



COMPLIANCE CALENDAR

IMPORTANT COMPLIANCE DATES AS OF JUNE 2020

DEADLINE	BRIEF SUMMARY AND COMPLIANCE RESOURCES
<p>FEBRUARY 28, 2020</p> <p>DOD</p> <p>32 CFR 232</p>	<p>Department of Defense (DOD) issued an interpretive rule for the Military Lending Act (MLA) in which DOD amended question and answer number 2 (Q&A #2). Q&A #2 was initially published in a December 14, 2017 Interpretive Rule, which discussed when credit is extended for the purpose of purchasing a motor vehicle or personal property and the creditor simultaneously extends credit in an amount greater than the purchase price of the motor vehicle or personal property. The MLA limits the military annual percentage rate (MAPR) that a creditor may charge to a maximum of 36 percent, requires certain disclosures, and provides other substantive consumer protections on “consumer credit” extended to servicemembers and their families. In withdrawing this amended question and answer, DOD is reverting back to the original Q&A #2 published in the August 26, 2016 Interpretive Rule. DOD is also adding a new question and answer to address questions about the use of Individual Taxpayer Identification Numbers to identify covered borrowers in the database.</p> <p>Final Regulation - 20-EF-02</p> <p>Compliance Blog - Military Lending Act Guide</p>
<p>MARCH 11, 2020</p> <p>SBA</p> <p>13 CFR 103, 120 and 121</p>	<p>The Small Business Administration’s (SBA) interim final rule amends regulations governing its express loan programs. SBA will reinstate the personal resources test requiring certain owners of the applicant business to inject personal liquid assets into the business to reduce the amount of the SBA-guaranteed funds needed. The interim final rule also includes an increased threshold from the proposal, revises and simplifies who may charge fees to the applicant, and limits the total amount of fees that an applicant may be charged. SBA’s interim final rule includes a modest increase to the amount of fees a lender may charge for loans under \$350,000 and revises the definitions of “agents,” including loan service providers (LSPs), packagers, and referral agents.</p> <p>Sections 103.5(b) & 120.221(a) have a compliance date of October 1, 2020</p> <p>Final Regulation - 20-EF-01</p>
<p>MARCH 26, 2020</p> <p>FEDERAL RESERVE</p> <p>12 CFR 204</p>	<p>The Board of Governors of the Federal Reserve System’s (Federal Reserve) interim final rule lowers reserve ratios on transaction accounts maintained at depository institutions to zero percent. By lowering the ratio of required reserves to zero percent, the Federal Reserve has provided additional flexibility for credit unions enforcing the Regulation D transfer limit. Although the transfer limit has not been eliminated, credit unions may elect to reclassify savings, share or money market accounts as transaction account without incurring a “reserve tax,” as was previously the case.. It is unclear if elimination of the reserve requirement is necessarily permanent.</p> <p>Final Regulation - 20-EF-03</p>

