

# Buchalter

## The Retreat of the CFPB: What Are Banking Agencies Doing, and Are States Filling the Gap?

California Bankers Association Lenders and Chief Credit Officers  
Conference October 8, 2025

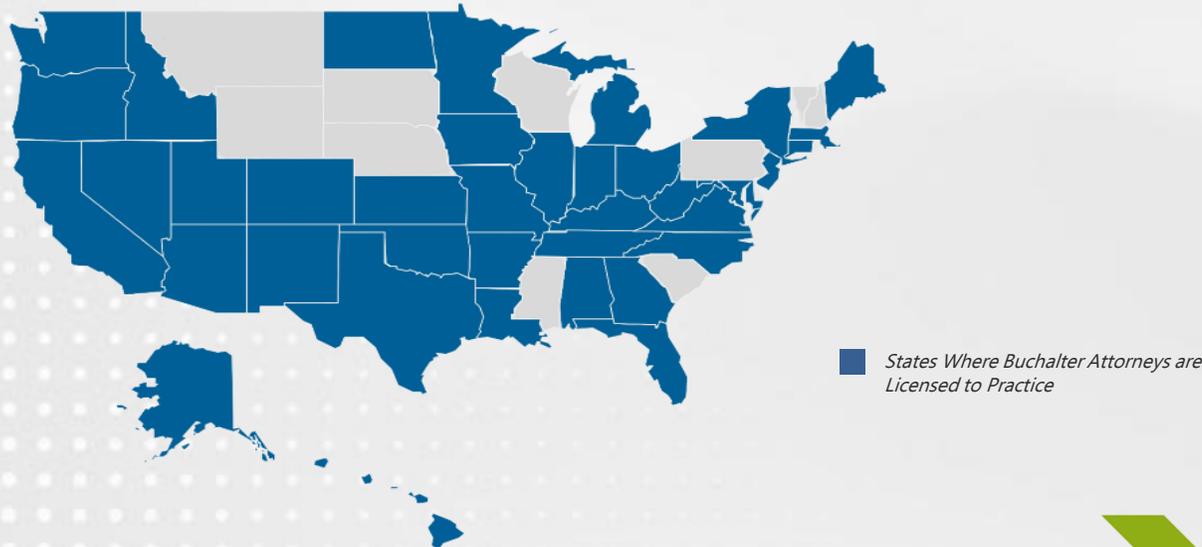
Presented by

Michael Flynn  
Of Counsel  
Buchalter

# Firm Overview

Since the Firm's inception in 1933, Buchalter has established itself as a full service law firm that provides counsel to clients at all stages, and helps them navigate any legal challenges and decisions they may face. Our clients are engaged in a diverse global economy governed by complex laws and regulations, and trust us as advisers and business partners.

Our founding principle—providing our clients with the best business solutions—continues to lead us. We value each client relationship, recognizing that their success is our success. Our overarching goal—getting the best results for the client in a timely manner with sensitivity to cost—has engendered client loyalty, and the firm has grown from that loyalty. Our lawyers are accessible, resourceful, skillful and adept at responding to change. Our technological capabilities keep case law and rule changes at our fingertips and client communications current, enabling us to create efficient, superior outcomes. Buchalter is consistently ranked among the leading law firms by *Chambers and Partners*, *Best Lawyers*, *The Daily Journal* and the *Los Angeles Business Journal*. It is also ranked among the leading firms nationally by *American Legal Media* and the *National Law Journal*.



## Leading Practices

- Commercial Finance
- Corporate
- Energy & Natural Resources
- Environmental Law Practice
- Family Law
- Government, Regulatory & Administrative
- Greater China Practice
- Health Care
- Insolvency & Financial Law
- Insurance
- Intellectual Property
- International Business & Trade
- Japan Practice
- Labor & Employment
- Litigation
- Privacy & Data Security
- Products Liability
- Real Estate
- Tax, Benefits and Estate Planning
- White Collar & Investigations

