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• Introductions • Regulatory Framework • Regulatory Resources • U.S. Code • Code of Federal Regulations • Federal Agency Regulatory Agendas • Federal Register • Specific Compliance Resources • Searching Websites of Regulatory Agencies • Questions



	State Member Bank	State Nonmember Bank	National Bank	Credit Union		
Charter	State	State	National	NCUA or State		
Primary Federal Regulator	Federal Reserve	FDIC	осс	NCUA*		
Insured Depository Institutions < \$10 Billion in Assets						
Consumer Compliance Regulator	Federal Reserve	FDIC	осс	NCUA		
Insured Depository Institutions > \$10 Billion in Assets						
Enumerated Laws	CFPB	CFPB	CFPB	CFPB		
Non-Enumerated Laws	Federal Reserve	FDIC	occ	NCUA		



Illustrative Example of Non-Enumerated Consumer Laws > \$10 Billion*			
Branch Closings (12 U.S.C. 1831r-1)	National Flood Insurance Act (42 U.S.C. 4011 et seq.)		
Children's Online Privacy Protection Act (15 U.S.C. 6501 et seq.)	Section 19 of the Federal Reserve Act (12 U.S.C. 461) (Reserve Requirements of Depository Institutions)		
Community Reinvestment Act (CRA) (12 U.S.C. 2901 et seq.)	CRA Sunshine (12 U.S.C. 1831y et seq.)		
Military Lending Act, 10 U.S.C. 987, 32 CFR 232	Right to Financial Privacy Act (12 U.S.C. 3401 et seq.)		
Expedited Funds Availability Act (12 U.S.C. 4001 et seq.)	Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)		
Fair Credit Reporting Act sections 615(e) (identity theft red flags) and 628 (records disposal) (15 U.S.C. 1681m(e), 1681w)	§ 109 of the Riegle-Neal Act, 12 U.S.C. 1835a (deposit ratio and community credit needs rules for interstate branching)		
Fair Housing Act (42 U.S.C. 3601 et seq.)	U.S.C.§ 5 of the Federal Trade Commission Act (15 U.S.C. 45) (unfair and deceptive acts or practices)		
Homeownership Counseling (12 USC 1701x(c)(5))	Garnishment of Accounts Containing Federal Benefit Payments (31 CFR Part 212)		
udential regulators supervise both enumerated and non-	enumerated laws for institutions below \$10 billion		

Fair Lending and UDAP/UDAAP The CFPB and the prudential regulators have overlapping enforcement authority for insured depository institutions above \$10 billion Fair Lending Authority Prudential regulators verify compliance with the Fair Housing Act and its implementing regulation, 24 CFR Part 100 The CFPB verifles compliance with the ECOA and Regulation B For institutions below \$10 billion, the prudential regulators verify compliance with the Fair Housing Act, the ECOA, and their implementing regulations UDAP/UDAAP Authority Section 5 of the Federal Trade Commission Act prohibits unfair or deceptive acts or practices Section 1036 of the Dodd-Frank Act prohibits unfair, deceptive, or abusive acts or practices

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Regulation of Non-Depository Institutions CFPB Jurisdiction The Dodd-Frank Act provides the CFPB with jurisdiction over certain non-depository covered persons: Persons who originate, broker, or service consumer, real-estate secured loans Larger participants in markets for consumer financial products or services (after rulemaking) Covered persons engaging in conduct that poses risks in providing consumer financial products or services (after rulemaking) Providers of private education loans Providers of payday loans Larger Participant Rulemakings 12 CFR \$ 1090.104 Consumer reporting 12 CFR \$ 1090.105 Consumer debt collection 12 CFR \$ 1090.105 Student loan servicing 12 CFR \$ 1090.109 General-sudded digital consumer payment applications (proposed 11/17/23)

Regulation of Non-Depository Institutions (cont.) Federal Trade Commission (FTC) Jurisdiction The FTC has authority under the FTC Act to enforce UDAP Because the Act excludes banks and federal credit unions from its jurisdiction, the FTC focuses on non-depository institutions and persons As the CFPB also has jurisdiction over certain non-depository institutions and persons, the FTC and CFPB coordinate their activities under an MOU, as required by the Dodd-Frank Act The CFPB also has coordinating MOUs with other regulators

