

RKL REGULATORY COMPLIANCE FOR FINANCIAL INSTITUTIONS >

October 2020

International Criminal Court-Related Sanctions Regulations

October 1, 2020

- The Department of the Treasury's Office of Foreign Assets Control (OFAC) is adding regulations to implement [Executive Order 13928](#) of June 11, 2020 (Blocking Property of Certain Persons Associated With the International Criminal Court). OFAC intends to supplement these regulations with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance, general licenses and statements of licensing policy.
- Effective: October 1, 2020

[Additional Information](#)

Agencies Adopt Final Rule on Certain Transactions for Financial Institutions and Consumers Affected by the Coronavirus

September 29, 2020

- The Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency and the Board of Governors of the Federal Reserve System (collectively, the agencies) adopted as final the interim final rule that allows institutions supervised by the agencies to defer obtaining an appraisal or evaluation for up to 120 days after the closing of certain residential and commercial real estate loans. The agencies' final rule helps regulated institutions to expeditiously extend liquidity to creditworthy households and businesses in light of recent strains on the U.S. economy as a result of the coronavirus disease 2019 (COVID event).
- Effective: Date of publication in the Federal Register

[Additional Information](#)

Fair Housing and Equal Opportunity, HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

September 24, 2020

- HUD has long interpreted the Fair Housing Act (the Act) to create liability for practices with an unjustified discriminatory effect, even if those practices were not motivated by discriminatory intent. This rule amends HUD's 2013 disparate impact standard regulation to better reflect the Supreme Court's 2015 ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* and to provide clarification regarding the application of the standard to state laws governing the business of insurance. This rule revises the burden-shifting test for determining whether a given practice has an unjustified discriminatory effect and adds to illustrations of discriminatory housing practices found in HUD's Fair Housing Act regulations. This final rule also establishes a uniform standard for determining when a housing policy or practice with a discriminatory effect violates the Fair Housing Act and provides greater clarity of the law for individuals, litigants, regulators and industry professionals.
- Effective: October 26, 2020

[Additional Information](#)

Federal Reserve Rules Regarding Availability of Information

September 15, 2020

- The Board is issuing a final rule revising its rules regarding availability of information. The revisions clarify and update the Board's regulations implementing the Freedom of Information Act and the rules governing the disclosure of confidential supervisory information and other nonpublic information of the Board.

- Effective: October 15, 2020

[Additional Information](#)

NCUA Chartering and Field of Membership

September 14, 2020

- The NCUA Board (Board) is amending its chartering and field of membership (FOM) rules with respect to applicants and existing federal credit unions (FCUs) seeking a community charter approval, expansion or conversion, in response to an August 2019 opinion and order issued by the D.C. Circuit Court of Appeals. First, the Board is re-adopting a provision to allow an applicant to designate a Combined Statistical Area (CSA), or an individual, contiguous portion thereof, as a well-defined local community (WDLC), provided that the chosen area has a population of 2.5 million or less. Second, with respect to communities based on a Core-Based Statistical Area (CBSA), or a portion thereof, the Board is providing additional explanation to support its decision to eliminate the requirement to serve the CBSA's core area as provided for in its comprehensive 2016 FOM rulemaking known as FOM1. Third, the Board is clarifying existing requirements and adding an explicit provision to its rules regarding potential discrimination in the FOM selection for CSAs and CBSAs.
- Effective: September 14, 2020

[Additional Information](#)

FDIC Statement of Policy Regarding Minority Depository Institutions

September 25, 2020

- The FDIC is proposing to revise its Statement of Policy Regarding Minority Depository Institutions. Section 308 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 established several goals related to encouraging, assisting, and preserving minority depository institutions. The FDIC has long recognized the unique role and importance of minority depository institutions and has historically taken steps to preserve and encourage minority-owned and minority-led financial institutions. The revised Statement of Policy updates, strengthens and clarifies the agency's policies and procedures related to minority depository institutions.
- Comments due by: November 24, 2020

[Additional Information](#)

Transferred OTS Regulations Regarding Nondiscrimination Requirements

September 25, 2020

- The Federal Deposit Insurance Corporation (FDIC) proposes to rescind and remove from the Code of Federal Regulations rules entitled “Nondiscrimination Requirements” (part 390, subpart G), and to amend FDIC regulation part 338 to make it applicable to state savings associations. Part 390, subpart G was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision (OTS) on July 21, 2011, in connection with the implementation of applicable provisions of Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The FDIC's part 338 is entitled “Fair Housing” and applies to insured State nonmember banks. Several provisions for State savings associations in part 390, subpart G have substantively similar provisions in part 338. The remaining provisions in part 390, subpart G without a direct counterpart are largely duplicative of federal laws (Equal Credit Opportunity Act (ECOA), Fair Housing Act (FHA), Equal Employment Opportunity Act (EEOA) and other laws concerning nondiscrimination in lending, employment and services) and implementing regulations.
- Comments due by: October 26, 2020

[Additional Information](#)

Federal Trade Commission Pre-Screen Opt-Out Notice Rule

September 21, 2020

- The Federal Trade Commission (FTC) requests public comment on its Prescreen Opt-Out Notice Rule as part of the FTC's systematic review of all current Commission regulations and guides. In addition, the FTC is proposing to amend the Rule to correspond to changes made to the Fair Credit Reporting Act (FCRA) by the Dodd-Frank Act and to reinstate a model prescreen opt-out notice.
- Comments due by: December 7, 2020

[Additional Information](#)