➤ **560+**  
ATTORNEYS

➤ **35**  
INDUSTRIES

➤ **20**  
PRACTICE AREAS

➤ **14**  
OFFICES

# Consumer Financial Services Regulatory Group

- Buchalter's Consumer Financial Services and Mortgage Regulatory team is a nationally recognized leader providing banks, credit unions, savings associations, and non-bank consumer financial service providers, including FinTechs, with expertise in the full range of consumer financial services regulatory and litigation issues. Our attorneys are well experienced with advising clients on the entire range of consumer finance regulatory processes. We also have attorneys who have held senior executive legal positions in financial institutions, mortgage lenders, and government regulatory agencies.
- This range of experience enables Buchalter to assist consumer financial service providers with their Federal and state legal and regulatory needs, including consumer financial services and products legal requirements, litigation, compliance and risk management needs, contracting, and keep them up-to-date on all regulatory developments. This industry-leading expertise in consumer financial services and mortgages includes:
  - Regulatory and Licensing
    - Federal and state regulatory requirements for all consumer financial services providers in regard to all consumer financial services products and issues, including CRA, ECOA and other fair lending statutes, fair banking, FDPA, FCRA, FDCPA (state and federal), FHA, HMDA, MLA, RESPA, SAFE Act, SCRA, TILA (including TRID), and UDAP/UDAAP, and any implementing regulations, and any state laws applicable to consumer financial services.
    - Interactions with Federal and state consumer financial services regulators, including managing examinations and investigations and developing regulatory remedial action plans.
    - Consumer financial services regulatory filings and reporting.
    - Consumer financial services compliance and risk management, including licensing and policies and procedures, federal and state surveys, and regulatory impacts on mergers, acquisitions, and investments involving consumer financial services companies and products.
    - Consumer financial services operational regulatory management, including vendor contracts and management, new product development, and implementation of new laws and rules.
  - Consumer Financial Services Litigation and Administrative Enforcement Actions
    - Recognized for our handling of sophisticated litigation, class actions and administrative enforcement actions in all areas of federal consumer financial services law, including RESPA, TILA, TRID, Fair Lending, TCPA, FCRA, and FDCPA.
    - Successful litigation of equivalent state consumer financial services issues, including California HBOR, California Business & Professions Code 17200, state law debt collection practices acts, state unfair practices acts, etc.
    - Nationally recognized experts in in title insurance claims litigation and escrow/closing litigation.

# Michael Flynn



- Michael Flynn is a leading nationally recognized bank regulatory and mortgage and consumer lending regulatory and compliance counsel. As the former Acting General Counsel of HUD and former General Counsel of Flagstar Bank and PNC Mortgage, he counsels financial institutions on bank, mortgage and consumer finance regulations, regulator inquiries and examinations, product development, compliance and risk management, secondary market transactions, servicing, FinTech arrangements, vendor management and contracts, and other subjects. Mike is a member of Buchalter's Commercial Finance Practice Group, and Co-Chair of its Consumer Financial Services and Mortgage Regulatory Industry Group. He is a former member of the Colorado Division of Real Estate Forms Committee, former chair of the American College of Mortgage Attorneys Residential & Regulatory Committee. He serves on the Colorado Mortgage Lenders Association Legislative and Regulatory Affairs Committee, the California Mortgage Bankers Association Legislative Review Committee, and the Governing Committee of the Conference on Consumer Finance Law. Mike is also a past Chair of the California Lawyers Association Financial Institutions Committee, the California Mortgage Bankers Association Legal Affairs Committee, and the American Bar Association Title Insurance Litigation Committee. He is a Fellow of the American College of Consumer Financial Services Lawyers, the American College of Real Estate Lawyers, and the American College of Mortgage Attorneys.

# Is the CFPB Pulling Back?

- The Trump administration has shown a willingness to reign in executive agencies
- Republicans have long criticized the alleged overreach of the CFPB

- Shrinkage of budget; shrinkage of staff

# CFPB – shrinkage of budget

- The Big, Beautiful Bill reduced CFPB funding from a cap of 12% of Fed Reserve annual operating budget to 6.5%.

# CFPB – shrinkage of staff

- Administration started with announced Reduction in Force.
- District Court issued an injunction against the RIF in *NTEU v. Vought*.
- Initially, the DC Circuit partially stayed the injunction, allowing the CFPB to terminate employees after a “particularized assessment” that the employee is unnecessary to the agency’s function. On August 15, the DC Circuit said that the court cannot block the 90% RIF, that it must be processed through the Civil Service process, not reviewed as an agency regulatory act.
- Then the CFPB issued an RIF effectively terminating 90% of the work force. The DC Circuit reinstated the District Court’s injunction. On August 15, the DC Circuit said that the court cannot block the 90% RIF, that it must be processed through the Civil Service process, not reviewed as an agency regulatory action.

