



Federal Deposit Insurance Corporation
550 17th Street NW, Washington, D.C.

Financial Institution Letter
FIL-75-2010
November 5, 2010

REGULATORY RELIEF

Guidance to Help Financial Institutions and Facilitate Recovery in Areas of South Dakota Affected by Severe Weather

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

Distribution:

FDIC-Supervised Banks (Commercial and Savings)
in South Dakota

Suggested Routing:

Chief Executive Officer
Compliance Officer
Chief Lending Officer

Related Topics:

Lending
Investments
Publishing Requirements
Consumer Laws

Attachment:

Supervisory Practices Regarding Depository
Institutions and Borrowers Affected by Severe
Storms and Flooding in Areas of South Dakota

Contact:

Assistant Regional Director Daniel Holmgren at
(816) 234-8134 or DHolmgren@fdic.gov

Note:

FDIC financial institution letters (FILs) may be
accessed from the FDIC's Web site at
www.fdic.gov/news/news/financial/2010/index.html.

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

Paper copies of FDIC financial institution letters
may be obtained through the FDIC's Public
Information Center, 3501 Fairfax Drive, E-1002,
Arlington, VA 22226 (1-877-275-3342 or 703-562-
2200).

Highlights:

- Severe storms and flooding during September 22-23, 2010, caused significant property damage in areas of South Dakota.
- A federal disaster was declared on November 2, 2010, for selected counties and the Flandreau Santee Sioux Tribe in South Dakota.
- 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 community and serve the long-term interests of the lending institution.
- The FDIC also will consider regulatory relief from certain filing and publishing requirements.

SUPERVISORY PRACTICES REGARDING DEPOSITORY INSTITUTIONS AND BORROWERS AFFECTED BY SEVERE WEATHER IN AREAS OF SOUTH DAKOTA

The Federal Deposit Insurance Corporation (FDIC) recognizes the serious impact of the recent severe storms and flooding on the customers and operations of financial institutions in South Dakota 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 South Dakota are Brookings, Lake, Moody, and Union Counties and the Flandreau Santee Sioux Tribe.

Lending. Bankers should work constructively with borrowers in communities affected by the severe storms and flooding. The FDIC realizes 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 impacted 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.

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

Reporting Requirements. FDIC-supervised institutions affected by the severe weather should notify the Kansas City 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 Kansas City 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 Kansas City 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, and necessary written notification can be submitted later.