Banking and Finance Law Daily Wrap Up, WORTH NOTING—Other regulatory, legislative, litigation, and industry developments, (Nov. 21, 2025)

Banking and Finance Law Daily Wrap Up

Click to open document in a browser

By WK Editorial Staff

A weekly roundup of other items of interest to the banking and finance law community.

COMMUNITY DEVELOPMENT—United States Rep. Janelle Bynum (D-Ore.), a member of the House Financial Services Committee, and Rep. Byron Donalds (R-Fla.) have introduced the "Appraisal Industry Improvement Act" to improve the homebuying process and address the nationwide shortage of home appraisers. The bipartisan bill would amend the National Housing Act "to authorize state-licensed appraisers to conduct appraisals in connection with mortgages insured by the FHA and to ensure compliance with the existing appraiser education and competency requirements." Also, the measure seeks to bolster state-level efforts, especially in rural areas, by: (i) including Appraisal Subcommittee (ASC) grants to support certification and licensing; (ii) providing authorization for the ASC to lower annual registry fees in certain areas deemed to impact functions; (iii) adding credentialed trainee appraisers to the ASC's national appraiser registry; and (iv) adding representation to the ASC from the U.S. Department of Agriculture's Rural Housing Service and the Department of Veterans Affairs.

COMMUNITY DEVELOPMENT—11th Cir.: The U.S. Court of Appeals for the Eleventh Circuit was called to review an affordable housing dispute involving Florida Housing, a not-for-profit corporation, which had signed a 1994 agreement with the Resolution Trust Corporation (RTC), a government corporation. Under that agreement, the RTC "agreed to sell to Florida Housing a 192-unit apartment complex at a steep discount," and Florida Housing "promised that for 40 years it would offer each of its 192 units at a discount rate to either 'Lower Income Families' or 'Very Low-Income Families,' as those terms are defined" in the agreement. As explained by the Eleventh Circuit, the "case arises because a purchaser of one of those RTC multifamily properties at a steep discount, having gotten its substantial benefit from the bargain, has quit living up to its end of the deal, insisting that it no longer has to continue renting any of the housing units below market price to anyone even though the agreed upon term of 40 years has yet to run." Meanwhile, "the successor agency to the RTC believes the purchaser is still bound to the terms of the housing agreement it entered into, so did the district court, and so do we." In reaching its decision, the federal appellate court determined that the Federal Deposit Insurance Corporation "has both the statutory and contractual authority to stand in the RTC's shoes to enforce the terms of the 1994 Agreement. See 12 U.S.C. § 1831q(n)(4)" (*Affordable Housing Group, Inc. v. Florida Housing Affordability, Inc.*, No. 23-14009 (11th Cir. Nov. 17, 2025)).

ENFORCEMENT ACTIONS—The Office of the Comptroller of the Currency has announced enforcement actions for November 2025, focusing on individuals affiliated with national banks. The OCC issued an Order of Prohibition against Amy Jo Reid, former Senior Vice President and Director for Purchasing at Associated Bank, N.A., Green Bay, Wis., for using the bank's purchasing cards for personal transactions totaling at least $411,000 and submitted false documents to conceal the misuse, violating fiduciary duties and engaging in unsafe practices. The OCC released a previously issued Personal Cease-and-Desist Order against Claudia Russ Anderson, former Community Bank Group Risk Officer at Wells Fargo Bank, N.A., Sioux Falls, S.D. This action related to longstanding sales practices misconduct at the bank, underscoring failures in risk oversight (see *Banking and Finance Law Daily*, Oct. 23, 2025). The OCC also terminated prior enforcement actions against two banks. Blue Ridge Bank, N.A., Martinsville, Va., saw its 2024 Cease-and-Desist Order lifted after addressing violations of the Bank Secrecy Act and anti-money laundering requirements, as well as deficiencies in capital, liquidity risk management, and IT controls. Similarly, The First National Bank of St. Ignace, St. Ignace, Mich., had

© 2026 CCH Incorporated and its affiliates and licensors. All rights reserved.

its 2024 Formal Agreement terminated following remediation of unsafe practices in capital planning and stress testing, and correction of a dividend payment violation.