*In Trump v. American Federation of Government Employees*, the Supreme Court allowed the termination of employees at 19 agencies (not including the CFPB) while the legality of the terminations is appealed. This could impact *NTEU v. Vought*.

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# CFPB – rollback of guidance and rules

- Withdrawal of Interpretations and guidance – 67 withdrawn on May 12, see slides ## 31-35.
- Specific actions to date:
  - Rules of Practice for Adjudication Proceedings.
    - New proposed rule will set rules substantially similar to rules before the CFPB amended the rules of practice in 2022 and 2023.
  - CFPB plans to propose a rule to make a more narrow approach to what non-bank entities it purports to supervise.
  - Procedures for Supervisory Designation Proceedings.
    - New proposed rule to rescind the 2022 and 2024 amendments to the procedures for supervisor designation proceedings.
    - The CFPB was concerned that entities contesting supervisory designation would be subject to a public order that the entirety is “engaging, or has engaged, in conduct that poses risks to consumers.”

# CFPB – rollback of guidance and rules

- CFPB has proposed to amend its rule so that there can be no allocation of penalties to consumer education and financial literacy.
- CFPB plans to propose a rule to make a more narrow approach to what non-bank entities it purports to supervise.
  - This is a limitation on the CFPB's "dormant" authority under the Dodd-Frank Act when it has reasonable cause to determine that entities are engaged in potentially risky conduct. The CFPB has said it will create a standard thjat is more consistent and foreseeable.
- The CFPB's September 4 Agency Rule List shows a large amount of planned acitivitiy to address, revise or revoke the above rules.

# CFPB – rollback of guidance and rules

- Notice of Advance Notices of Proposed Rulemaking to increase size standards for “large participant” nonbank institutions. Would reduce the number of institutions in those sectors that are regulated by the CFPB:
  - Auto financing, credit reporting, debt collection and international money transfers.
- Non-bank registry rule.
  - The CFPB has proposed rescinding that rule, which would have required certain non-bank entities to report the existence of final orders of an agency and thereafter file compliance reports annually.
  - The CFPB previously announced that it “will not prioritize enforcement or supervision actions with regard to entities that do not satisfy future deadlines under [the then existing rule] to submit registration information.”
- Open banking rule.
  - Allows consumers to access, or have third parties access, and share data related to a variety of consumer financial products.
  - CFPB announced that the rule is unlawful and should be set aside
    - In *Forcht Bank v. CFPB*, the CFPB announced that it plans to rewrite the rule on an accelerated basis starting in August.
    - draft Client Alert re FEEd ending crypto special oversight program.

# CFPB – rollback of guidance and rules

- Data broker proposed rule.
- Amending rules so that the CFPB cannot use parts of its civil penalty fund for financial education, limiting the fund of compensation for harmed consumers.
- Buy now, pay later rule.
- Small business Section 1071 lending rule extension of compliance dates, and CFPB has announced it plans to amend the rule.
- Reg AA proposed rule.
- Medical debt reporting rule.
- Reg E/electronic funds transfer proposed interpretive rule.
- State enforcement authority interpretive rule.
- COVID RESPA rule.
- State official notification procedures.
- Also indications that CFPB intends to rescind the Loan Originator Compensation rule and may amend the mortgage servicing rules.

# CFPB and Litigation

- *Loper Bright Enterprises v. Raimondo* Supreme Court decision overturned the long-standing *Chevron* doctrine, which instructed courts to give deference to enforcing agencies' interpretations of ambiguous statutes.
- The CFPB has stated that it intends to focus on "pressing threats to consumers, particularly servicemen and veterans."
- Increase in dismissals (s) or quick settlements of enforcement actions.
  - The CFPB has dismissed almost one half of its enforcement actions.
  - And it has terminated consent orders early.
    - These include consent orders with Toyota, BofA, Navy Federal Credit Union, Apple, Fay Servicing LLC.
- *Forcht Bank v. CFPB*, above.
- CFPB shut down its investigation of Credova, a buy-now, pay-later fintech firm providing financing for firearms and outdoor recreational goods. CFPB said the investigation was "politically motivated."

