

2011 COMPLIANCE CHANGES

Excludes safety & soundness regulations (capital, underwriting, etc.)

LAW/REGULATION	Change Impact	Effective Dates	Source and Date Issued FR = Federal Register	Comment
CRA - Threshold revision	Minor	1/1/11	75 FR 82217 12/30/10	Small bank > \$1.122b; Intermediary >=\$280mm in prior 2 years.
HMDA - Threshold revision	Minor	1/1/11	75 FR 80675 12/23/10	Assets \$40mm or less at 12/31/10 are exempt from HMDA in 2011.
GLBA/Privacy - Model notice	Minor	1/1/11	74 FR 62890 12/1/09	New format; old safe harbor eliminated.
TILA - Sold loan Disclosure	Minor	1/1/11	75 FR 58489 9/24/10	For principal dwelling loans; required within 30 days of acquisition.
TILA - Threshold revision	Minor	1/1/11	75 FR 46837 8/4/10	Points and fees for High Cost Mortgage Loan increased to \$592.
*FACT Act/ Reg V - Risk based pricing disclosure	Major	1/1/11	75 FR 2724 1/15/10	Disclosure for "materially less favorable" rates than a "substantial portion" of your borrowers (or, provide to all consumer purpose applicants). More has come effective per Dodd-Frank.
BSA - SAR confidentiality	Minor	1/3/11	75 FR 75593 12/3/10; guidance 75 FR 75607	SAR confidentiality rules clarified.
CRA - Exam guidance	Minor	1/19/11	75 FR 31818 12/20/10	Exams will look at support in foreclosure-affected neighborhoods.
TILA - "Fed Box" revision	Major	1/30/11; clarified rule effective 10/1/11	75 FR 58470 Interim rule and RFC 9/24/10; clarified 75 FR 81836 12/29/10	Affects all real property or dwelling secured loans; clarification involves 5/1 ARMs and interest only loans.
Reg E - Gift Cards	Minor	1/31/11	75 FR 16580 4/1/10; 8/17/10 interim final rule; 75 FR 66644 10/29/10	New 205.20 for gift cards, fees & expiration dates was effective 8/10; disclosures for cards produced < 4/1/10 delayed until 1/31/11.
FDIC Insurance - Post Notice	Minor	2/28/11	76 FR 4813 1/27/11; (also see FIL 2-2011)	Extends unlimited deposit insurance coverage for non-interest bearing & IOLTA transaction accounts through 12/31/12. Revised notice must be posted by 2/28/11.
BSA - Statutes Reorganization	Minor	3/1/11	75 FR 65806 10/26/10	Administrative rulings & guidance can be found at http://www.fincen.gov/statutes_regs/Chapter X/
TILA - Increased threshold for escrow on Jumbo loans	Minor	4/1/11	76 FR 11319 3/2/11	APR exceeds Average Prime Offering Rate by 2.5% or more for 1st mortgages, 3.5% or more for subordinate liens.
TILA - Home loan Appraisals	Moderate	4/1/11	75 FR 66553 Interim final rule and RFC 10/28/10; tech corr 12/23/10	\$1472 of Dodd-Frank (more to come); comments were due 12/27/10.
TILA - Compensation of Mortgage Loan Originators	Major	effective 4/1/2011 mandatory 4/6/11	75 FR 58509 9/24/10 and 76 FR 43111 7/20/11	Cannot be based on rate or any other loan term (other than amount). 7/20 allowed delay in date due to stay in DC appellate court. More to come per Dodd-Frank.
Treasury - Court-issued garnishment orders	Moderate	5/1/11	76 FR 9939 2/23/11	Requires prior review for federal benefit funds. Lengthy FR. See FAQ at http://www.fms.treas.gov/greenbook/FAQs-May-12-trsy-ver1.pdf
HUD - Servicemembers' Civil Relief Act - New Notice format	Moderate	6/16/11	http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2011/HUDNo.11-134	Per HUD's press release, this form is expected to be sent to all primary home borrowers in default.
FDIC Guidance - Overdraft Payment Programs	Moderate	7/1/11	FIL -81-2010 11/24/10 FAQs issued 5/1/11	Banks must mitigate the risk of offering automated overdraft programs, e.g. daily limits, de minimus exceptions, monitoring of account, and payment order management. FAQ's apply some element of risk mitigation to banks <u>without</u> automatic overdraft programs.
TILA - Threshold revision	Minor	7/21/11	76 FR 118	Increases exemption threshold to \$50,000 (and not secured by real property or a dwelling)
Reg CC/Expedited Funds - increased next-day \$	Minor	7/21/11	Per Dodd-Frank; no regulation required	At least \$200 (up from \$100) must be made available next-day. A "change in terms" notice must be provided by 8/21/11.
Reg Q - Prohibition on Interest on Deposits - Repealed	Major	7/21/11	76 FR 42015 7/18/11	Regulation repealed; Banks must send notice if account changed to allow interest means no longer fully insured as non-interest bearing transaction account.
SAFE/Reg H - Registration of Mortgage Loan Originators	Major	7/29/11	75 FR 44656 7/28/10	Registry opened 1/31/11, must register w/in 180 days (by 7/29/11); de minimus for 5 or fewer residential loans per year
RESPA - Final Rule	Minor	8/10/11	76 FR 40613	Technical and clarifying amendments to RESPA from FAQ.
Equal Credit Opportunity Act and Fair Credit Reporting Act - Credit score disclosure	Major	8/15/11	76 FR 41590 (Reg B) and 76 FR 41602 (Reg V) both 7/15/11	Disclosure must be on all notices of adverse action (including deposits) if credit score was a basis for the decision. Model notices provided.
FHA - Freddie Mac & Fannie Mae - Appraisal requirements	Major	9/1/11		Uniform Mortgage Data Program developed the Uniform Appraisal Dataset (UAD) and the Uniform Collateral Data PortalSM (UCDPSM) in an effort to enhance appraisal data quality and consistency and promote the collection of electronic appraisal data.

