

InfoSight Highlight

Field of Membership

What recent changes has NCUA made to Field of Membership?

NCUA recently issued a Final Rule which modernizes existing FOM definitions for federal credit unions. This Final Rule was approved October 27, 2016 at an open Board Meeting and was published to the Federal Register on December 7, 2016. The Final Rule became effective on February 6, 2017.

The Final Rule amends NCUA's FOM rules to allow greater flexibility for community charters and select employee group (SEG) based credit unions, increased opportunities to serve underserved areas, expansion of population limits, a new streamlined application process, expansion of persons eligible for membership, and more. These changes ultimately help to improve access for consumers and allow credit unions to better serve their communities.

For additional information, [click here for the topic](#).

Review the information today to help your credit union remain in compliance.

Compliance News

Bureau Guidance on Implementation of Servicing Rule Changes

The CFPB published in a recent Federal Register [policy guidance](#) concerning early compliance with its 2016 amendments to the Servicing Rules under Regulations X and Z. Responding to industry concerns about mid-week effective dates (both the October 19, 2017, and April 19, 2018, effective dates of the 2016 amendments fall on Thursday), the Bureau's guidance says the agency won't take action for violations of existing Regulation X or Regulation Z resulting from compliance with the amendments up to three days early. That will allow servicers to update their systems over the weekend prior to the effective dates, rather than mid-week.

Source: CFPB/Federal Register

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Credit Union National Association

Compliance Videos

First Quarter 2017 Recap and Second Quarter Outlook

This [video](#) provides a recap from Glory LeDu, Director of League System Relations, of the first quarter compliance updates and gives a "sneak peek" of what is to come in the second quarter of 2017. Included are such topics as the NCUA changes to Member Business Lending, the Fixed Assets Rule and the Chartering and Field of Membership Manual as well as a minor revision to the CFPB's HMDA information. There were also annual updates from the CFPB, FRB and the IRS. The FFIEC has also updated the Uniform Interagency Consumer Compliance Rating System, which is mentioned in this video as well as covered in depth in a separate video.

Reminder: Annual Report of Blocked Property

The Department of the Treasury has posted a [reminder](#) that financial institutions are required to provide the Office of Foreign Assets Control (OFAC) a comprehensive list of all blocked property held as of June 30 of the current year by September 30. The annual reports must be filed using Form [TD F 90-22.50](#).

Source: OFAC

Labor Continues Review of Fiduciary Rule

The Department of Labor has [announced](#) it will publish a Request for Information (RFI) related to its Fiduciary Rule. The RFI will be an opportunity for the public to provide data and information that may be used to revise the rule and associated exemptions. There will be a 15-day comment period on extending the January 1, 2018, applicability date of certain aspects of the rule, and a 30-day comment period on all other issues in the RFI, each period starting with publication of the RFI in the Federal Register.

Source: Department of Labor

Does Your Credit Union Offer “Age-Friendly” Financial Services?

The Federal Reserve Board's (Fed) recent [Consumer Compliance Outlook](#) newsletter highlights the need for financial institutions to "combat elder financial abuse." It is estimated that by 2060, one in five U.S. residents will be over the age of 65. This article describes the "typical victim of elder abuse as between the ages of 70 and 89, white, female, frail and cognitively impaired." Research shows that most often the perpetrators of elder financial abuse are family members (68%), friend and neighbors (17%), and home healthcare aides (15%).

The Fed recommends "age-friendly" financial services to help combat this growing crime against older Americans. Survey research has indicated that older adults want:

- Low-cost checking accounts without minimum deposit requirements;

FFIEC Consumer Compliance

In this [video](#), Glory LeDu explains the updates made to the Uniform Interagency Consumer Compliance Rating System by the Federal Financial Institutions Examination Council (FFIEC), as well as the CFPB's requirements for an effective Consumer Compliance Management System. Credit unions should review this video to determine how their current compliance management system stacks up, as examiners will be using this rating system to evaluate credit unions on compliance factors and will be assigning an overall Consumer Compliance Rating.

Member Business Lending

[This video](#) provides the details you will need to know to comply with the NCUA's Member Business Lending rules.

Compliance Calendar

July, 2017

- Low-interest lending and credit products for emergency use;
- Assistance accessing public benefits and income supports;
- Help avoiding financial abuse and fraud through educational and legal training;
- In-person member service at physical branches; and
- Early intervention retirement planning.

Research by the San Francisco Federal Reserve found that many elderly consumers are "concerned about the safety of online banking, do not own a computer or smartphone, and/or may experience physical limitations that make them less likely to rely on computers for financial services." As a result, it is not surprising to find that more than half of consumers over 65 rely on tellers to access their accounts. The Fed emphasizes that staff training, especially teller training, is critical in the effort to combat elder financial abuse because front line staff are in the best position to observe suspicious conduct.

The Fed encourages credit unions to enhance their policies, procedures, and training to ensure your staff can identify and report suspected elder financial abuse.