# CFPB and Litigation

- *Financial Technology Association v. CFPB* – CFPB filed a motion to stay because it planned to rescind the buy now, pay later rule.
- *Cornerstone Credit Union League et al. v. CFPB* – CFPB asked the court to vacate the rule.
- Motion in support of stay in *Revenue Based Finance Coalition v. CFPB* – CFPB stated the contesting of the small business loan data and collection rule would likely be resolved through anticipated rule making.
- CFP v. SoLo Funds – CFPB dropped its allegations based on alleged UDAPP violations.
- However, the CFPB has continued with select cases involving debt relief, debt collection, credit reporting and servicemembers.
  - Reached settlement with pawn shop company FirstCash, alleging the company violated the Military Lending Act by making high interest loans in violation of a previous consent order.
  - Continued its litigation against Experian, alleging the company mishandled consumer credit reporting disputes.

# What are other Federal agencies doing?

- HUD/FHA Claims without Conveyance of Title
  - Extended the post—foreclosure sales period to 60 days. If HUD takes back the property, exclusive 15 day bidding period for HUD approved government entities, non-profits and owner-occupants.

# What are other Federal agencies doing?

## Banking

- OCC and Fed approved Capital One's acquisition of Discover.
- FDIC, Fed and OCC joined together in a proposal to reduce the amount of capital large banks must hold, with the agencies stating that overall required capital would "generally stay the same".
- OCC and the Fed will cease supervising banks for disparate impact.
- Debanking:
  - The Fed, OCC and FDIC will no longer consider reputation risk in examinations. The agencies will still look at risk management and compliance.
  - New Executive Order prohibits banks from debanking due to political or religious beliefs or positions. Federal banking regulators are to carry out reviews to determine which institutions presently or in the past engaged in such conduct. If such institutions cannot become compliant, they are to be referred to the DOJ.

# Banking Agencies

- OCC – removed references to disparate impact liability from the Fair Lending booklet of the Comptroller’s Handbook, and instructed its examiners that they should no longer examine for disparate impact.
- Genius Act and Stablecoins – Genius Act allows banks to be issuers. Regulated by OCC.
  - Issuers are limited to insured depository institutions, and nonbank financial institutions that receive approval from the Federal Reserve and demonstrate the ability to comply with the relevant law.
  - Issuers must hold 1:1 reserves for any stablecoins issued. These reserves can be held in physical currency, US treasury bills, repurchase agreements and other low-risk assets approved by regulators.
  - Issuers must comply with the Bank Secrecy Act.
  - OCC issued notice of proposed rulemaking, asking for public comment concerning how to regulate stable coins.
  - OCC, Fed and FDIC issued joint guidance for risk management principles for banks holding crypto-assets on customers’ behalf, following the Administration's viewing crypto more favorably.
- Fed announced it will end its special oversight program for crypto currency and fintech.
  - Treasury asked for public feedback on how new technologies (such as AI) might be used to monitor potentially illicit crypto activity.
- FDIC indicated it is looking at raising threshold for increased supervision. Possible threshold increase from \$100 billion to \$125 billion in assets. This will affect higher standards for stress testing, resolution planning, liquidation caps and more.

# Banking Agencies

The Fed, OCC and FDIC announced they will formally repeal the recent changes to the Community Reinvestment Act rules, reverting to the pre-2023 rules.

## FDIC:

- Will index levels to determine which compliance standards apply to which banks. Includes annual audit requirements, annual reporting requirements, insider lending and international activities. The threshold would initially be raised from \$500 million in assets to \$1 billion.
- Will look at indexing other requirement thresholds, including large bank pricing scorecard for deposit insurance pricing and continuous examination thresholds.
- Repealed proposed rulemaking to toughen standards for new “shell and captive” industrial loan companies.
- Considering reinstating a standalone office to hear banks’ challenges to adverse regulatory determinations, doing procedural changes to make it easier for banks to open or move branches.

# Other Federal agencies

## DOJ

- DOJ and Health and Human Services announced in July that they will have lead attorneys heads a working group to enforce the False Claims Act.
- DOJ – for crypto, targets willful violations of federal money transmission rules, and intentional acts harming digital asset investors or if digital assets are used to violate laws.
- Focus on areas such as Medicare Advantage; kickbacks; drug pricing; fraud, waste and abuse.
- FTC and DOJ appear to allow more mergers.
- Independent Qui Tam whistleblower actions being challenged – spearheaded by Johnson & Johnson.

# Other federal agencies

FINCEN is appealing a TRO against the order requiring heightened anti-money laundering reporting for cash-moving businesses on the southwest border.

