



Thanksgiving is the perfect time to express our sincere thanks to those whose friendship we cherish. Thank you for your business and best wishes for a bountiful Thanksgiving holiday.

Temporary Mortgage Servicing Flexibilities End

In April 2020, the CFPB, FDIC, Federal Reserve, NCUA, and OCC issued a joint statement that provided temporary flexibilities on certain Reg. X / RESPA timing requirements in response to the pandemic and CARES Act. For example, as of April 3, 2020, the agencies clarified that on a temporary basis, they did not intend to take supervisory or enforcement action against servicers for failing to provide certain acknowledgements within 5 days upon the receipt of an incomplete application in certain circumstances or for delays in sending annual escrow statements provided the servicer made good faith efforts to provide such statements within a reasonable time.

In November 2021, these same agencies issued a joint statement to communicate that the temporary flexibilities announced in April 2020 no longer apply. While the agencies are aware of ongoing, pandemic-related mortgage servicing challenges that exist, they believe servicers have had sufficient time to implement processes to support compliance.

Interested persons may find the April 2020 joint statement here and the November 2021 statement here.

Online Compliance Consulting Update!

The Online Compliance Consulting Dashboard has been enhanced!

- Updated COVID-19-Related Resources: A searchable listing of resources can be found at the top of the Online Compliance Dashboard in the COVID-19 section.
- NEW Compliance Alert – 2022 Reg. Z Thresholds
- Updated Compliance Calendar
- Updated TRID Resources
 - SC+S Loan Estimate Quick Reference Guide and Closing Disclosure Quick Reference Guide
 - CFPB Resources
- Updated Thought Leadership Resources

To access this information and all other compliance features, go to:

<http://compliance.smslp.com/>

It's That Time of Year...

As the financial industry is familiar with and as our year approaches its end, we start to see that various **regulatory adjustments** are issued. These issuances amend a variety of regulatory thresholds and provisions. The changes are important as they establish thresholds for meeting certain requirements.

Regulation Z has various adjustments which will take effect on **January 1, 2022**, some of which have been announced. For example, for **qualified mortgages**, which provide creditors with certain protections from liability under the Ability-to-Repay Rule, the maximum thresholds for total points and fees in **2022** will be **3 percent** of the total loan amount for a loan **greater than or equal to \$114,847; \$3,445** for a loan amount **greater than or equal to \$68,908 but less than \$114,847**; **5 percent** of the total loan amount for a loan **greater than or equal to \$22,969 but less than \$68,908**; **\$1,148** for a loan amount **greater than or equal to \$14,356 but less than \$22,969**; and **8 percent** of the total loan amount for a loan amount **less than \$14,365**.

Our clients will have access to our **Compliance Alerts** and **Compliance Calendar** for information and details on these threshold adjustments, their impact, and what next steps should be taken.

Interested persons can find the CFPB's final rule adjusting Reg. Z thresholds that was published earlier this month [here](#).

ICYMI...Fair Debt Collection Resources

Just in case you missed it, we wanted to share that the **CFPB** announced their release of several resources related to **Reg. F / Fair Debt Collection** requirements. Debt collectors are encouraged to review the CFPB's related **FAQs, Spanish translation of the model validation notice, and example itemization tables**.

Interested persons may find the Bureau's Debt Collection resources [here](#).

FinCEN Report on Ransomware

In last month's newsletter, we shared information on FinCEN's **Financial Trend Analysis** report on **ransomware**, which was released in October. FinCEN's analysis focused on Bank Secrecy Act reporting between January 2021 and June 2021. As reported, ransomware is an **increasing threat** to U.S. critical infrastructure and continues to grow rapidly.

In follow up to that analysis and the observed increase of ransomware attacks, FinCEN released an **updated Ransomware Advisory**. This important communication identifies **new trends and typologies** that institutions should be aware of and also provides recent examples of ransomware attacks. The advisory also provides **red flag indicators** of ransomware and associated payments. It also provides information that institutions should include in SAR filings related to such activity.

Institutions are encouraged to review the updated advisory, paying particular attention to information addressing the **role of financial intermediaries in facilitating ransomware payments**.

Interested persons may find FinCEN's advisory [here](#).

Calendar Reminders

- 11/25 -

Happy Thanksgiving
- 11/29 – Reg. C HMDA Quarterly LAR Submission
- 11/30 – Reg. F Rules Effective
- 12/3 – Sunset of Nat'l Flood Insurance Program (unless reauthorized)
- 12/16 – Be Prepared! Quarterly Compliance Update



MARK YOUR CALENDARS! Our next quarterly **Be Prepared!** Compliance Update webinar is scheduled for **December 16, 2021**. When available, details will be posted to the Online Compliance Consulting Dashboard's Compliance Calendar.

A Primer on Privacy

Recently, the Federal Reserve released their third issue of **Consumer Compliance Outlook** for 2021. The Federal Reserve's publication has historically provided a wide variety of topical and timely information for the financial industry and this issue is no exception. Of particular interest in this issue is a great overview of **privacy-related information**. In an environment where a high percentage of consumers are concerned about how their personal data is used, coupled with an increase in data breaches, this is an important area of risk that needs to be controlled.

The section on privacy provides a great summary of requirements under **Regulation P and the Gramm-Leach-Bliley Act**. It also outlines privacy requirements related to the **Fair Credit Reporting Act** and other **Federal privacy and security laws**. It is recommended reading and interested persons may find the Federal Reserve's Consumer Compliance Outlook [here](#).

Looking Forward to 2022

As we're in the midst of our 4th quarter and the year heads towards its close, **Online Compliance Consulting** is preparing for our final **Be Prepared!** quarterly compliance webinar for 2021, which will help you look forward to 2022.

Our **earlier webinars of 2021** covered a wide range of issues, news, regulatory changes, advisory opinions, and emerging BSA/AML issues. Clients can listen to recordings of these webinars through the Online Compliance Dashboard.

In planning for our **4th quarter webinar**, we'll lead a discussion on **Diversity, Equity, & Inclusion (DEI)**, focusing on what information our prudential supervisory agencies have already shared and what they are saying now. Also, as is our tradition, we'll discuss and provide a set of **Compliance Program Checklists for the new year**.

When available, clients will be able to find registration details for this webinar on the Online Compliance Consulting Dashboard.

Convenient and Affordable Compliance Assistance

Do you need help preparing for the upcoming regulatory requirements? SC+S can help with our **Online Compliance Consulting Services**, which combines the ease of online tools with the guidance of a compliance expert.

You will have access to an online compliance expert who will:

- Answer all of your compliance questions;
- Review your new policies and disclosures for compliance; and
- Train your Board of Directors on upcoming regulatory requirements.

You will also receive access to our online tools, including:

- Our Compliance Calendar;
- Our Dashboard Feature and Progress List, that enables you to determine what steps you will need to take to comply with the requirements and track your progress as you implement them;
- Our exclusive Knowledge Base of compliance Q&As; and
- FREE access to our quarterly Be Prepared! webinar series.

For more information or a free demo, contact Rhonda Coggins at 512-703-1509.

Contact Us

Sheshunoff Consulting + Solutions
901 S. Mopac Expressway
Building II, Suite 565
Austin, TX 78746

You have received this newsletter as either a complement to other SC+S services you receive, or in response to your request. If you no longer wish to receive this newsletter, please send an email to compliance@smslp.com.

© 2021 SCSR, L.L.C.

No further reproduction or distribution is allowed outside your organization without permission.