



# Important Compliance Dates as of December 2018

Deadline	Brief Summary and Compliance Resources
<p style="text-align: center;"><b>July 1, 2018</b> Federal Reserve <a href="#">12 CFR Part 229</a></p>	<p>The Federal Reserve Board issued a final rule to amend subparts A, C, D, and the official staff commentary to Regulation CC. The final rule modifies the current check collection and return requirements to reflect today's virtually all-electronic check collection and return environment and to encourage all depository banks to receive, and paying banks to send, returned checks electronically. It requires all returned checks, both paper and electronic, to satisfy a stricter version of the "two-day test" with check returns governed by a new condition for expeditious-return. The terms "electronic check" and "electronic returned check" are defined as an electronic image or electronic information related to a check or returned check. The final rule makes no changes to the current same-day settlement rule for paper checks. It applies Regulation CC's existing check warranties under subpart C to checks collected electronically, and has adopted new warranties and indemnities related to checks collected and returned electronically and to electronically-created items.</p> <p><b>NOTE:</b> <i>On November 30, 2018, the Federal Reserve published a final rule amending Regulation J to align it with the amendments to Regulation CC in order to reflect the virtually all-electronic check collection and return environment. The rule is effective January 1, 2019.</i></p> <p>Final Regulation – <a href="#">17-EF-04</a>, <a href="#">18-EF-15</a></p> <p>Compliance Blog – <a href="#">6/5/17</a>, <a href="#">6/14/17</a>, <a href="#">7/2/18</a></p>
<p style="text-align: center;"><b>September 1, 2018</b> NCUA <a href="#">12 CFR Part 701</a></p>	<p>NCUA's final rule concerns chartering and field of membership that impacts community common bond credit unions. Under the rule, community charter applicants may submit narrative documentation to establish common interests or interaction among residents to demonstrate that a proposed area qualifies as a well-defined local community. A narrative application may be used in lieu of the presumptive community model. NCUA will hold a public hearing for narrative applications where the proposed community exceeds a population of 2.5 million people. For communities subdivided into metropolitan divisions, community charter applicants are permitted to designate a portion of the area to be served without regard to division boundaries.</p> <p>Final Regulation – <a href="#">18-EF-10</a></p> <p>Compliance Blog – <a href="#">11/16/16</a></p>

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<p align="center"><b>September 7, 2018</b></p> <p align="center">Bureau of Consumer Financial Protection</p> <p align="center"><a href="#">12 CFR Part 1003</a></p>	<p>This rule clarifies that an insured credit union covered by a partial exemption under section 104(a) of S. 2155 has the option of reporting exempt data fields as long as it reports all data fields within any exempt data point for which it reports data. Only loans and lines of credit that are otherwise HMDA reportable count toward the thresholds for the partial exemptions. The rule also clarifies which of the data points in Regulation C are covered by the partial exemptions and designates a non-universal loan identifier for partially exempt transactions for institutions that choose not to report a universal loan identifier.</p> <p>Final Regulation – <a href="#">18-EF-12</a></p> <p>Compliance Blog – <a href="#">9/5/18</a></p>
<p align="center"><b>September 17, 2018</b></p> <p align="center">Bureau of Consumer Financial Protection</p> <p align="center"><a href="#">12 CFR Part 1016</a></p>	<p>This final rule amends Part 503 of the Gramm-Leach-Bliley Act (GLBA) as implemented in Regulation P. The final rule implements a December 2015 statutory amendment to the GLBA that provides an exception to the annual privacy notice requirement for financial institutions, including all credit unions, so long as certain statutory requirements are met. It removes the alternative delivery method for annual privacy notices and provides a 100-day time period for delivery of a required annual privacy notice in the event a financial institution that previously qualified for the annual notice exception later changes its policies or practices and no longer qualifies for the exception.</p> <p>Final Regulation – <a href="#">18-EF-11</a></p> <p>Compliance Blog – <a href="#">7/22/16</a>, <a href="#">8/24/18</a></p>
<p align="center"><b>September 21, 2018</b></p> <p align="center">Bureau of Consumer Financial Protection</p> <p align="center"><a href="#">12 CFR Part 1022</a></p>	<p>This interim final rule implements the requirements of § 301(a)(1) of the <i>Economic Growth, Regulatory Relief, and Consumer Protection Act</i> (S. 2155), which amends the <i>Fair Credit Reporting Act</i> (FCRA) by adding new section 605(A)(i)(5). Section 605(A)(i)(5) requires the inclusion of a notice of a consumer's right to obtain a security freeze at any time a consumer is required to receive a summary of rights required by FCRA section 609. The interim final rule also amends: 1) the model forms in Appendix I to reflect a statutory change to the minimum duration an initial fraud alert is held in a consumer file from 90 days to one-year minimum; and 2) the model forms in Appendix K to update contact information for certain FCRA enforcement agencies.</p> <p><b>NOTE:</b> <i>This interim final rule is applicable to credit reporting agencies that provide the model forms listed. However, the interim final rule may still affect credit unions.</i></p> <p>Final Regulation – <a href="#">18-EA-14</a></p> <p>Compliance Blog – <a href="#">9/17/18</a></p>