ENFORCEMENT ACTIONS—9th Cir.: The U.S. Court of Appeals for the Ninth Circuit upheld a California federal district court's August 2024 rulings and $7.93 million judgment in favor of the Consumer Financial Protection Bureau in connection with the CFPB's enforcement action against Nationwide Biweekly Administration, Inc., Loan Payment Administration LLC, and Daniel S. Lipskey (collectively, Nationwide). After a bench trial, the Nationwide defendants were held liable and assessed civil penalties for violating the Consumer Financial Protection Act (CFPA) for unfair, deceptive, and abusive mortgage lending and/or servicing practices (see *Banking and Finance Law Daily*, Sept. 6, 2024). Now, in November 2025, in an unpublished opinion, the Ninth Circuit affirmed the lower court and rejected Nationwide's arguments on appeal that: (i) the district court's factual findings were clearly erroneous and/or did not comply with civil procedure rules; (ii) the CFPB's enforcement action was invalid because of the CFPB director's "unconstitutional for-cause removal protections between 2015 and 2020;" (iii) the enforcement action was void because the statute of limitations had run before the Bureau filed its lawsuit in May 2015; (iv) Nationwide was not a "seller" covered by the Telemarketing and Consumer Fraud and Abuse Prevention Act; (v) Nationwide's counterclaims against the CFPB "were improperly rejected and … supportive evidence was impermissibly excluded;" (vi) the district court "applied the wrong standard" in addressing Nationwide's counterclaims that a CFPB press release "violated its due process rights because it destroyed Nationwide's relationships with banking partners;" and (vii) the district court abused its discretion in "excluding a set of proffered exhibits and expert testimony" (*CFPB v. Nationwide Biweekly Administration, Inc.*, No. 24-5940 (9th Cir. Nov. 17, 2025)).

FEDERAL RESERVE SYSTEM—The Federal Reserve Board is amending Regulation D—Reserve Requirements of Depository Institutions (12 C.F.R. Part 204) to reflect the annual indexing of the reserve requirement exemption amount and the low reserve tranche for 2026. In keeping with the statutory formulas specified in the Federal Reserve Act, the Fed is amending Regulation D to set the reserve requirement exemption amount for 2026 at $39.2 million (an increase from the $37.8 million amount set for 2025). Similarly, the Fed is setting the amount of the low reserve tranche at $674.1 million for 2026 (an increase from the $645.8 million amount set for 2025). Further, while the annual indexation of the reserve requirement exemption amount and low reserve tranche "is required by statute," the indexation "will not affect depository institutions' reserve requirements, which will remain zero," the Fed communicated. The Fed's notice, which is scheduled for publication in the *Federal Register* on November 24, indicates that the final rule amending Regulation D takes effect on Dec. 24, 2025, and that the new exemption amount and low reserve tranche amount will apply beginning Jan. 1, 2026.

FINANCIAL STABILITY—The Office of the Comptroller of the Currency has requested comment on its proposed renewal of the information collection titled "Stress Testing Rules for National Banks and Federal Savings Associations." The collection supports requirements under the Dodd-Frank Act for certain banks to conduct periodic stress tests and report results. The affected public includes businesses or other for-profit entities. OCC estimates 9 respondents will submit 27 responses annually, resulting in a total reporting burden of 6,760 hours. Comments are invited on the necessity of the collection, the accuracy of burden estimates, ways to improve the quality and clarity of the information, methods to reduce respondent burden, and cost estimates for compliance. All comments will become part of the public record. The 60-day comment period ends on Jan. 23, 2026.

FINANCIAL TECHNOLOGY—United States Rep. Warren Davidson (R-Ohio) has introduced the Bitcoin for America Act, which would allow Americans to pay federal taxes in Bitcoin and direct all such payments into the Strategic Bitcoin Reserve. This is intended to strengthen long-term national financial resilience and "position the U.S. at the forefront of global digital asset leadership." "By allowing taxpayers to pay federal taxes in Bitcoin and having the proceeds placed into the Strategic Bitcoin Reserve, the nation will benefit by having a tangible asset that appreciates in value over time—unlike the U.S. dollar, which has steadily lost value under inflationary pressures," said Davidson.

© 2026 CCH Incorporated and its affiliates and licensors. All rights reserved.

