the OCC issuing a decision or notifying the bank that the filings are not eligible for expedited review under the standards in 5.13(a)(2)(i).

Specific Requirements

Military Banking Facilities

A bank may establish a banking facility on a military installation by requesting that it be designated as a government financial agent by the Secretary of the Treasury as authorized under 12 USC 90 (national banks) and 12 USC 1464(k) (FSAs). Such military banking facilities are not considered branches under federal banking law. A bank that plans to establish a military banking facility must contact the Fiscal Assistant Secretary of the Treasury in Washington, D.C. Refer to 32 CFR 230–231 for applicable U.S. Department of Defense requirements.

Branches Established Through a Conversion or Business Combination

Branches acquired or retained by a bank in a connection with the institution's conversion to a federal charter are subject to the application procedures required by 12 CFR 5.24 if the converting institution will be a national bank or 12 CFR 5.23 if the converting institution will be an FSA. Branches acquired or retained in a business combination are subject to the procedures required by 12 CFR 5.33. Such branches remain subject to any applicable standards governing review and approval of branches by the OCC for national banks and FSAs, set forth in 12 CFR 5.30 and 5.31, respectively.

Branch and Trade Names

The OCC considers the matter of branch names to be a business decision made after a bank reviews carefully and complies with the factors listed in the interagency statement on [“Branch Names.”](#) Accordingly, a bank intending to use different trade names should take reasonable steps to ensure that customers will not be confused about either the bank's identity or the extent of FDIC insurance coverage. In addition, national banks should also ensure that branch names comply with any state law requirements.

Investment in Bank Premises Limitation

When planning to establish a branch or relocate a branch, main, or home office, a bank should review its compliance with the aggregate limitations on investments in bank premises

in 12 CFR 5.37. Generally, a bank's aggregate investment in bank premises may not exceed the amount of its capital stock (or, in the case of a mutual FSA, its retained earnings) without prior OCC approval. If a bank has a composite 1 or 2 CAMELS rating,⁸ however, and the aggregate investment in bank premises does not exceed 150 percent of capital and surplus, a bank may file an after-the-fact notice with the appropriate OCC supervisory office within 30 days of making an investment in bank premises exceeding its capital stock (or, for a mutual FSA, exceeding its retained earnings). If prior approval is required under 12 CFR 5.37, applications for investment in bank premises may be sent to the appropriate OCC supervisory office before or concurrently with a filing of any applicable branch establishment or branch, main, or home office relocation application.

A copy of any correspondence with the supervisory office pertaining to investment in bank premises, including after-the-fact notices, also should be submitted with the related branch or relocation application. Refer to the ["Bank Premises and Equipment"](#) booklet of the *Comptroller's Handbook*.

Branch Sales

When a bank sells a branch to another financial institution, the OCC requests that the bank notify the OCC within 10 days of the sale's consummation to help the OCC maintain the accuracy of branch records.

Consolidations

A bank may consolidate two or more existing branches. In a consolidation, no offices are relocated, but one or more offices are closed, and the customers of the closed branches are served by other existing branches of the bank. So that the OCC may update its records, the OCC requests that the bank notify the appropriate OCC licensing office within 10 days of the branch consolidation or closing. Section 42 of the Federal Deposit Insurance Act, specifically 12 USC 1831r-1, lists the requirements for branch closings and certain relocations. For more information, refer to the ["Branch Closings"](#) booklet of the *Comptroller's Licensing Manual* for further guidance.

Branch Closures Due to Emergencies or Upon Declaration by the OCC

The Comptroller of the Currency, or an appointed designee, has the authority to declare a legal holiday for banks for ceremonial reasons or in the event of natural calamity, riot, insurrection, war, or other emergency conditions whether caused by acts of nature or humans (declared event).

A written proclamation of a legal holiday, unless otherwise directed, gives bank management the discretion to make decisions to remain open, or close, for the duration of the declared

⁸ CAMELS integrates ratings from six component areas: capital adequacy, asset quality, management, earnings, liquidity, and sensitivity to market risk.

event. It is anticipated that only those banks or offices directly affected by the declared event will close, and those banks or offices that close will make every effort to reopen as quickly as possible to address the banking needs of their customers and communities.

Regardless of whether a legal holiday has been declared through a written proclamation, bank management has the discretion in the case of any emergency to act prudently and responsibly to ensure the safety of human life and to safeguard banking assets (tangible and intangible). Refer to [OCC Bulletin 2012-28](#), “Responding to a Declaration of a Legal Holiday or Natural Disaster: Supervisory Guidance on Natural Disasters and Other Emergency Conditions.”

If a declared event, disaster, or other emergency is expected to result in long-term or widespread disruption of critical services in areas in which banks operate or have customers, the OCC encourages banks to consider

- waiving or reducing automated teller machine (ATM) fees.
- temporarily waiving late payment fees or penalties for early withdrawal of savings for affected customers.

Major disaster and localized emergencies: Should a declared event, disaster, or other emergency occur in a bank’s area, a good source of information is the [Federal Emergency Management Agency](#) (FEMA) website. The FEMA promptly provides disaster information, including major disaster declarations by the President of the United States. In addition to FEMA resources, regional coalitions have been formed in several areas around the United States to facilitate the recovery of the financial services sector after a natural disaster or an attack triggered by humans. The coalitions help share information with the federal government as well as with strategic partners during a crisis and are open to all members of the financial services sector. A list of regional coalitions is on the Regional Partnership Council’s website.

In the event of a major disaster or other emergency, the OCC may—on an expedited basis and without requiring publication and with abbreviated application or notice procedures—grant approval for a bank to open a temporary branch or relocate an office for a specific period not to exceed six months. In most cases, a bank’s call to the appropriate OCC licensing office is sufficient to start the process of restoring services to the affected community. The written notice to the OCC should have the following information:

- that the establishment of the temporary branch, main, or home office (facility) is to serve the community affected by the disaster,
- the facility’s location,
- the date the facility opened, and
- a representation that the bank will not operate the facility for more than six months.

