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THE CFPB'S PROPOSED HMDA RULE: "GETTING IT RIGHT" IN LIGHT OF MAJOR CHANGES TO HMDA

The CFPB has proposed doubling the mortgage loan application data fields that lending institutions will be required to report to financial regulators and, possibly, make available to the public. The proposal would also extend the rule's coverage to all dwelling-secured loans. The authors review the statutory context and provisions of the proposed rule, and suggest that financial institutions begin now to examine their fair lending performance based on the new data fields.

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The Consumer Financial Protection Bureau's (the "Bureau" or the "CFPB") proposed rule to amend Regulation C (the "HMDA Proposal") to implement changes to the Home Mortgage Disclosure Act ("HMDA") will drastically expand the amount of mortgage loan application data that lending institutions will be required to report to financial regulators and, potentially, to the public.¹ The Bureau is acting pursuant to its authority under the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act"), which transferred rulemaking responsibility for HMDA from the Federal Reserve Board ("FRB") to the CFPB.²

¹ Home Mortgage Disclosure (Regulation C), 79 Fed. Reg. 51732 (proposed Aug. 29, 2014) (to be codified at 12 C.F.R. pt. 1003).

² Dodd-Frank Act, Pub. L. No. 111-203, § 1094, 124 Stat. 1376, 2097 (2010), codified at 12 U.S.C. § 2803.

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The proposed rule will double the number of data fields required to be reported under HMDA from 36 to 72 and is certain to result in heightened fair lending scrutiny for mortgage lenders. Moreover, the HMDA Proposal suggests that much of the data will become publicly available, raising significant concerns about the reputational risk that could result when that data suggest discrimination to the media or advocacy organizations.

HISTORICAL OVERVIEW OF HMDA

A brief historical overview of the statute is helpful in order to understand the rationale behind the HMDA Proposal. HMDA was passed by Congress in 1975 for a two-fold purpose: first, to assist regulators in determining whether financial institutions were serving the housing needs of their communities, and second, to

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assist public officials in making housing-related investments.³

Initially, HMDA only applied to large depository institutions that were required to report the number and total dollar amount of residential mortgage loans originated by location.⁴ Information on applicant race, ethnicity, and sex was not collected, and bank subsidiaries and non-bank mortgage lenders were not required to report any information under HMDA. In the late 1980s, largely in response to trends in the banking industry, HMDA coverage expanded to include (i) mortgage-lending subsidiaries of banks and (ii) savings and loan holding companies that originated or purchased mortgage loans.⁵

In 1989, as part of its response to the savings and loan crisis, Congress enacted the Financial Institutions Reform, Recovery, and Enforcement Act (“FIRREA”), which, in part, amended HMDA to require mortgage lenders to report the outcome of each application together with the applicant’s race, ethnicity, sex, and income, and to make that information public.⁶ The express purpose of this amendment was to enable regulators and the public to use HMDA to detect discriminatory lending patterns. Senator Donald Riegle of Michigan stressed the anti-discrimination goals of the 1989 HMDA amendments, noting that the “amendments to the Home Mortgage Disclosure Act . . . will result in the collection of the kind of data necessary to determine the extent of discrimination in home mortgage lending . . . These amendments will provide a

more accurate picture of lending patterns and the underlying reasons for denial of credit.”⁷

The release of 1990 HMDA data in 1991 showed black and Hispanic home loan applicants were 2.4 and 1.5 times more likely, respectively, to be rejected than white applicants. The findings sparked cries of housing discrimination from public officials and advocacy organizations. “If this data does not establish clear patterns of discrimination, then nothing does,” remarked Congressman Joseph Kennedy of Massachusetts at a hearing to investigate the findings.⁸ Surprised by the intensity of the reaction, the mortgage industry responded that limited HMDA data, viewed in a vacuum, was insufficient to prove discrimination. The release of 1990 HMDA data unleashed a wave of fair lending mortgage litigation and regulatory enforcement actions that continue unabated to this day.

