

**Outlook Live Transcript – Compliance Resources:  
Learning Where to Find Answers to Your Compliance Questions  
April 17, 2024**

**David Hallmon – Federal Reserve Bank of St. Louis (St. Louis Fed):**

Hello and welcome to [Outlook Live: Compliance Resources: Learning Where to Find Answers to Your Compliance Questions](#). I'm Dave Hallmon, with the Center for Learning Innovation at the Federal Reserve Bank of St. Louis, and I'll be producing today's event. Before turning the presentation over to Jason Lew from the Federal Reserve Bank of San Francisco, I'll share our webinar logistics on Slide 2.

We are using Zoom for Government today, so thanks for joining us in this virtual space. Hopefully, your stream is working perfectly, but if not, there is a way for you to connect via phone. If you have technical questions, please send them to us using the Q&A panel, and of course we'll take your content questions as well in the QA panel right here in Zoom. If you'd like to check out the materials, we've shared links in the chat a couple of times and via e-mail for you to access the slides.

We are also offering CRCM CE credits for attending the session. Please complete the survey after the session, where you'll be able to indicate whether you'd like to receive CE credit. Also, feel free to visit our website at [www.consumercomplianceoutlook.org](http://www.consumercomplianceoutlook.org), and in a few days, you'll find session materials and eventually an archive of today's webinar.

All right, let me cover some legal language before turning it over to our presenters. The opinions expressed in this presentation are intended for informational purposes, 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.

All right, with that said, we're ready to get started, and I'm going to turn things over to Jason from the Federal Reserve. Jason, the floor is yours.

**Jason Lew, Federal Reserve Bank of San Francisco (SF Fed):**

Thanks, Dave. Before we dive into today's webinar, I want to provide a little bit of background on today's event. Outlook Live, and our sister publication, [Consumer Compliance Outlook](#), are two of the Federal Reserve System's outreach channels that we leverage to assist community bankers in complying with federal consumer protection laws and regulations.

Normally, we focus on a specific emerging risk or compliance topic, but in today's session we're deviating from our typical approach. With the myriad of resources available to compliance

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

professionals, we will provide an overview of the resources we typically use and provide tips for navigating some of those resources, which we hope is useful as you research compliance questions.

I'm joined today by Ken Benton, the editor of *Consumer Compliance Outlook*, which is published through the Federal Reserve Bank of Philadelphia.

For our agenda, let's move on to slide 3.

We'll begin with an overview of the regulatory framework.

We'll then cover the variety of resources available to you.

- We'll start with the US Code, which is a consolidation of laws of the United States – so the legislation that has been enacted.
- We'll then move on to the Code of Federal Regulations, which are the implementing regulations of those laws in the Code.
- We'll show you how to access the Regulatory Agenda for each agency, which includes the rulemaking proceedings that are planned or that are currently underway at each agency.
- We'll then provide an overview of the *Federal Register*, including some tips on how to navigate the *Federal Register* to find answers to your questions.
- And we'll finish off the session by going over some specific compliance resources and some tips on searching the regulatory agency websites.

So with that, let's move ahead to slide 5.

To lay the groundwork for our discussion on compliance resources, I think it's helpful to understand the regulatory framework, particularly since it's important to know which agency has rulewriting authority over which specific consumer laws, and the agency or agencies responsible for enforcing those laws.

This slide provides a very simplified overview of the supervision of insured depository institutions and credit unions for compliance with those federal consumer financial laws.

Depending on an institution's charter, an insured depository institution will generally be supervised by one of the federal bank regulatory agencies, which are the Federal Reserve, the FDIC, or the OCC, or for credit unions, by the NCUA. These primary federal regulators are also known as the “prudential regulators,” so you'll hear us use that term throughout the presentation.

As you all know, the Dodd-Frank Act established the Consumer Financial Protection Bureau, which we also refer to as the CFPB, or the Bureau. The Dodd-Frank Act also transferred to the CFPB, the authority to prescribe regulations to implement 19 federal consumer protection laws, or what we refer to as the “enumerated laws.”

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

In addition to rule writing authority for those enumerated laws, the CFPB also supervises insured depository institutions and credit unions with over \$10 billion in assets for compliance with those laws and their implementing regulations.

While prudential regulators, on the other hand, would maintain supervisory authority over the non-enumerated laws and their implementing regulations at these larger institutions. For institutions below \$10 billion, the prudential regulator retains enforcement authority for both the enumerated and the non-enumerated laws, and of course their implementing regulations.

So with that, let's move to slide 6.

This slide includes a list of the enumerated consumer laws, which we included for informational purposes. Hopefully, you have all seen this list before. As you can tell from the list, it does include most of the consumer protection laws, and as I previously noted, the CFPB has rulewriting authority over these enumerated consumer laws, and also supervisory enforcement authority over these laws and their implementing regulations at institutions above \$10 billion.

Moving on to slide 7.