If the facility remains open for more than six months, a bank must either request a six-month extension or file an application for a permanent or temporary branch as set forth in 12 CFR 5.30 or 5.31.

If a bank that is not in a major disaster area seeks to establish a branch to provide banking services to those within that area, the bank should provide prior notice to the appropriate OCC licensing office. The notice should include the same information required in the preceding paragraphs.

Post-Decision Matters

Approval Expiration and Extensions

An OCC approval of a nonemergency branch establishment or branch, main, or home office relocation expires if the bank has not commenced business at the new location within 18 months after the date of OCC approval, unless the OCC grants an extension. Extension requests should be in writing and provide sufficient information to support the request.

Material Change

A bank should notify the appropriate OCC licensing office of any material change in circumstances surrounding a proposed branch or relocation. Based on a review of that information, the OCC will determine if the OCC's approval should be modified or rescinded, as applicable.

Opening the Branch or Office

A bank should advise the OCC in [writing](#) by e-mail or letter within 10 days after opening a branch or the relocated main or home office.

Branch Closings

A bank must file an [advance branch closing notice](#) with the OCC and give required advance notice to branch customers whenever the bank proposes to close or relocate a facility considered to be a branch for purposes of 12 USC 1831r-1, except in the case of a relocation that qualifies as a short-distance relocation. It is important to note, however, that the federal law governing branch closures *does not establish a framework for the primary regulator to act on a planned branch closing.*⁹ Refer to the [“Branch Closings”](#) booklet of the *Comptroller's Licensing Manual* and the Joint Policy Statement on Branch Closing Notices and Policies for additional guidance.

⁹ Refer to 12 USC 1831r-1.

National Bank and CSA Policies and Requirements

National Bank Application Process

A national bank or CSA that plans to establish or relocate a branch office, or to relocate a main office other than to an existing branch in the same city, town, or village where the main office is located, must submit an application to the OCC and obtain the OCC's prior approval pursuant to 12 CFR 5.30 or 5.40. In general, a CSA must comply with requirements that would apply to a similarly located national bank, except in discrete areas set out in 12 CFR part 101, including governance provisions.

Publication and Expedited Review

A national bank that plans to establish a branch or relocate a branch or main office is subject to the public notice and comment requirements discussed in the "Application Process" section of this booklet. Generally, no publication is required to relocate a main office to an existing branch site in the same city, town, or village where the main office is located.

An expedited review period applies to an eligible national bank filing an application under this section.

National Bank Branches

A national bank branch, as provided in 12 CFR 5.30, includes any branch, office, agency, additional office, or place of business established by a national bank in the United States or its territories at which deposits are received, checks paid, or money lent. Branch facilities may include a messenger service, mobile branch, temporary facility, drive-in facility, intermittent branch, joint branch, or seasonal agency as described in 12 USC 36(c). These types of branches are discussed later in this section.

Any of the following types of facilities are not considered branches of national banks:

- Check-scanning terminal at a nonbank location that a bank customer operates to transmit electronic images of checks to a bank for deposit.
- Facility that is not physically accessible to the public to make deposits, receive withdrawals, or borrow money.
- Facility that is an extension of an approved main office or branch office. (Refer to the "Extension of Offices" in this section.)
- Military banking facility established under 12 USC 90 or other authority not requiring approval under 12 USC 36. (Refer to the "Key Policies" section of this booklet.)
- ATM or another remote service unit (RSU)
- Loan production office (LPO)
- Deposit production office (DPO)
- Any combination of an ATM, RSU, LPO, or DPO.

- Main office
- Office that provides facility banking services to the bank. (Refer to the “Facility Banking” discussion in this section.)
- Financial literacy programs meeting the criteria in 12 CFR 7.1021. (Refer to the “Financial Literacy Programs” discussion in this section.)

Facility Banking

Under 12 USC 1828(r), a national bank subsidiary of a bank holding company (BHC) may act as agent for an affiliated depository institution to receive deposits, renew time deposits, close loans, service loans, and receive payments on loans and other obligations. The law provides that

- the location where the affiliate is acting as agent is not considered a branch.
- the bank acting as agent cannot conduct any activity as agent that it could not conduct as principal.
- the affiliated depository institution using an agent bank cannot have the agent conduct any activity that it is prohibited from conducting as principal.
- under certain circumstances, an insured savings association may act as agent for an affiliated bank and not be considered a branch of that affiliate.

In addition, 12 USC 1828(r) specifically provides that it does not affect any authority under any other provisions of law that permit agency relationships involving banks without raising branching concerns. Thus, other agency relationships also may not constitute the establishment of branches. For instance, many OCC legal interpretations on facility banking issued before the passage of 12 USC 1828(r) remain valid. For more information about whether certain agency relationships constitute branching, contact the appropriate OCC district counsel’s office.

Financial Literacy Programs

Under 12 CFR 7.1021, national banks may participate in a financial literacy program. The premises of, or facility used by, the school or other organization at which the national bank participates in a financial literacy program is not a branch provided the bank does not establish and operate the premises or facility. The OCC considers establishment and operation in this context on a case-by-case basis, considering the facts and circumstances.

Extension of Offices

Whenever a national bank establishes a publicly accessible banking office that will engage in one or more branching functions apart from a main office or existing branch, the OCC considers the facility a branch unless the OCC determines that the facility is an extension of the bank’s existing office or satisfies another exception from the definition of a branch.

