

# Consumer Compliance Resources

**Outlook Live Webinar – April 17, 2024**

Visit us at [www.consumercomplianceoutlook.org](http://www.consumercomplianceoutlook.org)

---

---

---

---

---

---

---

---

## Welcome to Outlook Live

- **Registration**
  - Register in advance for this webinar: [https://tloufsfd.org/zoomgov.com/webinar/register/WN\\_6v25VWNHS\\_GJvIzVtUoawWf/registration](https://tloufsfd.org/zoomgov.com/webinar/register/WN_6v25VWNHS_GJvIzVtUoawWf/registration)
  - Registration confirmation email will immediately follow and includes connection information
  - Add to calendar option within the registration confirmation
- **Webinar Connection**
  - Link provided:
    - Registration confirmation email
    - Calendar invitation
  - If you have audio issues, you can connect via phone:
    - (833) 568-8864 (Toll Free); Webinar ID: 160 042 0755
- **How we'll take questions**
  - Use the Q&A option in Zoom to submit your questions
  - If time permits, questions submitted during the session may be addressed. All questions will be logged for further evaluation.
- **Legal Disclaimer**
  - The opinions expressed in this presentation are intended for informational purposes only, and are not formal opinions of, nor binding on, the Reserve Banks, the Board of Governors of the Federal Reserve System, or any other agency.
- **CE Credits**
  - CRCM CE credits are available for this session. Please complete the survey after the session where you will be able to indicate whether you would like to receive CE credit.
  - Attendee Instructions for self-reporting CE credit:
    1. Log into certification record at [aba.ceod.com](http://aba.ceod.com)
    2. Hover over **ADD CE CREDIT** select **APPROVED NON-ABA CE**
    3. Enter key word(s) from program title or sponsor name and **Select** program from search results
    4. Click **Request** and when page refreshes click **Mark Complete**

---

---

---

---

---

---

---

---

## Agenda

- [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](#)

---

---

---

---

---

---

---

---

## Regulatory Framework

**OUTLOOK LIVE**  
The Federal Reserve System's webinar series on consumer compliance topics.

4

The opinions expressed in this presentation are intended for informational purposes only, and are not financial opinions of, nor binding on, the Board of Governors of the Federal Reserve System or any other agency.

---

---

---

---

---

---

---

---

## Regulation of Insured Depository Institutions

	State Member Bank	State Nonmember Bank	National Bank	Credit Union
Charter	State	State	National	NCUA or State
Primary Federal Regulator	Federal Reserve	FDIC	OCC	NCUA*
<b>Insured Depository Institutions &lt; \$10 Billion in Assets</b>				
Consumer Compliance Regulator	Federal Reserve	FDIC	OCC	NCUA
<b>Insured Depository Institutions &gt; \$10 Billion in Assets</b>				
Enumerated Laws	CFPB	CFPB	CFPB	CFPB
Non-Enumerated Laws	Federal Reserve	FDIC	OCC	NCUA

\*The NCUA is the primary federal regulator of state-chartered credit unions if it provides deposit insurance.

**OUTLOOK LIVE**  
The Federal Reserve System's webinar series on consumer compliance topics.

5

The opinions expressed in this presentation are intended for informational purposes only, and are not financial opinions of, nor binding on, the Board of Governors of the Federal Reserve System or any other agency.

---

---

---

---

---

---

---

---

## Regulations and Guidance – Enumerated Laws

Dodd-Frank Act Federal Consumer Financial Laws (Enumerated Consumer Laws)	
Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.)	Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.)
Consumer Leasing Act of 1976 (12 U.S.C. 1667 et seq.)	Home Ownership and Equity Protection Act of 1994 (15 U.S.C.1601 note)
Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) except § 920	Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701)
Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)	Gramm-Leach-Bliley Act, §§ 502-509 (15 U.S.C. 6802-6809)
Fair Credit Billing Act (15 U.S.C. 1666 et seq.)	Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.)
Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) except § 615(e) (identity theft red flags) and § 628 (records disposal) (15 U.S.C. 1681m(e) and 1681w)	§ 626 of the Omnibus Appropriations Act (12 USC 5538) (unfair or deceptive acts or practices involving mortgage loans)
Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.)	S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.)
§ 43(b)-(f) of the Federal Deposit Insurance Act (12 U.S.C.1831(b)-(f)) (disclosure requirements for institutions lacking Federal deposit insurance)	Truth in Lending Act (12 U.S.C. 1601 et seq.)
Federal Trade Commission Act (specified rules)	Truth in Savings Act (12 U.S.C.4301 et seq.)
Home Mortgage Disclosure Act (12 U.S.C. 2801 et seq.)	

**OUTLOOK LIVE**  
The Federal Reserve System's webinar series on consumer compliance topics.

6

The opinions expressed in this presentation are intended for informational purposes only, and are not financial opinions of, nor binding on, the Board of Governors of the Federal Reserve System or any other agency.

