

LAW/REGULATION	Impact	Citation	Eff. Date	Comment/Summary
FINAL RULES AND ASSOCIATED ACTIONS:				
Final Rule - Regulation V Concerning Inclusion and Use of Medical Information on Credit Reports - CFPB	Moderate	90 FR 3276 1/14/25	3/17/25* <i>Stayed until 6/15/25</i>	The CFPB finalized its June 2024 proposal related to amendments to Reg. V. As proposed, Reg. V will be amended to: (1) Remove the financial information exception which currently permits creditors to obtain and use medical-related financial information from credit reports in connection with credit eligibility determinations; and (2) Generally prohibit consumer reporting agencies from including medical debt information on consumer reports. The rule finalizes the new definition of “medical debt information,” as information pertaining to a debt owed to a person, or a person’s agent or assignee, whose primary business is providing medical services, products, or devices (including debt that is not past due or is paid). A creditor would not be in violation of the proposed rule if it receives and uses medical debt information in connection with credit eligibility determinations without specifically requesting medical information. I.e., if a consumer lists debt owed to a hospital in response to a general question regarding a consumer’s debts or expenses, or the medical information is included in the transaction information of an account for a consumer financial product or service accessed with the consumer’s authorization, the creditor can use the unsolicited medical information to an extent that is no less favorable than it would use comparable information that is not medical information. <i>*Stayed until 6/15/25</i>
Final Rule –TILA Provisions Applicable to PACE loans - CFPB	Minor	90 FR 2434 1/10/25	3/1/26	This rule implements EGRRCPA section 307 and amends Reg Z to address how TILA applies to Property Assessed Clean Energy (PACE) transactions. Largely as proposed , the final rule: clarifies that Reg Z’s commentary to the exclusion to “credit,” as defined in § 1026.2(a)(14), applies only to <i>involuntary</i> tax liens and tax assessments; defines a “PACE transaction” as financing to cover the costs of home improvements that results in a tax assessment on the real property of the consumer; adjusts content requirements for Loan Estimates and Closing Disclosures (new Model Forms H–24(H) and H–25(K), including Spanish versions, H-28(K) and H-28(L)) applicable to PACE transactions; applies Reg Z’s ability-to-repay (ATR) requirements with a number of technical adjustments specific to PACE transactions; and, extends ATR requirements and the liability provisions of TILA to any “PACE company,” which, as defined, means a person, other than a natural person or a government unit that administers the program through which a consumer applies for or obtains a PACE transaction. The rule maintains PACE transactions’ exemption from HPML escrow requirements and periodic statements.
Final Rule - Making Overdrafts Subject to Regulation Z at Very Large Financial Institutions - CFPB	Major (FIs>\$10B)	89FR 106768 12/30/24	10/1/25	The CFPB finalized its February 2024 proposal to amend Regulations E and Z related to overdraft credit provided by “very large financial institutions,” which as proposed, are insured depository institutions and credit unions >\$10 billion in assets. As finalized, Reg Z will generally apply to overdraft credit provided by very large institutions at above actual costs and losses (referred to as the “breakeven” amount). Covered FIs would have the choice of calculating their own costs and losses using standards set forth in the rule, or by relying on a benchmark fee set by the CFPB of \$5 (amounts for consideration in the proposal were \$3, \$6, \$7, or \$14). Above breakeven overdraft credit is currently a type of non-covered overdraft credit, but as of the effective date of the rule, will become covered overdraft credit, subject to Reg. Z provisions (e.g., APR disclosures, other account opening disclosures, periodic statements, and advertising rules). Revised 1026.4(b) will also consider transfer charges imposed on covered asset accounts with linked credit accounts to cover what would otherwise be a negative balance, to be a finance charge under Reg Z. As finalized, covered overdraft credit will have to be placed in a credit account separate from the asset account, and subject to CARD Act provisions (e.g., ATR underwriting requirements, limitations on various penalty fees, and requirements related to rate changes) if the credit can be accessed by a hybrid debit-credit card (i.e., the associated debit card). As proposed, final the rule prohibits compulsory use of preauthorized electronic fund transfers for repayment of covered overdraft credit.