FINCEN - unprecedented reporting obligations for an entire category of "non-financed transfers of residential real property to legal entities and trusts on a nationwide basis." In essence, with certain exceptions, the Rule requires reporting by settlement agents of a raft of intrusive information on every residential real estate transaction in the country that does not involve financing (like a mortgage) and that transfers real estate to a trust or certain other legal entities. If no defined settlement agent, others may have to report. Effective December 1, 2025.

FTC still looks over consumer protection.

# Beware the focus areas of the current administration

- There appears to be less focus on consumer protection
- But more focus on criminal wrongdoing by companies
  - DOJ started a program to pay whistleblowers who report antitrust crimes related to the postal service, its revenues or property.
  - DOJ issued new guidelines re enforcement and investigations under the Foreign Corrupt Practices Act, creating incentives for whistleblowers.

Example of focus on actual lawbreaking: Machine Gun trigger returns – 16 Democratic led states dropped a motion to enjoin the federal government from returning forced-reset triggers to their owners, when the federal government said it would not return them to states where they are illegal.

# Are states filling the gap on consumer protection?

## California DFPI

### DFPI has gotten more active:

- Increased enforcement effort with other states.
- In 2024, enforcement actions were up 12% over the previous year.
  - Significant cases:
    - Banking as a service
    - Student loan relief
    - Convenience fees for buy now/pay later loans
    - Mortgage complaints
- In 2024, California received 2,388 CA Consumer Financial Protection Law complaints.
  - Crypto assets 42%.
  - Debt collection 31%.

# Are states filling the gap on consumer protection?

## California DFPI

DFPI has gotten more active with recent rules:

- Earned wage access products
- For-profit private post-secondary education financing
- Student debt relief
- Debt settlement services
- Data collection infrastructure for small business financing lenders.
- The Ninth Circuit has upheld the DFPI regulations for commercial financing disclosures for loans between \$5,000 and \$500,000.
- Proposed rule to implement CA Digital Financial Assets Law, including licensing requirements, disclosure requirements, notice obligations and surety bond requirements.
  - Proposed rule exempts money transmission activities conducted as aspect of typical digital asset operations from CA money transmission law.

# Are states filling the gap on consumer protection?

## California Privacy Protection Agency

- Ongoing enforcement actions under the state data deletion law. CPPA has brought 8 actions against a data broker for failure to register under California's Delete Act.
- Two actions for improper data handling under the California Consumer Privacy Act.
  - \$632,500 fine against American Honda and \$345,000 fine against Todd Snyder Inc. for failure to comply with Californians' rights to access, delete, correct and opt out of the sale or sharing of personal data.
- Data privacy law
  - CA AG's \$1.55 settlement with Healthline Media LLC
  - Numerous CA AG enforcement actions, focusing on:
    - Failure to disclose was selling personal information
    - Did not adhere to global privacy control signals
    - Did not provide proper notice of opt-out rights
    - Did not obtain proper parental or affirmative consent re children's data
    - Not having compliant service provider contracts

# Are States Filling the Gap on Consumer Protection

DFPI working with other states

- Wise US Inc. – global money transfer fintech agreed to pay \$4.2 million and take remediation efforts, including improving suspicious activity reporting and due diligence procedures. Settlement was reached with CA DFPI, and the states of TX, MA, NY, MN and NE.

# Are states filling the gap on consumer protection?

Other states are more active now – see Denson, Hrdy and Tehrani, *How State AG Consumer Finance Enforcement is Expanding*, Law360, June 30, 2025.

- Seeing increased activity in Elder abuse, social engineering fraud, discriminatory outcomes from algorithmic decision making power by AI, whether novel products or services fall under existing consumer protection laws and rules, debt settlement, auto lenders, debanking.

# Are states filling the gap on consumer protection?

- Nevada enacted SB144 to impose new duties on financial services providers (Banks are exempted) in Nevada, aligning state requirements for safeguarding customer information with FTC standards in its safeguards rule (16 C.F.R. Part 314).
- Georgia House Bill 15 (not including national banks) requires:
  - A board of directors or similar body that exercises oversight and is responsible for:
    - establishing a **written corporate governance framework**;
    - monitoring and ensuring the licensee's compliance with the corporate governance framework and the GA Residential Mortgage Act; and
    - accurate and timely **reporting**, including compliance with Mortgage Call Report filing requirements. The board of directors (or similar body) must establish **internal audit requirements**.
  - A risk management program.

