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RKL REGULATORY COMPLIANCE FOR FINANCIAL INSTITUTIONS >

September 2021

CFPB Withdraws Proposal to Delay Effective Date of Regulation F

September 1, 2021

- In 2020, the Consumer Financial Protection Bureau (CFPB) finalized two rules revising Regulation F, which implements the Fair Debt Collection Practices Act. As finalized, the Debt Collection Final Rules had an effective date of November 30, 2021.
- On April 7, 2021, CFPB issued a proposal to delay that effective date by 60 days, until January 29, 2022. CFPB is withdrawing that proposal.
- The Debt Collection Final Rules will take effect on November 30, 2021.

[Additional Information](#)

CFPB Issues Final Revisions to Privacy Implementation Rules

August 25, 2021

- This final rule makes limited revisions to CFPB’s regulations that establish the procedures used by the public to obtain records from CFPB under the Privacy Act of 1974, 5 U.S.C. 552a (Privacy Act).
- The revisions change the definition of “Chief Privacy Officer” in order to align the authorities and responsibilities identified in the regulations to those of CFPB’s designated Senior Agency Official for Privacy.
- The revisions also facilitate electronic or remote identity proofing and authentication by creating an additional method for a requester to verify their identity when submitting a Privacy Act request to CFPB.

[Additional Information](#)

Technical Specifications for Credit Card Agreement and Data Submissions Required Under TILA and the CARD Act (Regulation Z)

August 23, 2021

- The Consumer Financial Protection Bureau (CFPB) issued a notification of technical specifications and procedural rule stating that certain credit card issuers must submit credit card agreements and data to CFPB under the Truth in Lending Act (TILA) and the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act).
- CFPB is issuing new technical specifications for complying with those submission requirements. Credit card issuers will make the required submissions under TILA and the CARD Act through the CFPB's "Collect" website. These technical specifications include registration information and the URL for the website at which issuers (or their designees) can submit the required information.
- Effective 8/23/2021

[Additional Information](#)

Truth in Lending (Regulation Z); Impact of the 2021 Juneteenth Holiday on Certain Closed-End Mortgage Requirements

August 5, 2021

- The Consumer Financial Protection Bureau (CFPB) is issuing this interpretive rule to provide guidance on certain Regulation Z timing requirements related to rescission of closed-end mortgages and the TILA-RESPA Integrated Disclosures (TRID). These timing requirements are based on a definition of “business day” that excludes days that are designated as legal public holidays under federal law.
- The interpretive rule explains these timing requirements in light of recent legislation that designated “Juneteenth National Independence Day, June 19” (Juneteenth) as a federal legal public holiday. It clarifies that, if the relevant closed-end rescission or TRID time period began on or before June 17, 2021, then June 19, 2021 was considered a business day, but nothing prohibits creditors from providing longer time periods. Therefore, it would also be compliant for creditors to have considered June 19, 2021 a federal holiday for purposes of these provisions.

[Additional Information](#)

CFPB Issues Proposed Rule for Small Business Lending Data Collection under the Equal Credit Opportunity Act (Regulation B)

September 1, 2021

- The Consumer Financial Protection Bureau (CFPB) is publishing for public comment a proposed rule amending Regulation B to implement changes to the Equal Credit Opportunity Act (ECOA) made by section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).
- Consistent with section 1071, CFPB is proposing to require covered financial institutions to collect and report to CFPB data on applications for credit for small businesses, including those that are owned by women or minorities.
- CFPB's proposal also addresses its approach to privacy interests and the publication of section 1071 data; shielding certain demographic data from underwriters and other persons; recordkeeping requirements; enforcement provisions; and the proposed rule's effective and compliance dates.

[Additional Information](#)

Simplification of Deposit Insurance Rules

August 3, 2021

- The Federal Deposit Insurance Corporation is seeking comment on proposed amendments to its regulations governing deposit insurance coverage.
- The proposed rule would simplify the deposit insurance regulations by establishing a “trust accounts” category that would provide for coverage of deposits of both revocable trusts and irrevocable trusts, and provide consistent deposit insurance treatment for all mortgage servicing account balances held to satisfy principal and interest obligations to a lender.
- Comments due by: October 4, 2021

[Additional Information](#)

Proposed Agency Information Collection Activities; Comment Request

August 18, 2021

- In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Board, the Federal Deposit Insurance Corporation (FDIC) and the Office of the Comptroller of the Currency (OCC) (collectively, the “agencies”) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.
- On May 7, 2021, the Board, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, requested public comment for 60 days on a proposal to revise and extend the Country Exposure Report for U.S. Branches and Agencies of Foreign Banks (FFIEC 019), which is currently an approved collection of information. The comment period for the proposal ended on July 6, 2021.
- As described in the **SUPPLEMENTARY INFORMATION** section, the agencies will revise the FFIEC 019 as proposed. In addition, the agencies will make clarifying revisions to the instructions in response to a comment received. The Board hereby gives notice of its plan to submit to OMB a request to approve the revision and extension of this information collection, and again invites comment on the proposal.
- Comments due by: September 17, 2021

[Additional Information](#)

Agencies Issue Guide to Help Community Banks Evaluate Fintech Relationships

August 27, 2021

- The federal bank regulatory agencies today released a guide intended to help community banks assess risks when considering relationships with financial technology (fintech) companies.
- Community banks are entering into business arrangements with fintech companies to offer enhanced products and services to their customers, increase efficiency, and reduce internal costs. This guide is intended to serve as a resource for community banks when performing due diligence on prospective relationships with fintech companies.
- Due diligence is an important component of an effective third-party risk management process. The guide covers six key areas of due diligence that community banks can consider when exploring arrangements with fintech companies: business experience and qualifications, financial condition, legal and regulatory compliance, risk management and control processes, information security, and operational resilience. The guide highlights practical sources of information that may be useful when evaluating fintech companies.

[Additional Information](#)

FHFA Announces Inclusion of Rental Payment History in Fannie Mae's Underwriting Process

August 11, 2021

- To expand access to credit in a safe and sound manner, the Federal Housing Finance Agency (FHFA) today announced that Fannie Mae will consider rental payment history in its risk assessment processes.
- With the update to Fannie Mae's systems, future borrowers will have the benefit of a positive rental payment history being included in an underwriting decision. There is no additional burden – either for the borrower or for the lender – to make use of this feature.

[Additional Information](#)

Effective Date	Implementing Rule/Regulation	Additional Details
November 1, 2020	New URLA Required Use	• 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
January 1, 2021	CRA Asset Size Adjustment for Small and Intermediate Small Institutions	• Rule
January 1, 2021	HMDA Adjustment to Asset Size Exemption Threshold	• Rule
March 1, 2021	New URLA Required Use	• Issuance
November 30, 2021	Final rule creating implementing regulations for the Fair Debt Collection Practices Act	• Rule
January 1, 2022	Reg C Final rule establishing 200 loans as the permanent HMDA data reporting threshold for open-end lines of credit	• Rule
October 1, 2022	Mandatory Compliance for QM definitions under Reg Z	• Rule

DID YOU KNOW?

- Credit Reporting Agencies (CRAs) began as far back as the 1800s and were very small, local organizations; many with unethical standards and inaccurate information.
- At that time, CRAs collected all types of private information on consumers, including: marital status, age, gender, race, religion, employment history, driving records, and drinking habits. They also reviewed publications in the newspapers for announcements of marriages and deaths.
- Consumers were not permitted to view their credit file and never had the option to dispute and/or correct the information.
- It wasn't until the 1960s that these small CRAs began merging to create larger networks across the country.



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