Slide 7 includes a list of some of the non-enumerated laws, which in the most general terms, would include laws that are not specifically under the CFPB's authority. The more common laws that you may encounter would include the National Flood Insurance Act, for flood insurance compliance, the Community Reinvestment Act (or CRA), and the Fair Housing Act, just to name a few. I will add a caveat that this list is tailored to institutions supervised by the Federal Reserve, so some of the references may differ, depending on your institution's primary regulator.

Moving on to slide 8.

Between the enumerated and non-enumerated laws, there is overlapping enforcement authority for both fair lending and UDA(A)P at institutions with over \$10 billion in assets.

For fair lending, the prudential regulators have fair lending enforcement authority through the Fair Housing Act, which prohibits discrimination in residential real estate-related transactions, while the CFPB has authority through the Equal Credit Opportunity Act, which applies to all credit. So, at insured depository institutions and credit unions with over \$10 billion in assets, both the prudential regulator and the CFPB would have overlapping fair lending enforcement authority over those residential real-estate transactions.

The second half of this slide addresses UDA(A)P enforcement. For UDA(A)P enforcement, both the prudential regulators and the CFPB have UDA(A)P enforcement authority. The two statutes under which UDA(A)P is referenced are section 5 of the Federal Trade Commission Act, so section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices, and section 1036 of the Dodd-Frank Act, which prohibits unfair, deceptive, or abusive acts or practices.

Let's move on to slide 9.

In addition to supervising insured depository institutions and credit unions with over \$10 billion in assets, the CFPB also has supervisory authority over non-depository mortgage originators and servicers, payday lenders, and private education lenders, as well as larger participants in other consumer financial markets as defined by the CFPB.

The CFPB has issued final rules to define some of those larger participants in the credit reporting, consumer debt collection, student loan servicing, international money transfers, and automobile financing markets. And you'll notice at the bottom righthand corner, the CFPB also issued a proposal last year to define a market for general-use digital consumer payment applications and proposed that larger participants of this market would be subject to the CFPB's supervisory authority.

You'll notice throughout the presentation that we have included hyperlinks to a lot of the source material we're referencing, so we encourage you, if you have questions, to access the additional material after this event.

Moving on to slide 10.

This slide includes information on the FTC's jurisdiction to enforce UDAP at non-depository institutions. As mentioned earlier, since the CFPB has UDAAP authority for certain non-depository institutions, the FTC and the CFPB, have a memorandum of understanding in place to coordinate enforcement to minimize the duplication of efforts and burden on those providers of consumer financial products and services. Similar MOUs are in place between the CFPB and the other regulatory agencies.

So that that covers the regulatory framework. Ken, I'll turn it over to you.

**Ken Benton – Federal Reserve Bank of Philadelphia (Philadelphia Fed):**

Thanks Jason. So now we're going to discuss regulatory resources. Next slide, please (slide 12).

So much of the work in the consumer compliance space takes place with the implementing regulations, such as Regulation Z for the Truth-in-Lending Act, and Regulation C for the Home Mortgage Disclosure Act, but there are some statutes that don't have implementing regulations. And there are also situations in which provisions of the statute are not covered in the implementing regulations, such as the statute of limitations or civil liability. In these circumstances, compliance staff need to consult the US Code to understand the regulatory requirements.

The US Code is the compilation of all the federal laws that Congress has enacted and organized in one central place. It comes available as an [electronic version](#) with the most up to date version, or an [annual version](#) of the laws of the United States as they existed in a particular point in time.

Let's take a look now at the actual website to see how that works.

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

## **Ken Benton – Philadelphia Fed (Demo Video):**

So now let's take a look at the electronic version of the United States Code published by the House of Representatives. As I mentioned, this is the most up-to-date version, and is regularly updated.

As you can see here, it's organized by titles, and then within each title, there are particular sections. So let's take a look, for example, at the Truth-in-Lending Act in Title 15, and it begins at section 1601. So if I type title "15" in the title box and section "1601" in this section box and hit "Enter," it'll now show me section 1601 of the Truth-in-Lending Act. As I mentioned, this is a very helpful for compliance requirements that don't have implementing regulations, such as the Servicemembers Civil Relief Act and certain portions of the Fair Credit Reporting Act, for which there are no implementing regulations.

So, if compliance staff have questions about these requirements, they need to review the US Code, and they need to know how to navigate it. That's where this site, because it's published by the House of Representatives and regularly updated, is a great resource to access the US Code.

As I also mentioned, the government publishes an annual version of the US Code, and the difference here is these versions, which date back as far as 1994, show you the US Code as it existed in that year, and that might be helpful if you have a regulatory requirement where Congress amended the law, and you needed to know what the statute looked like before it was amended. For purposes of your examination, you can come to this site and see a version of the US Code for any of these given years, which might be relevant to the issue that you're trying to address.

(Advance to slide 14)

## **Ken Benton – Philadelphia Fed (Live):**

So now let's talk about the Code of Federal Regulations (CFR). When Congress enacts a law, it often provides rulemaking authority to the agency or agencies with subject matter expertise.

