Community Bankers of Iowa
June 2015

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Regulatory Compliance Update
June 2015

Around the agencies

When there is a deadline associated with an item, you will see this graphic:

Joint federal agency issuances

Joint agencies' notice on third round of EGRPRA

The federal bank regulatory agencies approved a notice[1] requesting comment on a third set of regulatory categories as part of their review to identify outdated or unnecessary regulations applied to insured depository institutions. The Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA) requires the FFIEC, the OCC, the FDIC, and the Fed to review their regulations at least every 10 years. The agencies also are required to categorize and publish the regulations for comment, and submit a report to Congress that summarizes any significant issues raised by the comments and the relative merits of such issues. The agencies have divided their regulations into 12 categories and requested comments for six sets of categories. The third notice, published today, seeks comment on regulations in three additional categories: consumer protection; directors, officers, and employees; and money laundering. Comments will be accepted within 90 days after publication in the Federal Register.

The agencies will jointly publish an additional Federal Register notice, with the remaining three categories. Although each notice seeks comment on three specific categories, comments on any of the 12 categories will be accepted by the agencies.

Joint agencies issue statement on mid-sized bank stress tests

The banking agencies jointly issued a statement[2] reiterating key details about the annual public disclosure of stress test results required under the Dodd-Frank Act by certain financial companies with total consolidated assets between $10 billion and $50 billion. In October 2012, the federal banking agencies issued rules applicable to these medium-sized companies implementing the DFA stress test requirements that include the annual public disclosure of company-run test results. Companies subject to these rules include banks, federal and state savings associations, and bank holding companies.

Report on coordination among agencies

The Offices of the Inspector General for the Fed, FDIC, OCC, CFPB, and NCUA issued a report entitled *Coordination of Responsibilities Among the Consumer Financial Protection Bureau and the Prudential Regulators—Limited Scope Review*.[3]

Joint agencies issue diversity policy

Six federal agencies issued a final interagency policy statement establishing joint standards[4] for assessing the diversity policies and practices of the entities they regulate.

Section 342 of the Dodd-Frank Act required the Fed, the CFPB, the FDIC, the NCUA, the OCC, and the SEC to each establish an Office of Minority and Women Inclusion (OMWI) to be responsible for all matters relating to diversity in management, employment, and business activities. The Dodd-Frank Act also instructed each OMWI director to develop standards for assessing the diversity policies and practices of the agencies' regulated entities.

Comment: The standards recognize that not all regulated entities can be treated the same. The policy statement provides: 'The Agencies recognize that each entity is unique with respect to characteristics such as its size, location, and structure. When drafting these standards, the Agencies focused primarily on institutions with more than 100 employees. The Agencies know that institutions that are small or located in remote areas face different challenges and have different options available to them compared to entities that are larger or located in more urban areas. The Agencies encourage each entity to use these standards in a manner appropriate to its unique characteristics.'' Each set of standards begins with this: "In a manner reflective of the individual entity's size and other characteristics…." The standards begin on the seventh page of the document we linked to above.

The document also contains this very important statement: "This document is a general statement of policy under the Administrative Procedure Act, 5 U.S.C. 553. It does not create new legal obligations. Use of the Standards by a regulated entity is voluntary. The Agencies will not use their examination or supervisory processes in connection with these Standards."

CFPB actions

CFPB proposes to delay TRID effective date

On Wednesday, June 17th, CFPB Director Richard Cordray issued the following statement on the Truth in Lending/RESPA integrated disclosures (TRID):

"The CFPB will be issuing a proposed amendment to delay the effective date of the Know Before You Owe rule until October 1, 2015. We made this decision to correct an administrative error that we just discovered in meeting the requirements under federal law, which would have delayed the effective date of the rule by two weeks. We further believe that the additional time included in the proposed effective date would better accommodate the interests of the many consumers and providers whose families will be busy with the transition to the new school year at that time."

The public will have an opportunity to comment on this proposal and a final decision is expected shortly thereafter.

Comment: This is very good news. Now, everyone needs to keep working hard! The effective date will be here before we know it.

CFPB blog

Ally settlement administrator will contact eligible borrowers soon (Spanish version)

Sound off on student loan servicing

Consumer advisory: Don't be misled by reverse mortgage advertising

Know Before You Owe: You'll get 3 days to review your mortgage closing documents

Working to improve the financial lives of people with disabilities

Save the date: Join us for the Summer Consumer Advisory Board meeting in Omaha, Neb.

Planning for financial decisions as you age

Spring 2015 rulemaking agenda

Here's why childhood is an important time to learn about money

Comment: Click here to see all CFPB blogs.

CFPB publishes Spring 2015 rulemaking agenda

The CFPB released an overview of its major rule-making initiatives. The agenda includes rulemaking in pre-rule, proposed rule, final rule, long-term, and completed stages. They are:

- Updates to HMDA (The CFPB is finalizing a proposed rule.[5] They expect to release it in late summer.)
- TILA/RESPA Integrated Disclosures (TRID) (As we now all know, this rule[6] will be implemented on October 1. In February, the CFPB issued a small follow-up rule[7] to provide technical corrections, address provision related to new construction loans on the Loan Estimate form, and relax certain timing requirements. The CFPB prepared guides and materials for industry[8] and consumers.[9])
- Follow-up on other mortgage rules (The CFPB is finalizing their proposal[10] to modify requirements for small creditors in rural or underserved areas. They plan to issue a final rule in the fall of 2015. Also finalizing a proposed mortgage servicing rule[11] that would affect disclosures, early intervention, and loss mitigation. The final rule should be issued in spring 2016.)
- Prepaid financial products (They are finalizing a proposed rule[12] that would create comprehensive consumer protections for prepaid financial products. It will likely be issued in early 2016.)
- Payday, auto title, and certain other loans (The CFPB issued an outline of proposals[13] it is considering and will likely issue a Notice of Proposed Rulemaking later this year.)
- Overdrafts (The CFPB previously issued a white paper[14] and a report.[15] It is conducting additional research and assessing whether rulemaking is warranted.)
- Larger participants (This has to do with nonbank entities.)
- Debt collection (Last year, the CFPB issued an Advanced Notice of Proposed Rulemaking[16] and received over 23,000 comments. They are surveying consumers about their experiences and engaging in consumer testing to determine what information consumers need.)
- Arbitration (CFPB issued a preliminary report[17] in 2013 and a report to Congress[18] in March 2015. They are evaluating feedback and considering rules.)

