



THE COMMONWEALTH OF MASSACHUSETTS
DIVISION OF BANKS
&
BOARD OF BANK INCORPORATION
1000 Washington Street, 10th Floor, Boston, Massachusetts 02118

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December 30, 2016

ACTIVITY REPORT

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This notice serves to inform you concerning activity involving hearings, decisions, and matters pending before either the Commissioner of Banks or the Board of Bank Incorporation.

DIVISION OF BANKS

Decisions

Berkshire Bank, Pittsfield – permission to close its branch office located at 14 Larose Street, Glens Falls, New York – approved December 9, 2016.

Berkshire Bank, Pittsfield – permission to close its branch office located at 916 Shaker Road, Longmeadow – approved December 9, 2016.

Blue Hills Bank, Hyde Park – permission to close its branch office located at 1337 Beacon Street, Brookline – approved December 20, 2016.

Eastern Bank, Boston – permission to close its branch office located at 102 Lynn Street, Peabody – approved December 27, 2016.

Energy Credit Union, West Roxbury – permission to close its branch office located at 40 Sylvan Road, Waltham – approved December 15, 2016.

Institution for Savings in Newburyport and its Vicinity, Newburyport – notice to establish a branch office at 545 Bay Road, Hamilton – non-objection issued December 20, 2016.

Applications/Notices Pending

Abington Bank (Abington), Abington and Holbrook Co-operative Bank (Holbrook), Holbrook - permission for Holbrook to merge with and into Abington under the charter and by-laws of Abington. The main office of Abington would remain the main office of the continuing institution and the sole banking office of Holbrook would be retained as a branch office. Comment period ends January 26, 2017.

Berkshire Bank, Pittsfield – permission to close its branch office located at 6310 Elmer Hill Road, Rome, New York. Comment period ended November 3, 2016.

This Activity Report can be accessed within six business days after the above date at the Division's web site found at <http://www.mass.gov/dob>

Eagle Bank, Everett – permission to relocate its main office from 466 Broadway, Everett to 350 Broadway, Everett. Comment period ended November 17, 2016.

Eastern Bank, Boston – permission to relocate its branch office from 731 Hancock Street, Quincy to 34 Chapman Street, Quincy. Comment period ended December 30, 2016.

First Ipswich Bank, Ipswich – notice to establish a branch office at 107 High Street, Danvers. Filed December 27, 2016.

Lowell Five Cent Savings Bank, Lowell – notice to establish a branch office at 30 International Place, Tewksbury. Filed December 21, 2016.

Marlborough Savings Bank (Marlborough), Marlborough and North Middlesex Savings Bank (North Middlesex), Ayer – permission for North Middlesex to merge with and into Marlborough under the charter and by-laws of Marlborough. The main office of Marlborough would remain the main office of the continuing institution and the banking offices of North Middlesex would be retained as branch offices. Comment period ended December 30, 2016.

PeoplesBank, Holyoke – permission to (1) redesignate its main office from 314 High Street, Holyoke to 330 Whitney Avenue, Holyoke; and in connection therewith (2) maintain its current main office as a branch office. Comment period ended December 12, 2016.

Salem Five Cents Savings Bank (Salem Five), Salem and Georgetown Bank, Georgetown – permission for Georgetown Bank to merge with and into Salem Five Cents Savings Bank under the charter and by-laws of Salem Five as part of a multi-step transaction. The main office of Salem Five would remain the main office of the continuing institution and the banking offices of Georgetown Bank would be retained as branch offices of Salem Five. This multi-step transaction includes the merger of Salem Five’s mutual holding company, Salem Five Bancorp with Georgetown Bank’s holding company, Georgetown Bancorp, Inc. Comment period ends February 15, 2017.

JANUARY 2017 FILING DATE

Complete applications for the January Activity Report must be received by the Division or the Board on or before 5:00 p.m., Tuesday, January 17, 2017.

COMMUNITY REINVESTMENT ACT DESCRIPTIVE RATINGS AND EVALUATIONS WHICH BECAME PUBLIC DURING THE MONTH

The following state-chartered banks and credit unions and licensed mortgage lenders have Community Reinvestment Act descriptive ratings and evaluations describing the basis for the rating issued by the Division of Banks. The ratings, as set out in statute, for a bank’s or credit union’s record of meeting community credit needs are: Outstanding (O); High Satisfactory (HS); Satisfactory (S); Needs to Improve (NI); and Substantial Noncompliance (SNC). Licensed mortgage lenders are also assigned one of these ratings to describe their record of meeting the mortgage credit needs in the Commonwealth of Massachusetts.

A consolidated list of all ratings can be found at www.mass.gov/dob.

A copy of an individual CRA evaluation is available directly from the bank, credit union, or mortgage lender which is required by law to make the material available upon request, or from the Division’s web site.

