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April 4, 2017

**To:** Clients and Friends

**From:** David F. Dulock

**Subject:** CFPB Proposed Amendments to ECOA Regulation B Ethnicity and Race Information Collection

In the April 4, 2017, issue of the *Federal Register* (82 FR 16307, [click here](#)) the CFPB published a proposed rule, with a request for public comment, to permit creditors additional flexibility in complying with Regulation B in order to facilitate compliance with Regulation C (as amended in the 2015 HMDA final rule), to add certain model forms and remove others from Regulation B, and to make various other amendments to Regulation B and its commentary to facilitate the collection and retention of information about the ethnicity, sex, and race of certain mortgage applicants.

You may submit comments, identified by Docket No. CFPB–2017–0009 or RIN 3170–AA65, by any of the following methods:

- *Email:* [FederalRegisterComments@cfpb.gov](mailto:FederalRegisterComments@cfpb.gov). Include Docket No. CFPB–2017–0009 or RIN 3170–AA65 in the subject line of the email.
- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552. Include CFPB–2017–0009 or RIN 3170–AA65 in a reference line at the top of the submission.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002. Include CFPB–2017–0009 or RIN 3170–AA65 in a reference line at the top of the submission.

Submitted comments must be received by the CFPB on or before May 4, 2017.

The proposed rule would amend the following sections of Regulation B:

- **§1002.5 Rules concerning requests for information.** The proposed amendments to §1002.5 would add paragraph (a)(4) to permit creditors to collect applicant information in certain circumstances when they would not otherwise be required to do so.
- **§1002.12 Record retention.** The proposed amendments to §1002.12 would revise paragraph (b)(1)(i) to address retention of information about certain applicants.
- **§1002.13 Information for monitoring purposes.** The proposed amendments to §1002.13 would revise paragraphs (a)(1)(i) and (b) to permit a creditor additional flexibility in how it collects applicant ethnicity and race information in order to better align with Regulation C, as amended in the 2015 HMDA final rule.

- **Appendix B to Part 1002—Model Application Forms.** The proposed amendments to Appendix B would remove the January 2004 Fannie Mae/Freddie Mac

URLA from Regulation B and add additional sample forms to Regulation B to facilitate compliance, including a Data Collection Model Form.

- **Supplement I to Part 1002—Official Interpretations.** The proposed amendments to Supplement I would revise, add and/or remove comments to §§1002.5, 1002.12, 1002.13 and Appendix B to conform to the proposed rule's amendments to these sections of Regulation B.

The text of the proposed amendments to Regulation B summarized above may be found on pages 16319 through 16321 in the above hyperlinked issue of the *Federal Register*.

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