Financial Crimes Enforcement Network Seeks Public Comments On Anti-Money Laundering Program Effectiveness

September 17, 2020

- The Financial Crimes Enforcement Network (FinCEN) seeks public comment on potential regulatory amendments to establish that all covered financial institutions subject to an anti-money laundering program requirement must maintain an “effective and reasonably designed” anti-money laundering program. Any such amendments would be expected to further clarify that such a program assesses and manages risk as informed by a financial institution's risk assessment, including consideration of anti-money laundering priorities to be issued by FinCEN consistent with the proposed amendments; provides for compliance with Bank Secrecy Act requirements; and provides for the reporting of information with a high degree of usefulness to government authorities. The regulatory amendments under consideration are intended to modernize the regulatory regime to address the evolving threats of illicit finance, and provide financial institutions with greater flexibility in the allocation of resources, resulting in the enhanced effectiveness and efficiency of anti-money laundering programs.
- Comments due by: November 16, 2020

[Additional Information](#)

Federal Trade Commission Seeks Public Comment on Its Duties of Users of Consumer Reports Regarding Address Discrepancies Rule

September 15, 2020

- The Federal Trade Commission (FTC) requests public comment on its Duties of Users of Consumer Reports Regarding Address Discrepancies Rule (Address Discrepancy Rule) as part of its systematic review of all current Commission regulations and guides. The FTC also proposes to amend the Rule to accord with changes made to the Fair Credit Reporting Act (FCRA) by the Dodd-Frank Act.
- Comments due by: November 30, 2020

[Additional Information](#)

CFPB Supervisory Highlights – Issue 22, Summer 2020

September 22, 2020

- Read the entire Summer 2020 Issue of the CFPB Supervisory Highlights in the link below. Topics included in this issue:
 - Consumer Reporting
 - Debt Collection
 - Deposits
 - Fair Lending
 - Mortgage Servicing
 - Payday Lending
 - COVID-19 Related Information and Guidance
 - Non-COVID Related Guidance
 - Public Enforcement Actions – Citizens Bank violation of TILA, FCBA, and CARD Act

[Additional Information](#)

Consumer Financial Protection Bureau Releases Outline of Proposals Under Consideration to Implement Small Business Lending Data Collection Requirements

September 15, 2020

- The Consumer Financial Protection Bureau (Bureau) released its Outline of Proposals Under Consideration and Alternatives Considered for Section 1071 of the Dodd-Frank Act governing small business lending data collection and reporting.
- Section 1071 requires financial institutions to collect certain data regarding applications for credit for women-owned, minority owned, and small businesses, and to report that data to the Bureau on an annual basis.
- Comments received from ICBA and other interested parties appreciate that the Bureau would exempt community banks with \$100 million to \$200 million in assets, but are asking for the Bureau to fully exempt community banks from the costly burdens of the data collection and reporting requirements of Section 1071.

[Additional Information](#)

The Bureau of Consumer Financial Protection issued its 22nd edition of Supervisory Highlights

September 10, 2020

- The findings included in this report cover examinations in the areas of consumer reporting, debt collection, deposits, fair lending and mortgage servicing that were completed between September 2019 and December 2019.

[Additional Information](#)

Effective Date	Implementing Rule/Regulation	Additional Details
April 1, 2019	Prepaid Rule	<ul style="list-style-type: none"> • Rule • Compliance Guide
July 1, 2019	Mandatory acceptance of certain private flood insurance	<ul style="list-style-type: none"> • Rule
August 12, 2019	Reg D – Reserve Requirements of Depository Institutions	<ul style="list-style-type: none"> • Rule
August 12, 2019	Reg A – Extensions of Credit by Federal Reserve Banks	<ul style="list-style-type: none"> • Rule
August 19, 2019	Small Business Size Standards	<ul style="list-style-type: none"> • Rule
September 20, 2019	Assessment of Fees	<ul style="list-style-type: none"> • Rule
October 1, 2019	Regulatory Capital Rule	<ul style="list-style-type: none"> • Rule
October 1, 2019	Recordkeeping for Timely Deposit Insurance Determination	<ul style="list-style-type: none"> • Rule
October 9, 2019	OCC, Federal Reserve System and FDIC Rule on Real Estate Appraisals	<ul style="list-style-type: none"> • Rule
October 22, 2019	NCUA Rule on Real Estate Appraisals	<ul style="list-style-type: none"> • Rule
December 2, 2019	NCUA Payday Alternative Loans	<ul style="list-style-type: none"> • Rule

Effective Date	Implementing Rule/Regulation	Additional Details
December 28, 2019	Taxpayer First Act	• Rule
January 1, 2020	Simplify “Volcker Rule”	• Rule
January 1, 2020	CRA Asset Size Adjustment for Small and Intermediate Small Institutions	• Rule
January 1, 2020	HMDA Adjustment to Asset Size Exemption Threshold	• Rule
July 1, 2020	Final Amendments to Reg. CC Funds Availability	• Rule
November 1, 2020	New URLA Required Use – POSTPONED DUE TO COVID-19	• Issuance
November 19, 2020	Payday, Vehicle Title, and Certain High-Cost Installment Loans; Delay of Compliance Date	• Issuance
January 1, 2021	Truth in Lending (Regulation Z) Annual Threshold Adjustments (Credit Cards, HOEPA and Qualified Mortgages)	• Rule
March 1, 2021	New URLA Required Use	• Issuance
January 1, 2022	Reg C Final rule establishing 200 loans as the permanent HMDA data reporting threshold for open-end lines of credit	• Rule



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