# Are states filling the gap on consumer protection?

- AI regulation – 4 states (CA, CO, TX and UT) have AI laws, with other states considering such bills.
- Cryptocurrency regulation and enforcement – States such as CA and NY are especially active.
- Securities regulation – States are trying to fill the perceived federal pullback. See Oregon AG's action against Coinbase Global, Inc. after the SEC dropped a similar case.

# What to do?

- Don't assume compliance and due diligence programs can be ignored because of the present Administration.
  - Administration still focused on fraud, data privacy, clear violations of law.
  - Do not assume federal focus and priorities will stay the same – the next Presidential election is in 2028.
    - If oversight programs are loosened or disbanded, it will be very costly to build them back up.
    - A new administration may still look back to 2025-2029 and impose liability.
  - States are very active and combining resources.
  - State agency investigations often start from a single consumer complaint (example, CA Dept. of Real Estate).
  - There is still negative publicity and reputational harm, even if government does not act.

# What to do?

- Most important – plenty of enforcement tools are available
  - Example: The “robosigning” foreclosure crisis took place before the CFPB existed and all the new rules were in place.
    - Driven by plaintiffs’ lawyers and state AGs.
    - Used older rules and perceived wrongdoing to force banks to pay hundreds of millions of dollars.

# CFPB May 12 Notice of withdrawal of Policy Statements, Guidance, Interpretive Rules, Advisory Opinions

Through this notification, the Bureau is hereby withdrawing the following guidance materials:

## Policy Statements

1. Policy Statement on No Action Letters, [90 FR 1970](#) (Jan. 10, 2025).
2. Policy Statement on Compliance Assistance Sandbox Approvals, [90 FR 1974](#) (Jan. 10, 2025).
3. Statement of Policy Regarding Prohibition on Abusive Acts or Practices, [88 FR 21883](#) (Apr. 12, 2023).
4. Statement on Enforcement and Supervisory Practices Relating to the Small Business Lending Rule Under the Equal Credit Opportunity Act and Regulation B, [88 FR 34833](#) (May 31, 2023).
5. Statement on Supervisory and Enforcement Practices Regarding the Remittance Rule in Light of the COVID-19 Pandemic (Apr. 10, 2020), [https://files.consumerfinance.gov/f/documents/cfpb\\_policy-statement\\_remittances-covid-19\\_2020-04.pdf](https://files.consumerfinance.gov/f/documents/cfpb_policy-statement_remittances-covid-19_2020-04.pdf).
6. Disclosure of Consumer Complaint Narrative Data, [80 FR 15572](#) (Mar. 24, 2015).
7. Disclosure of Consumer Complaint Data, [78 FR 21218](#) (Apr. 10, 2013).
8. Disclosure of Certain Credit Card Complaint Data, [77 FR 37558](#) (June 22, 2012).

## Interpretive Rules

1. Use of Digital User Accounts to Access Buy Now, Pay Later Loans, [89 FR 47068](#) (May 31, 2024).
2. Limited Applicability of Consumer Financial Protection Act's 'Time or Space' Exception to Digital Marketers, [87 FR 50556](#) (Aug. 17, 2022).
3. The Fair Credit Reporting Act's Limited Preemption of State Laws, [87 FR 41042](#) (July 11, 2022).
4. Authority of States to Enforce the Consumer Financial Protection Act of 2010, [87 FR 31940](#) (May 26, 2022).
5. Examinations for Risks to Active-Duty Servicemembers and Their Covered Dependents, [86 FR 32723](#) (June 23, 2021).
6. Equal Credit Opportunity (Regulation B); Discrimination on the Bases of Sexual Orientation and Gender Identity, [86 FR 14363](#) (Mar. 16, 2021).
7. Bulletin clarifying mortgage lending rules to assist surviving family members (July 8, 2014), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-mortgage-lending-rules-surviving-family-members/>.