Congress enacts these laws typically in broad strokes, and it leaves the details, the devils in the details, to the regulatory agency with subject matter expertise. There will be a provision of the statute delegating authority to the agency to enact implementing regulations. For example, section 1604, of TILA provides broad rulemaking authority to the CFPB, stating that it can enact regulations that are "necessary or proper to effectuate the purposes of this subchapter to prevent circumvention or evasion thereof, or to facilitate compliance therewith," and that is the authority on which the Bureau generally relies when it writes implementing regulations for TILA in Regulation Z.

The citation for the Code of Federal Regulations is the [Title] of that particular regulation, "CFR," the [Part] (i.e., the section of the CFR where that regulation is codified), and then the [section]. We have here on this slide an example of "12 CFR, § 1003.1(a)" for Regulation C. I think it's helpful if we actually take a look at the site, so let's go now to the eCFR to take a look at what the site looks like.

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

## **Ken Benton – Philadelphia Fed (Demo Video):**

So let's take a look now at the electronic Code of Federal Regulations website. This site contains all of the regulations enacted by all federal agencies, and similar to the US Code, its organized by title, and then by parts.

So for us folks in compliance, Title 12 – Banks and Banking is a very important title because most of the compliance regulations are codified here. And as I mentioned, this is the most up-to-date version of federal regulations. So when you're looking to comply with the regulation, this is the official and most up-to-date version to consult.

And you can see here, under Title 12, it's organized by agency, and since the Consumer Financial Protection Bureau has enacted many of the regulations, this is a helpful place to bookmark to see all of these regulations in one place and the ability to access them.

As I mentioned with the US Code, there's an annual version, and there is also an annual version of the Code of Federal Regulations that you're now seeing on the screen. Similar to the US Code, it's the current version of the regulations in a particular point in time. In this case, starting at 2023, and going down as far as 1996. And again, there may be a situation in which you have a compliance examination that spans a period of time in which the regulation was amended. So for example, HMDA was amended January 1, 2018. If your examination covered HMDA data reporting from 2016 to 2019, part of the examination would cover the old version of HMDA, before it was amended, and part of it would cover the 2018 amendments. So you might have a need to see what were the requirements before it was amended, and this site here, capturing the Code of Federal Regulations as they existed in a point in time would fulfill that purpose, and it's easy to navigate to get that information.

## **Ken Benton – Philadelphia Fed (Live):**

So we've listed here on this slide (slide 14) most of the major consumer compliance regulations.

As I mentioned before, many of them are in Title 12 of the CFR, but there are some regulations that are in other portions of the CFR. For example, HUD's regulations are codified in Title 24 of the CFR, and its Fair Housing Act regulations are found there at 24 CFR, Part 100.

Similarly, the Department of Defense's implementing regulations for the Military Lending Act can be found in Title 32. So this is a helpful slide for easy access to most of the major consumer compliance implementing regulations.

Next slide, please (slide 15).

The Consumer Financial Protection Bureau has rulemaking authority for many of the consumer laws, and some of these implementing regulations have official staff commentaries.

# OUTLOOK LIVE

The Federal Reserve System's webinar series on consumer compliance topics

Unfortunately, within the Code of Federal Regulations, the official staff commentary is codified in a separate part of the CFR. The commentary provides clarification of specific sections of the regulations for which there are commentary, and it's helpful for compliance staff to be able to see the regulatory requirement in the regulation directly adjacent to the official staff commentary. The Bureau has provided that functionality in its Interactive Regulations, which are accessible on its website, so let's go take a look at how they look on the website.

## **Ken Benton – Philadelphia Fed (Demo Video):**

So let's take a look at the CFPB's eRegulations ([Interactive Regulations](#)).

As I mentioned, what the CFPB has done here – it has produced a version of all the regulations for which it has rulemaking authority, and it has done it in a way that makes it easier and more helpful to compliance staff to view the regulation, because the Bureau has put the official staff commentary for all sections of the regulation that have commentary right next to them.

So let's take a look, for example, at Regulation B. We click on the regulation, and let's go to adverse action notices section 1002.9, and you see here, section 1002.9(a)(1), when notification is required, and directly below, that is the official staff commentary for that section of the regulation. And when you click that here, you see the official comments. And again, this is very beneficial to see the regulatory requirement in section 1002.9(a)(1), and then to see the official commentary for § 1002.9(a)(1) directly below it.

And if you want to see all of the official staff commentaries together, you have this additional link here, which will take you to a separate section where all of the official comments are gathered. So this provides tremendous functionality when you're trying to understand the regulation, and its accompanying official staff commentary.

But as we caution on the slide. It's important to remember this is not the official version of the Code of Federal Regulations. It's an informal version that the CFPB has created. And when it comes time, for example, for a report of an examination or a response to your regulator, you want to make sure you're using the official version, which is the version we showed previously either the eCFR or the annual version, if you're trying to show the regulation in effect, at a particular time.

(Advance to slide 16)

## **Ken Benton – Philadelphia Fed (Live):**

I think we've covered this in that prior presentation, so we can go now to the next slide (slide 17). Jason, I'm going to turn it over to you to cover the federal agency Regulatory Agendas.

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

## Jason Lew – SF Fed:

Great, thanks Ken. The next topic we'll cover is the federal agency regulatory agenda. All federal agencies are required to publish their regulatory agenda twice a year with the Office of Information and Regulatory Affairs.