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<p>APRIL 1, 2020</p> <p>DOL</p> <p>29 CFR 826</p>	<p>The DOL issued a rule that implements the Families First Coronavirus Response Act (FFCRA). There are two key pieces to the FFCRA – the Emergency Paid Leave Act and the Emergency Family and Medical Leave Expansion Act. The FFCRA, in part, applies to businesses with under 500 employees and provides workers with paid leave in a variety of situations if they are impacted by COVID-19.</p> <p>Note: <i>these provisions expire December 31, 2020.</i></p> <p>Compliance Blog - 3/31/20 NAFCU Resources - Paid Leave FAQs</p>
<p>APRIL 3, 2020</p> <p>SBA</p> <p>13 CFR Part 120</p>	<p>The Small Business Administration’s (SBA) interim final rule makes temporary changes to its business loan programs to implement sections 1102 and 1106 of the <i>Coronavirus Aid, Relief, and Economic Security Act</i> (CARES Act). The interim final rule implements the new Paycheck Protection Program (PPP) loan. All federally-insured credit unions may be lenders under the PPP, and must submit <i>SBA Form 3506</i> to the agency for approval. Lenders may rely on borrower certifications to determine eligibility and use of loan proceeds. Lenders may also rely on documents submitted by the borrower to determine qualifying loan amount and eligibility for loan forgiveness. Lenders are held harmless for a borrower’s failure to comply with the PPP’s criteria. Additionally, SBA will pay for loan processing - five percent of lenders’ fees for loans of not more than \$350,000; three percent of fees for loans of more than \$350,000 and less than \$2,000,000; and one percent of fees for loans of at least \$2,000,000..</p> <p>*Interim final rule applies to loans submitted through June 30, 2020, or until funds are exhausted.</p> <p>Final Regulation - 20-EF-04, 20-EF-07 Compliance Blog - 03/26/20, 04/07/20 NAFCU Resources - COVID-19 Regulator Responses, COVID-19 SBA FAQs, CARES Act (H.R. 748) Summary</p>
<p>APRIL 21, 2020</p> <p>NCUA</p> <p>12 CFR 722</p>	<p>On April 21, 2020, the National Credit Union Administration (NCUA) published an interim final rule to defer the requirement to obtain an appraisal or written estimate of market value for up to 120 days following the closing of a transaction for certain residential and commercial real estate transactions. Transactions for acquisition, development, and construction of real estate are excluded from this temporary relief. The interim final rule does not revise any of the existing appraisal exceptions or any other requirements with respect to the performance of written estimates of market value.</p> <p>Note: <i>This provision expires December 31, 2020.</i></p> <p>Final Regulation - 20-EF-08 Compliance Blog - 04/23/20</p>

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<p>APRIL 21, 2020</p> <p>NCUA</p> <p>12 CFR 722</p>	<p>On April 21, 2020, the National Credit Union Administration (NCUA) published a temporary final rule modifying certain regulatory requirements to help ensure that federally insured credit unions (FICUs) remains operational and liquid during the pandemic. NCUA is temporarily raising the maximum aggregate amount of loan participations that a FICU may purchase from a single originating lender to the greater of \$5 million or 200 percent of the FICU's net worth. The final rule temporarily suspends the requirement that a federal credit union (FCU) refinance any purchased loan it is not empowered to grant within 60 days of purchase and extends the ability to purchase nonmember eligible obligations to FCUs that receive a composite CAMEL rating "3," in addition to FCUs with a rating of "1" or "2". The timeframes for occupancy or disposition of properties not being used for FCU business are being tolled while the temporary final rule is in effect.</p> <p>Note: <i>These provisions expire December 31, 2020.</i></p> <p>Final Regulation - 20-EF-10</p>
<p>APRIL 23, 2020</p> <p>FEDERAL RESERVE</p> <p>12 CFR 204</p>	<p>On April 24, 2020, the Board of Governors of the Federal Reserve System (Board) published an interim final rule to eliminate the transfer limit applicable to accounts that meet the definition of a "savings deposit." The interim final rule allows depository institutions immediately to suspend enforcement of the six transfer limit and to allow their customers to make an unlimited number of convenient transfers and withdrawals from their savings deposits. The interim final rule permits, but does not require, depository institutions to suspend enforcement of the six transfer limit. The interim final rule also does not require any changes to the deposit reporting practices of depository institutions.</p> <p>Final Regulation - 20-EF-11</p> <p>Compliance Blog - 04/28/20</p>
<p>APRIL 30, 2020</p> <p>NCUA</p> <p>12 CFR 722</p>	<p>On April 16, 2020, the National Credit Union Administration (NCUA) Board approved a final rule amending Part 722 of the NCUA's regulations regarding certain residential real estate appraisals. The final rule raises the threshold requirement for an appraisal from \$250,000 to \$400,000 for a single one-to-four unit family residential property. The final rule explicitly incorporates the statutory requirement that appraisals are subject to appropriate review for compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). Transactions that fall below the threshold will require a written estimate of market value consistent with safe and sound practices. The rule also removes additional requirements for the appraisal exemption for certain residential real estate transactions in rural areas. These changes provide appraisal threshold parity with that of the other federal banking agencies.</p> <p>Final Regulation - 20-EF-09</p> <p>Compliance Blog - 04/16/20</p>