Annual CRA Threshold Adjustment for 2025 - FRB, FDIC and OCC	Minor (Excludes CUs)	FDIC/FRB 89 FR 106480 12/30/24 OCC 2024-36	1/1/25	“Small banks” are those with total assets less than \$1.609 billion (was \$1.564 billion) as of 12/31/23 <u>or</u> 12/31/24; “intermediate small banks” are those with total assets ≥\$402 million (was \$391 million) of both two previous calendar years <u>and</u> less than \$1.609 billion as of 12/31/23 <u>or</u> 12/31/24.

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Annual Threshold Adjustment for CARD, HOEPA, and QM for 2025 - CFPB	Minor	89 FR 95080 12/2/24	1/1/25	<u>CARD Act</u> : 1) No change to the minimum interest charge threshold requiring disclosure of charge >\$1.00 for applicable open-end consumer credit plans. 2) <i>For small card issuers</i> only, a separate final rule (currently stayed), increases the safe harbor amount for credit card late payment fees from \$30 to \$32 for initial and from \$41 to \$43 for subsequent violations. <u>HOEPA</u> : For <u>high-cost mortgages</u> , increased total loan amount threshold from \$26,092 to \$26,968, and the points and fees trigger from \$1,305 to \$1,348. <u>For General QM</u> loans, the spread threshold between APR and APOR is increased to: 1) ≥2.25% for 1 st lien loans ≥\$134,841; 2) ≥3.5% for 1 st lien loans ≥\$80,905 but <\$134,841; 3) ≥6.5% for 1 st lien loans <\$80,905; 4) ≥6.5% for 1 st lien loan secured by manufactured home <\$134,841; 5) ≥3.5% for subordinate-lien loan ≥\$80,905 and 6) ≥6.5% for subordinate-lien loan <\$80,905. <u>For all categories of QMs</u> , the total points and fees thresholds are 1) 3% of total loan amount (TLA) for loans ≥\$134,841; 2) \$4,045 for loans ≥\$80,905 but <\$134,841; 3) 5% of TLA for loans ≥\$26,968 but <\$80,905; 4) \$1,348 for loans ≥\$16,855 but <\$26,968; and 5) 8% of TLA for loans <\$16,855.
Final Rule - Personal Financial Data Rights - CFPB	Moderate	89 FR 90838 11/18/24	Compliance dates (by size): (1) 4/1/26 (2) 4/1/27 (3) 4/1/28 (4) 4/1/29 (5) 4/1/30	Final rule is published largely as proposed to implement personal financial data rights under DFA §1033. It requires data providers (depository and non-depository entities) to make available to consumers and authorized third parties' certain data relating to consumers' transactions and accounts in a machine-readable format; establish obligations for third parties accessing a consumer's data, including privacy protections for that data; and provide basic standards for data access. Covered data includes at least 24 months of historical transaction information, balances, information to initiate payments to/from a Reg E account or Reg Z credit card, T&Cs, and upcoming bill information. Generally, the rule prohibits fees related to consumer or authorized third parties' requests, or for establishing or maintaining a consumer interface. The rule contains initial compliance implementation dates for depository institutions (DIs) by asset size: (1) 4/1/26 for DIs ≥\$250B in <u>either</u> calendar year 2023 or calendar year 2024; (2) 4/1/27 for DIs ≥\$10B but less than \$250B; (3) 4/1/28 for DIs ≥\$3B but less than \$10B; (4) 4/1/29 for DIs ≥\$1.5B but less than \$3B; and (5) 4/1/30 for DIs ≤\$1.5B but more than \$850M. There is a threshold exemption for DIs that hold total assets ≤the SBA size standard (currently \$850M), and an exemption for DIs that do not have a consumer interface.
Agency Annual Threshold Adjustments for 2025	Minor	1)89 FR 82938 2)89 FR 82931 3)89FR105429 4)89FR104398	1/1/25	REGULATORY THRESHOLDS: (1) TILA application is \$71,900 (was \$69,500); (2) exemption for appraisals on HPMLs is \$33,500 (was \$32,400); (3) HMDA asset size exemption threshold is \$58 million (was \$56 million); (4) "Small Creditor" threshold for purposes of the exemption under §1026.35(b)(2)(iii) to establish escrow accounts for HPMLs is \$2.717 billion at 12/31/24 (was \$2.640 billion), and the "Certain Insured Depository Institution" threshold for purposes of the exemption under §1026.35(b)(2)(vi) to establish escrow accounts for HPMLs is \$12.179 billion at 12/31/24 (was \$11.835 billion).