The OCC considers a drive-in or pedestrian facility located within 500 feet of the public entrance to an existing main office or branch office to be an extension of the existing office (extension), provided the functions performed at the drive-in or pedestrian facility are limited to the functions performed at a teller window. No application or notice to the OCC is required to establish such facilities. If the primary facility closes or relocates to a new site such that the extension no longer qualifies as an extension of the existing office, the extension office must also close unless the national bank takes the steps required to establish a new branch office at the extension location.

For facilities that do not meet the circumstances described in the preceding paragraph, the OCC determines whether a facility is an extension of a national bank's main office or existing branch office on a case-by-case basis. The OCC balances a number of factors in distinguishing between a branch and an extension of the national bank's main or branch office. The factors considered include the following:

- The distance between the existing office and the proposed facility.
- Whether a direct line of sight exists between the two facilities and how the intervening space is used.
- Whether the two facilities are connected in any way, such as by a pneumatic tube.
- The purpose of the proposed facility.
- Whether the facility is situated physically in such a way as to give the bank a material advantage over competitors in attracting customers.
- The dependency of the proposed facility on the existing office.
- The availability for expansion of adequate sites closer to the existing office.
- The existing facility's demonstrated need for such a facility.
- Whether a state bank could operate the proposed facility as an extension of its main or branch office.

Alternative Sites

In some cases, the national bank may be able to operate from a temporary structure at the approved site until renovations are completed. In such cases, no application or prior notification to the OCC is required; however, banks should consult with the appropriate OCC licensing office.

If the national bank cannot access the approved site, the OCC permits operating the approved branch or main office at an alternative location upon prior notice to the OCC if the site meets the following requirements:

- The alternative site is within 2,000 feet of the approved site.
- The alternative site will operate for no more than one year.
- Following closure of the alternative site, the approved permanent site will open or reopen.
- If the alternative site is a branch site, it complies with the requirements of 12 USC 36, including any state statutory branching limits that are applicable to national banks.

- If the main office operates from an alternative site, the site is located within the same city, town, or village as authorized for the permanent main office site.

For alternative sites not meeting these criteria, the national bank must file a branch or temporary branch application or an application or notice to relocate a main office.

Messenger Service or Mobile Branch

The application process for messenger services and mobile branches is generally the same as for any other branch except as noted below. The operation of the messenger service or mobile branch is generally limited to those geographic locations where the national bank may permissibly operate a permanent branch, unless a state branching statute permits operation of these facilities in a broader area or limits these facilities to a smaller area. A national bank may seek approval in one application for multiple messenger services to serve the same general geographic area.

For a national bank to establish a messenger service or mobile branch or to expand the service area previously approved for an existing messenger service or mobile branch:

- The national bank must file a branch application delineating the proposed or expanded geographic area to be served by the facility.
- The national bank must publish notice, in a newspaper of general circulation in the community to be served, of the proposed or expanded geographic area to be served by the facility. If the facility will serve more than one community, it may be necessary to publish this notice in more than one newspaper to ensure that notice has been given in each community. Depending on state law, a more specific statement of the locations to be served may be appropriate. The OCC will not approve the operation of a messenger service or mobile branch in an area or areas beyond that in which the notice was published.
- The OCC must approve the proposed or expanded geographic area.

Temporary Branch

A temporary branch is a branch located at a fixed site and scheduled to close within one year of its opening. This type of branch, location, and closing date must be stated in the application and published notice. Temporary branches are established under a variety of circumstances, including addressing emergency situations. National banks with questions about a particular situation should contact the appropriate OCC licensing office.

Advance closing notices are not required when it is time for the temporary branch to close.

For details regarding branch closings, filers should refer to the [“Branch Closings”](#) booklet of the *Comptroller’s Licensing Manual*. Alternatively, after a temporary branch is operating, the national bank may decide to make it permanent. In such cases, the national bank should file an application for a permanent branch at that location.

The OCC may waive or reduce the public notice and comment period for an application to establish a temporary branch if the following are met:

- The filer national bank has a CRA rating of “Satisfactory” or “Outstanding.”
- The temporary branch, if established by a state bank to operate in the manner proposed, would be permissible under applicable state law without state approval.

Examples of a temporary branch include the following:

- Renovation or construction of an existing branch that requires establishing a stand-alone facility to accommodate the customers until the permanent location reopens. Generally, such construction projects are planned for in advance of their commencement.
- A road construction project that makes the existing permanent branch inaccessible.
- Establishment of a temporary branch during a nonrecurring event such as a trade show, world’s fair, or Olympic Games.

Intermittent Branches

A national bank may establish a branch that will open and close intermittently for fixed intervals at a fixed location. For example, a national bank could establish an intermittent branch that would operate at the annual state fair held at the state fairgrounds. The branch would open during the fair and close at its end. Intermittent branches do not require permanent physical facilities, only a fixed location. An intermittent branch is considered a permanent branch and is subject to the normal publication process, with modified wording in the publication to note its intermittent nature.

Once the OCC approves the application, a new application would not be needed each year when the branch reopens. If the bank decides not to reopen an intermittent branch, the advanced branch closing notice requirements do not apply, but the bank must still submit a final branch closing notice to the OCC. National banks providing branching services at events that are sporadic or that have varying locations should continue to file temporary branch or mobile branch applications for these events.

College and University Branches

The OCC has adopted simplified branching procedures for limited account services offered temporarily by national banks at colleges and universities if certain requirements are met. The OCC generally waives filing fees and prior public notice requirements for college and university branches when a national bank meets all of the following requirements:

- It demonstrates that a state bank could establish and operate the proposed facility at a college or university without submitting an application to the state. The facility also must meet all requirements of state law applicable to state banks. The bank should submit with the application a copy of the state law or written opinion of the state banking regulator as acceptable evidence.