Comment: With all the discussion of TRID, let's not forget that there are a number other areas the CFPB is working on that will affect community banks. And let's hope the CFPB further enlarges the rural definition to enhance mortgage lending in rural areas and promote competitive equality among similarly situated mortgage lenders.

CFPB bulletin on financial decisions as consumers age

The CFPB worked with the SEC to create a Consumer Advisory and Investor Bulletin[19] to help consumers plan for a time when diminished capacity or illness leaves them unable to manage their money and property. The advisory has advice on planning for the future, getting documents in order, and watching out for financial exploitation.

CFPB "will be sensitive to" good faith TRID implementation efforts

The CFPB, in a letter[20] from Director Cordray to members of Congress, announced that it would be "sensitive to the progress made by those entities that have been squarely focused on making good faith efforts to come into compliance with the [TILA-RESPA Integrated Disclosure] rule on time."

Comment: This letter was issued before the CFPB delayed TRID until October 1. We do not know whether the CFPB will send Congress another letter like this regarding supervision after the new effective date. The letter to Congress was not the "hold harmless" period many industry leaders had called for. The CFPB did not clarify the meaning of "sensitive" or elaborate on what would constitute "good-faith" efforts.

CFPB clarifies misunderstandings about updated TRID disclosures

A CFPB announcement[21] attempted to "clarify misunderstandings" regarding the limited circumstances in which the TRID rules require a revised Closing Disclosure triggering a new waiting period. In a fact sheet, the CFPB outlined the following three changes that would require revised disclosures and a new three-day review period:

- Increasing the annual percentage rate (APR) by more than 1/8 of a percentage point for a fixed-rate loan or 1/4 of a percentage point for an adjustable-rate loan (decreasing the interest rate or fees doesn't cause a delay).
- The addition of a prepayment penalty.
- Changes in the loan product, from a fixed-rate to an adjustable-rate loan, for example.

Comment: If any of the three conditions are met, the lender would have to provide the borrower with a revised Closing Statement and reset the three-day review period mandated by the TILA-RESPA Integrated Disclosure rule. Other issues addressed up until closing including the correction of errors or most changes to a payment amount would not trigger a revised Closing Statement. Note: The first bullet point may be an error; the law actually speaks of irregular loans.

CFPB launches financial well-being initiative for those with disabilities

The CFPB announced[22] the launch of the Reach Outcomes. Achieve Dreams. Succeed. (ROADS) to Financial Independence initiative, which is aimed at improving the financial well-being and economic security of individuals with disabilities. The initiative, which is piloting with local partners in six communities across the country, will integrate financial counseling with employment, independent living, and other support services that are being provided to individuals with disabilities.

CFPB issues consumer advisory on reverse mortgage advertising

The CFPB looked closely at many ads for reverse mortgages and found incomplete and inaccurate statements used to describe the loans. In addition, the CFPB found that most of the important loan requirements were often buried in fine print if they were even mentioned at all. Because the CFPB believes these advertisements may leave older homeowners with the false impression that reverse mortgage loans are a risk-free solution to financial gaps in retirement, it issued a consumer advisory[23] on reverse mortgage advertising.

Comment: I am not sure what the CFPB means when they say that the ads are incomplete. It would be impossible to include everything about a reverse mortgage in an advertisement. Maybe certain assertions were inaccurate because of missing information. Safeguards currently exist to make sure that consumers are not uninformed or misinformed—counseling is required for those seeking a reverse mortgage (it is the only financial product that requires counseling). It seems that the counselors would fill in the gaps where the ads were incomplete. The CFPB additionally said that some ads contained inaccurate statements. That is problematic. We assume the CFPB contacted the advertisers and "encouraged" them to fix their inaccurate ads.

CFPB finalizes rules for large non-bank auto-finance companies

The CFPB published a rule[24] today that will allow it to supervise larger nonbank auto finance companies for the first time. The CFPB also released the examination procedures that examiners will use to ensure that auto finance companies are following the law. Press release.[25]

Comment: Although this doesn't apply to banks, if your bank has an automobile finance operation, you may want to review the rules and exam procedures when accessing your practices.

FDIC actions

FDIC issues state profiles for First Quarter of 2015

To retrieve a state profile, click here[26] then select a state from either the map or the list below the map.

FDIC Summary of Deposits Survey

The Summary of Deposits is the annual survey of branch office deposits as of June 30 for all FDIC-insured institutions, including insured U.S. branches of foreign banks. All institutions with branch offices are required to submit the survey; institutions with only a main office are exempt. All survey responses are required by July 31, 2015. No filing extensions will be granted. FIL-24-2015[27]

FDIC issues Spring 2015 Consumer News

Teaching Young People About Money: Tips for Parents and Caregivers

- For All Ages: Teaching Young People About Money
- For Pre-K to Grade 2: Earning and Saving Right From the Start
- For Grades 3-5: The Creation of a Comparison Shopper
- For Grades 6-8: Tips for the Teen Years…and Beyond

- For Grades 9-12: It's Like ... How to Speak to High School Kids About Money. Totally!
- For College Students: Passing Big Tests on Money Management
- FDIC Publishes New Resources for Teaching Young People About Money
- How to Learn More

Also Inside

- Computer Security Tips for Bank Customers: A Basic Checklist
- Changes Could Help Boost Credit Scores
- A New Way to Save for Children With Disabilities

Comment: Great information on teaching kids about money. Also a checklist you might distribute to your customers with tips on staying safe online.