Source: FRB/CUNA

McWatters Asks Cordray To Exempt Large CUs From CFPB Exams

NCUA Chairman McWatters has sent a [letter to CFPB Director Cordray](#) requesting that the CFPB provide a conditional exemption for credit unions with assets of more than \$10 billion from its examination and enforcement authority. Citing credit unions' unique role in the financial system by virtue of their being not-for-profit institutions owned and controlled by members, McWatters said shifting examination and enforcement authority to NCUA offers numerous benefits from the current system, in which credit unions face unnecessary examination burdens and aggressive punitive fines. Six federally insured credit unions—Navy Federal Credit Union, State Employees' Credit Union, Pentagon Federal Credit Union, Boeing Employees Credit Union, Schools First Federal Credit Union, and The Golden 1 Credit Union—have assets of \$10 billion or more.

Source: NCUA

- July 30th, 2017: [5300 Call Report Due to NCUA](#)

September, 2017

- September 4th, 2017: Labor Day - Federal Holiday
- September 15th, 2017: [Same-day ACH \(NACHA\) – Phase 2 of the implementation period for the rule.](#)

October, 2017

- October 3rd, 2017: [Military Lending Act for Credit Cards](#)
- October 9th, 2017: Columbus Day - Federal Holiday
- October 19th, 2017: [Amendments to the 2013 Mortgage Rules under the Real Estate Settlement Procedures Act - Regulation X and the Truth in Lending Act - Regulation Z](#)
- October 29th, 2017: [5300 Call Report Due to NCUA](#)

November, 2017

- November 10th, 2017: Veterans' Day (Observed) - FRB will be open

CFPB Finalizes Update to TRID Rule

The CFPB announced on 7/7/17 a final rule updating its "Know Before You Owe" mortgage disclosure rule (a/k/a the TILA-RESPA Integrated Disclosure or TRID rule) with amendments that are intended to formalize guidance on the rule, and provide greater clarity and certainty. The CFPB is also releasing a limited follow-up proposal to address an additional implementation issue.

In addition to the clarifications and technical corrections, the final rule amendments also address other issues, including:

- Tolerance provisions for the total of payments that parallel the tolerances for the finance charge and disclosures affected by the finance charge
- Adjustments to expand the provision granting a partial exemption from disclosure requirements of certain housing assistance loans
- Extension of the rule's coverage to all cooperative units
- Provisions allowing the sharing disclosures with real estate brokers and other agents, and clarifying how a creditor may provide separate disclosure forms to the consumer and a seller.

The final rule will be effective 60 days after it is published in the Federal Register, with compliance optional (except for compliance with the amended escrow cancellation notice requirement under § 1026.20(e) and the partial payment policy disclosure requirement under § 1026.39(d)(5)) for any application received before October 1, 2018. Compliance will be mandatory for any application received on or after October 1, 2018, and for all loans with respect to the amended escrow cancellation notice and disclosure of partial payment policy beginning October 1, 2018.

The CFPB is also issuing a proposal addressing when a creditor may use a Closing Disclosure or corrected Closing Disclosure, instead of a Loan Estimate, to determine if an estimated closing cost was disclosed in good faith and within tolerance. Apparently, the changes in this area included in its 2016 proposal were interpreted in two very different ways.

Comments on the revised proposal will be due 60 days after its publication in the Federal Register.

- [Final Rule amending the TRID Rule](#)
- [Proposal on use of closing disclosure](#)
- [Executive Summary](#)

- November 23rd, 2017: Thanksgiving Day - Federal Holiday

December, 2017

- December 25th, 2017: Christmas Day - Federal Holiday

January, 2018

- January 1st, 2018: [Home Mortgage Disclosure Act – Regulation C \(CFPB\), most provisions – Effective date](#)

March, 2018

- March 16th, 2018: [Same-day ACH \(NACHA\) – Phase 3 of the implementation period for the rule.](#)

Compliance Training

Regulatory Compliance Training

NCUA Field-of-Membership Rule

Get more information about the NCUA's new field-of-membership rule by watching the [agency's webinar online](#) and review

FinCEN proposes special measure against Chinese bank

FinCEN published a [Notice of Proposed Rulemaking](#) in the July 7, 2017, Federal Register under Section 311 of the USA PATRIOT Act, that would prohibit the opening or maintaining of a correspondent account in the United States (the fifth special measure in Section 311) for, or on behalf of, Bank of Dandong. Comments on the proposal will be accepted through September 5, 2017. FinCEN has found that Bank of Dandong, located in China, is a financial institution of primary money laundering concern because it serves as a conduit for North Korea to access the U.S. and international financial systems, including by facilitating millions of dollars of transactions for companies involved in North Korea's weapons of mass destruction and ballistic missile programs.

Source: FinCEN

[questions and answers](#) from the event.

The NCUA Board unanimously approved the new field-of-membership rule at its [October 2016 open meeting](#).

NCUA videos on effective board meetings

The NCUA has [released](#) a new video series, "Effective Board Meetings," designed to help credit union directors make the best use of their meetings. The four-part series features different examples of well-run and poorly run board meetings. It also provides helpful tips on how to run constructive meetings and create an environment that engages a credit union's board members.

