Outlook Live Webinar- October 1, 2014 TILA-RESPA Integrated Disclosures, Part 3 Completing the Loan Estimate

Presented by the Consumer Financial Protection Bureau

The content of this webinar is current as of the date the webinar was originally presented. This webinar has not been updated since its original presentation date and does not reflect the changes and clarifications set forth in the final rule issued on July 7, 2017.

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The opinions expressed in this presentation are intended for informational purposes, and are not formal opinions of, nor binding on, the Board of Governors of the Federal Reserve System.

Disclaimer

- The Bureau issued the TILA-RESPA Integrated Disclosure final rule in November of 2013 to implement provisions under the Dodd Frank Wall Street Reform and Consumer Protection Act.
- The Final Rule will take effect in August 2015.
- This presentation is current as of October 1, 2014. This presentation does not represent legal interpretation, guidance or advice of the Bureau. While efforts have been made to ensure accuracy, this presentation is not a substitute for the rule. Only the rule and its Official Interpretations can provide complete and definitive information regarding requirements. This document does not bind the Bureau and does not create any rights, benefits, or defenses, substantive or procedural, that are enforceable by any party in any manner.



CFPB Resources

- Dedicated Regulatory Implementation Website: http://www.consumerfinance.gov/regulatory-implementation/tila- respa/
 - Small Entity Compliance Guide
 - Guide to Forms
 - Sample and Annotated Forms
 - Links to Webinars
 - Disclosure timeline illustration
 - Additional Guidance Materials

• eRegulations Tool:

http://www.consumerfinance.gov/eregulations



August 2014 Webinar – Recap

- Addressed recurring issues and interpretive questions
 - Submitted to CFPB by industry and trade groups
 - Collected during last webinar
 - Raised through other channels
- Topics Covered
 - Application (continued from last session)
 - □ Scope
 - Record Retention
 - Timing for delivery and redisclosure
 - Tolerance
 - Loan Estimate form contents (Introduction)



Loan Estimate Form, Page 1: 1026.37(a)-(e)

12 CFR 1026.37

Bank Name - (a)(3)		5470 0115	Loan Estimate to con	npare with your Closing Disclosure.(
Loan Estimate (a)(1) date issued (a)(4) applicants (a)(5)		PURPOSE PRODUCT LOAN TYP LOAN ID #	(a)(10) E □Conventiona (a)(12)	□FHA □VA □ (a)(11)
PROPERTY (a)(6) Ale price (a)(7)		RATE LOCK DO VES, until (a)(13) Before closing, your interest rate, points, and lender credits of change unless you lock the interest rate. All other estimate closing costs expire on		
Loan Terms		Can this	amount increase	after closing?
Loan Amount	(b)(1)			
Interest Rate	(b)(2)		(b)(6)
Monthly Principal & Interest See Projected Payments below for your Estimated Total Monthly Payment	(b)(3)			
		Does the	e loan have these	features?
Prepayment Penalty	(b)(4) (b)(7)		(b)(7)	
Balloon Payment		(b)(5)		
Projected Payments				
Payment Calculation		(C)	(3)	
Principal & Interest				
Mortgage Insurance	(c)(2)			
Estimated Escrow Amount can increase over time				
Estimated Total Monthly Payment				
	(c)(4)	This estimat	axes er's Insurance	In escrow?
Estimated Taxes, Insurance & Assessments Amount can increase over time				property costs, roll mast pay tor other
& Assessments		See Section G o		
& Assessments Amount can increase over time		See Section G of property costs (d)(1) udes ir		in Other Costs -

- Annotations provide regulatory citations to 12 CFR 1026.37
- See also Section 2.2 of the Guide to Forms
- Sample forms available on website

Loan Estimate form: General Questions

- Q: Is there a required font and font size for the Loan Estimate? (1026.37(0); Comment 37-2)
- Q: Can the designation "N/A" be used where no value is to be disclosed on the Loan Estimate? (Comment 37-1)
- Q: Is there a required naming convention used for charges on the Loan Estimate?
- Q: Does the creditor have to disclose an itemization of the amount financed with the Loan Estimate?