<u>BANK/CREDIT UNION</u>	<u>RATING</u>	<u>DATE OF EXAMINATION</u>
Alden Credit Union, Chicopee	S	08/15/2016
Monson Savings Bank, Monson	S	09/12/2016

<u>MORTGAGE LENDER</u>	<u>RATING</u>	<u>DATE OF EXAMINATION</u>
Academy Mortgage Corporation	S	07/19/2016

REGULATIONS

FILING OF AMENDMENTS EFFECTIVE DECEMBER 16, 2016

The Division has filed final amendments to the following regulations:

- 209 CMR 31.00: *Electronic Fund Transfers and Establishment and Operation of Electronic Branches*; and
- 209 CMR 56.00: *Foreclosure Prevention Options*.

209 CMR 31.00: *Electronic Fund Transfers and Establishment and Operation of Electronic Branches*

The purpose of 209 CMR 31.00 is to set forth the procedures for the establishment of Automated Teller Machines (ATMs) by banks, credit unions and non-bank ATM providers (non-banks) and safeguards for consumers in bank, credit union and non-bank ATM and electronic funds transfer (EFT) transactions. The amendments to 209 CMR 31.00 reflect amendments set forth in Chapter 482 of the Acts of 2014 (the Bank Modernization Act), which significantly amended General Laws chapter 167B, the chapter governing ATM and EFT transactions. The Bank Modernization Act deemed compliance by depository institutions with federal law regarding EFTs to be sufficient to satisfy Massachusetts law, with the exception of limited circumstances. In addition, the amendments to the regulation include a new provision that compliance by non-banks with the provisions of the federal EFT Act and its corresponding regulation, 12 CFR Part 1005 (Regulation E), which do not conflict with Massachusetts laws or regulations, shall be deemed compliance with Massachusetts law. As noted above, the new title of this regulation is now *Electronic Fund Transfers and Establishment and Operation of Electronic Branches*. Click here for [final amendments to 209 CMR 31.00](#).

209 CMR 56.00: *Foreclosure Prevention Options*

The purpose of 209 CMR 56.00: Foreclosure Prevention Options is to define the Right to Cure notification process for lenders and mortgage servicers to be followed in notifying borrowers of a mortgage default, and in disclosing repayment options available to homeowners in order to prevent a foreclosure. 209 CMR 56.00 also implements standards and requirements for the mortgage loan modification process for a subcategory of residential mortgage loans having characteristics commonly associated with subprime mortgages, defined as Certain Mortgage Loans.

Chapter 258 of the Acts of 2010 included a sunset provision governing the written notice of a right to cure a default under a residential mortgage loan (Right to Cure Notice), which reduced the Right to Cure period from 150 days to 90 days in M.G.L. c. 244, s. 35A. This provision took effect on January 1, 2016. The final amendments adjust references within the regulation and the respective forms from a 150 day Right to Cure period

to 90 days. In addition, prior to January 1, 2016, the Right to Cure provisions of M.G.L. c. 244, s. 35A included procedures whereby the lender or mortgage servicer was authorized to reduce the Right to Cure period from 150 days to 90 days if they undertook certain intervention efforts to attempt to negotiate an alternative to foreclosure. These procedures had been included in 209 CMR 56.00. With the Right to Cure period reduced to 90 days, this component was extinguished in the statute and was removed from the regulation. Other amendments were incorporated for clarification and, where possible, to permit a consolidation of the delivery of the notice(s) required under this regulation with other loss mitigation related notices required to be delivered to a delinquent mortgage borrower under federal regulations promulgated by the Consumer Financial Protection Bureau (CFPB). Another amendment changed the timing requirements of a creditor's response to a borrower's request for loan modification such that the 30-day period within which the creditor must consider a borrower's ability to pay and to offer a modified mortgage loan does not begin running until a modification request and completed loan modification application are received from the borrower. Click here for [final amendments to 209 CMR 56.00](#).

The final amendments to 209 CMR 31.00 and 209 CMR 56.00 became effective on December 16, 2016.

These filings conclude the regulatory filings that will be made under the Regulation Review Project pursuant to Executive Order 562.

BANK AND CREDIT UNION APPLICATION PROCESS TIMING

As a general rule, applications by banks and credit unions other than those that are subject to a review period set out in statute are intended to be processed and completed within the monthly cycle for which the bank and credit union applies. That review period for such processing is approximately 45 days or less from the date the application is filed with the Division. A decision on the application is generally issued within 5 business days after the review period is completed. The decision then will be reported on the monthly Activity Report for the month in which the decision was issued. The timing of the overall review process including the issuance of a decision and the listing on the monthly Activity Report will be dependent on the applicant's compliance with all statutory, regulatory and administrative requirements. Applications before the Massachusetts Board of Bank Incorporation are subject to separate timing schedules as set out in the applications of the Board.

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