Interagency Final Rule - AVMs under §1125 of Dodd Frank Act – OCC, FRB, FDIC, NCUA, CFPB, FHFA	Moderate	89 FR 64538 8/7/24	10/1/25	Final rule implemented largely as proposed to require quality control (QC) standards for use of automated valuation models (AVMs) in determining value of principal dwelling collateral in certain residential mortgage loans. Creates new paragraph (i) to Regulation Z, 1026.42 and revises the definition of "consumer" for this purpose only, to include a natural person to whom credit is offered or extended, <u>even if the credit is primarily for business or commercial purposes</u> . The rule requires mortgage originators and secondary market issuers to adopt and maintain policies, practices, procedures, and control systems to ensure that AVMs used in covered transactions adhere to QC standards designed to: (1) Ensure a high level of confidence in the estimates produced; (2) Protect against the manipulation of data; (3) Avoid conflicts of interest; (4) Require random sample testing and reviews; and (5) Comply with applicable nondiscrimination laws.

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Final Rule - Small Business Lending Data Collection under ECOA - CFPB	Major	88 FR 35150 5/31/23 89 FR 55024 7/3/24	Compliance dates (tiered): (1) 7/18/25 (2) 1/16/26 (3) 10/18/26	Requires lenders to collect and report information on small business loan applications and originations. A small business is defined as one that had ≤\$5 million in gross revenue for its preceding fiscal year. A covered application is a request for a covered credit transaction made in accordance with procedures used by an FI, however, it excludes inquiries, prequalifications, HMDA-reportable, and extension or renewal requests unless the request seeks additional credit. Required data points include: unique identifier; application date, method, and recipient; credit type and purpose; amount applied for-approved-originated; action taken and date; denial reasons; pricing; census tract; gross annual revenue; NAICS; # of workers and principal owners; time in business; whether the business is a minority, women, or LGBTQI+ owned business; and ethnicity, race, and sex. The final rule reflects 20 data points although each may have multiple fields. The rule contains compliance implementation dates by tier: (1) 7/18/25 if lender made ≥2,500 covered originations in both 2022 and 2023 (or both 2023 and 2024); (2) 1/16/26 if it made <2,500 but ≥500 covered originations in both 2022 and 2023 (or both 2023 and 2024); or (3) on 10/18/26 if it made <500 but ≥100 covered originations in both 2022 and 2023 (or both 2023 and 2024). The rule allows estimates for originations of “covered credit transactions” for lenders that have not collected income data. Once subject to the reporting, lenders collect data on a calendar-year basis and report to the CFPB by June 1, of the following year. <i>*4/3/25: The CFPB filed an affirmative response to a motion for a stay by the Revenue Based Finance Coalition, stating it anticipates issuing a new related NPR as expeditiously as reasonably possible.</i>
Final Rule - dollar thresholds under the EFA Act – CFPB and FRB	Minor	89 FR 43737 5/20/24	7/1/25	Regulation CC’s thresholds are adjusted (as required every 5 years) based on CPI-W measured inflation. Adjustments are: 1) next day availability amount will be \$275 (from \$225); 2) the amount that must be available for withdrawals by cash or other means (second business day) will be \$550 (from \$450); and 3) new account and exception holds allowed for amounts over \$6,725 (from \$5,525). <i>As a reminder, per Reg CC’s change in terms provision, FIs must provide a notice to consumer account holders within 30 days after implementation of a change that expedites the availability of funds.</i>
Final Rule - False Advertising, Misrepresentation and Misuse of the FDIC’s Name or Logo - FDIC	Moderate (for banks)	89 FR 3504 1/18/24 89 FR 84261 10/22/24 90 FR 11659 3/11/25	Extended Compliance Date 5/1/25 and 3/1/26 for certain provisions Effective 4/1/24 Compliance date 1/1/25	The rule (1) Requires IDIs to display the official sign at each teller station, unless IDI only offers insured deposit products on the premises, in which case the official sign can be displayed to be visible from the teller stations, large enough to be legible from anywhere in that area; (2) Permits electronic media to satisfy sign on-premise display requirements; (3) Requires IDIs delineate areas where non-deposit activities take place from areas where insured deposit-taking activities occur, and requires signs that differentiate insured deposits from non-deposit products across banking channels; and (4) Requires a newly-designed official FDIC digital sign to be displayed near the top of the relevant page or screen, in close proximity to the IDI’s name, on initial or homepages of websites or applications, landing or login pages, and pages where customers may transact with deposits. The rule also provides for certain non-deposit signage on applicable pages within digital deposit-taking channels and notifications when a customer accesses non-deposit products from a non-bank third party via an IDI’s digital deposit-taking channel; clarifies how the new digital FDIC signage applies to ATMs; establishes new written P&Ps requirements; and address specific scenarios where consumers may be misled on depository insurance coverage. <i>The compliance date, specifically for the requirement to display the FDIC official digital sign on an IDI’s digital channels, as well as on the screen of ATMs and like devices is extended to 3/1/26. *To assist stakeholders with implementation, the FDIC is publishing answers to the most frequently asked questions it receives.</i>