HMDA’s scope was again expanded in 2002 by the FRB to obtain information on how the new market for high-priced mortgage loans was affecting minority and low- and moderate-income borrowers. The 2002 rules required lenders to provide loan pricing information on rate spread and HOEPA status, two types of data not expressly named in the statute.⁹ Nevertheless, the FRB looked to the purpose of HMDA and the 1989 amendments and reasoned that “another goal of [HMDA] is strengthening enforcement of fair lending

³ HMDA, Pub. L. No. 94-200, § 302(b), 89 Stat. 1124, 12 U.S.C. § 2801(b) (1975).

⁴ *Id.*, § 304.

⁵ Housing and Community Development Act of 1987, Pub. L. 100-42, § 565(a), 101 Stat. 1815 (1988). The expansion in scope “was included to insure that as much disclosure as possible is made to identify where private mortgage investment is going in a particular community.” H. R. Rep. No. 100-122(I) at 92 (1987).

⁶ FIRREA, PL 101-73, § 1211(a) (1989).

⁷ 135 Cong. Rec. 18865 (1989).

⁸ *HMDA: Joint Hearings before the Subcommittee on Consumers Affairs and Coinage, and the Subcommittee on Housing and Community Development of the Committee on Banking, Finance, and Urban Affairs of the House of Representatives*, 102d Cong. 120 (1992) at 4-5.

⁹ The Home Ownership and Equity Protection Act of 1994 (“HOEPA”) requires that refinance or home equity mortgage loans with high interest rates or high fees are subject to special disclosure requirements and restrictions on loan terms. Pub. L. No. 103-325, §§ 151-158, 108 Stat. 2160 (codified as amended at 15 U.S.C. § 1632 *et seq.*). The 2002 amendments to HMDA required lenders to identify whether a loan was subject to HOEPA. Home Mortgage Disclosure, 67 Fed. Reg. 7222, 7236 (Feb. 15, 2002) (codified at 12 C.F.R. § 203.4(a)(13)).

laws,” and asserted that the collection of additional data was necessary to further that purpose.¹⁰

In 2010, in direct response to the Great Recession, Congress passed the Dodd-Frank Act, which moved HMDA rulemaking responsibility from the FRB to the CFPB. In committing HMDA enforcement to the CFPB’s Office of Fair Lending and Equal Opportunity, the drafters of Dodd-Frank saw the CFPB’s HMDA enforcement authority as a way to “ensure fair, equitable, and non-discriminatory access to credit for individuals and communities.”¹¹ The Dodd-Frank Act directed the CFPB to expand the HMDA dataset to include specific, additional information that would be helpful to better understand whether lenders were serving the needs of their communities, and to identify possible discriminatory lending patterns.¹² In addition to requiring that certain data fields be collected under HMDA, the Dodd-Frank Act also gave the CFPB broad authority to require the collection and submission of “such other information as the Bureau may require.”¹³

The CFPB’s proposed rule has three primary elements: the rule (i) incorporates the new data points required under the Dodd-Frank Act, (ii) proposes additional data points for inclusion in HMDA pursuant to the authority granted to the Bureau under the Act, and (iii) proposes changes to HMDA collection and reporting requirements. The proposed rule was published on July 23, 2014, and was open for public comments until October 29, 2014. The rule must be finalized nine months prior to a January first-implementation, and the Bureau has stated in its rulemaking agenda that it intends to issue a final rule in July 2015.¹⁴ Accordingly, the most likely effective date of the new rule is January 1, 2017.¹⁵

¹⁰ Home Mortgage Disclosure, 67 Fed. Reg. 7222, 7228 (Feb. 15, 2002). Under the FRB’s reasoning, because “another goal of [HMDA] is strengthening enforcement of fair lending laws,” the FRB had the authority to require institutions to supply further information, as HMDA empowered the FRB to “prescribe such regulations as may be necessary” to carry out the aims of HMDA. *Id.*; see also HMDA, *supra* note 3, § 305.

¹¹ H.R. Rep. No. 111-517, at 875 (2010).