Regulatory Resources OUTLOOK, 197 The Table of Basic of Street Control of the Co

For compliance statutes without implementing regulations, such as the Servicemembers Civil Relief Act, compliance staff must read the U.S. Code Even for compliance statutes with implementing regulations, certain issues are generally only addressed in the statute, such as civil liability and the statute of limitations The most up-to-date version of the U.S. Code, published by the House of Representatives, is available here An annual version is also available for each year since 1994, which is helpful to review a provision of a statute before it was amended

Оитьоок

	Code of Federal Regulations
•	When Congress enacts a law, it often provides rulemaking authority to the agency or agencies with subject matter expertise to write implementing regulations that provide more specific details about the statutory requirements
•	Those regulations are codified in the Code of Federal Regulations (CFR) in the format of [Title] CFR [Part].[section]. Ex: 12 CFR § 1003.1(a)
•	"Part" refers to an entire set of regulations. For example, Regulation C is cited as 12 CFR Part 1003 and Regulation Z is 12 CFR Part 1026
•	The <u>eCFR</u> (electronic code of federal regulations) is the most up-to-date version
•	An annual $\underline{\text{version}}$ is also available for every year since 1996, reflecting the CFR as it appeared in a particular year
•	The annual version can be helpful when a regulation is amended, and an issue arises about the version of the regulation before it was amended

Ουτιοοκ

Agency Regulations • For consumer compliance, most agency regulations can be found here: • CFPB: 12 CFR Parts 1000-1099 • Department of Defense's Military Lending Act regulations: <u>32 CFR Part 232</u> Federal Reserve: 12 CFR Parts 200-299* • Federal Trade Commission: 16 CFR Parts 1-901 • FDIC: <u>12 CFR Parts 300-399</u> FEMA's flood insurance regulations: 44 CFR Parts 59-80 HUD's Fair Housing Act regulations: 24 CFR Part 100 NCUA: 12 CFR Parts 700-799 • OCC: 12 CFR Parts 100-199 *The CFR for the Federal Reserve's regulations lists Regulations B, E, M, and Z, for which the Dodd-Frank Act transferred ruler authority to the CFPB, except the Federal Reserve retains rulemaking authority for these regulations for certain motor vehicle dealers excluded from the CFPB, surfactions. Set 2 U.S.C., 5 5518(a); 13 U.S.C. § 51819(b); 10 and 1693b(a)(2) Outlook

The CFPB's Interactive Regulations • The CFPB publishes an unofficial version of its regulations on its website 12 CFR Part 1005 - Electronic Fund Transfers (Regulation E) --12 CFR Part 1006 - Fair Debt Collection Practices Act (Regulation F) 12 CFR Part 1007 - S.A.F.E. Mortgage Licensing Act-Federal Registration of Residential Mortgage Loan Originators (Regulation G) Outlook,



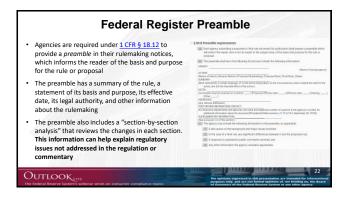


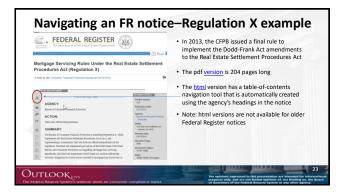


CFPB Title: Overdraft Fees Abstract:		RIN: 3170-AA42	Publication ID: Fall 2023	
on whether fees impos- 1969, it created special overdrain and how fin-	ed in connection with those services (over i rules for determining whether overdraft le	draft fees) are considered finance char ses are considered finance charges. We wante funds to pay the overdrawn arm	and some of which are not. Whother Regulation Z applies depends pay. When the Federal Reserve Board first adulted Regulation Z in the Board of overlots environ, educating him accounts can be paint, the applicantly changed since SRR. The special rules remain project to these special rules.	
RIN Status: Previously Major: Undetermined	nancial Protection Bureau(CEPB) published in the Unified Agenda Determined (To search for a specific CE (N) Determined	Agenda Stage o Unfunded Mane	infive, Nonsignificant of Relementary: Proposed Rule Stage States: Undetermined Stage Stag	
Legal Deadine: None Timedatio:				
NPRM Acts	12/00/2023	Date	FROM	
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Federal Register The Administrative Procedure Act (APA) provides the legal framework for agency rulemaking To enact a regulation, an agency must first publish a notice of proposed rulemaking (NPR) in the Federal Register, solicit public comment, and then publish a final rule with an effective date Agencies review and consider the comments but are not required to implement them In some instances, an agency will issue an advanced notice of proposed rulemaking (ANPR) as a preliminary step, when it wants to solicits information to inform a rulemaking proposal The ANPR will be followed by an NPR and a final rule (assuming the agency moves forward with the rulemaking after receiving comments) For good cause, when circumstances require immediate compliance, agencies can issue an interim final rule to establish a temporary compliance date while the rulemaking process proceeds The Office of the Federal Register provides more information about the process here and here