OCC actions

OCC supervisory focus through September 30, 2015

The OCC's Committee on Bank Supervision (CBS) annually develops an operating plan that sets forth the agency's broad supervision priorities and objectives. The agency's fiscal year (FY) commenced on October 1, 2014, and concludes September 30, 2015. The operating plan provides the foundation for developing individual bank supervisory strategies and policy initiatives. CBS managers use this plan to guide their supervisory priorities, planning, and resource allocations for FY 2015. This document provides a mid-cycle status report on some of the key accomplishments to date and priorities for the remainder of the year.

The supervisory focus for the second half of FY 2015 centers on the following:

• **Strategic planning and execution**: OCC supervisory staff will focus on the adequacy of strategic, capital, and succession planning processes in light of assumed risks and planned initiatives. Staff will assess whether banks' plans are realistic and appropriate risk management processes are established and followed.

• **Corporate governance**: OCC supervisory staff will reinforce the importance of sound corporate governance appropriately calibrated to the size and complexity of the individual bank.

• **Stress testing**: OCC supervisory staff will review the appropriateness of Dodd–Frank Act stress testing processes conducted by banks with more than $10 billion in assets.

• **Operational risk**: OCC supervisory staff will assess the operational risk present in banks. Staff will focus on all phases of risk management, including planning, due diligence, internal controls, reporting, and ongoing monitoring.

• **Cyber threats**: OCC supervisory staff will review banks' programs for assessing the evolving threat environment and continuously adjusting controls, as well as for robust vulnerability assessments and timely correction, access management, and incident response programs.

• **Loan underwriting**: OCC supervisory staff will evaluate the underwriting practices for new or renewed loans in banks, with specific emphasis on leveraged loan, indirect auto, and energy portfolios for slippage in structure and terms.

• **Interest rate risk**: OCC supervisory staff will focus on IRR measurement processes to ensure that management properly assesses banks' vulnerability to changes in interest rates and implements measurement tools to monitor and control this risk. Staff will focus on banks' ability to accurately identify and quantify IRR in both assets and liabilities (e.g., investment securities and non-maturity deposits) under varying model scenarios.

• Compliance: OCC supervisory staff will assess effectiveness in complying with consumer laws, regulations, and guidance. Staff reviews will include assessments of banks' processes to analyze, manage, and control risks posed by new products and services and emerging technologies.

Comment: This summer, the OCC will release the supervisory priorities that form the basis for developing supervisory strategies for FY 2016.

OCC improves online access to business combination corporate applications

The OCC today announced improved access to information and public comments regarding business combination corporate applications submitted by national banks and federal savings associations. NR 2015-83[28]

Comptroller speaks on how supervision has evolved

Comptroller of the Currency Thomas J. Curry spoke[29] on June 9, 2015, at the Prudential Bank Regulation Conference in Washington, D.C. about how the OCC's approach to prudential supervision has evolved in the days since the financial crisis.

OCC issues Residential Real Estate Lending booklet

The OCC issued the "Residential Real Estate Lending[30]" booklet of the Comptroller's Handbook. This revised booklet replaces the "Real Estate Loans" booklet issued in March 1990 (and examination procedures issued in March 1998). The revised booklet also replaces section 212, "One- to Four-Family Residential Real Estate Lending," issued in February 2011 as part of the former OTS Examination Handbook for the examination of federal savings associations.

Comment: Nothing in this booklet should be interpreted as changing existing OCC policy.

Federal Reserve actions

Fed updates Commercial Bank Examination Manual

The Federal Reserve recently performed the semiannual update of the Commercial Bank Examination Manual.[31] The manual presents examination objectives and procedures that Federal Reserve System examiners follow in evaluating the safety and soundness of state member banks. This is intended as guidance for planning and conducting bank examinations.

Fed issues 101st Annual Report

The Fed issued its 101st Annual Report[32] (2014) covering Board and System operations and activities during calendar-year 2014

Fed issues alert on expired Protecting Tenants at Foreclosure Act

The Fed issued CA 15-4[33], which states in pertinent part:

The Protecting Tenants at Foreclosure Act of 2009 (PTFA), which originally became effective on May 20, 2009, expired on December 31, 2014. Accordingly, examiners in the Federal Reserve System should no longer evaluate institutions' compliance with the PTFA…While the Board does not at this time anticipate conducting examinations for compliance with state laws, supervisory and examination staff may consider an institution's policies and procedures for state law compliance in assessing the effectiveness of its compliance management programs.

The Board notes that the guidance in SR 12-5/CA 12-3 and the attached "Policy Statement on Rental of Residential Other Real Estate Owned (OREO) Properties" remains in effect and, in accordance with that guidance, banking organizations' residential property rental activities are expected to comply with all applicable federal, state, and local laws and regulations.

Comment: If your examiners are still citing the PTFA, point them to CA 15-4. It is difficult to keep up with all the moving pieces in bank regulation.

Fed issues FAQs on Volcker rule

The Fed, working closely with the other agencies charged with implementing the requirements of the so-called Volcker rule, including the OCC, FDIC, SEC, and the Commodity Futures Trading Commission, issued frequently asked questions[34] that apply to banking entities for which the Board has jurisdiction under the Volcker rule. The questions were developed by staffs of the listed agencies and substantively identical versions will appear on the public websites of each agency.