Interagency Final Rule to Amend the CRA - FRB, FDIC, OCC	Major (for banks)	89 FR 6574 2/1/24	Compliance date for most provisions 1/1/26*	Please refer to past issues of our Recent and Upcoming Regulatory Compliance Changes for a summary of the final rule published in the Federal Register on 2/1/24. <i>*3/28/25: The regulatory agencies have announced their intent to issue a proposal to both rescind the CRA final rule and reinstate the CRA framework that existed prior.</i>

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Payday Loans, Vehicle Title and Certain High-Cost Installment Loans - CFPB	Moderate	82 FR 54472 11/17/17 85 FR 44382 7/22/20	Compliance date 3/30/25 8/19/19* 6/13/22* Effective 1/16/18	Under new 12 CFR Part 1041, covered loans include open-end and closed-end loans that are (1) short-term loans (≤45-days) and (2) longer-term balloon-payment loans (defined as payment that is twice as large as any other payment). Certain provisions apply to a third type of loan, with terms >45-days where the cost of credit exceeds 36% APR and have a leveraged payments mechanism where the lender can initiate transfers from the consumer's account on its own. The rule prohibits lenders from attempting to withdraw payment from a consumer's account after its second consecutive attempt has failed for insufficient funds and also imposes new disclosure requirements. <i>*In CFCA v. CFPB, the SCOTUS held argument related to the plaintiff's claim (to the U.S. Court of Appeals for the Fifth Circuit) that the CFPB's funding was unconstitutional and on 6/17/24 entered that the CFPB funding was constitutional. On 11/24/24, the U.S. Court of Appeals for the Fifth Circuit issued an Order to clarify that the court's stay of the compliance date expires on 3/30/25.</i>
Interpretive Rule - related to Buy Now, Pay Later (BNPL) products – CFPB	Major (For BNPL lenders)	89 FR 47068 5/31/24	7/30/24	The interpretive rule addressed the applicability of Subpart B of Reg. Z to lenders that issue digital user accounts (DUAs) used to access credit, including lenders who market loans as Buy Now, Pay Later (BNPL). This rule describes how lenders meet the criteria for being “card issuers” under Reg. Z, even though traditional BNPL products do not meet Reg Z's definition of open-end credit. Lenders that extend BNPL credit are “creditors” subject to subpart B of Reg Z (1026.2(a)(17)(iii)), including the provisions governing periodic statements and billing disputes because “Congress expressly instructed the Bureau to apply open-end credit regulations to this form of credit that is not open end.” The rule goes on to confirm, however, that lenders that issue DUAs to access BNPL credit are generally not subject to Subpart G of Reg Z. <i>*On 9/18/24, the CFPB published FAQs “to provide guidance on applying Reg. Z to certain BNPL products.”</i> <i>*3/26/25: The CFPB a joint motion for a stay in a lawsuit brought by the Financial Technology Assoc., stating it is planning to revoke the Interpretive Rule.</i>
Final Rule - Regulation Z excessive Credit Card Late Fees - CFPB	Major (For large card issuers)	89 FR 19128 3/15/24	Effective 5/14/24 *Stayed	Amends Reg. Z to make late fees ‘reasonable and proportional’ to the late payment as required under TILA. Exempts small credit card issuers (those who, with their affiliates, had fewer than one million open credit card accounts for the entire preceding calendar year) and maintains their safe harbor thresholds, increased to reflect CPC changes (from \$30 to \$32 for initial, and \$41 to \$43 for subsequent violations). For larger card issuers, the rule adopts a \$8 late fee safe harbor threshold which is not adjustable for inflation and provides sample forms; larger card issuers can charge higher late fees if they can prove the fee covers their actual collection costs. The rule does not adopt the proposed provision that late fees cannot exceed 25% of the required payment. An unofficial redline to Reg Z showing the Final Rule is available here . <i>*As a result of ongoing litigation, the final rule has been stayed pursuant to Chamber of Commerce of the USA et. al. v. CFPB.</i>

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GUIDANCE & PROPOSED RULES:				
