



RKL REGULATORY COMPLIANCE FOR FINANCIAL INSTITUTIONS >

September 2022

Rules Regarding Delegation of Authority

September 1, 2022

- The Board is adopting a final rule that revises its rules regarding delegation of authority. The final rule codifies and revises delegations of authority previously approved by the Board, makes technical changes and rescinds moot or superseded delegations.
- This final rule is effective September 1, 2022.

[Additional Information](#)

Cyber-Related Sanctions Regulations

September 6, 2022

- The Department of the Treasury's Office of Foreign Assets Control (OFAC) is amending the Cyber-Related Sanctions Regulations and reissuing them in their entirety to further implement an April 1, 2015, cyber-related Executive order, as amended by a December 28, 2016, cyber-related Executive order, as well as certain provisions of the Countering America's Adversaries Through Sanctions Act. This final rule replaces the regulations that were published in abbreviated form on December 31, 2015, and includes additional interpretive guidance and definitions, general licenses, and other regulatory provisions that will provide further guidance to the public. Due to the number of regulatory sections being updated or added, OFAC is reissuing the Cyber-Related Sanctions Regulations in their entirety.
- This rule is effective September 6, 2022.

[Additional Information](#)

Consumer Financial Protection Circular 2022-04: Insufficient Data Protection or Security for Sensitive Consumer Information

September 6, 2022

- The Consumer Financial Protection Bureau (Bureau or CFPB) has issued Consumer Financial Protection Circular 2022-04, titled, “Insufficient Data Protection or Security for Sensitive Consumer Information.” In this circular, the Bureau responds to the question, “Can entities violate the prohibition on unfair acts or practices in the Consumer Financial Protection Act (CFPA) when they have insufficient data protection or information security?”
- The Bureau released this circular on its website on August 11, 2022.

[Additional Information](#)

Privacy Act of 1974; System of Records

August 12, 2022

- Pursuant to the provisions of the Privacy Act of 1974, notice is given that the Board of Governors of the Federal Reserve System (Board) proposes to modify an existing system of records, entitled BGFRS-37, “FRB—Electronic Applications.” This system enables bank holding companies (BHCs), savings and loan holding companies (SLHCs), state member banks and foreign banks with operations in the United States, or other companies, and persons to submit an application or notice to the Federal Reserve System for approval or non-objection, as appropriate, to conduct certain transactions or engage in certain activities.
- Comments must be received before September 12, 2022. This modified system of records will become effective September 12, 2022, without further notice, unless comments dictate otherwise.

[Additional Information](#)

Guidelines for Evaluating Account and Services Requests

August 19, 2022

- The Board of Governors of the Federal Reserve System (Board) has approved final guidelines (Account Access Guidelines) for Federal Reserve Banks (Reserve Banks) to utilize in evaluating requests for access to Reserve Bank master accounts and services (accounts and services).
- Implementation date is August 19, 2022.

[Additional Information](#)

FDIC Guidance on Multiple Re-Presentment NSF Fees

August 19, 2022

- The Federal Deposit Insurance Corporation (FDIC) is issuing guidance to ensure that supervised institutions are aware of the consumer compliance risks associated with assessing multiple nonsufficient funds (NSF) fees arising from the re-presentation of the same unpaid transaction. Additionally, the FDIC is sharing its supervisory approach where a violation of law is identified and full corrective action is expected.
- When financial institutions charge additional NSF fees for the same transaction when a merchant re-presents a check or ACH transaction on more than one occasion after the initial unpaid transaction was declined, there is an elevated risk of violations of law and harm to consumers.
- Financial institutions are encouraged to review their practices and disclosures regarding the charging of NSF fees for re-presented transactions. The FDIC has observed some risk-mitigation practices financial institutions have implemented to reduce the risk of consumer harm and potential violations. These practices include eliminating NSF fees, declining to charge more than one NSF fee for the same transaction, revising disclosures, and reviewing and revising notification and alert practices related to NSF transactions.

[Additional Information](#)

HUD Announces Unique Entity Identifier Requirement for FHA Lenders

August 23, 2022

- The U.S. Department of Housing and Urban Development (HUD) announced a Unique Entity Identifier (UEI) requirement for Federal Housing Administration (FHA) lenders and mortgagees, and applicants for FHA approval. The requirement must be implemented no later than December 31, 2022.
- Existing FHA lenders and mortgagees under Title I or Title II will need to provide a UEI as part of their institution data in the Lender Electronic Assessment Portal (LEAP), and applicants for FHA approval under such Titles will need to provide a UEI in their application.
- Feedback should be submitted by September 23, 2022.