Fed issues June Beige Book

Reports from the twelve Federal Reserve Districts suggest overall economic activity expanded during the reporting period from early April to late May. Activity in the Richmond, Chicago, Minneapolis, and San Francisco Districts was characterized as growing at a moderate pace, while the New York, Philadelphia, and St. Louis Districts cited modest growth. Contacts in the Boston District reported mixed conditions, and the Cleveland and Kansas City Districts indicated a slight pace of expansion. Compared to the previous report, the pace of growth slowed slightly in the Dallas District but held steady in the Atlanta District. Outlooks among respondents were generally optimistic, with growth expected to continue at a modest to moderate pace in several districts. June Beige Book.[35]

FedFocus

FedFocus[36] is the source for the latest Federal Reserve Financial Services news. Each edition keeps you informed about hot topics in the industry, as well as provides insight into the value of Federal Reserve Financial Services. In this month's edition:

- Greatest hits: Commercial Bank sings the praises of FedACH® Services
- Have you ever wondered how U.S. currency makes its way into circulation? Watch this!
- Are you taking advantage of our top-notch tools and training?

FedFlash

FedFlash[37] is your source for the latest Federal Reserve Financial Services operational news. Each bulletin keeps you informed of issues critical to your day-to-day operations, providing you with National and District updates regarding the Fed's products and services, processes, technical protocols and contact information. In this month's edition:

Check/Check 21 Services

- Commercial check and ACH posting rule changes
- Freeze period for Check Services
- Change in process for handling items drawn on retired routing numbers
- Check Adjustments Tip: Check Adjustments Automated Status Report at your fingertips
- Spotlight on Train the Trainer webinar
- Upcoming Check Services operations freeze
- Canadian item cash letter deposit reminders
- Federal Reserve Banks to publish new FedReceipt® RTNs

FedACH® Services

- FedACH Feature: The FedACH Risk® RDFI Alert Service can provide a basic type of ACH positive pay service to business customers
- Commercial check and ACH posting rule changes

FedCash® Services

- Have you ever wondered how U.S. currency makes its way into circulation? Watch this!

Other federal action and news

Supreme Court decision on junior liens in Chapter 7 cases

Bank of America, N.A v. Caulkett:[38] Respondent debtors each filed for Chapter 7 bankruptcy, and each owned a house encumbered with a senior mortgage lien and a junior mortgage lien, the latter held by petitioner bank. Because the amount owed on each senior mortgage is greater than each house's current market value, the bank would receive nothing if the properties were sold today. The junior mortgage liens were thus wholly underwater. The debtors sought to void their junior mortgage liens under §506 of the Bankruptcy Code, which provides, "To the extent that a lien secures a claim against the debtor that is not an allowed secured claim, such lien is void." 11 U. S. C. §506(d). In each case, the Bankruptcy Court granted the motion, and both the District Court and the Eleventh Circuit affirmed.

The Supreme Court held: A debtor in a Chapter 7 bankruptcy proceeding may not void a junior mortgage lien under §506(d) when the debt owed on a senior mortgage lien exceeds the current value of the collateral if the creditor's claim is both secured by a lien and allowed under §502 of the Bankruptcy Code.

FTC report to the CFPB on Regs. E, M, and Z enforcement

The staff of the FTC has provided its 2014 Annual Financial Acts Enforcement Report to the Consumer Financial Protection Bureau[39] on enforcement and related activities regarding Reg. Z, Reg. M, and Reg. E.

The report addresses, among other things, the FTC's enforcement actions related to non-mortgage credit (including automobile purchases and financing, and payday lending), mortgage loan advertising, and forensic audit scams; rulemaking, research, and policy development related to truth in lending; and consumer and business education regarding truth in lending requirements. It also addresses consumer leasing enforcement actions, as well as negative option and other cases involving electronic fund transfers.

Treasury issues risk assessments

The U.S. Department of the Treasury today issued the National Money Laundering Risk Assessment and the National Terrorist Financing Risk Assessment. The purpose of these assessments is to help the public and private sectors understand the money laundering and terrorist financing methods used in the United States, the risks that these activities pose to the U.S. financial system and national security, and the status of current efforts to combat these methods. In doing so, these assessments enable the U.S. Government and financial institutions to more effectively detect and combat illicit finance.

For the 2015 National Money Laundering Risk Assessment, click here.[40]
For the 2015 National Terrorist Financing Risk Assessment, click here.[41]

FATF issues AML standards

The Financial Action Task Force issued a document entitled: International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation – The FATF Recommendations

Comment: The FATF is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognized as the global anti-money laundering and counter-terrorist financing standard.

FCC adopts exempts bank fraud notices from robocall protection rule

The FCC adopted a proposal[42] to protect consumers against unwanted robocalls and spam texts. In a package of declaratory rulings, the Commission affirmed consumers' rights to control the calls they receive. As part of this package, the Commission also made clear that telephone companies face no legal barriers to allowing consumers to choose to use robocall-blocking technology. The rulings were informed by thousands of consumer complaints about robocalls the FCC receives each month. Complaints related to unwanted calls are the largest category of complaints received by the Commission, numbering more than 215,000 in 2014.

Publications, articles, reports, studies, testimony & speeches

Publications, articles, reports, studies, testimony and speeches by the federal banking agencies—that formerly would have appeared here—are now found in each agency's specific section above. In future issues, this section will contain materials from entities (both regulatory and private) that don't have their own section above. There is nothing to report this month.

Selected federal rules proposed

Proposed rules are included only when it is imperative that community banks comment.