Through this notification, the Bureau is hereby withdrawing the following guidance materials:

## Advisory Opinions

1. Truth in Lending (Regulation Z); Consumer Credit Offered to Borrowers in Advance of Expected Receipt of Compensation for Work, [90 FR 3622](#) (Jan. 15, 2025).
2. Fair Credit Reporting; File Disclosure, [89 FR 4167](#) (Jan. 23, 2024).
3. Debt Collection Practices (Regulation F); Deceptive and Unfair Collection of Medical Debt, [89 FR 80715](#) (Oct. 4, 2024).
4. Fair Credit Reporting; Background Screening, [89 FR 4171](#) (Jan. 23, 2024).
5. Truth in Lending (Regulation Z); Consumer Protections for Home Sales Financed Under Contracts for Deed, [89 FR 68086](#) (Aug. 23, 2024).
6. Consumer Information Requests to Large Banks and Credit Unions, [88 FR 71279](#) (Oct. 16, 2023).
7. Fair Debt Collection Practices Act (Regulation F); Time-Barred Debt, [88 FR 26475](#) (May 1, 2023).
8. Fair Credit Reporting; Permissible Purposes for Furnishing, Using, and Obtaining Consumer Reports, [87 FR 41243](#) (July 12, 2022).
9. Debt Collection Practices (Regulation F); Pay-to-Pay Fees, [87 FR 39733](#) (July 5, 2022).
10. Equal Credit Opportunity (Regulation B); Revocations or Unfavorable Changes to the Terms of Existing Credit Arrangements, [87 FR 30097](#) (May 18, 2022).
11. Fair Credit Reporting; Name-Only Matching Procedures, [86 FR 62468](#) (Nov. 10, 2021).
12. Truth in Lending (Regulation Z); Earned Wage Access Programs, [85 FR 79404](#) (Dec. 10, 2020).
13. Truth in Lending (Regulation Z); Private Education Loans, [85 FR 79400](#) (Dec. 10, 2020).

# CFPB May 12 Notice of withdrawal of Policy Statements, Guidance, Interpretive Rules, Advisory Opinions (cont'd)

Through this notification, the Bureau is hereby withdrawing the following guidance materials:

## Other Guidance

1. Consumer Financial Protection Circular 2024-06: Background Dossiers and Algorithmic Scores for Hiring, Promotion, and Other Employment Decisions, [89 FR 88875](#) (Nov. 12, 2024).
2. Consumer Financial Protection Circular 2024-05: Improper Overdraft Opt-in Practices, [89 FR 8007](#) (Oct. 2, 2024).
3. Consumer Financial Protection Circular 2024-04: Whistleblower protections under CFPB Section 1057, [89 FR 65170](#) (Aug. 9, 2024).
4. Consumer Financial Protection Circular 2024-03: Unlawful and unenforceable contract terms and conditions, [89 FR 51955](#) (June 21, 2024).
5. Consumer Financial Protection Circular 2024-02: Deceptive marketing practices about the speed or cost of sending a remittance transfer, [89 FR 27357](#) (Apr. 17, 2024).
6. Consumer Financial Protection Circular 2024-01: Preferencing and steering practices by digital intermediaries for consumer financial products or services, [89 FR 17706](#) (Mar. 12, 2024).
7. Consumer Financial Protection Circular 2023-03: Adverse action notification requirements and the proper use of the CFPB's sample forms provided in Regulation B, [89 FR 27361](#) (Apr. 17, 2024).
8. Consumer Financial Protection Circular 2023-02: Reopening deposit accounts that consumers previously closed, [88 FR 33545](#) (May 24, 2023).
9. Consumer Financial Protection Circular 2023-01: Unlawful negative option marketing practices, [88 FR 5727](#) (Jan. 30, 2023).
10. Consumer Financial Protection Circular 2022-07: Reasonable investigation of consumer reporting disputes, [87 FR 71507](#) (Nov. 23, 2022).
11. Consumer Financial Protection Circular 2022-06: Unanticipated overdraft fee assessment practices, [87 FR 66935](#) (Nov. 7, 2022).
12. Consumer Financial Protection Circular 2022-05: Debt collection and consumer reporting practices involving invalid nursing home debts, [87 FR 57375](#) (Sept. 20, 2022).
13. Consumer Financial Protection Circular 2022-04: Insufficient data protection or security for sensitive consumer information, [87 FR 54346](#) (Sept. 6, 2022).
14. Consumer Financial Protection Circular 2022-03: Adverse action notification requirements in connection with credit decisions based on complex algorithms, [87 FR 35864](#) (June 14, 2022).
15. Consumer Financial Protection Circular 2022-02: Deceptive representations involving the FDIC's name or logo or deposit insurance, [87 FR 35866](#) (June 14, 2022).
16. Consumer Financial Protection Circular 2022-01: System of Consumer Financial Protection Circulars to agencies enforcing federal consumer financial law, [87 FR 35868](#) (June 14, 2022).