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<p>MAY 28, 2020</p> <p>SBA</p> <p>13 CFR 120</p>	<p>On May 22, 2020, the Small Business Administration (SBA) published an interim final rule regarding Paycheck Protection Program (PPP) loan forgiveness requirements, implementing section 1106 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). In addition, the SBA published a second interim final rule providing the procedures for an SBA loan review as well as related borrower and lender responsibilities in terms of forgiveness and loan reviews. This final regulatory alert combines both interim final rules. Lenders must receive SBA Form 3508 or lender equivalent loan forgiveness application from the borrower. Lenders have 60 days from receipt of a complete application to render a decision to the SBA. The decision may be an approval (in whole or in part), a denial, or (if directed by the SBA) a denial without prejudice due to a pending SBA review of the loan. If approved, the SBA has 90 days to remit payment to the lender. Borrowers are responsible for providing an accurate loan forgiveness calculation, and lenders must provide a good-faith review of the calculation and supporting documents.</p> <p>Final Regulation - 20-EF-15</p>
<p>MAY 28, 2020</p> <p>NCUA</p> <p>12 CFR 702</p>	<p>On May 28, 2020, the National Credit Union Administration (NCUA) published an interim final rule amending its prompt corrective action (PCA) rules to provide additional regulatory flexibility as credit unions respond to and recover from the COVID-19 pandemic. In general, the amendments grant federally insured credit unions (FICUs) greater operational flexibility and relief should net worth levels decline. The rule makes two temporary changes to the NCUA's PCA regulations. Amended § 702.201 facilitates a waiver of the earnings retention requirement for any credit union that is adequately capitalized. Amended § 702.206(c) permits a FICU that is less than adequately capitalized to submit a streamlined net worth restoration plan if its net worth level has fallen predominantly as a result of share growth. In these cases, the FICU may submit a simplified net worth restoration plan to the applicable Regional Director after attesting that the FICU fell to undercapitalized because of share growth and that the condition is a temporary effect of the pandemic.</p> <p><i>Note, this is a temporary provision that will expire December 31, 2020.</i></p> <p>Final Regulation - 20-EF-16</p>
<p>JULY 1, 2020</p> <p>CFPB , FEDERAL RESERVE</p> <p>12 CFR Part 1030, 12 CFR Part 229</p>	<p>The agencies' rule implements a Dodd-Frank Act requirement to adjust the dollar amounts in the Expedited Funds Availability Act (EFA Act) every five years by the aggregate annual percentage increase in the Consumer Price Index for Wage Earners and Clerical Workers (CPI-W) rounded to the nearest multiple of \$25.</p> <p>Final Regulation - 19-EF-08</p> <p>Compliance Blog - 06/28/19</p> <p>Compliance Monitor - February 2020</p>