COMMENTS CLOSE	SUMMARY OF PROPOSED RULE
07.02.2015	Enhancements to Federal Reserve Bank Same-Day ACH Service, Request for Comments. The Board of Governors (Board) is requesting comment on enhancements that the Federal Reserve Banks (Reserve Banks) are considering to their current same-day automated clearing house (ACH) service. The enhancements would require receiving depository financial institutions (RDFIs) to participate in the service and originating depository financial institutions (ODFIs) to pay a fee to RDFIs for each same-day ACH forward transaction. The Board believes that these changes may have a significant longer-run effect on the nation's payment system. Interested persons may express their views in writing to the Board, by any of the methods indicated below.

Selected federal rules adopted since last issue

Not all final rules are included. Only rules affecting community banks are reported, but we make no guarantees that these are all the final rules your bank needs to know about.

EFFECTIVE DATE:	SUMMARY OF FINAL RULE:

Good News! We didn't identify any federal rules adopted since our April edition that warranted reporting,

Selected federal rules - upcoming effective dates

Not all final rules are included. Only rules affecting community banks are reported, but we make no guarantees that these are all the final rules your bank needs to know about.

EFFECTIVE DATE:	SUMMARY OF FINAL RULE:
10.01.2015	CFPB: Final integrated Mortgage Disclosures under the RESPA (Reg. X) and the Truth In Lending Act (Reg. Z)[43] Notice of final rule and official interpretations. The CFPB amended Reg. X and Reg. Z to establish new disclosure requirements and forms in Regulation Z for most closed-end consumer credit transactions secured by real property. In

addition to combining the existing disclosure requirements and implementing new requirements imposed by the Dodd-Frank Act, the final rule provides extensive guidance regarding compliance with those requirements. CFPB blog on the disclosure.

10.01.2015 CFPB: Amendments to the 2013 Integrated Mortgage Disclosures Rule under Reg. X and Reg. Z and the Loan Originator Rule under Reg. Z[44] (80 FR 8767[45]) Notice of final rule and official interpretations. This rule amending the integrated mortgage rule extends the timing requirement for revised disclosures when consumers lock a rate or extend a rate lock after the Loan Estimate is provided and permits certain language related to construction loans for transactions involving new construction on the Loan Estimate. This rule also amends the 2013 Loan Originator Final Rule to provide for placement of the NMLSR ID on the integrated disclosures. Additionally, the CFPB made non-substantive corrections, including citation and cross-reference updates and wording changes for clarification purposes, to various provisions of Regulations X and Z as amended or adopted by the 2013 TILA-RESPA Final Rule. CFPB blog on the disclosure

It is a certainty that the TRID rules will be delayed, so we've changed the dates from August 1, 2015 to October 1, 2015, based on CFPB Director Cordray's statement.

Selected federal rules – past effective dates

Our list of effective dates of past final federal rules is limited to approximately 12 months. To see the document "Selected Past Final Federal Rules" containing future and past selected final rules, click here.

EFFECTIVE DATE:	SUMMARY OF FINAL RULE:
05.01.2015	The Board adopted final amendments[46] to the Small Bank Holding Company Policy Statement (Regulation Y, Appendix C) (Policy Statement) that: (i) raise from $500 million to $1 billion the asset threshold to qualify for the Policy Statement; and (ii) expand the scope of companies eligible under the Policy Statement to include savings and loan holding companies. The Board is also adopting final conforming revisions to Regulation Y and Regulation LL, the Board's regulations governing the operations and activities of bank holding companies and savings and loan holding companies, respectively, and Regulation Q, the Board's regulatory capital rules. Specifically, the Proposed Rule would allow bank holding companies and savings and loan holding companies with less than $1 billion in total consolidated assets to qualify under the Policy Statement, provided the holding companies also comply with three qualitative requirements (Qualitative Requirements). Previously, only bank holding companies with less than $500 million in total consolidated assets that complied with the Qualitative Requirements could qualify under the Policy Statement. The Board issued the Policy Statement in 1980 to facilitate the transfer of ownership of small community-based banks in a manner consistent with bank safety and soundness. The Board adopted the Policy Statement to permit the formation and expansion of small bank holding companies with debt levels that are higher than typically permitted for larger bank holding companies.
02.23.2015	Credit risk retention.[47] The OCC, Board, FDIC, Commission, FHFA, and HUD adopted a joint final rule to implement the credit risk retention requirements of Section 15 of the Securities and Exchange Act of 1934, as added by section 941 of the Dodd-Frank Act. Section 15G generally requires the securitizer of asset-backed securities to retain not less than 5 percent of the credit risk of the assets collateralizing the asset-backed securities. Section 15G includes a variety of exemptions from these requirements, including an exemption for asset-backed securities that are collateralized exclusively by residential mortgages that qualify as "qualified residential mortgages," as such term is defined by the agencies by rule.
01.01.2015	Reg. Z annual threshold adjustments (CARD ACT, HOEPA and ATR/QM). The CFPB issued a final rule[48] amending the regulatory text and official interpretations for Regulation Z. The CFPB must calculate annually the dollar amounts for several provisions in Regulation Z. This final rule reviews the dollar amounts for provisions implementing amendments to TILA under the CARD Act, HOEPA, and the Dodd-Frank Act.

01.01.2015 Reg. Z adjustment to asset-size exemption threshold.[49] The CFPB amended the official commentary that interprets the requirements of Reg. Z to reflect a change in the asset size threshold for certain creditors to qualify for an exemption to the requirement to establish an escrow account for a HPML based on the annual percentage change in the average of the CPI-W for the 12-month period ending in November. The exemption threshold is adjusted to increase to $2.060 billion from $2.028 billion. Therefore, creditors with assets of $2.060 billion or less as of December 31, 2014, are exempt, if other requirements of Regulation Z also are met, from establishing escrow accounts for higher-priced mortgage loans in 2015. The adjustment to the escrows exemption asset-size threshold will also increase a similar threshold for small-creditor portfolio and balloon-payment qualified mortgages. Balloon-payment qualified mortgages that satisfy all applicable criteria, including being made by creditors that do not exceed the asset-size threshold, are also excepted from the prohibition on balloon payments for high-cost mortgages.