The combined [Unified Regulatory Agenda](#) lists each agency's current rulemaking plans, including rules at their various stages, such as those in the pre-rule, proposed rule, and final rule stages. The Unified Agenda is published, again twice a year, in the May and November timeframes, and it's a great way to monitor pending rulemaking.

Through the link we included on this slide, you can open up the Unified Agenda, and then use the "Select Agency" dropdown to select the specific agency's published rulemaking agenda.

Let's move to slide 18, for an example.

Since the CFPB has rulemaking authority for most of the consumer financial protection laws, we pulled up the CFPB's Fall 2023 Regulatory Agenda, and, as you can see from this table, which was copied directly from the official agenda, this list includes the rulemaking at the time of the November publication, which included 11 rules in that fall agenda.

The table lists the stage of rulemaking for each activity, the title, and the Regulation Identifier Number (RIN), and that RIN carries forward from this rulemaking process through to the final rule.

These are hyperlinked again in the materials we provided, so you can access these as you want. As you can surmise, the stage of rule will indicate at which phase in the rulemaking the agency is at with regards to the rule making process.

Let's take a look at an example. Let's move to the next slide (Slide 19) for an example of that second entry for overdraft fees.

So this entry, again, is for the CFPB's rulemaking related to overdraft fees, and we wanted to include this to help illustrate the type of information included in the agenda. The information that we find particularly useful, or you may find particularly useful, are the abstract, which includes a brief description and summary of the rule; the Code of Federal Regulations Citation, which in this case a CFR has not been determined; and the entry also includes – kind of in that middle section – a timetable, which shows any past or projected actions in connection with the rule.

In this case, the CFPB indicated that a notice of proposed rulemaking was anticipated in that December timeframe. In this case, the CFPB did issue a proposal in January, so it's important to note that while the timetable is helpful to provide some anticipated timeframes, they are estimated timeframes.

The last piece of information that may be useful, each rule will include an agency contact. So again, this is information you might find useful.

Since there was a notice of proposed rulemaking issued, we would anticipate that in the next iteration of the CFPB's regulatory agenda, you'll likely see this rule move from the proposed rule stage to the final rule stage with new estimated timeframes.

As you can see, the regulatory agendas can be a great way to monitor pending rulemaking. So that covers it for the regulatory agenda. Ken. I'll turn it back to you.

**Ken Benton – Philadelphia Fed:**

Thanks, Jason. Let's go to the *Federal Register*. Slide 21.

So we discussed that Congress can provide a grant of rulemaking authority in the statutes it enacts to the agencies with subject matter expertise to enact implementing regulations. The question then arises, what is the procedure by which agencies enact these regulations? Congress has created a law, the Administrative Procedure Act (APA), that provides the legal framework for agency rulemaking.

Under the APA, when an agency wants to engage in rulemaking, it must first publish a notice of proposed rulemaking, commonly referred to as an NPR, must solicit public comment, and then publish a final rule with an effective date.

The public comment piece is very important because an agency may envision how the regulation will be implemented, but the stakeholders and the folks that have to actually implement it may see challenges that the agency did not see. The public comment period allows the public, and particularly stakeholders that are charged with implementing it, to provide feedback to let the agency know about any particular challenges that could arise in implementing it.

And you will often see in the final rule, the agency will discuss the comments that it received, whether it agrees with those and made modifications to the proposed rulemaking, or whether it disagreed with them and is going to enact the regulation section as proposed. Although agencies are required to receive and review comments, they are not required to implement them.

In some instances, an agency will issue an advance notice of proposed rulemaking (ANPR), and this is a step that's available if the agency wants to first gather information before it actually issues the proposed rulemaking. So the ANPR will solicit information from the public and stakeholders to help inform the agency about how it should proceed with the rulemaking proposal. The ANPR will then be followed by the proposed rulemaking, and a final rule assuming the agency still wants to move forward with rulemaking after receiving comments.

The Administrative Procedure Act provides an exception that if an agency for good cause wants to implement a regulation sooner rather than the waiting period that normally applies, it can issue an

interim final rule and specify the date upon which it becomes effective while the agency proceeds with the rulemaking process. We provided links here with more information about this process.

Next slide, please (slide 22).

So agencies are required within their *Federal Register* notice, their proposed rulemaking, final rule, etc., to include a preamble. This is a critical source of information, because, as you can see here on the slide, certain information must be included in the preamble, including a summary of the rule, the legal authority for issuing it, a section-by-section analysis, and other information that's helpful to stakeholders.

Next slide, please (slide 23).

Navigating a *Federal Register* notice can be challenging. Some of them can be long – the TILA-RESPA Integrated Rule (TRID) was over 600 pages. Six hundred pages in a PDF, single-spaced document can be a lot of information for someone to comprehend.

But you'll notice here on the slide that in the HTML version of a *Federal Register* notice, the *Federal Register* has provided a navigation tool which we've highlighted here on the lefthand side. If you click that tool, it'll open up a navigation that has the table of contents based on all the headings in the *Federal Register* that are linked to those sections of the *Federal Register* notice. So it makes it easy to access and review that information. And let's take a look now how that works.

