

# Inf Sight Newsletter

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## Highlights

Vintage clothes are cool.  
Vintage policies are not.



Keep your policies up to  
date with **CUPolicyPro** 

Up-to-date policies are all the rage with examiners, but laws and regulations seem to change more quickly than the latest fashion trends! CU PolicyPro can help you stay on top of these changes so your policies don't become passé!

## Compliance and Advocacy News & Highlights

### Payday Lending Rule Status Update

The CFPB's "Payday, Vehicle Title, and Certain High-Cost Installment Loans" rule has been held up by a federal court case in Texas. Although the rule's August 19, 2019, effective date has passed, the U.S. District Court for the Western District of Texas (Austin Division) stayed implementation of the rule pending the court's decision in *Community Financial Services Association of America, Ltd. and Consumer Service Alliance of Texas v. Consumer Financial Protection Bureau [and its director]*.

On July 29, the court ordered that the parties submit briefs and responses by August 16 concerning what would be the appropriate compliance date if the court were to deny Plaintiffs' motion for summary judgment and grant Defendants' motion for summary judgment. Those briefs and responses have been filed. Lenders now face the risk that the court could rule soon in favor of the CFPB, allowing the rule to take effect.

The Bureau's brief argued that the rule should become effective within 30 days of the court's lifting of the stay. The trade groups argued that any order lifting the stay should set the compliance date either 445 days or 286 days from the lifting of the stay, reflecting the time left for compliance when the stay was sought (445 days before August 19, 2019) or entered (286 days before August 19, 2019). The trade groups suggested they would appeal if the court rules in favor of the Bureau.

*Source: CFPB*

### Streamlined CDFI Application Qualifying Round Opens Sept. 12

As announced in an [NCUA Press Release](#), federally insured, low-income credit unions seeking a Community Development Financial Institution (CDFI) certification can apply for the National Credit Union Administration's streamlined qualification process between Sept. 12 and Oct. 15.

"CDFI certification is an important tool eligible credit unions can use to expand opportunity for their members and communities," NCUA Chairman Todd M. Harper said. "Credit unions can use CDFI funding to build capacity and develop new products and services to meet the credit and savings needs of consumers, especially those of modest means. I encourage all eligible credit unions to apply."

To qualify, low-income-designated credit unions must register in the NCUA's CyberGrants system and complete an online [Participation Form](#). The NCUA's Office of Credit Union Resources and Expansion will review each credit union's products, services, and other indicators to determine whether the credit union qualifies for the streamlined certification application.

*Source: NCUA*

### Child Tax Credit Update

The [Internal Revenue Service has issued a press release](#) announcing a new feature allowing any family receiving monthly Child Tax Credit payments to quickly and easily update their mailing address using the [Child Tax Credit Update Portal](#), found exclusively on IRS.gov. This feature will help any family that chooses to receive their payment by paper check avoid mailing delays or having a check returned as undeliverable.

Source: IRS

## New CFPB Tech Specs for Card Agreement Data Submissions

The [CFPB has published \[86 FR 46953\]](#) new technical specifications for certain credit card issuers to submit credit card agreements and data to the Bureau under the Truth in Lending Act and the CARD Act. Credit card issuers will make the required submissions under TILA and the CARD Act through the Bureau's "Collect" website. These technical specifications include registration information and the URL for the website at which issuers (or their designees) can submit the required information. The new specifications became effective this week.

Source: CFPB

## Treasury Proposes Amendments to its ACH Rules

The Department of the Treasury's Bureau of the Fiscal Service has [published a proposed rule \[85 FR 46631\]](#) in a recent *Federal Register* that would amend its regulations, *Federal Government Participation in the Automated Clearing House* (31 CFR part 210) to address changes that Nacha has made since the publications of its 2019 Operating Rules & Guidelines, including amendments included in the 2020 and 2021 Operating Rules & Guidelines and their supplements issued on or before March 31, 2021. The Fiscal Service's proposal would adopt Nacha's:

- Same Day ACH dollar limit increase to \$1,000,000 per transaction, effective March 18, 2022
- differentiation of Return Reason Codes R10 and R11
- supplemental fraud detection standards for WEB debits
- 2021 implementation of time limits on an RDFI's ability to make a claim against an ODFI's authorization warranty
- revised June 30, 2022, effective date of Nacha's data security requirements rule
- clarification of the proper circumstances under which an ACH entry may be reversed
- rules on Standing Authorizations
- expansion of "oral authorizations" to oral authorizations received over any channel (in addition to telephone authorizations)
- re-organization of its general authorization rules.
- "Alternative to Proof of Authorization" rule, which allows an ODFI or Originator to agree to accept a return rather than expend time and resources needed to provide proof of authorization
- Nacha's Written Statement of Unauthorized Debit via Electronic or Oral Methods rule

Fiscal Services proposes not to:

- adopt Nacha's rules enforcement definition of an "egregious violation," because the enforcement provisions of Nacha's rules are inapplicable to federal agencies
- participate in Nacha's ACH Contact Registry

Comments on the Fiscal Service's proposed rule will be accepted through October 18, 2021.

Source: *Department of the Treasury*

### *Articles of Interest:*

- [Registration Open for NCUA's Modernized Examination Tools Webinar](#)
- [World Council Urges Basel Committee to Adopt Measured, Orderly Withdrawal of COVID-19 Relief Measures](#)
- [SAR Filings by Industry \(FinCEN\)](#)
- [Attacks on Financial Apps Jump 38% in First Half of 2021](#)
- [Credit Union Cannabiz Conference \(October 13-15, 2021\)](#)

### *CUNA's Advocacy Resources:*

- [Happenings in Washington](#)

### *WOCCU Advocacy Resources:*

- [Telegraph](#) – the most recent newsletter on current advocacy issues
- [Advocate Blog](#) – International advocacy trends and issues

## ***Compliance Calendar***

- *August 31st, 2021: CFPB - RESPA Borrower Protections - COVID-19 Emergency*
- *September 6th, 2021: Labor Day - Federal Holiday*
- *October 11th, 2021: Columbus Day - Federal Holiday (also recognized: Indigenous Peoples' Day)*
- *November 11th, 2021: Veterans Day - Federal Holiday*
- *November 25th, 2021: Thanksgiving Day - Federal Holiday*
- *November 30th, 2021: CFPB – Fair Debt Collections Practices (Regulation F)*