# CFPB May 12 Notice of withdrawal of Policy Statements, Guidance, Interpretive Rules, Advisory Opinions (cont'd)

## Other Guidance

17. Bulletin 2023-01: Unfair Billing and Collection Practices After Bankruptcy Discharges of Certain Student Loan Debts, [88 FR 17366](#) (Mar. 23, 2023).
18. Bulletin 2022-06: Unfair Returned Deposited Item Fee Assessment Practices, [87 FR 66940](#) (Nov. 7, 2022).
19. Bulletin 2022-05: Unfair and Deceptive Acts or Practices That Impede Consumer Reviews, [87 FR 17143](#) (Mar. 28, 2022).
20. Bulletin 2022-04: Mitigating Harm from Repossession of Automobiles, [87 FR 11951](#) (Mar. 3, 2022).
21. Bulletin 2022-03: Servicer Responsibilities in Public Service Loan Forgiveness Communications, [87 FR 11286](#) (Mar. 1, 2022).
22. Bulletin 2022-01: Medical Debt Collection and Consumer Reporting Requirements in Connection with the No Surprises Act, [87 FR 3025](#) (Jan. 20, 2022).
23. Enforcement Compliance Bulletin 2021-03: Consumer Reporting of Rental Information, [86 FR 35595](#) (July 7, 2021).
24. Bulletin 2021-02: Supervision and Enforcement Priorities Regarding Housing Insecurity, [86 FR 17897](#) (Apr. 7, 2021).
25. Policy Guidance on Supervisory and Enforcement Priorities Regarding Early Compliance with the 2016 Amendments to the 2013 Mortgage Rules Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z), [82 FR 29713](#) (June 30, 2017).
26. Bulletin 2016-03: Detecting and Preventing Consumer Harm from Production Incentives, [82 FR 5541](#) (Jan. 18, 2017).
27. Bulletin 2015-07 re: in-person collection of consumer debt (Dec. 16, 2015), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-personal-collection-consumer-debt/>.
28. Bulletin 2015-02 re: Section 8 housing choice voucher homeownership program (May 11, 2015), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-section-8-housing-choice-voucher-homeownership-program/>.
29. Bulletin 2014-02 re: marketing of credit card promotional APR offers (Sept. 3, 2014), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-marketing-credit-card-promotional-apr-offers/>.
30. Bulletin 2014-01 re: FCRA requirement that furnishers conduct investigations (Feb. 27, 2014), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-fcra-requirement-furnishers-conduct-investigations/>.
31. Bulletin 2013-09 re: the FCRA's requirement to investigate disputes and review "all relevant" information (Sept. 4, 2013), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-fcra-requirement-investigate-disputes/>.

# CFPB May 12 Notice of withdrawal of Policy Statements, Guidance, Interpretive Rules, Advisory Opinions (cont'd)

## Other Guidance

32. Bulletin 2013-07 re: prohibition of unfair, deceptive, or abusive acts or practices in the collection of consumer debts (July 10, 2013), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-prohibition-practices-collection-consumer-debts/>.
33. Bulletin 2013-01 re: indirect auto lending and compliance with the Equal Credit Opportunity Act (Mar. 21, 2013), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-indirect-auto-lending-compliance/>.
34. Bulletin 2012-09 re: FCRA's streamlined process requirement for consumers to obtain free annual reports (Nov. 29, 2012), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-fcra-process-requirement-consumers/>.
35. Bulletin 2012-08 re: implementation of the remittance rule (Regulation E, Subpart B) (Nov. 27, 2012), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-implementation-remittance-rule/>.
36. Bulletin 2012-06 re: marketing of credit card add-on products (June 27, 2011), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-marketing-credit-card-add-on-products/>.
37. Bulletin 2012-04 re: lending discrimination.
38. Bulletin 2012-02 re: the payment of compensation to loan originators (April 2, 2012), <https://www.consumerfinance.gov/compliance/supervisory-guidance/bulletin-payment-compensation-loan-originators/>.
39. Bulletin 11-2 re: the Interstate Land Sales Full Disclosure Act, [https://files.consumerfinance.gov/f/201107\\_CFPB\\_Guidance\\_ILS-Communications-With-CFPB-Update-July-202012.pdf/](https://files.consumerfinance.gov/f/201107_CFPB_Guidance_ILS-Communications-With-CFPB-Update-July-202012.pdf/).