#### **Ken Benton – Philadelphia Fed (Demo Video):**

So let's take a look at the final rule issued by the Consumer Financial Protection Bureau to implement changes to Regulation X, as required by Congress in the Dodd Frank Act.

If you look here on the left-hand side, you'll notice there's a little table of contents icon, and this creates a navigation tool for the *Federal Register* notice. The *Federal Register* creates this automatically based on the subheadings within the *Federal Register* notice.

Typically, these notices contain a section-by-section analysis in which the agency discusses section by section of the regulation that it's changing, its analysis, and its approach. So if we want to go to the section-by-section analysis –

- If we do a ctrl-F search for “section-,”
- It will take us to the section-by-section analysis of this navigation tool, and
- Then I can scroll down and see the various sections of the regulation that are discussed in the preamble.

So suppose I had a question about section 33(c)(2) concerning payments.

- If I do another ctrl-F search for section “33(c)(2),”
- It takes me right there to treatment of payments, and if I click that,

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

- It'll take me to the section of the *Federal Register* notice in which the Bureau discussed how it's amending section 33(c)(2) and implementing this requirement.

This section of the notice of the preamble provides a very helpful overview of the change that's being made, why it's being made, and if any comments were received for or against it, and how the Bureau landed on that feedback. So if you're in compliance, and you see a regulatory requirement for which you don't see the answer in the regulation or commentary, turning to the preamble for that particular section can provide greater insight into understanding the requirement that you're trying to comply with.

And you also notice that there's a bookmark on each paragraph. So, for example, if the answer to your question was in this paragraph here that I'm highlighting. If you click that bookmark, it will then create a URL just to that specific paragraph that you can share with stakeholders to show that you found this, the answer to the question, and that's the documentation on which you are relying for the position that you're taking.

So again, you often can have consumer compliance rulemakings that are fairly lengthy and trying to read a *Federal Register* notice either in HTML or PDF can be challenging. This navigation tool that you'll find in every *Federal Register* HTML version can help you navigate and find the information you're searching for.

(Advance to slide 24)

## **Ken Benton – Philadelphia Fed (Live):**

I just want to give one caution with that navigation tool. When you click on it, it brings up this green box that we're showing you here on the screen. If you move your mouse over, away from the green box, it will disappear, so it takes a little experience to bring this up, to be able to navigate it, but once you do it a few times, it should become much easier.

I also found, if you have a touch screen, like an iPad or a touchscreen laptop, you can use your fingers to scroll through the navigation to find the particular section that you're searching for.

Next slide, please (slide 25).

So we talk about the preamble, and it's very helpful when you've gone to the low hanging fruit of the regulation, of the official staff commentary, maybe even the statute, and none of those address the issue that you're trying to find the answer to. The preamble may have the answer to your question, so we thought it would be helpful to demonstrate with two examples how that might work.

So section 1024.33(c)(2) of Regulation X addresses the situation in which a mortgage servicer transfers servicing rights to a subsequent servicer and receives a payment from someone whom it does not/ cannot identify, after the transfer date.

What can the transferor do with that payment?

The regulation lists 2 options: (1) It can transfer the payment to the transferee servicer to apply to the borrower's mortgage loan, or (2) It could return the payment to the person who made that payment and notify such person of the proper recipient of the payment.

Let's assume that a transferor receives a misdirected payment after the transfer date, and from a party whom it does not recognize, and is trying to determine which of these two options is the best way to proceed.

Next slide, please (slide 26).

So neither the regulation nor commentary addresses that issue, but in the preamble, the Bureau provides the background information for this particular section of Regulation X, and we've highlighted the operative language where it states, *"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 payment to the payor."*

So this is the sort of context and background information that could help the transferor inform its decision about how to handle the payment from the party whom it didn't recognize after servicing had already been transferred, and you could provide the citation to the *Federal Register* notice in your file to document the basis for the decision.

Next slide, please (slide 27).

The second example, we discuss the provision in Regulation Z that if a creditor assigned to your servicer, receives a request for the total payoff balance, it must provide that within 7 business days.

But neither the regulation nor commentary specifically discusses what information should be included to calculate a payoff balance. Suppose, for example, the borrower appealed his real estate tax assessment successfully, and the local taxing authority said it was going to send a refund. At the time that the servicer received the request, the refund had not yet been received. So the servicer is now wondering what information should be included to calculate the payoff balance. Does it include the taxes of the tax refund that is expected, but has not been received?

In the preamble, the Bureau clarifies how this requirement is implemented by stating, and we've highlighted this, that *"payoff statements should be issued according to the best information available at the time."* So that is great information for the servicer to know – that it can reasonably rely on the information available at the time. The servicer may know, for example, that the county is going to appeal the decision to change the tax assessment, so it may not want to include that information because it's something that could change.

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

We've also listed here on the last bullet that courts often cite and review the preamble when interpreting regulations. In this case here, dealing with the issue that we have on the slide about the payoff balance, the court noted that 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. And in this case, the court determined that the balance payoff that was provided was accurate, because it relied on that quoted information that the servicer can rely on the best information available at the time.