- It provides only limited account services for a temporary period during registration and for an additional period up to seven days per year (not in contravention of state bank authority).
- It has a “Satisfactory” or better rating for its most recent CRA performance evaluation.

Jointly Established Branches

When one or more national banks or other depository institutions propose to establish a branch jointly, one of the national banks may act as agent and submit one branch application on behalf of the national banks in the proposed group. The application must include the name and main office address of each depository institution in the group. Although only one application is filed, each national bank applicant, if approved, receives a branch certification. Other depository institutions involved in the proposal must receive approval from appropriate state or federal regulators.

Seasonal Agency

A seasonal agency is an office of a national bank established in a resort community, within the limits of the county in which the national bank’s main office is located, that may receive and pay out deposits, issue and cash checks and drafts, and perform incidental business. A national bank must submit an application to the OCC to establish a seasonal agency and publish notice pursuant to 12 CFR 5.8. A seasonal agency may be approved by the OCC only if state law permits branching within the county or greater areas and if no bank is located and conducts business in the community in which the proposed agency will be located. The capital requirements of 12 USC 36 do not apply to seasonal agencies. Authorization of a seasonal agency will be revoked if a state or national bank opens in the community.

Main Office Relocation

The regulation governing main office relocations is 12 CFR 5.40. A main office of a national bank may be relocated to an authorized branch location (approved or existing branch) within the same city, town, or village where the main office is located without prior OCC approval. A national bank, however, must provide the appropriate OCC licensing office with prior notice of any relocation of a main office to any such authorized branch. The notice must include the new address of the main office and the effective date of the relocation.

A national bank that proposes to relocate its main office to any location other than an authorized branch location within 30 miles of the limits of the city, town, or village where the main office of the bank is located must file an application with the appropriate OCC licensing office.

If the proposed site is beyond the limits of the city, town, or village in which the main office is located but is within 30 miles of such city, town, or village, the national bank must also

- obtain the approval of shareholders owning two-thirds of the voting stock,

- amend its articles of association to reflect the city, town, village, county, and state of the new main office location, and
- submit a Secretary's Certificate to the OCC certifying that shareholders' approval has been obtained and provide the amended articles of association.

The main office of a national bank, pursuant to 12 USC 30, may not relocate more than 30 miles beyond the limits of the city, town, or village in which the main office is located.

A national bank that proposes to establish a branch at a former main office location must file a branch application. In addition, interstate branching laws may apply when a main office relocation crosses state lines, and the national bank seeks to retain branches in its former main office state.

With respect to a CSA home office relocation under 12 CFR 5.40:

- CSAs should comply with the FSA rules governing shareholder or member approval because these are governance provisions, and
- CSAs should comply with the national bank location provisions (e.g., the 30-mile location restriction) and any other restrictions that would apply to a national bank seeking to relocate its main office that are not governance matters.

State Law Branching Considerations

The OCC requires each national bank to answer questions in each branch application about consistency and compliance with applicable state branching law.¹⁰ In some circumstances, a filer should submit additional legal analysis and documentation of state factors: for example, if the filer expects a legal challenge, the legal authority for the branch is not readily apparent, the state law requires certain findings or conditions for the branch to be permissible, or the application presents unusual legal issues. If the relevant state law requires a market-area analysis, the national bank may use the assessment area it defines for its CRA evaluations, unless state law requires a different delineation.

Examples of situations in which further analysis of state law would be important may include the following:

- State law provides for home office protection when the law prohibits a bank from establishing a branch in a town where another bank is headquartered.
- The aggregate percentage of the state's deposits that one financial institution can control is limited.
- The ability of depository institutions to branch on or near the premises of commercial affiliates is restricted.
- Qualitative considerations exist, including safety and soundness and capital levels.

¹⁰ Refer to 12 USC 36.

If state laws are enacted or amended to permit a national bank to establish a branch at a location that the state law previously prohibited, the OCC usually accepts, but does not act on, applications before the effective date of the state law.

State-Imposed Capital Requirements

Every national bank seeking to establish a branch outside of the city, town, or village in which it is situated shall, under 12 USC 36(c), have capital and surplus equal to that required of state-chartered institutions applying to establish a branch in the same location.

Interstate Branching

A national bank is permitted to establish a branch in a state other than a state in which it has its main office or any authorized branches provided it obtains OCC approval.¹¹ A national bank may establish such a branch if the establishment of the branch complies with branching laws applicable to state banks chartered by the state in which the branch is to be located.¹²

As a result, although a national bank may establish a branch in any state, the permissible location of that branch would still be subject to state intrastate branching limitations under applicable state law. For instance, if a state home office protection statute prohibits it state banks from branching in a town of fewer than 10,000 people where the main office of another bank is located, a national bank could not place an interstate branch in such a town. Similarly, if state intrastate branching law required consideration of a subjective factor—such as the public interest or impact on competition—such a factor also would be applicable to the OCC’s consideration of a proposed interstate branch.

State law prohibitions on interstate de novo branching no longer apply to national banks. Thus, state law cannot prohibit an out-of-state national bank from establishing an interstate de novo branch in such state, nor can it require reciprocity—that is, that the home state of the bank permit de novo interstate branching by banks from the host state.

The Riegle–Neal Act requirements for interstate branches are the following:

- The bank complies with certain state law filing requirements, authorized by 12 USC 1831u(b)(1), and with the requirement that the national bank submit a copy of the branch application to the state bank supervisor of the state where the branch is proposed to be located.
- Unless the national bank proposing the branch already has a bank affiliate in such state, the OCC must undertake expanded CRA analysis as codified at 12 USC 1831u(b)(3). This analysis requires the OCC to take into account the most recent CRA performance evaluation of any bank that is an affiliate of the bank proposing to establish the branch, as

¹¹ 12 USC 1831u. The requirements of 12 USC 1831u relate to interstate mergers. 12 USC 36(g) incorporates those requirements for the purposes of interstate branching.