Page 1 (1026.37(a); Guide to Forms Section 2.2.1)

	Save this Loan Estimate to compare with your Closing Disclosure.	
Loan Estimate	LOAN TERM PURPOSE	
DATE ISSUED	PRODUCT	
APPLICANTS	LOAN TYPE □Conventional □FHA □VA □	
	LOAN ID #	
	RATE LOCK □ NO □ YES, until	
PROPERTY	Before closing, your interest rate, points, and lender credits can	
SALE PRICE	change unless you lock the interest rate. All other estimated closing costs expire on	

- Q: When the Sale Price of the property is not yet known, does the creditor disclose a label other than "Sale Price" for the Sale Price on the Loan Estimate? (1026.37(a)(7))
- Q: If a loan product consists of a combination of two product types e.g. a step rate for a set period of time, followed by an adjustable rate for the remaining term of the loan how is the product to be described? Should it be described as an Adjustable Rate loan or as a Step Rate loan? (1026.37(a)(10))
- Q: Is the mailing address for each Applicant the U.S. postal mailing address or can it be some other type of address? (1026.37(a)(5))



Brokered Transactions (1026.37(a); Guide to Forms Section 2.2.1)

	Save this Loan Estimate to compare with your Closing Disclosure.	
Loan Estimate	LOAN TERM PURPOSE	
DATE ISSUED	PRODUCT	
APPLICANTS	LOAN TYPE □Conventional □FHA □VA □	
	LOAN ID #	
	RATE LOCK 🛛 NO 🗆 YES, until	
PROPERTY	Before closing, your interest rate, points, and lender credits can	
SALE PRICE	change unless you lock the interest rate. All other estimated closing costs expire on	

- Q: If a broker is issuing a Loan Estimate but does not know the creditor, may the broker put its name in place of the creditor's? (1026.37(a)(3))
- Q: Section 1026.37(a)(12) indicates the creditor must disclose a unique loan ID number. If the creditor is unknown:
 - □ Is the broker required to generate and disclose a unique ID number?
 - Is the creditor required to disclose its own unique loan ID once there is a creditor for the loan?



Loan Terms (1026.37(b); Guide to Forms Section 2.2.2)

Loan Terms	Can this amount increase after closing?
Loan Amount	
Interest Rate	
Monthly Principal & Interest	
See Projected Payments below for your Estimated Total Monthly Payment	
	Does the loan have these features?
Prepayment Penalty	
Balloon Payment	

- Q: What interest rate should be disclosed where the initial interest rate is calculated using a different formula than that used for subsequent rate adjustments? (1026.37(b)(2))
- Q: How does a creditor disclose items in the Loan Terms table where the applicable dates for changes to interest rate, periodic payments, balloon payments, or prepayment penalties are not in whole years? (1026.37(b)(8) and .37(a)(10))



Projected Payments (1026.37(c); Guide to Forms Section 2.2.3)

Projected Payments		
Payment Calculation		
Principal & Interest		
Mortgage Insurance		
Estimated Escrow Amount can increase over time		
Estimated Total Monthly Payment		
	This estimate includes	In escrow?
Estimated Taxes, Insurance & Assessments Amount can increase over time	Property Taxes Homeowner's Insurance Other:	
	See Section G on page 2 for escrowed p property costs separately.	roperty costs. You must pay for other

Projected Payments				
Payment Calculation	Years 1-7		Years 8-30	
Principal & Interest	\$761.78		\$761.78	
Mortgage Insurance	+	82	+ -	
Estimated Escrow Amount can increase over time	t	206	+ 206	
Estimated Total Monthly Payment		\$1,050	\$968	
Estimated Taxes, Insurance & Assessments Amount can increase over time	\$206 a month	This estimate includ	YES rance YES for escrowed property costs. You must pay for other	



Projected Payments 1

Projected Payments		
Payment Calculation		
Principal & Interest		
Mortgage Insurance		
Estimated Escrow Amount can increase over time		
Estimated Total Monthly Payment		
Estimated Taxes, Insurance & Assessments Amount can increase over time	This estimate includes Property Taxes Homeowner's Insurance Other: See Section G on page 2 for escrowed property costs separately.	In escrow? operty costs. You must pay for other