Next slide, please (slide 28).

So we also wanted to just clarify what is the citation format. So if you are relying on a preamble to support a resolution of a compliance issue, the format is the [volume] of the *Federal Register*, followed by "FR" for *Federal Register*, and then the [first page] upon which the *Federal Register* notice that you're citing appears.

If you have a particular page, for example, on a hundred-page document, and you're citing page 40 of it, you would go to that particular page and put it in the citation, as well as the date on which the *Federal Register* notice was published.

There's an additional functionality from Adobe that if you do have a very long PDF document, and you want to take someone to a particular page in it, you can add the code at the end that we're showing on the slide, "#page=," and whatever number that is in the PDF document, and that will take you directly to that page of the PDF document.

So let's actually take a look how that could work for Regulation C, when we want to go to page 37 for the discussion of reverse mortgage.

## **Ken Benton – Philadelphia Fed (Demo Video):**

So now you can see when we click the link that had the code in it to go to a specific page of the PDF, we then open up a browser window that goes to that specific page. In this case, we added the code to go to page 37 of the PDF, and if you look at the very top on the header row of this PDF page, you'll see it's page 37 of 213, so it took us exactly where we wanted to go to – Page 37.

And let's assume we wanted to share with a colleague the preamble discussion in the HMDA final rule of the requirements for reverse mortgages in section 1003.2(q).

By providing this link with the code to go to page 37, you can take someone directly to the page of the *Federal Register* that you want to go to, as opposed to sending someone to the first page of the *Federal Register* notice, and forcing them to navigate, to find the page that you want to go to. So this trick adds a lot of value when you want to take somebody to a specific page of a PDF document instead of the first page.

# OUTLOOK LIVE

The Federal Reserve System's webinar series on consumer compliance topics

(Advance to slide 29)

## Ken Benton – Philadelphia Fed (Live):

So we've talked about researching the preamble of *Federal Register* notices, and that then raises the question, how do I find particular *Federal Register* notices?

There's a search page that we're showing on the screen of the *Federal Register*, and under the advanced search feature, there are various filters that you can utilize to find the particular rulemaking that you're looking for, including agency, document type, the publication date, if you have the agency document, and the CFR part that's affected.

Next slide, please (slide 30).

So you can see here, for example, we've shown a screen capture of a search for various agencies for the term "udap," and let's take a look now how that would actually be implemented on the *Federal Register* site.

## Ken Benton – Philadelphia Fed (Demo Video):

So let's take a look at the advanced search page of the *Federal Register* website.

This page enables you to conduct a search, using various filters to narrow your search to whatever parameters you want to specify, including the agency that issued the regulation.

For example, if I go to the agency field and I type "CFPB," [select Consumer Financial Protection Bureau (CFPB)], and suppose I also want to take a look at whether HUD has addressed an issue, I type in "HUD" [select Housing and Urban Development Department (HUD)].

- And let's say the issue is "redlining." I'm going to narrow my search to rulemakings on redlining issued by the Bureau or HUD,
- And I want to limit the date, so I can choose here a range, and I could say "1/1/2010" to "1/1/2024,"
- And it shows me it already populates that there are 68 documents,
- And if you scroll down after I hit the search button, you'll see the results of this search for HUD and CFPB *Federal Register* rulemakings that have its search term redlining.

So again, this is a tremendous amount of functionality if you're trying to search *Federal Register* notices for a particular agency, for a particular topic, for a particular time, or with other search filters that are provided on the page.

(Advance to slide 31)

# OUTLOOK LIVE

The Federal Reserve System's webinar series on consumer compliance topics

## Ken Benton – Philadelphia Fed (Live):

So I know we're running out of time. On slides 31 through 35, since we've emphasized in this presentation the benefits of searching the preamble or *Federal Register* notices, we have collected some major federal rulemaking *Federal Register* notice links that you'll see here on slides 31 through 35.

We just have this small caveat that rulemakings can be amended, so if you're relying on the preamble of the final rule, and that rule is later amended, and that amendment affected the section that you're researching, you want to make sure that you're looking at the most recent version of the rulemaking that may have changed the original section.

Let's turn now to slide 37.

We have collected on slides 37 through slides 41 some of the major compliance resources for the consumer protection laws in the consumer compliance space.

I just want to highlight some of them – we're running out of time – that I think are not intuitive, that are available here on this slide.

So for fair lending, all of the federal agencies conduct an annual fair lending webinar through this Outlook Live platform, in December typically, and if you come to the Outlook Live website, the [archives](#) are organized by year. You can see both the presentation slides for the annual webinar, as well as listen to the recording that the agencies made for the webinar.

Let's go to slide 38.

For flood insurance, the agencies conducted three Interagency webinars on the 2022 flood insurance revised Q&A, on the Private flood insurance rule, as well as the BWA, the Biggert-Waters Act flood insurance requirements for escrows and detached structures.

Let's go to slide 39.