Proposed Rule on Prohibited Terms and Conditions in Agreements for Consumer Financial Products or Services (Reg. AA) - CFPB	TBD	Proposed Rule 90 FR 3566 1/14/25	Comments due 4/1/25	The CFPB is proposing to generally prohibit providers of consumer financial products or services, or “covered persons” from including in their contracts for consumer financial products or services any provisions: 1) purporting to waive substantive consumer legal rights and protections (or their remedies) granted by State or Federal law, 2) that reserve to the covered person the right to unilaterally amend a material term of the contract, or 3) that restrain a consumer's lawful free expression, including with threats of account closure, fines, or breach of contract claims, as well as other contract terms. Depository institutions with ≤\$850 million in assets would be exempt from the aforesaid prohibitions. The proposal would also re-codify (with no asset size exemption) in Subpart B of Reg. AA, certain longstanding prohibitions under the FTC’s Credit Practices Rule, including but not limited to, confessions of judgment, waivers of exemption, wage assignments, and security interests in household goods. Lastly, the proposal seeks to grant State law enforcement new authority to enforce the existing Credit Practices Rule and the additional prohibitions against national banks. If finalized, the proposed rule would go into effect 30 days after publication in the Federal Register, with extended compliance dates for pre-existing agreements.
Proposed Interpretive Rule on the Applicability of the EFTA Using Emerging Payment Mechanisms - CFPB	Minor	Proposed Rule 90 FR 3723 1/15/25	Comments due 3/31/25	The CFPB’s stated goal for this proposed interpretive rule is to provide a consistent framework for the applicability of EFTA and Reg. E with respect to a range of emerging payment mechanisms such as stablecoins and other digital assets. It seeks to outline how market participants can develop products and services in compliance with EFTA and Regulation E, by ensuring that similar products are treated similarly under the law. Specifically, it opines upon the definition of “account” defined by the EFTA and Reg. E which includes the phrase “or other consumer asset accounts” such that it may include consumer purpose asset accounts with features that include but are not limited to paying for goods or services from multiple merchants, ability to withdraw funds/cash, or conducting P2P transfers. Depending on the facts, “accounts” under the EFTA could include gaming platform accounts, virtual currency wallets, and credit card rewards points accounts that allow consumers to buy points that can be used to purchase goods from multiple merchants.
Guidance Related to Scrutiny of Overdraft, NSF, and RDI Fees - NCUA	Minor (CUs only)	Guidance 24-CU-03	December 2024	The NCUA’s advisory letter highlights risks associated with certain overdraft (OD) and NSF fee practices. Charging fees that a member cannot reasonably anticipate or prevent, may constitute unfair or deceptive practices. I.e., authorize positive and settle negative (APSN) OD fees, and multiple NSF representation fees. Also mentioned as practices that increase consumer harm are certain returned deposited items fees, high or no daily OD or NSF fee limits, insufficient or inaccurate fee disclosures, and the ordering of transactions to maximize fees. The letter outlines practices that may assist credit unions in managing and mitigating these risks and further discusses the NCUA’s supervisory approach.
Notable items in the rule making agenda - CFPB	TBD	Rule Making Agenda Fall 2024 Reginfo.gov Agency Rule List	Various	Per the CFPB’s Fall 2024 agenda: Nine in the final rule stage: (1) narrowly tailored amendment to certain remittance transfer disclosure requirements in Regulation E (see proposal); (2) interagency rulemaking establishing data standards for the collection of information reported to each agency (see proposal); (3) rulemaking to define larger participants in markets for consumer payments (rule issued 12/10/24); (4) NSF fee rule for instantaneously declined transaction (see proposal); (5) Registry of supervised nonbanks that use form contracts to impose T&Cs that seek to limit consumer legal protections (proposal issued on 2/1/23, with no direct regulatory burden to FIs); (6) rulemaking to streamline mortgage servicing rules (see proposal); (7) Property assessed clean energy (PACE) funding (rule issued 1/10/25); (8) rulemaking related to prohibition on creditors and CRAs concerning medical information (see proposal); (9) amendment to Reg. Z overdraft rules for very large institutions (rule issued 12/30/24). Two in the proposed rule stage: (1) amendments to Reg. AA regarding the inclusion or enforcement of certain provisions in contracts for consumer financial products or services; (2) amendments to Reg. V related to data broker practices (see proposal). Two in the pre-rule stage: (1) rulemaking to prohibit certain misleading practices involving automated customer service systems; (2) rulemaking or guidance to address mortgage closing costs imposed by lenders.