- Q: Can the amount disclosed for Estimated Taxes, Insurance & Assessments be for a time period of other than monthly? (1026.37(c)(4) and .37(o)(5))
- Q: If mortgage insurance will automatically terminate in the time period that would be included in the 4th column, how do I indicate that mortgage insurance will terminate before the end of the loan? (1026.37(c)(1)(ii))
- Q: Must the escrow row be shown if no escrow account is established? (1026.37(c)(2))



Projected Payments 2

Projected Payments		
Payment Calculation		
Principal & Interest		
Mortgage Insurance		
Estimated Escrow Amount can increase over time		
Estimated Total Monthly Payment		
	This estimate includes	In escrow?
Estimated Taxes, Insurance & Assessments Amount can increase over time	 Property Taxes Homeowner's Insurance Other: 	
	See Section G on page 2 for escrowed pr property costs separately.	operty costs. You must pay for other

 Q: Are flood insurance premiums included in Homeowner's Insurance for purposes of the Escrow disclosure and the Taxes, Insurance & Assessments disclosure on the Projected Payments table? (1026.37(c)(4))



Costs at Closing (1026.37(d); Guide to Forms Section 2.2.4)

Includes in Loan Costs + in Other Costs – in Lender Credits. <i>See page 2 for details.</i>
Includes Closing Costs. See Calculating Cash to Close on page 2 for details.

Visit www.consumerfinance.gov/mortgage-estimate for general information and tools.

Alternative for transactions without a seller

Costs at Closing	
Estimated Closing Costs	Includes in Loan Costs + in Other Costs – in Lender Credits. <i>See page 2 for details.</i>
Estimated Cash to Close	Includes Closing Costs. See Calculating Cash to Close on page 2 for details.

Visit www.consumerfinance.gov/mortgage-estimate for general information and tools.

• Q: Are the modifications to the Loan Estimate for transactions without a seller required? (1026.37(d) and .37(h))



Loan Estimate Form, Page 2: 12 CFR 1026.37(f)-(j)

Loan Costs		Other Costs	
A. Origination Charges		E. Taxes and Other Government Fees	
% of Loan Amount (Points)		Recording Fees and Other Taxes (g)(1)	
		Transfer Taxes (9)(1)	
		F. Prepaids	
(f)	(1)	Homeowner's Insurance Premium (months) Mortgage Insurance Premium (months) Prepaid Interest (per day for days @) Property Taxes (months) (g)(2)	
		G. Initial Escrow Payment at Closing	
		Homeowner's Insurance per month for mo.	
B. Services You Cannot Shop For		Mortgage Insurance per month for mo. Property Taxes per month for mo.	
		(g)(3)	
(f)(2)	H. Other	
		(g)(4)	
C. Services You Can Shop For		I. TOTAL OTHER COSTS (E + F + G + H) (g)(5	
c. Services fou can shop for			
		J. TOTAL CLOSING COSTS	
		D + I (g)(6) Lender Credits	
(f)(3)		Calculating Cash to Close (h)(1) Total Closing Costs (J)	
		Closing Costs Financed (Paid from your Loan Amount)	
		Down Payment/Funds from Borrower	
		Deposit	
		Funds for Borrower	
		Seller Credits	
		Adjustments and Other Credits	
D. TOTAL LOAN COSTS (A + B +	c) (f)(4	Estimated Cash to Close	
Adjustable Payment (AP) Ta	ble	Adjustable Interest Rate (AIR) Table	
nterest Only Payments?	(i)(1)	Index + Margin (j)(1)	
Optional Payments?	(i)(2)	Initial Interest Rate (j)(3)	
-	(i)(3)	Minimum/Maximum Interest Rate (j)(4)	
Step Payments?			
Step Payments? Seasonal Payments?	(i)(4)	Change Frequency First Change (j)(5)	

(i)(5)

Limits on Interest Rate Changes

(j)(6)

PAGE 2 OF 3 + LOAN ID #

First Change

Subsequent Changes

- Annotations provide regulatory citations to 12 CFR 1026.37
- See also Section 2.3 of the Guide to Forms
- Sample forms available on web site