In 2016, the agencies updated their questions and answers for the Community Reinvestment Act, and Outlook Live conducted a webinar. We've listed the link to that event here.

Slide 40, please.

For TILA-RESPA Integrated Disclosure, Outlook Live hosted several webinars in which the CFPB provided subject matter experts in 2015 and 2016. So if you do have any TRID questions, it may be helpful to come back to look at the webinars, both for the presentation slides as well as the Oral presentation.

Slide 41, please.

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

Finally, for the Servicemembers Civil Relief Act, Outlook Live conducted a webinar in 2012, and we've provided the audio and slides. And again, everyone can look at this slide deck for the other resources. But we just wanted to highlight ones that may not be intuitive.

Next slide, please (slide 42).

So for the Community Reinvestment Act and the Flood Disaster Protection Act. The agencies have published questions and answers for both Flood Insurance and CRA, and they're available in PDF and HTML format.

But one challenge for these documents is navigating them because they don't appear in the Code of Federal Regulations because they're not regulations per se. They're clarifications of regulations, so if you go to the HTML version (of the *Federal Register*), and we've provided the link there, you can use the navigation tool to specifically go to a Q&A for the flood insurance or for CRA.

Next slide, please (slide 43).

So you see here, the Community Reinvestment Act 2016 revised Q&A. We provided the link there for the HTML version, and we're going to show you on the next slide, how you can use the navigation tool to get to a specific Q&A.

Next slide, please (slide 44).

You see here that table of contents navigation tool which we discussed earlier, and you see here questions and answers, beginning with 12(g) through 12(g)(4)(ii), the links to go to those specific questions and answers, and we've shown on the righthand portion of the screen, the Q&A for section 41(a)(1).

So once again, the HTML table of contents provides a very helpful link to navigate to get to your specific Q&A, either for Q&As for the CRA that we're showing on the screen or for the flood insurance for which we provided the link.

Next slide, please (slide 45).

On the next few slides we've put together various other forms of informal guidance, including publications from the Federal Reserve, the FDIC, the CFPB, and the OCC.

Next slide, please (slide 46).

The Bureau has published [Circulars](#) and [Advisory Opinions](#). We've also provided the [About](#) links for the circulars and the [Advisory Opinion Policy](#) for more details about how they operate and their effect, as well as the Federal Reserve [CA Letters](#), the OCC's [Bulletins](#), and the FDIC's [FILs](#).

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

Next slide, please (slide 47).

Finally, we want to conclude the presentation by showing you how to conduct advanced searches of the agency's websites.

Next slide, please (slide 48).

Google provides an additional functionality that you can limit your search to a particular domain name, and a domain name is just a fancy way of saying the portion of a URL in the middle that is, the owner of that website. So, for example, the domain name for the Federal Reserve is "federalreserve.gov." And if you use this search parameter "site:", the website domain name, and your search terms, you will be limiting your search to just that website.

So we're showing here a [website search](#), a domain search of the Federal Reserve Board's website for unfair, deceptive act to practices. We also used a filter to the last year to show the most recent page hits for that search term. So this is very helpful. If the Federal Reserve is your primary regulator, and you wanted to know, for example, what has the Fed said on the issue of unfair or deceptive acts for practices, you could use this structured search of the of the Federal Reserve website to find that information.

On the next few slides, we have replicated this for our sister agencies.

Next slide, please (slide 49).

So here you see the same [search](#) of the Bureau's website.

Next slide, please (slide 50).

For the FDIC's [website](#). And what you see here, obviously, the results are changing. So you're seeing different information from the various agencies that can help you in resolving your question.

Next slide, please (slide 51).

So we have here again the [search](#) for the OCC.

Next slide, please (slide 52).

The NCUA [search](#).

Next slide, please (slide 53).

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

For *Consumer Compliance Outlook*, which is our outreach publication, you can structure a search just of CCO for your search terms to get even better results than the search engine that we have on our website.

As we've show here, we've added a date restriction of April 5, 2021, to April 5, 2024, to further narrow results. You can use that functionality to get the information that you need.

Next slide, please (slide 54).

In addition to the ability to search a particular site, you can structure a domain search of multiple sites. And what you're seeing here is we're conducting one search of all the major regulatory agencies in the consumer compliance space, including the CFPB, the DOJ, the FDIC, the Federal Reserve, HUD, and NCUA, and we've done this search for the search term "Servicemember Civil Relief Act," within the past 2 years, and you can see the results. If you want to, if you click that [link](#) that we've provided on this slide, it'll bring up that search, and you can edit it to find the search terms that you're looking for or to change the date restriction or other filters to suit your needs.

Next slide, please (slide 55).

Finally, we thought it would be helpful to create a meta search of the Federal Reserve Board's website along with the 12 reserve banks. So you're seeing here the [search](#) result, a search for the term "FedNow instant payments," and the search results show all the Reserve Banks and Federal Reserve Board websites that discuss those terms.