01.01.2015 HMDA adjustment to asset-size exemption threshold.[50] The CFPB issued a final rule amending the official commentary that interprets the requirements of HMDA to reflect a change in the asset-size exemption threshold for banks, savings associations, and credit unions based on the annual percentage change in the average of the CPI-W. The exemption threshold is adjusted to increase to $44 million from $43 million. Therefore, banks, savings associations, and credit unions with assets of $44 million or less as of December 31, 2014, are exempt from collecting data in 2015.

01.01.2015 Basel III.[51] The FDIC has issued an interim final rule that revises the existing capital rules to incorporate certain revisions to the Basel capital framework, including Basel III and other elements. The interim final rule strengthens the definition of regulatory capital, increases risk-based capital requirements, and makes selected changes to the calculation of risk-weighted assets. Basel III Framework is effective 1/1/2014 for large, internationally active insured depository institutions and is effective 1/1/2015 for all other insured depository institutions, subject to a transition period. Standardized Approach is effective 1/1/2015 for all insured depository institutions Applicability: The rule applies to all FDIC-supervised banks and savings associations. Publication Reference: FIL-31-2013 dated 7/9/2013. Also See: New Capital Rule-Community Bank Guide attached to FIL-13-2013 Informational video and expanded summary on the interim final rule at: www.fdic.gov/regulations/capital. FDIC Press Release PR-60-2013 dated 7/9/2013

11.30.2014 Servicemembers Civil Relief Act Notice Disclosure, Form HUD-92070[52], expires. This form is required to notify homeowners in default of their mortgage of the foreclosure rights of servicemembers and their dependents under SCRA. Presumably, a new form will be available in time.

11.17.2014 The CFPB amended subpart B of Regulation E, which implements the Electronic Fund Transfer Act, and the official interpretation to the regulation (Remittance Rule). This final rule[53] extends a temporary provision that permits insured institutions to estimate certain pricing disclosures pursuant to section 1073 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Absent further action by the Bureau, that exception would have expired on July 21, 2015. Based on a determination that the termination of the exception would negatively affect the ability of insured institutions to send remittance transfers, the Bureau is extending the temporary exception by five years from July 21, 2015, to July 21, 2020. The Bureau is also making several clarifications and technical corrections to the regulation and commentary.

11.10.2014 CFPB finalized a rule[54] to allow financial institutions to use an alternative delivery method to provide annual privacy notices through posting the annual notices on their websites if they meet certain conditions. Specifically, financial institutions may use the alternative delivery method for annual privacy notices if:

- no opt-out rights are triggered by the financial institution's information sharing practices under GLBA or FCRA section 603, and opt-out notices required by FCRA section 624 have previously been provided, if applicable, or the annual privacy notice is not the only notice provided to satisfy those requirements;
- the information included in the privacy notice has not changed since the customer received the previous notice; and
- the financial institution uses the model form provided in Regulation P as its annual privacy notice

11.03.2014 The CFPB amended[55] certain mortgage rules issued in 2013. The final rule provides an alternative small servicer definition for nonprofit entities that meet certain requirements and amends the existing exemption from the ability-to-repay rule for nonprofit entities that meet certain requirements. The final rule also provides a limited, post-consummation cure mechanism for loans that exceed the points and fees limit for qualified mortgages, but that meet the other requirements for being a qualified mortgage at consummation.

07.01.2014 Foreign Tax Compliance Act. FATCA targets noncompliance by U.S. citizens of tax obligations using foreign accounts. FATCA seeks information on accounts held in other countries by U.S. taxpayers. Governments can either permit their Foreign Financial Institutions to entire into agreements with the IRS to provide information or they can enter into one of two alternative Model Intergovernmental Agreements with the U.S. Treasury's FATCA page[56]. List of FATCA agreements in effect.[57]

How to submit comments to your federal regulators:

Office of the Comptroller of the Currency: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by the Federal eRulemaking Portal or e-mail, if possible. Please use the title in the Federal Register publication of the proposal. You may submit comments by any of the following methods:

- Federal eRulemaking Portal—Regulations.gov: Go to
- http://www.regulations.gov . Select "Document Type" of "Proposed Rule", and in "Enter Keyword or ID Box", enter the docket number found in the Federal Register publication of the proposed rule and click "Search." On "View By Relevance" tab at bottom of screen, in the "Agency" column, locate the proposed rule for OCC, in the "Action" column, click on "Submit a Comment" or "Open Docket Folder" to submit or view public comments and to view supporting and related materials for this proposed rule.
- Click on the "Help" tab on the Regulations.gov home page to get information on using Regulations.gov, including instructions for submitting or viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
- E-mail: regs.comments@occ.treas.gov
- Mail: Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 2-3, Washington, DC 20219.
- Fax: (202) 874-5274.
- Hand Delivery/Courier: 250 E Street, SW., Mail Stop 2-3, Washington, DC 20219.

Instructions: You must include "OCC" as the agency name and the docket number in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, e-mail addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure.

Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Board of Governors of the Federal Reserve System: You may submit comments, identified by the docket number and the RIN number found in the Federal Register publication of the rule proposal, by any of the following methods:

- Agency Web Site: http://www.federalreserve.gov. Follow the instructions for submitting comments at http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.
- Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.
- E-mail: regs.comments@federalreserve.gov. Include the docket number and RIN number in the subject line of the message.
- Fax: (202) 452-3819 or (202) 452-3102.
- Mail: Address to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

Federal Deposit Insurance Corporation: You may submit comments, identified by RIN number, by any of the following methods:

- Agency Web Site: http://www.FDIC.gov/regulations/laws/federal/propose.html. Follow instructions for submitting comments on the Agency Web Site.
- E-mail: Comments@FDIC.gov. Include the RIN number on the subject line of the message.
- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429.
- Hand Delivery: Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Instructions: All comments received must include the agency name and RIN for this rulemaking and will be posted without change to http://www.fdic.gov/regulations/laws/ federal/propose.html, including any personal information provided.