First Change/Amount

Subsequent Changes

Maximum Payment

Loan Costs 1 — Origination Charges (1026.37(f); Guide to Forms Section 2.3.1)

A.	Origination Charges	
	% of Loan Amount (Points)	

B. Services You Cannot Shop	For
------------------------------------	-----

C. Services You Can Shop For

D. TOTAL LOAN COSTS (A + B + C)



Q: If a creditor charges an origination fee that is a
percentage of the loan amount, but it is not a "point paid to
the creditor to reduce the interest rate," may the creditor
identify it as a point in some way to preserve its tax
deductibility for the consumer? (1026.37(f)(1))

- Q: Assume the creditor will pay a Loan-Level Price Adjustment (LLPA) to the secondary market purchaser (1026.37(f)(1)):
 - If the creditor does not charge the consumer an upfront fee, but passes the cost of the LLPA on to the consumer through interest, is the creditor required to disclose the LLPA?
 - If the creditor does charge the consumer an upfront fee, should it be disclosed as a "point" or an "origination charge"?
 - If the creditor offers the borrower a zero or lower point option, and the consumer chooses to pay for discount points in an amount greater than the LLPA to obtain a lower rate, may the creditor disclose the amount paid as discount points rather than an origination charge?

Loan Costs 2 (1026.37(f) and (g); Guide to Forms Section 2.3.1)

Loan	Costs

Origination Charges
 % of Loan Amount (Points)

B. Services You Cannot Shop For	В.	Services	You	Cannot	Shop	For
---------------------------------	----	----------	-----	--------	------	-----

C. Services You Can Shop For

D. TOTAL LOAN COSTS (A + B + C)



- Q: Must a creditor disclose fees that are not allowed by FHA/VA? If so, where? (Comment 37-1; 1026.17(c))
- Q: How does the creditor disclose charges for third-party administrative and processing fees that are currently rolled up into Block 1 of the GFE? (1026.37(f)(1) and (f)(2))
- Q: Can a creditor change the number of lines for each category of costs if there are more or fewer charges in each category? (1026.37(f)(6))
- Q: How should premium rate credit or "negative points" be disclosed? May the creditor add a separate addendum to detail the offset? (1026.37(g)(6))

Other Costs (1026.37(g); Guide to Forms Section 2.3.2)

Other Costs

E. Taxes and Other Government Fees Recording Fees and Other Taxes Transfer Taxes

F. Prepaids

Homeowner's Insurance Premium (months) Mortgage Insurance Premium (months) Prepaid Interest (per day for days @ Property Taxes (months)

G. Initial Escrow Payment at Closing				
Homeowner's Insurance	per month for	mo.		
Mortgage Insurance	per month for	mo.		
Property Taxes	per month for	mo.		

H. Other

I. TOTAL OTHER COSTS (E + F + G + H)

J. TOTAL CLOSING COSTS

D + I Lender Credits



- Q: Recording fees and other taxes appear to encompass all government taxes which are not transfer taxes. Does this include taxes on separate services, such as title insurance? (1026.37(g)(1))
- Q: Credit life insurance is usually paid on a monthly basis, but is only mentioned in the "Other" section of "Other Costs." Is that where I should disclose the premium? (1026.37(g)(4))

Calculating Cash to Close 1 (1026.37(h); Guide to Forms Sections 2.3.3 and 2.3.4)

Standard

Calculating Cash to Close
Total Closing Costs (J)
Closing Costs Financed (Paid from your Loan Amount)
Down Payment/Funds from Borrower
Deposit
Funds for Borrower
Seller Credits
Adjustments and Other Credits
Estimated Cash to Close

Alternative for transactions without a seller

Calculating Cash to Close

Loan Amount Total Closing Costs (J)

Estimated Total Payoffs and Payments

Estimated Cash to Close 🗌 From 🗌 To Borrower

Estimated Closing Costs Financed (Paid from your Loan Amount)

- Q: How does a creditor determine the "third party" payments to be deducted from the loan amount to calculate the Closing Costs Financed? (1026.17(c) and .37(g))
- Q: Is the deposit or down payment subtracted as part of the calculation of Closing Costs Financed? (1026.37(h))
- Q: Is the calculation of the Closing Costs Financed line item affected by a seller credit? (1026.37(h))



