

[Banking and Finance Law Daily Wrap Up, CONSUMER FINANCIAL PROTECTION BUREAU—CFPB provides financial companies flexibility during COVID-19 pandemic, \(Mar. 26, 2020\)](#)

Banking and Finance Law Daily Wrap Up

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By [John M. Pachkowski, J.D.](#)

To allow financial companies to focus on responding to consumers in need during the COVID-19 pandemic, the CFPB is postponing some data collections and making changes to its supervisory activities to account for operational challenges at regulated entities.

The Consumer Financial Protection Bureau is postponing some data collections from industry on Bureau-related rules to provide needed flexibility to enable financial companies to work with customers in need as these companies respond to the COVID-19 pandemic.

HMDA reporting. The CFPB will not expect quarterly information reporting by certain mortgage lenders as required under the Home Mortgage Disclosure Act (HMDA) and Regulation C. The Bureau noted that, during this time, entities should continue collecting and recording HMDA data in anticipation of making annual submissions. The CFPB will also provide information on when and how institutions will be expected to commence what would have been new quarterly HMDA data submissions.

In a [policy statement](#), the Bureau indicated that it does not intend to cite in an examination or initiate an enforcement action against any institution for failure to report its HMDA data quarterly. The policy statement also noted that to HMDA reporters of the existing safe harbor in the rule (12 CFR 1003.6(c)(2)) that applies to any data financial institutions report on a quarterly basis. If a financial institution that is required to report data quarterly makes a good faith effort to report such data fully and accurately within 60 calendar days after the end of each calendar quarter, inaccuracies or omissions in quarterly data reported do not need to be corrected or completed until the financial institution submits its annual loan/application register by March 1 of the following calendar year.

Credit and prepaid cards. Another area in which the CFPB is providing flexibility will be the reporting of certain information related to credit card and prepaid accounts under the Truth in Lending Act, Regulation Z, and Regulation E. This information includes, among other things, the annual submissions concerning agreements between credit card issuers and institutions of higher education; quarterly submission of consumer credit card agreements; collection of certain credit card price and availability information; and submission of prepaid account agreements and related information.

A second [policy statement](#) issued by the Bureau noted that, a later time, the CFPB will "include guidance regarding submissions that would have been made but for this policy statement." Finally, entities subject to the credit and prepaid cards information reporting requirements should "maintain records sufficient to allow them to make such delayed submissions pursuant to Bureau guidance." Finally, the policy statement provides that entities may continue making otherwise required submissions under these provisions if they choose to do so.

In related action, the Bureau is postponing two other data: a survey of financial institutions that seeks information on the cost of compliance in connection with pending rulemaking on Section 1071 of the Dodd-Frank Act; and a survey of firms providing Property Assessed Clean Energy financing to consumers for the purposes of implementing Section 307 of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

Supervisory activities. The third action taken by the CFPB relates to the scheduling of examinations and other supervisory activities to minimize disruption and burden as financial institutions work constructively with borrowers and other customers affected by COVID-19 to meet their financial needs.

A third [policy statement](#) from the Bureau noted that supervision staff will keep in close contact with affected institutions to determine when supervisory events can be appropriately scheduled. Similarly, Bureau enforcement activities will take into account current staffing and related resource challenges confronting financial institutions and their counsel.

Commenting on the Bureau's actions, CFPB Director Kathleen L. Kraninger [said](#), "Our actions today are temporary and targeted to support consumers by allowing financial companies to focus their resources on assisting consumers."

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