¹² 12 USC 36(g).

well as the filer's record of compliance with applicable state community reinvestment laws.

- The applicant national bank must (1) be at least adequately capitalized at the time of filing and (2) be well capitalized and well managed at the time the branch opens.

Once a national bank opens its initial branch in a state, it may apply to the OCC to establish or acquire additional branches in such state under federal law and applicable state intrastate branching law, because the bank would be situated in that state for the purposes of 12 USC 36. In addition, a national bank relocating its main office across state lines can retain its branches in its former main office state and reestablish its former main office as a branch, provided that the bank meets the Riegle–Neal Act standards, including the management and capital standards, for establishing an interstate de novo branch at each location.

Deposit Production Prohibitions

Under section 109 of the Riegle–Neal Act, 12 USC 1835a, a national bank is prohibited from using established or acquired covered interstate branches primarily for the purpose of deposit production.¹³ Assessing compliance with section 109 of the Riegle–Neal prohibition against DPOs involves performing a deposit screen, which, if certain thresholds are not met, leads to a credit needs determination. Requirements for the deposit screen calculations are found in Regulation H, 12 CFR 208.7. Guidelines for determining whether national banks reasonably meet the credit needs of the communities served are found in 12 CFR 25, subpart E.

¹³ Refer to 12 USC 1835a. This statute requires federal bank regulators to establish regulations that prohibit any out-of-state bank operating any branch in another state from using the branch primarily to generate deposits, without reasonably helping to meet the credit needs of the communities the branch serves.

FSA Policies and Requirements

FSA Application Process

The standards for an FSA to submit an application and obtain prior OCC approval to establish or relocate a branch, to establish an agency office, or to conduct additional activities at an agency office are described in 12 CFR 5.31.

FSA Branches

A branch office of an FSA is defined in 12 CFR 145.92 as any office, other than the home office, agency office, administrative office, data processing office, or an electronic means or facility under 12 CFR 155.¹⁴ Current regulations do not limit branch offices to fixed locations or permanent buildings, nor do the regulations distinguish between mobile and nonmobile branches. In addition, the home office of an FSA is the office identified as such in the FSA's charter.¹⁵

An FSA is not required to submit a branch application and receive prior OCC approval to

- establish a drive-in or pedestrian office located within 500 feet of a public entrance to an existing home or branch office, provided the functions are limited to those ordinarily performed at a teller window.
- relocate a branch within the market area and short-distance area as defined in 12 CFR 5.3.

Highly Rated FSAs

In addition to the above, a highly rated FSA¹⁶ is not required to submit a branch application and receive prior OCC approval to establish or relocate a branch if it is an eligible savings association and meets certain requirements.¹⁷ The following requirements must be satisfied:

- The FSA must publish public notice under 12 CFR 5.8 of its intent to change the location of or establish a new branch office. The public notice must be published at least 35 days before the proposed action. If the notice is published more than 12 months before the

¹⁴ Electronic means and facilities include, but are not limited to, ATMs, personal computers, the internet, telephones, and other similar electronic devices. This definition is only applicable for offices outside the District of Columbia. For offices in the District of Columbia, please see 12 USC 1464(m) for the applicable definition.

¹⁵ Refer to 12 CFR 5.21 or 5.22 for charter requirements for a mutual or a stock FSA, respectively.

¹⁶ A highly rated FSA is an eligible bank pursuant to 12 CFR 5.3. Refer to the "Glossary" section of this booklet.

¹⁷ All savings associations, regardless of ratings, must file for prior approval before establishing a branch in the District of Columbia. See 12 CFR 5.31(j).

branch establishment or relocation, the publication is invalid.¹⁸ The public comment period is 30 days.

- The FSA must post a notice of its intent to relocate a branch in a prominent place on the branch premises in the existing branch office to be relocated. The notice must be posted for 30 days from the date of publication of the initial public notice under 12 CFR 5.8.
- No person files a comment within 30 days after the date of the public notice, or the OCC determines comments received raise issues that are not relevant to the approval standard for a branch establishment or relocation, or that OCC action is not required.

A highly rated FSA that is not required to file an application and receive prior OCC approval must file an [after-the-fact notice](#) with the OCC stating the date of the opening within 10 days after the opening or relocation of the branch office.

All other FSAs must file an application and receive prior OCC approval to establish or relocate a branch, as well as provide notification to the OCC of the branch's establishment.

Federal or State Savings Associations in the District of Columbia

Pursuant to 12 USC 1464(m) and 12 CFR 5.31(j), FSAs and state savings associations must obtain prior OCC written approval for branching activity in the District of Columbia.

Home Office Relocation

Pursuant to 12 CFR 5.40, an FSA shall give the OCC prior notice to change the location of its home office to an authorized branch location within the limits of the city, town, or village where the home office is located. An FSA proposing to relocate its home office to any other location is required to submit an application to the appropriate OCC licensing office and obtain prior OCC approval to relocate the home office. If the FSA is relocating its home office outside the limits of the city, town, or village, the FSA shall obtain any shareholder approval required under its charter and should amend its charter in accordance with 12 CFR 5.21 or 5.22, as appropriate.

An FSA establishing a branch at its former home office must follow the requirements of 12 CFR 5.31 and this booklet.

Publication

With the exception of short-distance branch relocations, FSAs, including highly rated FSAs, must publish a public notice in accordance with the "Public Notice and Comment Period" section of this booklet. Pursuant to 12 CFR 5.31(g)(2), however, the OCC may waive or reduce the notice and comment period for an application from an FSA with a CRA rating of

¹⁸ 12 CFR. 5.31.

“Satisfactory” or better to establish a temporary branch.¹⁹ Generally, no publication is required to relocate a home office to an existing authorized branch site in the same city, town, or village where the FSA’s home office is located.