Calculating Cash to Close 2

Standard

Calculating Cash to Close
Total Closing Costs (J)
Closing Costs Financed (Paid from your Loan Amount)
Down Payment/Funds from Borrower
Deposit
Funds for Borrower
Seller Credits
Adjustments and Other Credits
Estimated Cash to Close

Alternative for transactions without a seller

Calculating Cash to Close Loan Amount Total Closing Costs (J) Estimated Total Payoffs and Payments Estimated Cash to Close From To Borrower Estimated Closing Costs Financed (Paid from your Loan Amount)

- Q: For the "Downpayment/Funds for Borrower" line item, does the "existing debt" being satisfied include any type of debt, other than debts disclosed under §1026.37(g), whether or not the creditor required it to be repaid?
- Q: What debt is disclosed under §1026.37(g) instead of as part of Payoffs and Payments under the alternative Calculating Cash to Close table?
- Q: Does the payoff of any outstanding debt of the consumer included as part of Payoffs and Payments or only those debts of the consumer that are required to be paid as a condition of the extension of credit? (1026.37(h)(2))



Calculating Cash to Close 3

Standard

Calculating Cash to Close
Total Closing Costs (J)
Closing Costs Financed (Paid from your Loan Amount)
Down Payment/Funds from Borrower
Deposit
Funds for Borrower
Seller Credits
Adjustments and Other Credits
Estimated Cash to Close

Alternative for transactions without a seller

Calculating Cash to Close

Loan Amount

Total Closing Costs (J)

Estimated Total Payoffs and Payments

Estimated Cash to Close 🗌 From 🗌 To Borrower

Estimated Closing Costs Financed (Paid from your Loan Amount)

- Q: Can the alternative cash to close table be used for multiple loan transactions without a seller? There is no line for the application of subordinate financing in the alternative Cash to Close table. (1026.37(h)(2))
- Q: Can the standard Calculating Cash to Close table disclose the Estimated Cash to Close amount as a negative number? (1026.37(h)(1))



Loan Estimate – AP & AIR Tables (1026.37(i) and (j); Guide to Forms Sections 2.3.5 and 2.3.6)

Adjustable Payment (AP)) Table
Interest Only Payments?	
Optional Payments?	
Step Payments?	
Seasonal Payments?	
Monthly Principal and Interes	t Payments
First Change/Amount	
Subsequent Changes	
Maximum Payment	

Adjustable Interest Rate (AIR) Table

Index + Margin

Initial Interest Rate

Minimum/Maximum Interest Rate

Change Frequency

First Change

Subsequent Changes

Limits on Interest Rate Changes

First Change

Subsequent Changes

• Q: Are the adjustable payments and adjustable interest tables disclosed for a fixed rate loan? (1026.37(i) and .37(j))



LOAN COTHERTS

Loan Estimate Form, Page 3: 12 CFR 1026.37(k)-(n)

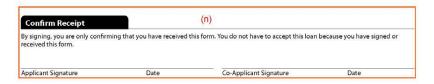
Additional Information About This Loan

LENDER NMLS/ LICENSE ID	(k)(1)	MORTGAGE BROKER NMLS/LICENSE ID	
LOAN OFFICER NMLS/ LICENSE ID	(k)(2)	LOAN OFFICER NMLS/LICENSE ID	
EMAIL PHONE	(k)(3)	EMAIL PHONE	

Comparisons	Use these measures to compare this loan with other loans.			
In 5 Years	(I)(1)	Total you will have paid in principal, interest, mortgage insurance, and loan costs. Principal you will have paid off.		
Annual Percentage Rate (APR)	(I)(2)	Your costs over the loan term expressed as a rate. This is not your interest rate.		
Total Interest Percentage (TIP)	(I)(3)	The total amount of interest that you will pay over the loan term as a percentage of your loan amount.		