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<p><b>October 1, 2018</b> Bureau of Consumer Financial Protection <a href="#">12 CFR Part 1026</a></p>	<p>On July 7, 2017, the bureau finalized amendments to its Truth in Lending Act (TILA) and Real Estate Settlement Procedures Act (RESPA) Integrated Disclosures (TRID) rule. It codifies the bureau's previously-issued informal guidance on the rule and provides additional technical clarifications. In addition, it makes adjustments to substantive issues in the rule, including but not limited to: 1) making tolerance provisions for the total of payments that parallel existing tolerances for the finance charge and disclosures affected by the finance charge; 2) clarifying that recording fees and transfer taxes may be charged in connection with housing assistance lending transactions without losing eligibility for the existing partial exemption; 3) extending the rule's coverage to include all cooperative units rather than just transactions secured by real property; and 4) clarifying how a creditor may provide separate disclosure forms to the consumer and the seller.</p> <p><b>Note:</b> <i>The rule became effective on October 10, 2017, with mandatory regulatory compliance required for applications received on or after October 1, 2018.</i></p> <p>Final Regulation – <a href="#">17-EF-07</a></p> <p>Compliance Monitor – <a href="#">October 2017</a></p> <p>NAFCU Resources – <a href="http://www.nafcu.org/mortgagerules/">http://www.nafcu.org/mortgagerules/</a></p>
<p><b>October 1, 2018</b> NCUA <a href="#">12 CFR Parts 701 and 708b</a></p>	<p>NCUA's final rule amends Parts 701, 708a, and 708b of its regulations governing voluntary mergers. It is applicable to all federally-insured credit unions and: 1) increases the minimum required time for notice to members before a merger vote to 45 days; 2) requires the merging credit union to disclose merger-related financial arrangement increases above \$10,000 or 15 percent of compensation, whichever is greater for covered persons; 3) clarifies the contents and format of the members' notice to increase transparency; and 4) establishes an online portal for members of the merging credit union to communicate with one another and to submit comments to the agency on its website. Revised model forms replaced the merger manual and are now centrally located in the appendix to Part 708b.</p> <p>Final Regulation – <a href="#">18-EF-09</a></p> <p>Compliance Blog – <a href="#">5/31/17</a>, <a href="#">10/12/18</a></p>