Specific FSA Requirements

Affiliated Banking Arrangements

An FSA may contract with an affiliated depository institution (1) for the affiliated depository institution to accept deposits and loan payments, cash checks, and make payments on withdrawals for customers of the FSA; and (2) for the FSA to accept deposits and loan payments, cash checks, and make payments on withdrawals for customers of the affiliated depository institution.²⁰ In each case, this authority is subject to safety and soundness protections discussed in this section.²¹ FSAs may provide these basic banking services for customers of affiliated insured depository institutions even if the provider and account-holding institution are in different states.

When an FSA contracts with an affiliated depository institution for the affiliated institution to provide such services for the FSA’s customers, the affiliate’s locations are not considered to be established and operated by the FSA and therefore are not branches of the FSA.²² Accordingly, the FSA does not need to obtain approval under the branching regulation to contract with an affiliate for the affiliate to provide these services for its customers.

When providing or accepting inter-affiliate banking services, good business practices dictate that FSAs should address relevant safety and soundness issues.²³ The following are examples of those practices:

- Establish procedures to maintain separate corporate identities and avoid confusing customers. Simple indicators, like placing the name of the institution where the account is located on the receipt, could help avoid such confusion.
- Clearly disclose any delays in crediting loan payments.
- Recognize that the need to ensure the integrity of assets and records is especially strong, and therefore

¹⁹ The FSA may be considered for a waiver or reduction of the notice and comment period if a state bank, operating in the same manner proposed, would be permitted to establish a temporary branch without state approval.

²⁰ Refer to Opinions, Chief Counsel, Office of Thrift Supervision, August 28, 1995, and December 30, 1994. Because the Home Owners’ Loan Act (HOLA) grants FSAs the authority to accept deposits, make loans, and provide other basic banking services, FSAs have incidental authority under HOLA to contract with others to help provide those services.

²¹ Ibid.

²² Ibid.

²³ Ibid.

- clarify which institution bears the risk of loss for items in transit, the legal relationship between themselves, and when deposits and withdrawals will be credited.
- establish procedures to ensure that items received by the provider will be segregated, identified, and recorded for the account-holding institution.
- ensure that proper procedures are in place to properly identify customers and for withdrawal limitations.
- develop processes and procedures to keep records, reports, and disclosures to customers consistent with applicable OCC policies, safe and sound banking practices, and relevant statutory standards, including privacy laws.

Interstate Branching

FSAs may branch in any state or states. According to 12 USC 1464(r), however, no FSA may establish, retain, or operate a branch outside of its home state unless (i) it retains its status as a qualified thrift lender or domestic building and loan association; and (ii) the total assets of the FSA attributable to all of the FSA's branches in the state would qualify the branches as a whole as a qualified thrift lender or a domestic building and loan association. This prohibition does not apply if

- the branch results from an emergency acquisition from the FDIC.
- the branch was authorized before October 15, 1982.
- a state-chartered institution organized in the FSA's home state would be permitted to branch in the other state.
- the branch was in operation before the FSA's conversion to a federally chartered institution.

The law also permits the OCC the discretion to allow the FSA, for good cause, up to two years to comply with the law.

In addition, FSAs are prohibited from branching outside of their home state if the branch would result in the formation of a multiple savings and loan holding company controlling FSAs in more than one state in violation of 12 USC 1467a(e)(3), with certain exemptions, such as:

- The FSA became located in more than its home state pursuant to an emergency acquisition from the FDIC.
- As of March 5, 1987, the savings and loan holding company controlled an institution that operated in another state.
- The statutes of the state where the institution to be acquired is located specifically authorize the acquisition of state-chartered institutions by state-chartered institutions or their holding companies from the state where the acquiring institution or holding company is located.

Further, if an FSA is eligible for assistance from the FDIC and is acquired by a bank or a BHC, the resulting institution may continue to operate and retain the branches existing at the time of the acquisition pursuant to 12 USC 1823(k)(4).

Financial Literacy Programs

Generally, a branch application is not required for an [FSA's school-based savings program](#) as long as the program meets the following criteria:

- The program is conducted on school premises and is not open to the general public.
- The FSA's employees would not be on the school's premises once the program starts.
- The FSA does not establish an office that is owned, leased, or operated by the FSA in connection with the program.
- The services provided on the school's premises are limited.
- Student accounts are not established until applications and funds are received and accepted at a home or branch office of the FSA.
- The FSA is not liable for any theft, loss, or embezzlement until funds are deposited and accepted at a home or branch office of the FSA.

Agency Offices

An FSA may establish an agency office without prior approval or application to the OCC in accordance with the activities listed in the definition of "agency office" in the "Glossary" section of this booklet. The agency office shall submit an application to the appropriate OCC licensing office to engage in [additional services](#) at the agency office. The OCC may approve additional services upon application, with the exception of payment on savings accounts.

Procedures: Application—Expedited and Standard Review

National Bank, FSA, or CSA

Filing the Application and Publication

1. May request an optional prefiling meeting with the OCC to review procedures for branches, relocations, and factors that may influence the OCC's review of the application.
2. Submits a completed application and filing fee (if applicable) to the appropriate OCC licensing office.
3. Arranges for newspaper publication of the public notice on the filing date or as soon as practical before or after the filing date.²⁴ If not submitted with the filing, submits a statement with the name and address of the newspaper in which the notice was published and dates of publication and a copy of the public notice.²⁵ In the event of an emergency or disaster, contact the appropriate OCC licensing office for further information.
4. For a branch relocation, the bank must file any appropriate advance branch closing notices with the OCC and provide advance notice to the branch's customers. Refer to the ["Branch Closings"](#) booklet of the *Comptroller's Licensing Manual*.