Consumer Financial Protection Bureau: You may submit comments, identified by docket number, by any of the following methods:

- Electronic: http://www.regulations.gov. Follow the instructions for submitting comments.
- Mail: Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1500 Pennsylvania Ave. NW., (Attn: 1801 L Street), Washington, DC 20220.
- Hand Delivery/Courier in Lieu of Mail: Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20006.

Instructions: The CFPB encourages the early submission of comments. All submissions must include the document title and docket number. Please note the number of the question to which you are responding at the top of each response (respondents need not answer each question). In general, all comments received will be posted without change to http://www.regulations.gov. In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20006, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435-7275. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information such as accouni8ik2t numbers or Social Security numbers should not be included. Comments will not be edited to remove any identifying or contact information.

Common words, phrases, and acronyms

APOR	"Average Prime Offer Rates" are derived from average interest rates, points, and other pricing terms offered by a representative sample of creditors for mortgage transactions that have low-risk pricing characteristics.
ATM	Automated Teller Machine
CARD Act	Credit Card Accountability Responsibility and Disclosure Act of 2009
CFPB	Consumer Financial Protection Bureau
CFR	Code of Federal Regulations. Codification of rules and regulations of federal agencies.
CRA	Community Reinvestment Act. This Act is designed to encourage loans in all segments of communities.
CRE	Commercial Real Estate
CSBS	Conference of State Bank Supervisors
CTR	Currency Transaction Report. Filed for each deposit, withdrawal, exchange of currency that involves a transaction in currency of more than $10,000.
Dodd-Frank Act	The Dodd–Frank Wall Street Reform and Consumer Protection Act
DOJ	Department of Justice
FDIC	Federal Deposit Insurance Corporation
EFTA	Electronic Fund Transfer Act
Federal bank regulatory agencies	FDIC, FRB, and OCC
Federal financial institution regulatory agencies	CFPB, FDIC, FRB, NCUA, and OCC
FEMA	Federal Emergency Management Agency
FFIEC	Federal Financial Institutions Examination Council
FHFA	Federal Housing Finance Agency
FHA	Federal Housing Administration

FinCEN	Financial Crime Enforcement Network
FR	Federal Register. U.S. government daily publication that contains proposed and final administrative regulations of federal agencies.
FRB (or Fed)	Federal Reserve Board
FSOC	Financial Stability Oversight Council
FTC	Federal Trade Commission
GAO	Government Accountability Office
HARP	Home Affordable Refinance Program
HAMP	Home Affordable Modification Program
HMDA	Home Mortgage Disclosure Act
HOEPA	Home Ownership and Equity Protections Act of 1994
HPML	Higher Priced Mortgage Loan
HUD	U.S. Department of Housing and Urban Development
IRS	Internal Revenue Service
MLO	Mortgage Loan Originator
MOU	Memorandum of Understanding
NFIP	National Flood Insurance Program. U.S. government program to allow the purchase of flood insurance from the government.
NMLS	National Mortgage Licensing System

OCC	Office of the Comptroller of the Currency
OFAC	Office of Foreign Asset Control
OREO	Other Real Estate Owned
QRM	Qualified Residential Mortgage
Reg.	Abbreviation for "Regulation" – A federal regulation. These are found in the CFR.
Reg. B	Equal Credit Opportunity
Reg. C	Home Mortgage Disclosure
Reg. DD	Truth in Savings
Reg. E	Electronic Fund Transfers
Reg. G	S.A.F.E. Mortgage Licensing Act
Reg. P	Privacy of Consumer Financial Information
Reg. X	Real Estate Settlement Procedures Act
Reg. Z	Truth in Lending
RESPA	Real Estate Settlement Procedures Act
SAR	Suspicious Activity Report – Report financial institutions file with the U.S. government (FinCEN) regarding activity that may be criminal in nature.
SDN	Specially Designated National
TILA	Truth in Lending Act
TIN	Tax Identification Number
Treasury	U.S. Department of Treasury

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[1] http://www.federalreserve.gov/newsevents/press/other/20150529b.htm

[2] http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20150602a1.pdf

[3] http://oig.federalreserve.gov/reports/cfpb-responsibilities-coordination-review-jun2015.pdf

[4] http://www.gpo.gov/fdsys/pkg/FR-2015-06-10/pdf/2015-14126.pdf

[5] https://www.federalregister.gov/articles/2014/08/29/2014-18353/home-mortgage-disclosure-regulation-c

[6] https://www.federalregister.gov/articles/2013/12/31/2013-28210/integrated-mortgage-disclosures-under-the-real-estate-settlement-procedures-act-regulation-x-and-the

[7] https://www.federalregister.gov/articles/2015/02/19/2015-01321/amendments-to-the-2013-integrated-mortgage-disclosures-rule-under-the-real-estate-settlement

[8] http://www.consumerfinance.gov/regulatory-implementation/tila-respa/

[9] http://files.consumerfinance.gov/f/201503_cfpb_your-home-loan-toolkit-web.pdf

[10] https://www.federalregister.gov/articles/2015/02/11/2015-02125/amendments-relating-to-small-creditors-and-rural-or-underserved-areas-under-the-truth-in-lending-act

[11] https://www.federalregister.gov/articles/2014/12/15/2014-28167/amendments-to-the-2013-mortgage-rules-under-the-real-estate-settlement-procedures-act-regulation-x