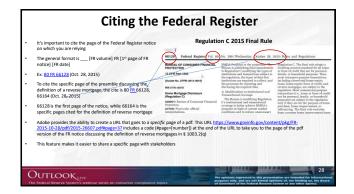


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Regulation X Preamble Example: Obligation of Transferor Servicer When Receiving a Payment After the Transfer Date	
Section 1024.33(c)(2) addresses the situation in which a mortgage payment is incorrectly sent to the prior servicer (transferor) after the effective date for transferring servicing rights to the new servicer (transferee)	
The transferor has two options under § 1024.33(c)(2): transfer the payment to the transferee servicer for application to a borrower's mortgage loan account, or return the payment to the person that made the payment and notify such person of the proper recipient of the payment	
 Suppose a transferor receives a misdirected payment after the transfer date from an unrecognized party and is trying to determine the best option to proceed under § 1024.33(c)(2) 	
Outlook, in	
Regulation X Example (cont.)	1
In the <u>preamble</u> for § 1024.33(c)(2), the CFPB specifically discusses this situation: "The Bureau also believes it is reasonable to permit transferors to either return a misdirected payment to the payor or transmit the payment to the transferee servicer because there may be circumstances in which a borrower would want to be notified that the payment had been mailed to the wrong servicer, recoup the misdirected payment,	
and forward it to the correct servicer. In addition, there may be situations in which a transferor servicer receives a payment from a party it does not recognize as the borrower associated with the mortgage loan account. In such situations, the Bureau believes servicers may reasonably determine the best course of action is to return such a payment to the payor." (Emphasis added)	
 This context can inform the transferor's decision, and the file could be documented with the Federal Register citation: 78 FR 10696, 10733 (Feb. 14, 2013) 	
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Preamble Example 2: Regulation Z Payoff Balance	
 Regulation Z requires creditors, assignees and servicers to provide a statement of the total outstanding balance required to pay the consumer's mortgage in full as of a specified date within 7 business days of receiving a request. 12 CFR §1026.36(c)(3). 	
 But neither the regulation nor commentary specify how to calculate a payoff balance. For example, should a servicer reduce the payoff balance by an expected refund for an overpayment of property taxes that has not yet been received? The preamble clarifies this issue: 	
"A payoff balance request is any request from a consumer, or appropriate party acting on behalf of the consumer, which inquires into the total amount outstanding on the loan, or the amount needed to pay off the loan The Bureau believes payoff statements should be issued according to the best information available at the time." 78 FR 10902, 10957-58 (Feb. 14, 2013) (Emphasis added).	

Courts often review the preamble when interpreting regulations. See, e.g., <u>Anderson v. Wells Fargo Home Mortgage</u> (E.D. Cal. 2017) ("neither the text of TILA, nor the implementing regulation provide instruction regarding what constitutes an "accurate payoff balance," though the section-by-section analysis in the Federal Register provides some additional context...")

OUTLOOK







Regulation C (Home Mortgage Disclosure Act)		
Federal Register Notice	Description	
79 FR 51732 (Aug. 29, 2014)	Rulemaking proposal to implement Dodd-Frank Act HMDA amendments	
80 FR 66128 (Oct. 28, 2015)	Final rule implementing Dodd-Frank Act HMDA amendments	
Amendments to 2015 Final Rule		
85 FR 28364 (May 12, 2020)	HELOC threshold set at 200 loans	
84 FR 57946 (Oct. 29, 2019)	HMDA amendments from Economic Growth, Regulatory Relief, and Consumer Protection Act	
32 FR 43088 (Sept. 13, 2017)	Clarifying aspects of 2015 rule	