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Deadline	Brief Summary and Compliance Resources
<p style="text-align: center;"><b>January 1, 2019</b></p> <p style="text-align: center;">Federal Reserve</p> <p style="text-align: center;"><a href="#">12 CFR Part 229</a></p>	<p>The final rule adopts a presumption of alteration for disputes over whether a substitute check or electronic check contains an alteration or is derived from an original check that was issued with an unauthorized signature of the drawer (e.g., a forgery). The presumption may be overcome by a preponderance of the evidence which establishes that a substitute check or electronic check does not contain an alteration or is derived from an original check that was issued with an unauthorized signature of the drawer. If the original check is made available for examination by all banks involved in the dispute, the presumption shall no longer apply. The final rule also modifies the terms “alteration” and “unauthorized signature” to now be consistent with their respective definitions in the Uniform Commercial Code (UCC).</p> <p>Final Regulation – <a href="#">18-EF-13</a></p> <p>Compliance Blog – <a href="#">9/24/18</a></p>
<p style="text-align: center;"><b>January 1, 2019</b></p> <p style="text-align: center;">NCUA</p> <p style="text-align: center;"><a href="#">12 CFR Parts 700, 701, 702, 703, 713, 723, and 747</a></p>	<p>NCUA’s new final capital adequacy rules establish a new method for computing the agency’s risk-based requirement that would include a risk-based capital (RBC) ratio measure for complex credit unions. The final rule sets forth ten categories of risk-weights for various types of assets based on the risk associated with particular investments. For example, cash would be assigned a zero percent risk weight while riskier assets such as mortgage servicing and CUSO activities would have substantially higher risk-weights. The final rule makes the following key changes to the agency’s existing capital requirements: 1) establishes a new RBC ratio for federally insured natural person credit unions with over \$100 million in assets; changes the definition of “complex credit union,” for the purposes of capital requirements, to include credit unions greater than \$100 million in assets; 2) establishes a RBC ratio of 10 percent for well-capitalized credit unions; 3) establishes a RBC ratio of 8 percent for adequately-capitalized credit unions; 4) revises existing risk weights to reflect recent changes made by other banking regulators under the Basel System; 5) requires higher minimum levels of capital for credit unions with concentrations of assets in real estate loans, commercial loans or non-current loans; and 6) sets forth how, through its supervisory authority, NCUA can address a credit union that does not hold capital that is commensurate with its risks.</p> <p><b>Note:</b> <i>On August 2, 2018, NCUA issued a proposed rule to delay the effective date to January 1, 2020, as well as to raise the asset threshold for complex credit unions to \$500 million.</i></p> <p>Final Regulation – <a href="#">15-EF-15</a></p> <p>Compliance Blog – <a href="#">Risk-Based Capital</a></p>

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<p style="text-align: center;"><b>April 1, 2019</b></p> <p style="text-align: center;">Bureau of Consumer Financial Protection</p> <p style="text-align: center;"><a href="#">12 CFR Parts 1005 and 1026</a></p>	<p>The bureau issued a final rule proposing new federal consumer protections for the prepaid market under Regulations E and Z. The final rule and its 2018 amendments modified general Regulation E requirements to create: new disclosures; error resolution procedures; consumer liability limits for unauthorized transactions; fee limits; and additional requirements for accounts with overdraft or credit features. A prepaid account issuer is required to post its prepaid account agreements on its website and submit such agreements, which must satisfy the rule's form and content requirements, to the CFPB for posting on its website. Share insurance is not a requirement to offer prepaid account products but a credit union is required to disclose when a prepaid account is not set up to be eligible for National Credit Union Share Insurance Fund pass-through share insurance. Overdraft services offered on prepaid accounts are considered "open-end credit" under Regulation Z so are subject to Regulation Z's credit card rules and disclosure requirements for open-end (not home-secured) consumer credit plans.</p> <p><b>Note:</b> <i>On January 25, 2018, the bureau issued a final rule amending the 2016 prepaid accounts rule and extending the overall effective date to April 1, 2019.</i></p> <p>Final Regulation – <a href="#">16-EF-10, 18-EF-02</a></p> <p>Compliance Blog – <a href="#">11/30/16, 2/1/17, 7/3/17, 2/7/18</a></p> <p>Compliance Monitor – <a href="#">February 2017</a></p>
<p style="text-align: center;"><b>August 19, 2019</b></p> <p style="text-align: center;">Bureau of Consumer Financial Protection</p> <p style="text-align: center;"><a href="#">12 CFR Part 1041</a></p>	<p>The final rule requires lenders to reasonably assess a consumer's reasonable ability-to-repay (ATR) two types of consumer loan products: "short-term loans" and "longer-term balloon-payment loans." A higher rate, longer-term product is also a covered loan, but the lender is only required to comply with payment withdrawal restrictions and disclosure and record retention requirements. The rule did not incorporate the proposed requirements that would have infringed upon NCUA's PAL program. Federal credit unions' statutory right of offset to collect against an outstanding balance on a covered loan is explicitly permitted in the final rule. Certain loan products, such as purchase money security interests in vehicles, home mortgages, credit cards, student debt, and overdraft services are excluded from coverage. It also exempts "accommodation loans," so long as the lender does not originate more than 2,500 covered loans in a calendar year or did not derive more than 10 percent of its receipts from covered loans.</p> <p>Final Regulation – <a href="#">17-EF-10</a></p> <p>Compliance Blog – <a href="#">10/23/17</a></p>