Next slide, please (slide 56)

So in summary, we recognize that consumer compliance is a challenging endeavor. There are many laws and regulations that financial institutions must comply with. Some of the issues that arise are directly addressed in the text in the regulation, commentary, or statute; but some are not, and we've tried to provide some resources here today to help you with those questions that you can't find the low hanging fruit solutions for, and we hope you find that information helpful. We have a few minutes remaining, and we're going to try to answer some of the questions.

**David Hallmon – St. Louis Fed:**

Thank you, Ken.

We are now ready to ask our presenters some questions, so I'd like to invite our presenters to come on screen and turn their cameras on. Audience, please use that QA tool at the bottom of your screen to ask our presenters some questions. I'm now going to turn things over to Jason to discuss the first question we have received. Jason.

# OUTLOOK<sub>LIVE</sub>

The Federal Reserve System's webinar series on consumer compliance topics

## Jason Lew – SF Fed:

Great. Thanks, Dave. I did want to mention that we have received quite a few questions, and we appreciate your feedback. These types of questions do help us, inform what are of interest to the audience and some of the things on your mind, so that we can hopefully incorporate them into future presentations.

Let me take a few of these questions, just really quick and apologize, my screen is toggling off.

We did get quite a few comments about FFIEC resources, so I did want to mention that although we did not include information on the slides on the FFIEC, I encourage you to take a look at their [website](#) for additional information. The FFIEC is the formal interagency body empowered to prescribe uniform principles, standards, and report forms, so there is a lot of great information on the FFIEC website. Things like the geocoding and mapping system tool, a rate spread calculator, and other computational tools, such as an APR tool and an APY tool. So again, thank you for the suggestion on including that as a potential resource.

Ken, I'll take another question. We did receive this one in advance of the webinar: "When working on regulatory matters, or an expansion of our program, we will often reach out to our case manager for guidance and feedback. Is this a reliable approach?"

Yes, the short answer is yes. We would always encourage you to reach out to your primary regulator if you have questions, particularly since they are responsible for supervising your institution. One thing that I will point out – a good practice is always to document and have a record of who you talk to, and the guidance you received, in case you run into similar issues in the future or if questions arise later during an examination.

## Ken Benton – Philadelphia Fed:

Jason, I have question here: "Please explain how to identify the effective date of a law that is published in the *Federal Register*. For example, when it says it will be effective 60 days from publication. How can we know the exact date?"

So just to clarify, the day that an agency issues a regulation, it will publish a version on its website. That is the version that it will submit to the *Federal Register* for publication, so there will be a delay between the date on which the agency publishes the rulemaking and submits it to the *Federal Register*, and the date on which it gets published in the *Federal Register*. We don't know in advance what that date will be, so the agency will specify typically that it will become effective within 60 days.<sup>1</sup> But you will have to wait until the *Federal Register* notice is actually published, and that will contain the date that will be 60 days from that date in the *Federal Register*. So long story short, when you see an announcement of a

---

<sup>1</sup> Effective dates and timeframes will vary by final rule. Agencies must generally provide at least 30 days before a rule becomes effective under § 553(d) of the APA and at least 60 days for *major* rules, as defined in § 804(2) of the APA. Deadlines can be shortened under § 553(d) for "[good cause](#)."

# OUTLOOK LIVE

The Federal Reserve System's webinar series on consumer compliance topics

rulemaking, keep in mind that the agency is going to transmit that rulemaking to the *Federal Register*, and we have to wait until it's published in the *Federal Register* for the effective date to begin.

We received a question: "Why do some statutes not have implementing regulations?"

So that is a question that should be turned over to our colleagues in Congress. They write the laws, they specify if an agency with subject matter expertise has rulemaking authority. If Congress does not provide rulemaking authority to an agency in a statute, in an example, for example, the Servicemembers Civil Relief Act, then there is no agency to enact the regulation.

## **Jason Lew – SF Fed:**

Ken, it looks like we are at the top of the hour, so we'll go ahead and wrap up this session. We hope you found this session useful. I know it's a slight departure from our typical webinars, where we focus on a specific compliance topic, but we thought it would be useful to share some insight into how to navigate the various resources out there, which we realize can be challenging. Hopefully you found some of the tips useful and will be able to employ them in your future research.

With that, Dave, I'll turn the session back to you to close it out.

## **David Hallmon – St. Louis Fed:**

No problem. We're going to here in a second, and when we do, Zoom will send you to our survey page. Please take a moment to fill that out. We read every response and strive to make our sessions better based on your feedback.

We'll also send an email out tomorrow with that survey link, but you only have to fill it out once, and remember we are offering CRCM CE credits for attending today's session. If you are seeking CE credit, be sure to complete the survey when you exit Zoom. If the survey doesn't pop up automatically, remember, we're sending out an email tomorrow. You do have to complete that survey within 5 business days to receive your credit.

I'd also like to thank our presenters at the Outlook Live team for sharing their time and expertise, and as a quick reminder, be sure to check out our website: [www.consumercomplianceoutlook.org](http://www.consumercomplianceoutlook.org). In a few days, there you will find materials for this call, and eventually an archive of this call, and for information on upcoming sessions.

Thank you for joining us today. This concludes today's Outlook Live webinar. Please enjoy the rest of your day.

<END OF WEBINAR>