Other Considerations

Appraisal	(m)(1)	We may order an appraisal to determine the property's value and charge you for this appraisal. We will promptly give you a copy of any appraisal, even if your loan does not close. You can pay for an additional appraisal for your own use at your own cost.
Assumption	(m)(2)	If you sell or transfer this property to another person, we will allow, under certain conditions, this person to assume this loan on the original terms. will not allow assumption of this loan on the original terms.
Homeowner's Insurance	(m)(3)	This loan requires homeowner's insurance on the property, which you may obtain from a company of your choice that we find acceptable.
Late Payment	(m)(4)	If your payment is more than days late, we will charge a late fee of
Refinance	(m)(5)	Refinancing this loan will depend on your future financial situation, the property value, and market conditions. You may not be able to refinance this loan.
Servicing	(m)(6)	We intend ☐ to service your loan. If so, you will make your payments to us. ☐ to transfer servicing of your loan.



- Annotations provide • regulatory citations to 12 CFR 1026.37
- See also Section 2.4 of the Guide to Forms
- Sample forms ٠ available on web site



LOAN ESTIMATE

rotection Bureau

PAGE 3 OF 3 + LOAN ID #

Contact Information (1026.37(k); Guide to Forms Section 2.4.1)

LENDER NMLS/___LICENSE ID LOAN OFFICER NMLS/___LICENSE ID EMAIL PHONE MORTGAGE BROKER NMLS/___LICENSE ID LOAN OFFICER NMLS/___LICENSE ID EMAIL PHONE

- Q: In a loan with a mortgage broker, must both a creditor's loan officer and a mortgage broker's loan officer be listed? (1026.37(k); 1026.36(g))
- Q: Should we use the same person's NMSLR identification number that will be identified on the note and other documents? (1026.37(k); 1026.36(g))



Comparisons (1026.37(l); Guide to Forms Section 2.4.2)

Comparisons	Use these measures to compare this loan with other loans.		
In 5 Years	Total you will have paid in principal, interest, mortgage insurance, and loan costs. Principal you will have paid off.		
Annual Percentage Rate (APR)	Your costs over the loan term expressed as a rate. This is not your interest rate.		
Total Interest Percentage (TIP)	The total amount of interest that you will pay over the loan term as a percentage of your loan amount.		

• Q: Is the Annual Percentage Rate disclosed as a rounded amount or is it truncated at three decimal places? (1026.37(l) and .37(o)(4))



Other Considerations (1026.37(m); Guide to Forms Section 2.4.3)

Other Consideration	ons		
Appraisal	We may order an appraisal to determine the property's value and charge you for this appraisal. We will promptly give you a copy of any appraisal, even if your loan does not close. You can pay for an additional appraisal for your own use at your own cost.		
Assumption	If you sell or transfer this property to another person, we will allow, under certain conditions, this person to assume this loan on the original terms. will not allow assumption of this loan on the original terms.		
Homeowner's Insurance	This loan requires homeowner's insurance on the property, which you may obtain from a company of your choice that we find acceptable.		
Late Payment	If your payment is more than days late, we will charge a late fee of		
Refinance	Refinancing this loan will depend on your future financial situation, the property value, and market conditions. You may not be able to refinance this loan.		
Servicing	We intend □ to service your loan. If so, you will make your payments to us. □ to transfer servicing of your loan.		

- Q: Does the creditor need to disclose on the Loan Estimate that it will transfer servicing if the transfer is not immediate, but will happen at some later point in time during the life of the loan? (1026.37(m)(6))
- Q: Does the creditor need to disclose on the Loan Estimate that it will transfer servicing if the transfer is to the creditor's subsidiary or affiliate? (1026.37(m)(6))
- Q: Does the Appraisal notice satisfy the requirements of Regulation B, or does the creditor need to provide a separate disclosure for that requirement? (1026.37(m)(7))



Loan Estimate – Service Provider List (1026.19(e)(1)(vi) and Appendix H-27)

Additional Details for Services You Can Shop For

To get you started with shopping, this list identifies some providers for the services you can shop for (see Section C on page 2 of your Loan Estimate).

Service Provider List	You can select these providers or shop for your own providers.			
Service	Estimate	Provider We Identified	Contact Information	
	_			
		_		

• Q: How can a creditor communicate to the consumer that the identification of a service provider on the written list is not an endorsement of that service provider?