Opening the Branch

1. Identifies any material change to the filing and provides notice of such change to the appropriate OCC licensing office.
2. Completes all steps required to open the branch or relocate the main or home office. If relocating the main or home office, ensures that the articles of association or charter, as appropriate, are amended and approved by shareholders or members, if required.
3. Within 10 days after opening, sends an e-mail or letter to the appropriate OCC licensing staff providing the date the branch opened.
4. If circumstances beyond the bank's control prevent the branch from opening or relocating within 18 months, submits an extension of time request, in writing, from the appropriate OCC licensing office.

²⁴ Details on publishing also can be found in the "Public Notice and Comment Period" section of this booklet.

²⁵ 12 CFR 5.8(c).

Procedures: Notice

Highly Rated FSAs

Posting Publication and Relocation Notice

1. The FSA arranges for newspaper publication of the public notice at least 35 days before establishing or relocating the branch.
2. With respect to relocations, the FSA shall post a notice of intent to relocate in a prominent location in the branch for 30 days from the date of publication.

Relocating or Opening the Branch

1. Thirty days after the date of publication and provided there are no comments received or the OCC determines that the comments are not relevant to the approval standards, the branch may be established or relocated.
2. Within 10 days of the date of opening or relocating the branch, the FSA files a notice with the appropriate OCC licensing office.

Glossary

Agency office: An office established by an FSA pursuant to 12 CFR 5.31(k). An FSA agency office may engage in one or more of the following activities without prior OCC approval:

- Servicing, originating, or approving loans.
- Managing or selling real estate owned by the FSA.
- Conducting fiduciary activities or activities ancillary to the FSA’s fiduciary business in compliance with 12 CFR 5.26(e).

An agency office may engage in other activities, except for making payment on savings accounts, with prior OCC approval.

Bank holding company (BHC): Any company which has control over any bank, as defined by the Bank Holding Company Act (BHCA) (12 USC 1841(c), or over any company that is or becomes a BHC as defined by the act. Certain limited purpose banks, such as Competitive Equality Banking Act credit card banks and trust banks, are not defined as banks under the BHCA.

Branch: With respect to national banks, a branch, as provided in 12 USC 36(j), includes any bank branch, office, agency, additional office, or branch place of business established by a national bank in the United States or its territories at which deposits are received, checks paid, or money lent. Branch facilities may include a messenger service, mobile branch, temporary facility, drive-in facility, or seasonal agency.

With respect to FSAs, for offices not located in the District of Columbia, a branch, as provided in 12 CFR 145.92, is any office other than a home office, agency office, administrative office, data processing office, or electronic means or facility as defined in 12 CFR 155.²⁶

Covered interstate branch: For the purposes of the deposit production rule (12 CFR 25 subpart F), a covered interstate branch is

- any branch of a national bank that is established or acquired outside of the bank’s home state pursuant to 12 USC 36(f).
- any branch of a national bank controlled by an out-of-state BHC.

²⁶ Branches that include offices in the District of Columbia are defined in 12 USC 1464(m)(2):

For purposes of this subsection the term “branch” means any office, place of business, or facility, other than the principal office as defined by the Comptroller, of a savings association at which accounts are opened or payments are received or withdrawals are made, or any other office, place of business, or facility of a savings association defined by the Comptroller as a branch within the meaning of such sentence.

Covered savings association (CSA): A federal savings association may elect to be a CSA under 12 USC 1464a and 12 CFR 101.3(a)(1). Pursuant to 12 CFR 101.4(a)(2), the CSA is subject to the authorization, terms, and conditions that govern the establishment, relocation, or closing of a national bank branch, and may operate the branch under the national bank branching regulation subject to the same authorization, terms, and conditions as a similarly located branch of a similarly located national bank. Refer to OCC Bulletin 2019-31, [“Covered Savings Associations Implementation: Covered Savings Associations.”](#)

Deposit production office (DPO): A facility, other than a branch, open to the public at which deposits are solicited, information about deposit products is provided, and assistance is given to persons completing application forms and related documents when opening a deposit account. Deposits are not accepted or checks paid at DPOs. A DPO is not a branch for purposes of 12 USC 36(j).

Eligible bank or eligible savings association: A national bank or FSA that

- is well capitalized under 12 CFR 5.3.
- has a composite rating of 1 or 2 under CAMELS.
- has a CRA rating of “Outstanding” or “Satisfactory,” if applicable.
- has a consumer compliance rating of 1 or 2 under CAMELS.
- is not subject to a cease-and-desist order, consent order, formal written agreement, or prompt corrective action directive or, if subject to any such order, agreement, or directive, is informed in writing by the OCC that the bank or savings association may be treated as an “eligible bank or eligible savings association.”

Eligible depository institution: A national bank, a state bank, or a federal or state savings association that meets the criteria for an “eligible bank or eligible savings association” under 12 CFR 5.3 and is FDIC-insured.

Home state of a BHC: The state in which the total deposits of all of a BHC’s banking subsidiaries are the largest as of the latter of July 1, 1966, or the date when the company became a BHC under the BHCA.

Home state of a national bank or FSA: The state in which a national bank’s or FSA’s main office or home office is located.

Host state: The state other than a home state in which a national bank seeks to establish or acquire a covered interstate branch.

Intermittent branch: A branch that operates for one or more limited periods of time at a fixed location in conjunction with a recurring event such as a state fair or college registration.

Interstate bank: For the purposes of the deposit production rule, an interstate bank is a national bank that

- is owned by a holding company whose home state is different from that of the bank.

- operates a branch or branches in a state other than its home state.

Jointly established branch: A branch office established by more than one insured depository institution.