Fe	Federal Register Notices for Major Compliance Rulemakings (cont Regulation E (Electronic Fund Transfer Act): Prepaid Cards		
	Federal Register Notice	Description	
	77 FR 30923 (May 24, 2012)	ANPR prepaid debit cards	
	79 FR 77101 (Dec. 23, 2014	Proposed rulemaking prepaid debit cards	
	81 FR 83934 (Nov. 22, 2016)	Final rule prepaid debit cards	
	Amendments to 2016 Final Rule		
	83 FR 6364 (Feb. 13, 2018)	Summary of changes	
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Fe	Federal Register Notices for Major Compliance Rulemakings (cont.)			
	Regulation E (Electronic Fund Transfer Act): Remittance Transfers			
	Federal Register Notice	Description		
	77 FR 6194 (Feb. 7, 2012)	Final Rule		
	77 FR 50244 (Aug. 20, 20/12)	Safe harbor for "normal course of business"		
	78 FR 30661 (May 22, 2013)	Three changes (makes optional certain disclosures, requires new disclaimer, and revises error resolution provisions)		
	78 FR 49365 (Aug. 14, 2013)	Clarifying amendment and technical corrections		
	79 FR 55970 (Sept. 8, 2014)	Amendment to extend certain temporary exceptions		
	81 FR 83934 (Nov. 22, 2016)	Prepaid Accounts Rule applies to remittance transfers (summary)		
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Regulation H (Flood Disaster Protection Act of 1973)		
Federal Register Notice	Description	
87 FR 32826 (May 31, 2022)	2022 Flood Insurance Questions and Answers	
84 FR 4953 (February 20, 2019)	Private flood insurance	
80 FR 43216 (July 21, 2015)	Escrow and detached structure	

Dodd-Frank Act Mortgage Rules*			
Federal Register Notice	Description		
78 FR 4726 (Jan. 22, 2013)	Escrow Requirements for Higher Priced Mortgage Loans		
78 FR 6408 (Jan. 30, 2013)	2013 Ability-to-Repay/Qualified Mortgage Rule		
78 FR 7216 (Jan 31, 2013)	Appraisals Under the Equal Credit Opportunity Act (Regulation B)		
78 FR 6856 (Jan. 31, 2013)	High-Cost Mortgage and Homeownership Counseling— Regulations X and Z		
78 FR 10368 (Feb. 13, 2013)	2013 Appraisals for Higher-Priced Mortgages		
78 FR 10696 (Feb. 14, 2014)	Mortgage Servicing Rules Under the Real Estate Settlement Procedures Act (Regulation X)		
78 FR 10902 (Feb 14, 2013)	Mortgage Servicing Rules Under the Truth in Lending Act		
78 FR 11280 (Feb. 15, 2013)	Loan Originator Compensation — Regulation Z		
78 FR 79730 (Dec. 31, 2013)	Integrated RESPA/TILA Mortgage Disclosure Rule		



	Regulation-Spec	ific Resources
	Fair Lendi	ing
	Regulation B 24 CFR Part 100 (FHA Regulation) US Code ECOA (15 USC 1691 et sq) US Code FHA (42 USC 3601 et seq) Interagency Examination Procedures Outlook Live annual interagency fair lending webinars (archive of sildes and audio since 2011)	DOJ Fair Lending Resources DOJ Fair Lending Cases DOJ FhA Overview CFPB ECOA Resources CFPB 2022 ECOA Report to Congress
4	Regulation C (i - US Code HMDA (12 USC 2901 et seq.) - CFPB HMDA Resources - HMDA FAQs - FFIEC HMDA Resources - Interagency Examination Procedures	IMDA)
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Regu	lation E (EFTA)
Regulation E US Code EFTA (15 USC 1693 et seq) FFBR Remittance Transfer Resources FFB Electronic Fund Transfers Resources FFB Electronic Fund Transfers FAQs Interagency Examination Procedures	
Flood Disaster Protection Act Regulation H (Federal Reserve) US Code (42 USC 4001 et seq) Flood Insurance Q&As (2022) Interagency Examination Procedures	Outlook Live webinars 2022 Flood Insurance Q&As <u>audio & slides</u> Private flood Insurance <u>audio & slides</u> BWA Flood Insurance <u>audio & slides</u>

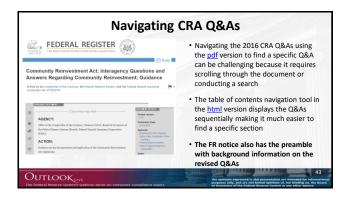
Regulation-Specific Resources (cont.)		
Regulation P (GLBA) Regulation P US Code GLBA (15 USC 6801 et seq) Interagency Examination Procedures	Regulation X (RESPA) Regulation X US Code RESPA (12 USC 2601 et seq) CFPB Mortgage Servicing Resources CFPB RESPA Resources Interagency Examination Procedures	
Community Reinvestment Act Regulation BB (Federal Reserve) US Cogle CRA (12 USC 2901 et seq.) CRA Q&As (2016) Agency interpretive letters FFIEC CRA Resources Outlook Live webinar 2016 Q&As & slides	Regulation CC (EFAA) Regulation CC US Code EFAA (12 USC 4001 et seq) Federal Reserve Guide to Reg. CC Interagency Examination Procedures	