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GUIDANCE & PROPOSED RULES:				
Circular – Design, Marketing, and Administration of Credit Card Rewards Programs - CFPB	Minor	Circular 89FR 106277 12/30/25	12/18/24	In this Circular, the CFPB reminds credit card issuers that they may violate prohibitions of UDAAP in a variety of circumstances if they or their rewards partners devalue earned rewards or otherwise inhibit consumers from obtaining or redeeming promised rewards. The circular provides examples including where: (1) the redemption values of earned or purchased rewards are devalued; (2) consumers' receipt of rewards is revoked, canceled, or prevented based on buried or vague conditions, such as criteria buried in fine print or up to the operator's discretion; or (3) deducting reward points without providing the corresponding benefit, including due to technical failures when redeeming rewards points on merchant partners' systems.
Proposed Rule – New FCRA Definitions and Data Broker Limitations	Moderate-Major	Proposed Rule 89FR 101402 12/13/24	Comments due 3/3/25 4/2/25*	This proposed rule (PR) would amend Reg. V, which implements the Fair Credit Reporting Act (FCRA) and would result in significant changes for the data broker industry and users of consumer data. The PR would implement the FCRA's definition of consumer reporting agency (CRA) but with a blanket expansion of a term within the definition; "assembling or evaluating." The PR would implement the FCRA's definition of consumer report but with sweeping expansions of terms within that definition, such as "is used" or "expected to be used." Credit header data, often used today for identification purposes and fraud prevention, and other personal identifiers (such as name, age, address (including a standalone zip code), phone number, email address, and more) even if used alone in a disaggregated fashion could constitute a consumer report under the expanded definition. The CFPB invites additional comments as to how the definition and scope of consumer report should apply to de-identified data. The proposed changes could likely render any party that collects, maintains, or retains such information such a data brokers, a CRA, and subject to all FCRA's standing provisions involving CRAs, if such party is providing information to a third party for "monetary fees, dues, or on a cooperative nonprofit basis." Among other things, the rule as proposed would add explicit limitations and significant conditions over FCRA's current permissible purpose of "in accordance with the written instructions of the consumer to whom it relates" including clear, conspicuous, and segregated pre-disclosure, with revocation of consent instructions to the consumer prior to obtaining the consumers' express written consent. *The comment period was extended, per notice in 90 FR 11326 to 4/2/25.
Circular – Adhering to the FCRA When Making Employment Decisions Utilizing Consumer Reports and Algorithmic Scores - CFPB	Minor	Circular FR 89 88875 11/12/24	10/24/24	In this Circular, the CFPB reminds employers in all sectors of required adherence to the FCRA when making employment decisions utilizing background dossiers, algorithmic scores, and other third-party consumer reports about workers. The FCRA's section 604(b) requires that when a consumer report is used for employment purposes, the user gets permission from the respective individual. It also generally requires employers to provide workers with a copy of their report before taking adverse action. The CFPB appears to address concerns that recent technological advances have resulted in a rapid increase in third-party technology companies that have made it easier and more cost effective for employers to track, assess, and evaluate workers on an ongoing basis. For example, monitoring workers' sales interactions, tracking workers' driving habits, measuring the time that workers take to complete tasks, recording the number of messages workers send, and the quantity and duration of meetings they attend, and more. Such information might be sold by consumer reporting agencies to prospective or current employers and may constitute a consumer report.
