

## **Residency Waiver Request**

### **General Information and Instructions**

#### **Preparation and Use**

This request seeks a waiver from the residency requirement. The Office of the Comptroller of the Currency (OCC) requires that the majority of a national bank or federal savings association's directors reside in the state in which the bank is located (that is, the state(s) in which the bank has its main office or home office or branches) or within 100 miles of its main office or home office for at least one year immediately preceding their election (12 USC 72). The OCC, however, may waive this requirement under certain circumstances.

All questions must be answered with complete and accurate information that is subject to verification. If the answer is "none," "not applicable," or "unknown," so state. Answers of "unknown" should be explained.

The questions in the application are not intended to limit the applicant's presentation nor are the questions intended to duplicate information supplied on another form or in an exhibit. For such information, a cross reference to the information is acceptable. Any cross-reference must be made to a specific cite or location in the documents, so the information can be found easily. Supporting information for all relevant factors, setting forth the basis for the applicant's conclusions, should accompany the application. The regulatory agency may request additional information.

This request collects information that the OCC will need to evaluate a residency waiver. The OCC must consider the applicable statutory and regulatory requirements, when acting on this request. For additional information regarding these statutory and regulatory requirements, as well as processing procedures and guidelines and any supplemental information that may be required, refer to the OCC's procedural guidelines in the *Comptroller's Licensing Manual*. The applicant may contact the OCC directly for specific instruction or visit the OCC's Web site at [www.occ.gov](http://www.occ.gov).

#### **Electronic Submission**

In addition to an original application and the appropriate number of signed copies, submit an electronic copy of the information in the application, especially of the business plan's financial projections, if applicable. For e-mail submissions, contact the OCC for instructions and information about secure transmission of confidential material.

## **Confidentiality**

Any applicant desiring confidential treatment of specific portions of the application must submit a request in writing with the application. The request must discuss the justification for the requested treatment. The applicant's reasons for requesting confidentiality should specifically demonstrate the harm (for example, loss of competitive position, invasion of privacy) that would result from public release of information (5 USC 552 or relevant state law). Information for which confidential treatment is requested should be: (1) specifically identified in the public portion of the application (by reference to the confidential section); (2) separately bound; and (3) labeled "Confidential." The applicant should follow the same procedure when requesting confidential treatment for the subsequent filing of supplemental information to the application. Contact the OCC for any further questions regarding requests for confidential treatment.

## Residency Waiver Request

### Applicant

Name		Charter no.	
Current street address			
City	County	State	Zip code

### Parent Company Identifying Information (if applicable)

Name			
Street			
City		State	Zip code

### Contact Person

Name		Title	
Employer			
Street			
City		State	Zip code
Telephone no.		Fax no.	E-mail address

#### 1. Overview

Include the following information:

For individual waivers:

- Name of individual seeking a residency waiver.
- Interagency Biographical and Financial Report

For multiple waivers:

If seeking multiple waivers of the residency requirement of 12 USC 72, so that a majority of the bank's directors will not be required to satisfy the residency requirement, indicate the number of board of directors who meet the residency requirements and number of directors who do not.

For all waivers:

Upon election to the board of directors and with the approval of this request, indicate the number of directors who reside in the state(s), territory, or district in which the bank has its main office or branches, or within 100 miles of the national bank's main office for at least one year immediately preceding their election, and the number of who do not.

- Include a discussion of the proposed director's specific qualifications and experience, how (*he, she, they*) will carry out (*his, her, their*) duties and responsibilities effectively to ensure that the bank is meeting its operating goals, and how this waiver will support the safety and soundness of the bank.

## 2. Other information

The applicant certifies it is aware of the citizenship and stock ownership requirements of the persons nominated to serve as directors on its board and will review their qualifications to ensure compliance with those requirements in 12 USC 72.

**OCC CERTIFICATION**

**I certify that the bank’s board of directors, shareholders or a designated official has authorized the filing of this application.** I certify that the information contained in this application has been examined carefully and is true, correct, complete and current as of the date of this submission. Additionally, I agree to notify the OCC if the facts described in the filing materially change prior to receiving a decision or at any time prior to consummation of the action contemplated herein.

I acknowledge that any misrepresentation or omission of a material fact with respect to this application, any attachments to it, and any other documents or information provided in connection with this application may be grounds for denial of the application or revocation of its approval, and may subject the undersigned to legal sanctions, including the criminal sanctions provided for in Title 18 of the United States Code.

I acknowledge that the approval of this application is in the discretion of the OCC. The activities and communications by OCC employees in connection with the filing, including approval of the application if granted, do not constitute a contract, express or implied, or any other obligation binding upon the OCC, the United States, any agency or entity of the United States, or any officer or employee of the United States, and do not affect the ability of the OCC to exercise its supervisory, regulatory and examination authorities under applicable law and regulations. I further acknowledge that the foregoing may not be waived or modified by any employee or agent of the OCC or the United States.

\_\_\_\_\_  
President or other authorized officer

\_\_\_\_\_  
Typed name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Employer