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<p style="text-align: center;"><b>January 1, 2020</b></p> <p style="text-align: center;">Bureau of Consumer Financial Protection</p> <p style="text-align: center;"><a href="#">12 CFR Part 1003</a></p>	<p>The bureau issued a final rule making several substantive revisions to Regulation C's reporting requirements under the Home Mortgage Disclosure Act (HMDA). With the changes, the class of covered transactions now includes most dwelling-secured open-end and closed-end lending, effectively mandating reporting on HELOCs. The final rule also expands the HMDA data set, requiring credit unions to report on a total of roughly 38 data points. The modified institutional coverage test will be implemented under a "phased in" schedule.</p> <p>Credit unions that reported at least 60,000 covered loans and applications, combined, in the preceding calendar year will be required to conduct quarterly data submissions.</p> <p>Final Regulation – <a href="#">15-EF-17</a></p> <p>Compliance Blog – <a href="#">HMDA/Regulation C, 4/11/18</a></p> <p>NAFCU Resources – <a href="http://www.nafcu.org/hmda/">http://www.nafcu.org/hmda/</a></p>
<p style="text-align: center;"><b>Ongoing</b></p> <p style="text-align: center;">NIST</p> <p style="text-align: center;"><a href="#">Framework for Improving Critical Infrastructure Cybersecurity</a></p>	<p>The National Institute of Standards and Technology released a voluntary framework for use to identify, assess and mitigate threats to cybersecurity infrastructure. The framework's risk-based approach is designed to make cost-benefit assessments based on resource estimates (e.g., staffing, funding) to achieve cybersecurity goals in a cost-efficient manner and is broken into three main parts: the Framework Core; the Framework Implementation Tiers; and the Framework Profiles. This is designed to be a "living document" that will be updated to keep pace with changes in technology and threats, and to incorporate lessons learned.</p> <p>Final Regulation – <a href="#">14-EF-05</a></p>
<p style="text-align: center;"><b>Ongoing</b></p> <p style="text-align: center;">DoL</p> <p style="text-align: center;"><a href="#">29 CFR Part 541</a></p>	<p>The Department of Labor (DoL) finalized overtime provisions of the Fair Labor Standards Act (FLSA) to allow any full-time salaried employees making less than \$913 per week, or \$47,476 annually, to be eligible for overtime protections. The final rule also set the highly compensated employee (HCE) annual compensation level to \$134,004. It allows for up to 10 percent of nondiscretionary commission, incentive pay or bonuses to be counted towards salary levels of exempt employees if paid on at least a quarterly basis. The salary and HCE pay levels will adjust automatically every three years, with the first adjustment taking effect on January 1, 2020. The final rule does not redefine the "duties test" for full time salaried employees.</p> <p><b>Note:</b> <i>On August 31, 2017, the final rule was struck down by a federal district court. An appeal of that decision was filed, but is currently stayed, pending the outcome of a new rulemaking by the Department of Labor.</i></p> <p>Final Regulation – <a href="#">16-EF-08</a></p> <p>Compliance Blog – <a href="#">5/20/16</a></p>