Advisory Opinion - Unfair and Deceptive Collection of Medical Debt - CFPB	Minor	Advisory Opinion 89 FR 80715 10/4/24	1/2/25 12/3/24	This CFPB Advisory Opinion (AO) is to remind debt collectors of their obligation to comply with the FDCPA, and Reg. F's prohibitions on false, deceptive, or misleading representations in connection with the collection of any medical debt and unfair or unconscionable means to collect or attempt to collect any medical debts. As explicitly stated, the following actions would be considered unlawful: Collection of amounts already paid or for services not received; Collection of amounts either not owed, or above what can be charged under Federal or State law; Collection of unsubstantiated medical debt, and; Misrepresentation of the nature of legal obligations. The AO goes on to make clear that debt collectors are strictly liable under the FDCPA if they engage in these practices. <i>*On 11/29/24, an extension to the AO's effective date was published in the Federal Register extending the effective date to 1/2/25.</i>

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Proposed Rule – Reg E Remittance Transfers – CFPB	Minor	Proposed Rule 89 FR 79456 9/30/24	Comments due 11/4/24	Disclosure requirements for receipts issued by remittance transfer (RT) providers to senders are codified in Subpart B to Reg. E, §1005.31(b)(2). The CFPB’s proposed rule would amend the disclosure requirements and corresponding model forms so that, rather than stating that the sender can contact the State licensing agency of the RT provider and the CFPB with questions or complaints, the revised disclosure statement would state that the sender can contact the State licensing agency and the CFPB if the sender has unresolved problems with the RT or complaints about the RT provider. Related to this change, model forms would be updated to make RT provider contact information more prominent and easier to locate for consumers. Additionally, the proposed rule would make other minor amendments to formatting to promote consistency in model forms, as well as make corrections of spelling errors on certain Spanish language model forms.
Circular - Improper Overdraft Opt-In Practices - CFPB	Minor	Circular 89 FR 80075 10/2/24	9/17/24	In this Circular, the CFPB reminds FIs that violations of law can occur if there is no proof that consumers' affirmative consent was obtained prior to levying overdraft fees for ATM and one-time debit card transactions. While the form of the records that demonstrate consent may vary according to the channel used for opting in, the CFPB affirms that violations of Reg. E, can be proven in part by showing evidence that a consumer was charged an overdraft fee on a covered transaction where the available evidence does not adequately validate that the consumer opted in. Examples are provided of demonstrable evidence, and include copies of signed forms, phone recordings, and “securely stored and unalterable electronic signature as defined in the E-Sign Act.”
Advisory Opinion - TILA Applicability to Contracts for Deeds - CFPB	Minor	Advisory Opinion 89 FR 68086 8/23/24	8/23/24	Within this Advisory Opinion (AO), the CFPB states it is creating “an interpretive rule” affirming that when a buyer purchases a personal dwelling from a <i>creditor</i> as defined by TILA, under a contract for deed, the transaction typically will meet the definition of <i>closed-end credit</i> under TILA and Reg. Z, and is subject to the applicable requirements of Subpart C of Reg. Z. The AO describes a typical contract for deed as a home loan in which a homebuyer agrees to make periodic payments to the home seller, and the seller retains the deed to the property until the loan is fully repaid. During the repayment period, the buyer has the exclusive right to occupy the home and often assumes many of the responsibilities of homeownership, including paying for taxes, insurance, home maintenance, and repairs.
Proposed Rule – RESPA Mortgage Servicing for Borrowers Seeking Payment Assistance - CFPB	Major (for large servicers)	Proposed Rule 89 FR 60204 7/24/24	Comments were due 9/9/24	The CFBB proposes to amend various sections of Reg. X, 12 CFR §1024 related to the servicing requirements for borrowers seeking payment assistance. The proposal will continue to exempt small servicers. Proposed changes to the current regulation would include: newly defined terms “loss mitigation review cycle” and “request for loss mitigation assistance”; new procedural safeguards prior to advancing or starting foreclosure (unless the borrower has been non-communicative for ≥90 days); new restrictions to the accrual of interest, penalties, and fees during the loss mitigation review cycle; revised determinations notice coverage and content, and new unsolicited loss mitigations offer notifications; additional information in written early intervention notices; new live contact and written notice communications ≥30 days but ≤45 days prior to scheduled end of forbearance periods; clarifications regarding what constitutes an error resolution, and the appeals process; and, a requirement to include specified written communications in Spanish to all borrowers, and in various instances other languages (both written and oral). As proposed, a servicer would not be required to collect a complete loss mitigation application for all available options prior to deciding about whether to deny or to offer a loss mitigation option to a borrower. The CFPB also solicits comments on other servicing issues including credit reporting, zombie mortgages, and disclosure of deferred amounts.