---

---

---

---

---

---

---

---





## 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 eCFR (electronic code of federal regulations) is the most up-to-date version
- An annual [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

---

---

---

---

---

---

---

---

---

---

## 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: [32 CFR Part 232](#)
  - Federal Reserve: [12 CFR Parts 200-299\\*](#)
  - Federal Trade Commission: [16 CFR Parts 1-901](#)
  - FDIC: [12 CFR Parts 300-399](#)
  - 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 rulemaking authority to the CFPB, except the Federal Reserve retains rulemaking authority for these regulations for certain motor vehicle dealers excluded from the CFPB's jurisdiction. See 12 U.S.C. § 5519(a), 15 U.S.C. §§ 1691b(f) and 1693b(a)(2)

---

---

---

---

---

---

---

---

---

---

## The CFPB's Interactive Regulations

- The CFPB publishes an unofficial version of its regulations on its [website](#)

12 CFR Part 1002 - Equal Credit Opportunity Act (Regulation B)	12 CFR Part 1012 - Special Rules of Practice (Regulation L)
12 CFR Part 1003 - Home Mortgage Disclosure (Regulation C)	12 CFR Part 1013 - Consumer Lending (Regulation M)
12 CFR Part 1004 - Alternative Mortgage Transaction Parity (Regulation D)	12 CFR Part 1016 - Privacy of Consumer Financial Information (Regulation P)
12 CFR Part 1005 - Electronic Fund Transfers (Regulation E)	12 CFR Part 1022 - Fair Credit Reporting (Regulation V)
12 CFR Part 1006 - Fair Debt Collection Practices Act (Regulation F)	12 CFR Part 1024 - Real Estate Settlement Procedures Act (Regulation X)
12 CFR Part 1007 - S.A.F.E. Mortgage Licensure Act - Federal Registration of Residential Mortgage Loan Originators (Regulation G)	12 CFR Part 1026 - Truth in Lending (Regulation Z)
12 CFR Part 1008 - S.A.F.E. Mortgage Licensure Act - State Compliance and Reciprocity Registration System (Regulation H)	12 CFR Part 1030 - Truth in Savings (Regulation DD)
12 CFR Part 1010 - Lend Registration (Regulation J)	12 CFR Part 1041 - Payday, Vehicle Title, and Certain High-Cost Installment Loans (Payday Lending Rule)
12 CFR Part 1011 - Land Registration (Regulation K)	

---

---

---

---

---

---

---

---

---

---







### 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)

---

---

---

---

---

---

---

---

---

---

### Regulation X Example (cont.)

- In the preamble 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)

---

---

---

---

---

---

---

---

---

---

### 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., [Anderson v. Wells Fargo Home Mortgage](#) (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...***")

---

---

---

---

---

---

---

---

---

---





### Federal Register Notices for Major Compliance Rulemakings (cont.)

#### Regulation H (Flood Disaster Protection Act of 1973)

Federal Register Notice	Description
<a href="#">87 FR 32826</a> (May 31, 2022)	2022 Flood Insurance Questions and Answers
<a href="#">84 FR 4953</a> (February 20, 2019)	Private flood insurance
<a href="#">80 FR 43216</a> (July 21, 2015)	Escrow and detached structure

---

---

---

---

---

---

---

---

---

---

### Federal Register Notices for Major Compliance Rulemakings (cont.)

#### Dodd-Frank Act Mortgage Rules\*

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

\*Some of these rules were later amended but the original preamble may discuss sections that were not amended

---

---

---

---

---

---

---

---

---

---

## Specific Compliance Resources

---

---

---

---

---

---

---

---

---

---





## Navigating CRA Q&As

- Navigating the 2016 CRA Q&As using the [pdf](#) version to find a specific Q&A can be challenging because it requires scrolling through the document or conducting a search
- The table of contents navigation tool in the [html](#) version displays the Q&As sequentially making it much easier to find a specific section
- The FR notice also has the preamble with background information on the revised Q&As

43

---

---

---

---

---

---

---

---

---

---

## Navigating an FR notice—CRA Q&As (cont.)

- Clicking a link takes you to the specific Q&A
- Each paragraph has a bookmark icon that creates a URL for that specific paragraph
- This feature makes it easy to [share](#) a particular Q&A with a stakeholder

44

---

---

---

---

---

---

---

---

---

---

## Other Resources (cont.)

### Agency Outreach

<p><b>Federal Reserve</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Consumer Compliance Outlook</a></li> <li>• <a href="#">Article Index</a></li> <li>• <a href="#">Regulatory Calendar</a></li> <li>• <a href="#">Outlook Live Webinars</a></li> <li>• <a href="#">Consumer Compliance Supervisory Bulletin</a></li> </ul> <p style="text-align: center;"><b>CFPB</b></p> <ul style="list-style-type: none"> <li>• <a href="#">CFPB's Supervisory Highlights</a></li> </ul>	<p style="text-align: center;"><b>FDIC</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Consumer Compliance Supervisory Highlights</a></li> </ul> <p style="text-align: center;"><b>OCC</b></p> <ul style="list-style-type: none"> <li>• <a href="#">OCC Semiannual Risk Perspective</a></li> </ul>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

45

---

---

---

---

---

---

---

---

---

---

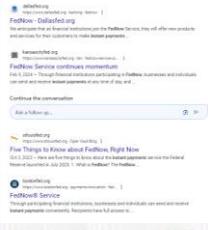






### Single Search of the Websites of the Federal Reserve Board and the 12 Reserve Banks

- This example shows a single Google domain search of the [websites](#) of the Federal Reserve Board and the 12 Reserve Banks for FedNow instant payments




---

---

---

---

---

---

---

---

---

---

## Questions?

---

---

---

---

---

---

---

---

---

---