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<p>JULY 1, 2020</p> <p>CFPB</p> <p>12 CFR Part 1003</p>	<p>On April 16, 2020, the Bureau of Consumer Financial Protection (CFPB) published a final rule amending its Regulation C, implementing the Home Mortgage Disclosure Act (HMDA) to adjust the thresholds for reporting on both closed-end mortgage loans and open-end lines of credit. The CFPB is adjusting the closed-end mortgage loan threshold for credit unions required to report under HMDA and loans exempt from reporting from 25 to 100 closed-end mortgage loans a year for the two preceding years, effective July 1, 2020.</p> <p>Note: <i>This rule also increases the transactional thresholds for open-end dwelling secured loans to 200 loans in the prior two calendar years when the current temporary threshold of 500 loans expires on January 1, 2022.</i></p> <p>Final Regulation - 20-EF-13 Compliance Blog - 04/29/20</p>
<p>JULY 21, 2020</p> <p>CFPB</p> <p>12 CFR Part 1005</p>	<p>On May 11, 2020, the Consumer Financial Protection Bureau (CFPB or Bureau) published a final rule amending its Remittance Transfer Rule (Remittance Rule). The amendments are intended to mitigate the July 2020 sunset of a temporary exception that permits estimates of fee and exchange rate information that must otherwise be disclosed in exact amounts. The final rule increases the Remittance Rule's "ordinary course of business" safe harbor threshold from its current level of 100 transfers in the previous and current calendar year to 500. The rule permits estimates of the exchange rate for a remittance transfer to a particular country if, among other things, the designated recipient will receive funds in the country's local currency and the insured institution made 1,000 or fewer remittance transfers in the prior calendar year to that country when the designated recipients received funds in the country's local currency. With respect to covered third-party fees, the rule permits estimates of covered third-party fees for a remittance transfer to a particular designated recipient's institution if, among other things, the insured institution made 500 or fewer remittance transfers to the designated institution in the prior calendar year.</p> <p>Final Regulation - 20-EF-14 Compliance Blog - 05/15/20</p>
<p>NOVEMBER 19, 2020</p> <p>CFPB</p> <p>12 CFR Part 1041</p>	<p>The CFPB published a final rule delaying the compliance date for the mandatory underwriting provisions of the 2017 final rule governing Payday, Vehicle Title, and Certain High-Cost Installment Loans by fifteen months from August 19, 2019, to November 19, 2020. This final rule also makes conforming changes and corrections to address non-substantive errors.</p> <p>Note: <i>This final rule only delays the mandatory underwriting provisions.</i></p> <p>Final Regulation - 17-EF-10, 19-EF-07 Compliance Blog - 10/23/17, 8/19/19</p>

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<p>JANUARY 1, 2022</p> <p>CFPB</p> <p>12 CFR Part 1003</p>	<p>The CFPB's final rule extends to January 1, 2022, the current temporary threshold of 500 open-end lines of credit for reporting data about open-end lines of credit. The rule also incorporates into Regulation C the interpretations and procedures from the August 2018 interpretive and procedural rule the bureau issued (2018 HMDA Rule) to implement and clarify the HMDA partial exemptions created by the Economic Growth, Regulatory Relief and Consumer Protection Act. The CFPB will defer action on permanent increases to the transactional and institutional coverage thresholds. It anticipates that it will issue a separate final rule in 2020 addressing the coverage thresholds for closed-end mortgage loans and open-end lines of credit that will become effective on January 1, 2022.</p> <p>Final Regulation - 15-EF-17, 19-EF-17 Compliance Blog - HMDA/Regulation C, 4/11/18, 10/30/19, 01/29/20 NAFCU Resources - http://www.nafcu.org/hmda/</p>
<p>JANUARY 1, 2022</p> <p>NCUA</p> <p>12 CFR Part 702</p>	<p>NCUA's final rule delays the implementation date of its Risk Based Capital (RBC) rule by two years to January 1, 2022. In October 2015, the NCUA adopted the RBC rule for federally insured, natural-person credit unions. In October 2018, the NCUA finalized a supplemental final rule amending its 2015 RBC rule to delay the implementation date by one year to January 1, 2020 and increased the threshold level for coverage from \$100 million to \$500 million by amending the definition of a "complex" credit union. 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. During the delay period, the NCUA's existing prompt corrective action (PCA) regulation will remain in effect. The NCUA will continue to enforce the capital standards currently in place and address any supervisory concerns through existing regulatory and supervisory mechanisms.</p> <p>Final Regulation - 19-EF-20 Compliance Blog - Risk-Based Capital</p>
<p>ANNUAL FILING DUE FIVE MONTHS AFTER FISCAL YEAR END.</p> <p>Treasury and IRS</p> <p>Section 4960 of the Internal Revenue Code</p>	<p>On December 31, 2018, the Treasury Department and Internal Revenue Service issued Notice 2019-09 to provide interim guidance about compliance with the requirements in section 4960 of the Internal Revenue Code added by the Tax Cuts and Jobs Act (TCJA). Under section 4960, organizations are required to pay excise taxes on excess remuneration and excess parachute payments made to covered employees. This applies to credit unions because credit unions fall under the definition of an Applicable Tax-Exempt Organization. Under the definitions outlined in the guidance, section 4960 could potentially also apply to a credit union service organization (CUSO) as a related organization. The interim guidance answers questions about how to report and pay the section 4960 excise tax. It is to be reported and paid using Form 4720, Return of Certain Excise Taxes Under Chapters 41 and 42 of the tax code. The regulators intend to issue proposed regulations in connection with section 4960.</p> <p>Note: <i>Filing due by May 15, 2019, if a credit union was subject to the tax on compensation paid in 2018 and its fiscal year ended December</i></p> <p>Final Regulation - 19-EF-03 Compliance Blog - 2/4/19, 5/8/19</p>