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## Pending Regulations

*(Proposed Regulations Not Yet Finalized)*

Proposal	Agency	NAFCU Resources
12 CFR Part 1070 <i>Amendments Relating to Disclosure of Records and Information</i>  RIN: 3170-AA63	BCFP	Regulatory Alert – <a href="#">16-EA-14</a>
12 CFR Part 760 <i>Loans in Areas Having Special Flood Hazards–Private Flood Insurance</i>  RIN: 7100-AE60	NCUA	Regulatory Alert – <a href="#">16-EA-16</a>
12 CFR Parts 701-704,709, 712-715,721-723,740-741,746, 748-749  <i>Regulatory Reform Agenda</i>	NCUA	Regulatory Alert – <a href="#">17-EA-24</a>
12 CFR Part 701 <i>Payday Alternative Loans</i>  RIN: 3133-AE84	NCUA	Regulatory Alert – <a href="#">18-EA-21</a>
24 CFR Part 100  <i>Reconsideration of HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard</i>  RIN: 2529-ZA01	HUD	Regulatory Alert – <a href="#">18-EA-22</a>

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*(Proposed Regulations Not Yet Finalized)*

Proposal	Agency	NAFCU Resources
12 CFR Parts 1206 and 1240 <i>Enterprise Capital Requirements</i> RIN: 2590-AA95	FHFA	Regulatory Alert – <a href="#">18-EA-23</a>
12 CFR Part 702 <i>Risk-Based Capital— Supplemental Rule</i> RIN: 3133-AE90	NCUA	Regulatory Alert – <a href="#">18-EA-24</a>
12 CFR Part 701 <i>Loans to Members and Lines of Credit to Members</i> RIN: 3133-AE88	NCUA	Regulatory Alert – <a href="#">18-EA-25</a>
Accounting Standards Codification <i>Current Expected Credit Losses (CECL) Update</i>	FASB	Regulatory Alert – <a href="#">18-EA-26</a>
12 CFR Chapter X <i>Policy to Encourage Trial Disclosure Programs</i>	BCFP	Regulatory Alert – <a href="#">18-EA-27</a>
12 CFR Part 1248 <i>Uniform Mortgage-Backed Security</i> RIN: 2590-AA94	FHFA	Regulatory Alert – <a href="#">18-EA-28</a>

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## *(Proposed Regulations Not Yet Finalized)*

Proposal	Agency	NAFCU Resources
12 CFR Part 722 <i>Real Estate Appraisals</i> RIN: 3133-AE79	NCUA	Regulatory Alert – <a href="#">18-EA-29</a> Compliance Blog – <a href="#">9/20/18</a>
13 CFR Parts 103, 120 and 121 <i>Express Loan Programs; Affiliation Standards</i> RIN: 3245-AG74	SBA	Regulatory Alert – <a href="#">18-EA-30</a>
12 CFR Chapter II <i>Interbank Settlement of Faster Payments</i>	Federal Reserve	Regulatory Alert – <a href="#">18-EA-31</a>
12 CFR Part 701 <i>Federal Credit Union Bylaws</i> RIN: 3313-AE86	NCUA	Regulatory Alert – <a href="#">18-EA-33</a> Compliance Blog – <a href="#">11/16/18</a>
12 CFR Parts 704 and 713 <i>Fidelity Bonds</i> RIN: 3133-AE87	NCUA	Regulatory Alert – <a href="#">18-EA-34</a>
12 CFR Part 1030 and Part 229 <i>Availability of Funds and Collection of Checks (Regulation CC)</i> RIN: 3170-AA31, 7100-AF 28	BCFP, Federal Reserve	Regulatory Alert – <a href="#">18-EA-35</a>

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