

InfoSight Newsletter

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Highlights



Our staff will be celebrating the holiday, so there will be no InfoSight newsletter next week. Wishing you a happy and festive Thanksgiving with all your family and friends!

UPDATE! OSHA COVID-19 ETS Information

A new topic, **OSHA COVID-19 Vaccination and Testing: Emergency Temporary Standard**, was created in the **Employment Channel** in response to [OSHA's emergency temporary standard \(ETS\)](#) that was published in the Federal Register on November 5, 2021. In addition, a new model policy, **1516 – COVID-19 Vaccination, Testing and Face Covering Policy** has been added to CU PolicyPro.

Note: As of the date this content was created, a panel of US Court of Appeals for the Fifth Circuit granted a nationwide stay of OSHA's ETS. Credit unions are still encouraged to create applicable policies and procedures to comply with the ETS should the stay be lifted.

Compliance and Advocacy News & Highlights

Mortgage Servicing Supervisory Flexibility Ending

The CFPB, OCC, Board of Governors, OCC, FDIC, NCUA and state financial regulators on Wednesday, November 10, 2021, issued an updated "[Joint Statement on Supervisory and Enforcement Practices Regarding the Mortgage Servicing Rules in Response to the Continuing COVID-19 Pandemic and CARES Act.](#)"

The temporary supervisory and enforcement flexibility announced in the original (April 2020) joint statement no longer applies, and the agencies will apply their respective supervisory and enforcement authorities, when appropriate, to address any noncompliance or violations of the Regulation X mortgage servicing rules that occur after the date of this statement. These rules include "Protections for Borrowers Affected by the COVID-19 Emergency Under the Real Estate Settlement Procedures Act (RESPA)," Regulation X ([86 Fed. Reg. 34848](#)), which became effective on August 31, 2021.

The new joint statement closes with this paragraph—

"The agencies recognize the ongoing challenges faced by mortgage servicers and their efforts to assist customers and members affected by the ongoing COVID-19 pandemic. The agencies continue to encourage mortgage servicers to engage in these efforts. The agencies will consider, when appropriate, the specific impact of servicers' challenges that arise due to the COVID-19 pandemic and take those issues in account when considering any supervisory and enforcement actions. As part of their considerations, the agencies will factor in the time it takes to make operational adjustments in connection with this joint statement."

Source: Joint Agency Statement

FCU Meeting Flexibility in 2022 Due to COVID-19

The COVID-19 pandemic continues to affect federal credit unions and their members. As a result, credit unions continue to need flexibility to ensure the safety of staff and members. Therefore, the NCUA is extending the flexibility for federal credit unions to conduct meetings virtually in 2022. The NCUA has issued [Letter 21-FCU-06 to Federal Credit Unions](#) to address this.

Source: NCUA

IRS Reminder About Child Tax Credit Advances

[The Internal Revenue Service recently announced](#) that millions of American families will soon receive their advance Child Tax Credit payment for the month of November.

This fifth batch of advance monthly payments, totaling about \$15 billion, will reach about 36 million families across the country today or shortly thereafter. The majority of payments are being made by direct deposit.

Source: IRS

CFPB Sues Pawn Lenders for Cheating Military Families

[The CFPB recently announced it has filed a lawsuit](#) in a Texas federal district court against **FirstCash, Inc.** and **Cash America West, Inc.** The CFPB alleges that the two companies violated the Military Lending Act (MLA) by charging higher than the allowable 36% annual percentage rate on pawn loans to active-duty servicemembers and their dependents. The CFPB also alleges that FirstCash violated a 2013 CFPB order against its predecessor company prohibiting MLA violations. The CFPB is seeking an injunction, redress for affected borrowers, and a civil money penalty.

Source: CFPB

CFPB Reminder Re: HMDA Data Reporting

The CFPB would like to remind institutions that the threshold for reporting HMDA data about open-end lines of credit will adjust to 200 open-end lines of credit, effective January 1, 2022.

In April 2020, the [CFPB issued a final rule](#) amending Regulation C to permanently set the reporting threshold for open-end lines of credit at 200, effective January 1, 2022, upon the expiration of the temporary threshold of 500 open-end lines of credit.

Beginning January 1, 2022, an institution that originated at least 200 open-end lines of credit in *each* of the two preceding calendar years, and meets all other Regulation C institutional coverage criteria, will be required to collect, record, and report data about its open-end lines of credit. For example, an institution that originated at least 200 open-end lines of credit in both calendar years **2020** and **2021**, and meets all other Regulation C institutional coverage criteria, will be required to collect, record, and report data about its open-end lines of credit for calendar year **2022** to be submitted by March 1, **2023**.

[The CFPB recently published FAQs related to coverage criteria.](#)

Source: CFPB

Articles of Interest:

- [Funds Help CUs Reopen After Devastating Earthquake](#)
- [Auto Lenders Ride Residuals at 'Insane Highs'](#)
- [How Dodd-Frank Locks Out the Least Affluent Homebuyers](#)
- [Security Questions: When a Wrong Answer Is Actually Right](#)
- [Looking For Alternatives for Your Holiday Shopping?](#)

CUNA's Advocacy Resources:

- [Happenings in Washington](#)

WOCCU (World Council of Credit Unions Advocacy) Advocacy Resources:

- [Telegraph](#) – Current advocacy news world-wide.
- [Advocate Blog](#) – Check out recent updates!

Compliance Calendar

- *November 25th, 2021: Thanksgiving Day - Federal Holiday*
- *November 30th, 2021: CFPB – Fair Debt Collections Practices (Regulation F)*
- *December 6th, 2021: OSHA – COVID-19 Vaccination and Testing; Emergency Temporary Standard (Tentative)*
- *December 24th, 2021: Christmas Day - Federal Holiday (observed)*
- *December 31st, 2021: New Year's Day - Federal Holiday (observed)*
- *December 31st, 2021: Temporary Regulatory Relief in Response to COVID-19 – Extension (NCUA)*