CUNA AND CUNA Webinars

CUNA offers hundreds of online training events that make it easy for you to learn right at your desk. Whether you are looking for a beginner course or want a comprehensive understanding on a specific topic, CUNA webinars, audio conferences and eSchools have what you need.

Advocacy Highlight

Proposal to amend Prepaid Rule published

The CFPB has [published](#) in a recent Federal Register its [previously-announced](#) proposal to amend its Prepaid Rule. Comments on the proposal will be accepted through August 14, 2017.

Source: NCUA

DOL Sends Request For Information (RFI) to the OMB

Last week the [Department of Labor](#) sent a Request for Information (RFI) to the OMB for the overtime rule which was finalized in 2016. CUNA previously commented on this [rule](#) and has been following the litigation surrounding it, which led to a nationwide [injunction](#) of the rule in December 2016.

Many stakeholders thought that the DOL would withdraw entirely the DOL's appeal of the injunction once the new Secretary was in place, leaving the rule unenforceable. However, last week the DOL filed a brief asking the court not to invalidate its ability to use salary levels to determine qualification for overtime. The brief stated, "The Department requests that this Court not address the validity of the specific salary level

set by the 2016 final rule (\$913 per week), which the Department intends to revisit through new rulemaking.”

It appears that the DOL plans to propose a new rule, but is now waiting for the court to rule on the issue of whether it can set salary thresholds. In the past the DOL Secretary has indicated that he supports an increase to current salary threshold to qualify for overtime, but has other concerns about the final rule in its current form. CUNA plans to review and comment on the RFI once it is published in the Federal Register.

TCPA Ruling in Second Circuit is Good News for Credit Unions

Last month a decision handed down in the Second Circuit Court of Appeals held that the Telephone Consumer Protection Act (TCPA) does not allow consumers to revoke consent to receive automated or prerecorded cell phone calls if consent was previously given as part of a binding contract. In the case *Reyes v. Lincoln Automotive Financial Services*, Case No. 16-2104 (2nd Cir. June 22, 2017) the plaintiff-appellant argued that an automobile dealer violated the TCPA when they were contacted after sending a letter in the mail revoking consent to be called.

The district court granted summary judgment finding (1) the evidence of consent revocation was insufficient, and (2) in any event, the TCPA does not permit revocation when consent is provided as consideration in a binding contract. The Second Circuit then affirmed this ruling.

The question of what is a “reasonable” method to revoke consent has been a concern to credit unions after the July 2015 TCPA Order provided onerous guidance in this area. This is an issue CUNA [raised](#) in our Amici Brief, and something we have sought clarity on from the FCC. Last, weeks’ ruling created helpful precedent in this area.

Several petitioners in the ongoing litigation challenging the FCC’s 2015 TCPA Order urged the D.C. Circuit this week to consider this decision by the Second Circuit prior to issuing its ruling in the case. In a letter to the court they wrote that, “Indeed, if the TCPA unambiguously provides that consent can be irrevocable in the context of a bargained-for exchange, then it is at minimum unreasonable to interpret the statute as prohibiting agreements to define mere methods of revocation,” further adding, “In holding that the TCPA clearly incorporates common-law rules of

[Click here](#) for updates on compliance, operations, lending topics and more!

CUNA Fair Lending Workshop

August 23-24, 2017//Orlando FL. Information on this great workshop can be found [here](#).

MLA Part Two: New Credit Card Rules Webinar

Will you be ready for the changes, effective October 3, 2017? CUNA is making [this webinar](#) available on July 13, 2017 to help!

consent, Reyes confirms that the TCPA gives parties the right to agree to forms of effective revocation.”

CUNA is closely following the outcome of the litigation challenging the 2015 TCPA Order in the D.C. Circuit. We believe the Second Circuit’s decision is a step in the right direction providing clarity on the issue of revoking consent and we will continue to seek clarity on this, and other concerning aspects of the 2015 TCPA Order from the FCC.

Source: CUNA

CUNA Advocacy Update

The [CUNA Advocacy Update](#) is published at the beginning of every week and keeps you on top of the most important changes in Washington for credit unions--and what CUNA is doing to monitor, analyze, and influence government agencies and federal law. Additional Advocacy efforts may also be found under CUNA’s [Removing Barriers](#) blog.

New ComplySight Enhancements – File Manager!

ComplySight’s newest enhancement, File Manager, is now available and you can learn all about it in [this 35-minute video](#). File Manager allows users to upload files and documents individually or in bulk and associate them to Areas, Items and/or Factors. If you have any questions, please feel free to contact info@complysight.com.

ComplySight Training is Available!

Not sure how to get started, or want a refresher on how to use ComplySight? Or are you interested in seeing more of how ComplySight works? We are excited to make available recorded webinars to help you get the most out of ComplySight! We currently have seven training modules available! The ComplySight training webinars are available at any time, and registration is not required. [Click here to start training today!](#)

ComplySight: 30 Day Free Trial!

If you’re interested in a “trial run” of ComplySight, League InfoSight is offering a free, 30-day trial so you can see the benefits first-hand. It's easy to get started. [Just visit us online and click on Free Trial Offer.](#)

