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To: Clients and Friends

From: David F. Dulock

Subject: CFPB Provides Flexibility During COVID-19 Pandemic – Press Release

Today, the CFPB posted on its website a press release announcing that it is providing needed flexibility to enable financial companies to work with customers in need as they respond to the COVID-19 pandemic. The text of the press release and its hyperlinks to the following CFPB policy statements—“Statement on Supervisory and Enforcement Practices Regarding Quarterly Reporting Under the Home Mortgage Disclosure Act”, “Statement on Supervisory and Enforcement Practices Regarding Bureau Information Collections for Credit Card and Prepaid Account Issuers”, and “Statement on Bureau Supervisory and Enforcement Response to COVID-19 Pandemic”—are reprinted below:

The Consumer Financial Protection Bureau (Bureau) today announced that it is providing needed flexibility to enable financial companies to work with customers in need as they respond to the COVID-19 pandemic. The Bureau is postponing some data collections from industry on Bureau-related rules to allow companies to focus on responding to consumers in need and making changes to its supervisory activities to account for operational challenges at regulated entities.

“As consumers seek temporary relief from lenders, the pandemic is impacting the operations of financial companies that are eager to help their customers during this unprecedented time,” said Director Kathleen L. Kraninger. “Our actions today are temporary and targeted to support consumers by allowing financial companies to focus their resources on assisting consumers.

“The Bureau, along with our state and federal partners, have released prior guidance encouraging financial institutions to work constructively with borrowers and other customers affected by COVID-19 to meet their financial needs. We will continue to issue additional guidance and policies to facilitate the ongoing collaborative relationship between companies and their customers during this time,” concluded Director Kraninger.

The Bureau will not expect quarterly information reporting by certain mortgage lenders as required under the Home Mortgage Disclosure Act (HMDA) and Regulation C. During this time, entities should continue collecting and recording HMDA data in anticipation of making annual submissions. The Bureau will provide information on when and how institutions will be expected to commence what would have been new quarterly HMDA data submissions.

The Bureau also will not expect the reporting of certain information related to credit card and prepaid accounts under the Truth in Lending Act, Regulation Z, and Regulation E. This includes the annual submissions concerning agreements between credit card issuers and institutions of higher education; quarterly submission of consumer credit card agreements; collection of certain credit card price and availability information; and submission of prepaid account agreements and related information.

(2 pages)

Additionally, the following data collections are being postponed:

- a survey of financial institutions that seeks information on the cost of compliance in connection with pending rulemaking on Section 1071 of the Dodd-Frank Act; and
- a survey of firms providing Property Assessed Clean Energy financing to consumers for the purposes of implementing Section 307 of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

To the extent the submission of this information is required by law, the Bureau is issuing policy statements indicating that it does not intend to cite in an examination or initiate an enforcement action against any entity for failure to submit such information when required. The Bureau will notify entities at a later date of when and how to submit information under these requirements. Entities should maintain records sufficient to allow them to make delayed submissions pursuant to Bureau guidance.

The Bureau also announced that as a result of operational challenges confronted by institutions due to the pandemic, the Bureau will work with affected financial institutions in scheduling examinations and other supervisory activities to minimize disruption and burden. When conducting examinations and other supervisory activities and in determining whether to take enforcement action, the Bureau will consider the circumstances that entities may face as a result of the COVID-19 pandemic and will be sensitive to good-faith efforts demonstrably designed to assist consumers.

Statement on Supervisory and Enforcement Practices Regarding Quarterly Reporting Under the Home Mortgage Disclosure Act:

https://files.consumerfinance.gov/f/documents/cfpb_hmda-statement_covid-19_2020-03.pdf

Statement on Supervisory and Enforcement Practices Regarding Bureau Information Collections for Credit Card and Prepaid Account Issuers:

https://files.consumerfinance.gov/f/documents/cfpb_data-collection-statement_covid-19_2020-03.pdf

Statement on Bureau Supervisory and Enforcement Response to COVID-19 Pandemic:

https://files.consumerfinance.gov/f/documents/cfpb_supervisory-enforcement-statement_covid-19_2020-03.pdf

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