[Additional Information](#)

OCC Requests Comments on Various Volcker Rule Requirements

August 24, 2022

- The OCC published a request to renew its information collection titled “Reporting, Recordkeeping, and Disclosure Requirements Associated with Proprietary Trading and Certain Interests in and Relationships with Covered Funds.” Section 13 of the Bank Holding Company Act “generally prohibits any banking entity from engaging in proprietary trading or from acquiring or retaining an ownership interest in, sponsoring or having certain relationships with a covered fund, subject to certain exceptions . . . [that] allow certain types of permissible trading and covered fund activities.” In 2019, the OCC, FDIC, Federal Reserve Board, CFTC and SEC published a final rule amending the Volcker Rule to simplify and tailor compliance with Section 13 of the Bank Holding Company Act’s restrictions on a bank’s ability to engage in proprietary trading and own certain funds.
- The OCC is seeking comments specifically related to the reporting, disclosure, documentation and information collection requirements under the rule, including: (i) whether the information collections are necessary for the proper function of the agency and if the information has practical utility; (ii) whether the OCC’s estimates of the burden of the information collections are accurate and the methodology and assumptions used are valid; (iii) measures to enhance the quality, utility and clarity of the information to be collected; (iv) ways to minimize the burden of information collections on respondents, such as using automated collection techniques or other forms of information technology; and (v) capital or start-up cost estimates, as well as costs of operation, maintenance and purchase of services to provide information.
- Comments are due by October 24, 2022.

[Additional Information](#)

CFPB Announces Plans to Modernize Credit Card Data Collection

August 24, 2022

- The CFPB announced plans to update how credit card data is collected. Current methods for collecting and publishing credit card data make it challenging for consumers to shop for credit cards or compare interest rates, the Bureau said, explaining for example that “card issuers do not have to disclose realistic rates based on someone’s creditworthiness and instead report the midpoints of broad ranges that are often meaningless to people trying to compare cards.” The Bureau said it hopes to address the lack of transparency in credit card terms and conditions to spur competition and to give consumers the power to choose the best credit card for their needs.
- The Bureau explained that twice a year, at least 150 issuers send the agency information on their largest credit card plans, including data on interest rates and fees through the Terms of Credit Card Plans (TCCP) Survey. To update this process, the Bureau announced it is considering modernizing the survey to make it a more useful resource on credit card price and availability for consumers. Potential changes include: (i) collecting median APR rates by credit score tiers; (ii) gathering information on credit cards available to specific communities or groups to help expand access; (iii) requiring the top 25 credit card issuers to submit data on each of their general purpose credit cards (currently these issuers only submit information on their product with the largest number of accounts); and (iv) enabling a broader range of institutions to volunteer to participate in the survey.
- Comments on the proposed changes are due by October 17, 2022.

[Additional Information](#)

CFPB Releases Quarterly HMDA Graphs Tool

August 30, 2022

- This new tool helps users understand Home Mortgage Disclosure Act (HMDA) mortgage loan data, and provides, for the first time, important HMDA data on mortgage market trends during the collection year itself.
- The Quarterly Graphs tool allows those interested in exploring quarterly HMDA data to review a total of 21 graphs organized according to questions often asked about the mortgage market. The graphs display aggregated filing information in the following categories: combined loan-to-value ratio, credit score, debt-to-income ratio, denial rates, interest rates, loan & application counts, and total loan costs. To help the public use the new data, the tool allows for the download of the graphs and the displayed data in CSV or XLS format, custom URL sharing and the opportunity to save the graph as a PDF. The HMDA Graphs tool currently contains data for 2019, 2020, 2021 and the first quarter of 2022. Data for each new quarter will be added as soon as it is available.

[HMDA Quarterly Graphs Tool](#)

CFPB on Track to Issue Section 1071 Final Rule by March 31, 2023

September 1, 2022

- The CFPB filed its tenth status report with the California federal district court, hearing the lawsuit brought to force the CFPB to move forward with rulemaking to implement the small business data requirements of Section 1071 of the Dodd-Frank Act. The Bureau states in the status report that it is on track to issue the Section 1071 final rule by March 31, 2023.
- The CFPB agreed to the March 31, 2023, deadline for issuing a final rule in a stipulation with the plaintiffs that was approved by the court last month. The Bureau issued a notice of proposed rulemaking in August 2021, and the comment period ended on January 6, 2022.

[Additional Information](#)

Agency Information Collection Activities; Information Collection Revision; Submission for OMB Review; Bank Secrecy Act/Money Laundering Risk Assessment

September 8, 2022

- The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a revised information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC 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. The OCC is soliciting comment concerning its information collection entitled, “Bank Secrecy Act/Money Laundering Risk Assessment,” also known as the Money Laundering Risk (MLR) System. The OCC also is giving notice that it has sent the collection to OMB for review.
- Comments must be submitted by October 11, 2022.

[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	Extended URLA Implementation Timeline	• Issuance
November 30, 2021	Final Rule Implementing Regulations for the Fair Debt Collection Practices Act	• Rule
January 1, 2022	Regulation 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 Regulation Z	• Rule



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