LAW/REGULATION	Impact	Rules Citation	Effective Date	Comment/Summary
GUIDANCE & PROPOSED RULES:				
Proposed Interpretive Rule on Paycheck Advance Products - CFPB	Minor	Proposed Interpretive Rule 89 FR 61358 7/31/24	Comments were due 8/30/24	The CFPB is proposing to replace its 2020 advisory opinion (see below) which stated that some earned wage advance/access (EWA) products are not credit because they would not constitute a debt. The new interpretive rule, as proposed, would confirm the applicability of certain Reg. Z and TILA provisions to EWA products that involve both: (1) the provision of funds to the consumer in an amount that is based on the wages that the consumer has accrued in a given pay cycle; and (2) repayment to the third-party provider via some automatic means, like a scheduled payroll deduction or a preauthorized account debit; notwithstanding an employer's actual payment of wages. The CFPB explains its new broad reading of "debt" to include EWA products, regardless of if the obligation to repay is contingent and satisfied via payroll deduction. The proposal seeks to put the industry on notice that EWA products are considered "credit" under TILA and Reg. Z and that expedited funds delivery fees, as well as "tips and similarly labeled payments" that are imposed directly or indirectly by the creditor, are considered finance charges.
Advisory Opinion Rescinding 2020 Advisory Opinion on Earned Wage Product	Minor	Advisory Opinion 90 FR 3622 1/15/25	1/15/25	In this Advisory Opinion (AO) the CFPB effectively rescinds its 2020 AO that described how one particular type of "earned wage" product does not involve the offering or extension of "credit" as that term is defined in the TILA and Reg Z. The CFPB cites two fundamental reasons: (i) its legal analysis is significantly flawed in numerous respects; and (ii) it engendered substantial regulatory uncertainty. The most current opinions of the CFPB related to Paycheck Advance Products can be found in the Proposed Interpretive Rule published July 2024.
Circular Regarding Unlawful or Unenforceable terms & conditions in Consumer financial products or services contracts - CFPB	Minor	Circular 89 FR 51955 6/21/24	6/4/24	CFPB makes the stance that inclusion of certain terms in contracts for consumer financial products or services likely violates the CFPA's prohibition on deceptive acts or practices when applicable Federal or State law renders such contractual terms, including those that purport to waive consumer rights, unlawful or unenforceable. The circular provides examples of violations that CFPB supervisory examiners have identified, including unenforceable language in consumer contracts related to the right to challenge garnishments, exercise bankruptcy protection rights, exercise error resolution rights for remittance transfers and more.
Interagency Guidance on Reconsiderations of Value for Residential Real Estate Valuations – OCC, FRB, FDIC, NCUA, and CFPB	Minor	Interagency Guidance 89 FR 60549 7/26/24	6/26/24	The agencies are finalizing proposed guidance to highlight risks associated with deficient residential real estate valuations and describe how FIs may choose to incorporate reconsiderations of value (ROV) processes and controls into established risk management functions. ROVs are requests from an FI to an appraiser or other preparer of a valuation report to reassess the value of residential real estate. The final guidance is largely as proposed however, the agencies have made clarifications, including adding a footnote stating the scope of the guidance is limited to real estate-related financial transactions <i>that are secured by a single 1-to-4 family residential property</i> . Deficiencies may be identified through an FI's valuation review or through consumer provided information. Actions an FI may take action to resolve deficiencies include working directly with the appraiser or preparer of the valuation report; requesting a review of the valuation by an independent, qualified, and competent state certified or licensed appraiser; or obtaining a second appraisal or evaluation. The guidance provides examples to consider in developing risk-based ROV-related P&Ps, control systems, and complaint processes to identify, address, and mitigate the risk of deficient valuations and risk of discrimination. The guidance also addresses consideration of risk(s) arising from an FI's third-party valuations and review functions, and relevant training for different stakeholders.
Withdrawn Proposed Rule - Banning NSF Fees on Instantaneously Declined Transactions - CFPB	Minor	Proposed Rule 89 FR 6031 1/31/24 Withdrawn 90 FR 3044 1/14/25	Comments due 3/25/24	The CFPB proposes to prohibit covered financial institutions from charging fees, such as NSF fees, when a consumer initiates certain payment transactions that are instantaneously declined, on the grounds that charging such fees would constitute an abusive practice. In the proposal, the term "covered financial institution" would have the same meaning as a "financial institution" in existing Regulation E, 12 CFR 1005.2(i). Covered payment transactions would include declined debit card purchases and ATM withdrawals, as well as some declined peer-to-peer payments. The Federal Register notice indicates that nearly 8,000 comments were submitted leading the CFPB to withdraw this rulemaking while considering whether a broader rulemaking to include NSF fees on other products would be appropriate.