PENDING REGULATIONS

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 - 18-EA-23
12 CFR Part 1026 <i>Advance Notice of Proposed Rulemaking on Residential Property Assessed Clean Energy Financing</i> RIN: 3170-AA84	CFPB	Regulatory Alert - 19-EA-06
12 CFR Part 701 <i>Compensation in Connection With Loans to Members and Lines of Credit to Members</i> RIN: 3133-AE97	NCUA	Regulatory Alert - 19-EA-08 Compliance Blog - 5/20/19
12 CFR Part 1005 <i>Regulatory Flexibility Act Review of 2009 Overdraft Rule</i>	CFPB	Regulatory Alert - 19-EA-10
12 CFR Part 1003 <i>Home Mortgage Disclosure Data Points and Coverage</i> RIN: 3170-AA97	CFPB	Regulatory Alert - 19-EA-11
<i>Potential Modifications to the Federal Reserve Banks' National Settlement Service and Fedwire® Funds Service To Support Enhancements to the Same-Day ACH Service and Corresponding Changes to the Federal Reserve Policy on Payment System Risk, Request for Comments</i>	Federal Reserve	Regulatory Alert - 19-EA-13
12 CFR Part 1006 <i>Debt Collection Practices (Regulation F)</i> RIN: 3170-AA41	CFPB	Regulatory Alert - 19-EA-15 Compliance Blog - 6/12/19
12 CFR Part 1026 <i>Qualified Mortgage Definition Under the Truth in Lending Act (Regulation Z)</i> RIN: 3170-AA98	CFPB	Regulatory Alert - 19-EA-19



PROPOSAL	AGENCY	NAFCU RESOURCES
<i>Federal Reserve Actions to Support Interbank Settlement of Faster Payments</i>	Federal Reserve	Regulatory Alert - 19-EA-20
<i>Proposed Accounting Standards Update - Effective Dates</i>	FASB	Regulatory Alert - 19-EA-21
24 CFR Part 100 <i>Implementation of the Fair Housing Act's Disparate Impact Standard</i> RIN: 2529-AA98	HUD	Regulatory Alert - 19-EA-22
12 CFR Part 701 <i>Chartering and Field of Membership</i> RIN: 3133-AF06	NCUA	Regulatory Alert - 19-EA-25
12 CFR Part 708 <i>Combination Transactions With Non-Credit Unions; Credit Union Asset Acquisitions</i> RIN: 3313-AF10	NCUA	Regulatory Alert - 20-EA-01
12 CFR Parts 701, 702, 709 and 741 <i>Subordinated Debt</i> RIN: 3313-AF08	NCUA	Regulatory Alert - 20-EA-02
12 CFR Part 704 <i>Corporate Credit Unions</i> RIN: 3133-AF13	NCUA	Regulatory Alert - 20-EA-03