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Debit Card Interchange Fees	Could be Major	10/1/11	76 FR 43478 (interim) and 76 FR 43394 (final) both 7/20/11	Applies to issuers over \$10 billion in assets; Limits maximum interchange fee to \$0.21 plus .05% of transaction value; interim rule allows upward adjustment for anti-fraud
TILA	Minor	10/1/11	76 FR 22948 4/25/11	Clarifies CARD Act; re-instates TILA's 14 day requirement for periodic statements with no "grace period".
PROPOSED RULES:				
BSA - Expands Coverage to non-bank originators/lenders	Minor	comments due 2/7/11	75 FR 76677 12/9/10	Would include Residential mortgage lenders & originators in needing to file SARs and establish AML program
FDIC Insurance - Training	Moderate	comments due 4/12/11	76 FR 7740 2/9/11	Would require bank employees receive training on FDIC Insurance, and link to EDIE on all bank websites
TILA - Escrow rules	Major	comments due 5/2/11	76 FR 11598 3/2/11	Changes escrow requirements, exempts rural lenders, provides model notices, extends minimum period. Per Dodd Frank 1461 & 1462
TILA - Ability to Pay	Major	comments due 7/22/11	76 FR 27390 5/11/11	Per Dodd Frank §1411; all consumer mortgage loans will require creditors to determine ability to repay; establishes minimum underwriting standards. See http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20110419a1.pdf
Reg CC/Expedited Funds	Major	comments due 6/3/11	76 FR 16861 3/25/11	Incentivizes electronic check returns, and presentment of same-day settlement items; revises model disclosures and notices.
OCC - Guidance on Overdraft Protection programs & deposit-related credit products	Moderate	comments due 7/8/11	76 FR 33409 6/8/11	Similar to FDIC guidance effective 7/1/11.
DODD-FRANK MISC. DEADLINES:				
Bureau must adopt regulations for major Mortgage Lending reform provisions (including compensation, minimum standards, & disclosures for 1/21/2013 residential loans, changes to TILA liability & high-cost mortgage loan requirements, servicer prohibitions, and major HMDA revisions); Unfair Trade Practices; and ECOA appraisal changes, loan data collection & Office of Fair Lending & Equal Opportunity.				