[12] https://www.federalregister.gov/articles/2014/12/23/2014-27286/prepaid-accounts-under-the-electronic-fund-transfer-act-regulation-e-and-the-truth-in-lending-act

[13] http://files.consumerfinance.gov/f/201503_cfpb_outline-of-the-proposals-from-small-business-review-panel.pdf

[14] http://files.consumerfinance.gov/f/201306_cfpb_whitepaper_overdraft-practices.pdf

[15] http://files.consumerfinance.gov/f/201407_cfpb_report_data-point_overdrafts.pdf

[16] https://www.federalregister.gov/articles/2013/11/12/2013-26875/debt-collection-regulation-f

[17] http://files.consumerfinance.gov/f/201312_cfpb_arbitration-study-preliminary-results.pdf

[18] http://files.consumerfinance.gov/f/201503_cfpb_arbitration-study-report-to-congress-2015.pdf

[19] http://www.consumerfinance.gov/f/201505_cfpb_consumer-advisory-and-investor-bulletin-planning-for-diminished-capacity-and-illness.pdf

[20] http://www.housingwire.com/ext/resources/files/Editorial/Trey-Files/20150603-RC-to-Donnelly-and-Scott-et-al-re-TILA-RESPA.pdf

[21] http://www.consumerfinance.gov/blog/know-before-you-owe-youll-get-3-days-to-review-your-mortgage-closing-documents/

[22] http://www.consumerfinance.gov/newsroom/cfpb-launches-financial-well-being-initiative-targeted-to-people-with-disabilities/

[23] http://www.consumerfinance.gov/blog/consumer-advisory-dont-be-misled-by-reverse-mortgage-advertising/

[24] http://files.consumerfinance.gov/f/201506_cfpb_defining-larger-participants-of-the-automobile-financing-market-and-defining-certain-automobile-leasing-activity-as-a-financial-product-or-service.pdf

[25] http://files.consumerfinance.gov/f/201506_cfpb_defining-larger-participants-of-the-automobile-financing-market-and-defining-certain-automobile-leasing-activity-as-a-financial-product-or-service.pdf

[26] https://www.fdic.gov/bank/analytical/stateprofile/

[27] https://www.fdic.gov/news/news/financial/2015/fil15024.html

[28] http://www.occ.gov/news-issuances/news-releases/2015/nr-occ-2015-83.html

[29] http://www.occ.gov/news-issuances/speeches/2015/pub-speech-2015-82.pdf

[30] http://www.occ.gov/news-issuances/bulletins/2015/bulletin-2015-29.html

[31] http://www.federalreserve.gov/boarddocs/supmanual/supervision_cbem.htm

[32] http://www.federalreserve.gov/publications/annual-report/files/2014-annual-report.pdf

[33] http://www.federalreserve.gov/bankinforeg/caletters/caltr1504.htm

[34] http://www.federalreserve.gov/bankinforeg/volcker-rule/faq.htm

[35] http://www.federalreserve.gov/monetarypolicy/beigebook/beigebook201506.htm?full_report

[36] https://www.frbservices.org/fedfocus/index.html

[37] https://www.frbservices.org/fedflash/

[38] http://www.supremecourt.gov/opinions/14pdf/13-1421_p8k0.pdf

[39] https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-enforcement-activities-related-compliance-regulation-z-truth-lending-act/150609staffrptcfpbtila.pdf?utm_source=govdelivery

[40] http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/National%20Money%20Laundering%20Risk%20Assessment%20%E2%80%93%2006-12-2015.pdf

[41] http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/National%20Terrorist%20Financing%20Risk%20Assessment%20%E2%80%93%2006-12-2015.pdf

[42] https://www.fcc.gov/document/fcc-strengthens-consumer-protections-against-unwanted-calls-and-texts

[43]https://www.federalregister.gov/articles/2013/12/31/2013-28210/integrated-mortgage-disclosures-under-the-real-estate-settlement-procedures-act-regulation-x-and-the

[44]https://www.federalregister.gov/articles/2013/12/31/2013-28210/integrated-mortgage-disclosures-under-the-real-estate-settlement-procedures-act-regulation-x-and-the

[45] https://www.federalregister.gov/articles/2015/02/19/2015-01321/amendments-to-the-2013-integrated-mortgage-disclosures-rule-under-the-real-estate-settlement

[46] http://www.gpo.gov/fdsys/pkg/FR-2015-04-15/pdf/2015-08513.pdf

[47] https://www.federalregister.gov/articles/2014/12/24/2014-29256/credit-risk-retention

[48]https://www.federalregister.gov/articles/2014/08/15/2014-18838/truth-in-lending-regulation-z-annual-threshold-adjustments-card-act-hoepa-and-atrqm#h-4

[49] https://www.federalregister.gov/articles/2014/12/29/2014-30405/truth-in-lending-act-regulation-z-adjustment-to-asset-size-exemption-threshold

[50] https://www.federalregister.gov/articles/2014/12/29/2014-30404/home-mortgage-disclosure-regulation-c-adjustment-to-asset-size-exemption-threshold

[51] http://www.fdic.gov/news/news/financial/2013/fil13031.html

[52] http://portal.hud.gov/hudportal/documents/huddoc?id=92070.pdf

[53] https://www.federalregister.gov/articles/2014/09/18/2014-20681/electronic-fund-transfers-regulation-e

[54] https://www.federalregister.gov/articles/2014/10/28/2014-25299/amendment-to-the-annual-privacy-notice-requirement-under-the-gramm-leach-bliley-act-regulation-p

[55] https://www.federalregister.gov/articles/2014/11/03/2014-25503/amendments-to-the-2013-mortgage-rules-under-the-truth-in-lending-act-regulation-z#h-4

[56] http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA.aspx

[57] http://www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA-Archive.aspx