Regulation-Speci	fic Resources (cont.)
Regulation V (FCRA)	Regulation Z (TILA)
Regulation V US Code FCRA (15 USC 1681 et seq) CFPB FCRA Resources Interagency Examination Procedures	Regulation Z US Code TILA (15 USC 1601 et seq) CFPB Mortgage Resources Interagency Examination Procedures Outlook Live hosted several TRID webinars in 2015 and 2016
Unfair, Deceptive, or Abusive Act	s and Practices (UDAP and UDAAP)
UDAP § 5 of the FTC Act (15 USC 45(a)) UDAAP (Dodd-Frank Act) (12 USC 5531) Federal Reserve/FDIC UDAP Guidance Federal Reserve UDAP Examination Procedures CFPB UDAAP Examination Procedures	CFPB Policy Statement on UDAAP Interagency Guidance Regarding Unfair or Deceptive Credit Practices OCC 2020 UDAP Guidance
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Regulation-Specific Resources (cont.)	
Regulation DD (TISA)	Military Lending Act
Regulation DD US Code TISA (12 USC 4301 et seq) Interagency Examination Procedures	MLA regulation (32 CFR Part 232) US Code MLA (10 USC 987) DOD Interpretative Rule (8/20/16) DOD amended Interpretative Rule (12/28/20) CFPB MLA summary Interagency Examination Procedures
Servicemembers Civil Relief Act	Garnishment Rule
US Code SCRA (50 USC 3901 et seq) CFPB Resources DOJ Overview Interagency Examination Procedures 2012 Outlook Live audio & slides	Regulation (31 CFR Part 212) CCO article Interagency Examination Procedures
Outlook	41

Other Resources Official Questions and Answers (Q&As) The relevant federal agencies have published official "Questions and Answers" for both the Community Reinvestment Act (CRA) and the Flood Disaster Protection Act (FDPA) to clarify these laws and their implementing regulations: Flood Insurance Q&As pdf and html (updated in 2022) CRA Q&As pdf and html (updated in 2016) Because these Q&As are published through the APA's notice and comment procedure and reflect the agencies' position, they provide a valuable tool to clarify the requirements of the FDPA and the CRA

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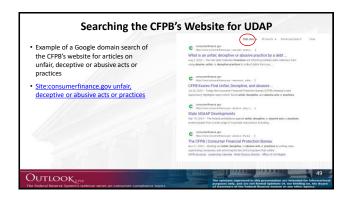
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Other Resources (cont.)		
Agency Outreach		
Federal Reserve Consumer Compliance Outlook Article index Regulatory Calendar Outlook Live Webinars Consumer Compliance Supervisory Bulletin	FDIC • Consumer Compliance Supervisory Highlights	
CFPB • CFPB's Supervisory Highlights	• OCC Semiannual Risk Perspective	
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Informal Agency Documents CFPB CIrculars (About Circulars) Advisory Opinions (AO Policy) CA Letters CALetters CALetters Comptroller compliance handbooks	Other Resour	ces (cont.)
Circulars (About Circulars) Advisory Opinions (AO Policy) OCC Bulletins Comptroller compliance Financial Institution Letters	Informal Agency	y Documents
Bulletins Comptroller compliance Financial Institution Letters	<u>Circulars</u> (About Circulars)	
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Example of a Google domain search of the NCUA's website for articles on unfair or deceptive acts or practices site:ncua.gov unfair deceptive act practice	Comment Control Cont
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Searching CCO's Website for Risk Rating 2.0 • Example of a Google domain search of the Consumer Compliance Outlook website for articles for FEMA'S Risk Rating 2.0 Initiative using a Specific date range of 4/5/21-4/5/24 • site:consumercomplianceoutlook.org risk rating 2.0 **Consumer Compliance Outlook organized Compliance of the Consumer Compliance Outlook organized Consumer Compliance Outlook organized Consumer Compliance Outlook organized Consumer Compliance Outlook organized Consumer Compliance Outlook.org

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