**Section 185.280 Assigned Ratings**

a) Ratings in general. Subject to subsections (b) and (c), the Secretary assigns to a credit union a rating of "outstanding", "satisfactory", "needs to improve", or "substantial noncompliance" based on the credit union's performance under the lending, investment and service tests, the community development test, the small credit union's performance standards, the intermediate small credit union's standards, or an approved strategic plan, as applicable.

b) Lending, investment, and service tests. The Secretary assigns a rating for a credit union assessed under the lending, investment, and service tests in accordance with the following principles:

1) a credit union that receives an "outstanding" rating on the lending test receives an assigned rating of at least "satisfactory";

2) a credit union that receives an "outstanding" rating on both the service test and the investment test and a rating of at least "satisfactory" on the lending test receives an assigned rating of "outstanding"; and

3) no credit union may receive an assigned rating of "satisfactory" or higher unless it receives a rating of at least "satisfactory" on the lending test.

c) Effect of evidence of discriminatory or other illegal credit practices.

1) The Secretary's evaluation of a credit union's ILCRA performance is adversely affected by evidence of discriminatory or other illegal credit practices in any geography by the credit union or in any assessment field by any affiliate whose loans have been considered as part of the credit union's lending performance. In connection with any type of lending activity described in Section 185.220(a), evidence of discriminatory or other credit practices that violate an applicable law, rule, or regulation includes, but is not limited to:

A) Discrimination against applicants on a prohibited basis in violation, for example, of the Equal Credit Opportunity Act (15 U.S.C. 1691-1691f) or the Fair Housing Act (42 U.S.C. 3601-19), including, for example, relying on or giving force or effect to discriminatory appraisals to deny loan applications where the covered financial institution knew or should have known of the discrimination;

B) Violations of the Home Ownership and Equity Protection Act (15 U.S.C. 1601-02, 1639-41);

C) Violations of section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

D) Violations of section 8 of the Real Estate Settlement Procedures Act (12 U.S.C. 2607);

E) Violations of the Truth in Lending Act (15 U.S.C. 1635) provisions regarding a consumer's right of rescission;

F) Violations of the Article 4 [Financial Credit] of Illinois Human Rights Act [775 ILCS 5/Art. 4];

G) Violations of the Illinois High Risk Home Loan Act [815 ILCS 137]; and

H) Violations of the Illinois Fairness in Lending Act [815 ILCS 120].

2) In determining the effect of evidence of practices described in subsection (c)(1) on the credit union's assigned rating, the Secretary considers the nature, extent, and strength of the evidence of the practices; the policies and procedures that the credit union (or affiliate, as applicable) has in place to prevent the practices; any corrective action that the credit union (or affiliate, as applicable) has taken or has committed to take, including voluntary corrective action resulting from self-assessment; and any other relevant information.