GOVERNMENT SPONSORED ENTERPRISES—The Federal Housing Finance Agency's Office of Inspector General (OIG) released its semiannual report to Congress. The report details the FHFA-OIG's oversight efforts and fraud investigations conducted between April 1, 2025, through Sept. 30, 2025. According to Acting Inspector General John J. Allen, the OIG issued 10 reports during this period and made 42 recommendations—to which the FHFA agreed. In addition, the OIG noted its work in bringing over two dozen mortgage or financial fraud cases, with nearly $168 million in forfeiture and restitution ordered.

OVERSIGHT AND INVESTIGATION— Senate Finance Committee Ranking Member Ron Wyden (D-Ore.) has released a staff memorandum containing analysis of the ways in which JPMorgan Chase protected Epstein and enabled his sex trafficking operation "through an egregious series of compliance failures spanning nearly two decades." The memorandum cites recently unsealed court documents that included correspondence between top JPMorgan executives, as well as Wyden's investigation of Epstein bank records. According to Wyden, these records show top JPMorgan Chase executives—who reported directly to CEO Jamie Dimon—closely supervised the relationship with Epstein.

PREEMPTION—U.S.: As observed by SunTrust Bank in its Nov. 14, 2025, petition for *certiorari* filed with the U.S. Supreme Court, the Georgia Supreme Court in 2016 "nullified a provision in SunTrust's deposit agreement requiring individual customers to provide timely and particularized written notice to opt out of arbitration" (see *Banking and Finance Law Daily*, July 22, 2016, regarding *Bickerstaff v. SunTrust Bank*, No. S15G1295 (Ga. Sup. Ct. July 6, 2025)). In connection with the bank's underlying litigation with its customer (Bickerstaff), SunTrust Bank conveys that Georgia's high court held that "by filing a class-action lawsuit, the plaintiff had effectively opted out of arbitration not only for himself, but for thousands of unnamed class members;" however, "Federal courts have declined to endorse that reasoning," recognizing that such an arbitration-specific rule "would be preempted by the FAA [Federal Arbitration Act]," the bank contends. SunTrust Bank filed its petition after "Bickerstaff II" proceedings in which the Georgia Supreme Court recently denied review of a decision by the Georgia Court of Appeals, which, according to the bank, "doubled down, broadening Bickerstaff II to reach even those class members whose agreements expressly prohibit opting out via lawsuit." Against this backdrop, SunTrust Bank's petition asks the U.S. Supreme Court "[w]hether the FAA preempts a state court rule permitting a proposed class representative to effectively opt out of arbitration on behalf of all unnamed class members notwithstanding contrary, express requirements in the arbitration agreement" (*SunTrust Bank v. Bickerstaff*, No. 25-585 (U.S. Nov. 14, 2025)).

Attorneys: Thomas Mccray-Worrall for the CFPB. Barbara Bison Jacobson (Bison Jacobson Law Office) for Nationwide Biweekly Administration, Inc. and Loan Payment Administration LLC. Russell E. Klemm (Clayton & McCulloh, PA) for Affordable Housing Group, Inc. Nicola Popovich (Popovich Law Firm, PA) for Florida Housing Affordability, Inc. Lisa S. Blatt (Williams & Connolly LLP) for SunTrust Bank.

Companies: Affordable Housing Group, Inc.; Associated Bank, N.A.; Blue Ridge Bank, N.A.; Florida Housing Affordability, Inc.; JPMorgan Chase; Loan Payment Administration LLC; Nationwide Biweekly Administration, Inc.; SunTrust Bank; The First National Bank of St. Ignace; Wells Fargo Bank, N.A.

IndustryNews: AlabamaNews AlaskaNews ArizonaNews BankingOperations BankSecrecyAct Blockchain CaliforniaNews CapitalBaselAccords CFPB CommunityDevelopment CrimesOffenses DoddFrankAct EnforcementActions FederalReserveSystem FinancialStability FinTech FloridaNews GeorgiaNews GovernmentSponsoredEnterprises GuamNews HawaiiNews IdahoNews Loans MontanaNews Mortgages NevadaNews OregonNews OversightInvestigations Preemption PrudentialRegulation StateBankingLaws SupremeCtNews UDAAP WashingtonNews

© 2026 CCH Incorporated and its affiliates and licensors. All rights reserved.