Loan production office (LPO): A staffed facility, other than a branch, that is open to the public and provides lending-related services, such as loan information and applications. Customers do not receive loan proceeds (national banks only) at the facility, but loans may be approved and originated at an LPO. An LPO is not a branch within the meaning of 12 USC 36(j) and 12 CFR 145.92.

Messenger service: Any service used by a national bank or FSA to pick up from and deliver to specific customers at locations—such as homes or offices—items involving branching transactions between the bank and its customers. Such items are deposits, withdrawals, and payments of loan proceeds. (Refer to 12 CFR 7.1012 for national banks.)

Military banking facility: A banking office established on a U.S. military installation under the authority of 12 USC 90 or 12 USC 1464(k).

Mobile branch: A facility, other than a messenger service, that does not have a single, permanent site and includes a vehicle that travels to public locations to conduct branch transactions. A mobile branch may serve regularly scheduled locations or be open at various times and locations, such as county fairs, sporting events, or school registration periods. (A branch license is needed for each mobile unit.)

Principal city: As defined in 12 CFR 5.3, a principal city means an area designated as a “principal city” by the Office of Management and Budget.²⁷

Remote service unit (RSU): An automated or unstaffed facility operated by a customer of the bank with at most delimited assistance from bank personnel, that conducts banking functions, such as receiving deposits, paying withdrawals, or lending money. An RSU includes an ATM, an automated loan machine, a night depository (drop box), and an automated device for receiving deposits. An RSU may be equipped with a telephone or televideo device that allows contact with bank personnel.

Seasonal agency: An office of a national bank established in a resort community, within the limits of the county in which the national bank’s main office is located, that may receive and pay out deposits, issue and cash checks and drafts, and perform incidental business. Seasonal agencies may be approved by the OCC only if state law permits branching within the county or greater areas and if no bank is located and conducts business in the community in which the proposed agency will be located. Capital requirements of 12 USC 36 do not apply to seasonal agencies. Authorization of a seasonal agency is revoked if a state or national bank opens in the community.

²⁷ The Office of Management and Budget’s list of MSAs and principal cities can be found at www.census.gov.

Short-distance relocation: In accordance with 12 CFR 5.3, for a relocation to be considered a short-distance relocation, the relocation must satisfy one of the following requirements:

- The new location must be within a 1,000-foot radius of the original site if the branch or main office is located within a principal city of an MSA.
- The new location must be within a one-mile radius of the original site if the branch or main office is not located within a principal city but is located within an MSA.
- The new location must be within a two-mile radius of the original site if the branch or main office is not located in an MSA.

Temporary branch: A branch of a national bank that is located at a fixed site and is scheduled to, and will, permanently close no later than one year after the branch is first opened as specified in the branch application and the public notice. A temporary branch may be established in response to an emergency or for other reasons. An FSA may also establish a temporary branch, but the FSA is not subject to the one-year closing rule.

References

In this section, “NB” denotes that the referenced law, regulation, or issuance applies to national banks, and “FSA” denotes that the reference applies to federal savings associations.

Branch Closings

Law 12 USC 1831r-1 (NB and FSA)
Guidance Joint Policy Statement on Branch Closings (NB and FSA)

Branch Names

Interagency statement, [“Branch Names”](#) (May 1, 1998) (NB and FSA)

Branches—Definition, Establishment, Operation of, and ATM Exclusion

Law 12 USC 36 (NB)
Regulation 12 CFR 5.30 (NB), 145.92 (FSA), 12 CFR 5.31 (FSA)

Capital Requirements for Branching

Law 12 USC 36 (NB)

Change in Location—Policy and Procedures

Law 12 USC 30 and 36 (NB)
Regulation 12 CFR 5.30 (NB), 5.31 (FSA), 5.40 (NB and FSA)

Community Reinvestment Act of 1977

Law 12 USC 2901–2908 (NB and FSA)
Regulation 12 CFR 25

Decisions

Regulation 12 CFR 5.13 (NB and FSA)

Depository Institution Management Interlocks Act

Law 12 USC 3201–3208 (NB and FSA)
Regulation 12 CFR 26 (NB and FSA)

Deposit Production Rule

Law 12 USC 1835a (NB)
Regulation 12 CFR 7.1028 and 25 subpart F (NB),
208.7 (Guideline for NB)

Deposits Originating at Nonbranch Offices

Regulation 12 CFR 7.1028 and 7.1029 (NB)

Electronic Operations

Regulation 12 CFR 155 (FSA)

Expedited Processing

Regulation 12 CFR 5.13 (NB and FSA), 5.30(f)(6) (NB),
5.31(f)(1)(iii) (FSA)

Filing Fees

Regulation 12 CFR 5.5 (NB and FSA)

Financial Literacy Program

Regulation 12 CFR 7.1021 (NB)

Investment in Bank Premises

Law 12 USC 371d (NB)

Regulation 12 CFR 5.37 (NB and FSA)

Loans Originating at Nonbranch Offices

Regulation 12 CFR 7.1003–1004 and 7.1029 (NB)

Messenger Services

Regulation 12 CFR 7.1012 (NB)

Notice of Filing

Regulation 12 CFR 5.8(a) (NB and FSA)

Public Comments and Hearing

Regulation 12 CFR 5.10 and 5.11 (NB and FSA)

RSUs/ATMs

Law 12 USC 36(j) (NB)

Regulation 12 CFR 7.1027 and 7.1029 (NB),
12 CFR 155 (FSA)

**Riegle–Neal Interstate Banking and Branching
Efficiency Act of 1994**

Law 12 USC 36(d), 36(e), 36(f), 36(g), 215a-1,
1831u, 1835a, and 2906(d) (NB)

Seasonal Agency

Law 12 USC 36(c) (NB)

Table of Updates Since Publication

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Reason	Affected pages
Updated for revisions to Part 5, enhanced clarity, and added references for covered savings associations.	Various