¹² Dodd-Frank Act, *supra* note 2, § 1094(3)(A)(iv), codified at 12 U.S.C. § 2803(b)(6)(j).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Office of Management and Budget, Office of Information and Regulatory Affairs, RegInfo.gov (Jan. 14, 2015),

HMDA PROPOSAL

In granting the CFPB broad authority to collect fair lending related information, the Dodd-Frank Act made the link between HMDA reporting and fair lending enforcement explicit. The HMDA Proposal restates and reaffirms the FRB’s earlier finding that one of HMDA’s purposes is “identifying possible discriminatory lending patterns and enforcing antidiscrimination statutes.”¹⁶ The CFPB believes that the required reporting of enhanced data will address current data gaps to allow the Bureau to determine whether lenders are serving the housing needs of their communities, and further identify possible discriminatory lending patterns and practices in order to more effectively carry out the purpose of HMDA.¹⁷

Additional Data Fields about the Borrower, the Loan, and the Property

The most notable aspect of the HMDA Proposal is the additional information regarding applicants and loan characteristics that mortgage lenders would need to collect and report, and the impact of that information on fair lending compliance. For example, the HMDA Proposal would require mortgage lenders to report an applicant’s age, in addition to the race, ethnicity, and sex information already required. It would also mandate the reporting of applicant credit score, debt-to-income ratio, and information about the features of the loan, such as fees, interest rates, non-amortizing features, and the type and length of the loan.¹⁸ The Bureau also seeks to obtain

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<http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201410&RIN=3170-AA10>.

¹⁶ Home Mortgage Disclosure (Regulation C), *supra* note 1 at 51734.

¹⁷ “To ensure that HMDA continues to empower communities by providing transparency into mortgage-lending practices, the Bureau believes that the HMDA data must be updated to address the informational shortcomings exposed by the financial crisis, to meet the needs of homeowners, potential homeowners, and neighborhoods throughout the nation, and to reflect changes in business practices and the technological evolution of the mortgage market.” *Id.* at 51739.

¹⁸ *Id.* at 51792. Notably, the HMDA Proposal’s inclusion of debt-to-income ratio suggests that HMDA data may be used for purposes beyond fair lending, such as ascertaining the ability of a borrower to repay a mortgage loan with risky or higher-priced terms, and potentially increasing the limitations on lenders to make such loans (stating that improved collection of debt-to-income ratio data “may be predictive of default”). *Id.* at 51840.

additional information about the property securing the loan, including more specific information about the property's address and value,¹⁹ as well as the combined loan-to-value ratio.²⁰ Finally, the Bureau has proposed requiring institutions to report unique loan identifiers, such as the channel through which the application was made and the responsible loan officer.

According to the Bureau, the proposed expansion of the dataset will “increase the level of transparency in the mortgage market” and permit regulating agencies to delve deeper into the lending patterns of an institution's lending records, and develop arguments for why a particular institution has discriminated against certain populations on a prohibited basis, or failed to serve the housing needs of the communities in which it is based.²¹ Regulators will no longer need to wait until an institution's fair lending examination to assess its compliance with the anti-discrimination laws, since they will have annual (and in certain instances, quarterly) access to a full array of sensitive data in the same format from almost every mortgage lender.²² The regulators will be able to routinely analyze and compare data from across the industry, and in any geographic area using their own statistical models. Moreover, it may be only a matter of time until the enhanced data becomes public, facilitating analyses and scrutiny by advocacy groups and the media.

Indeed, the comprehensive dataset that will be available to regulators will make it significantly more difficult for lenders to argue that the data present an

incomplete picture of their lending practices. As noted above, when the first reported data on mortgage applications and originations by race, ethnicity, and sex were made available under HMDA in 1991, the mortgage industry argued that because a variety of control variables – including the most important ones – were excluded from the analysis, HMDA data alone could never prove discrimination. This argument is likely to resonate less powerfully when calculations of raw data on race, ethnicity, and sex are augmented with extensive information on an applicant's credit profile, the property securing the loan, and the terms and conditions of the loan.

Product Coverage Expansion

Another important aspect of the HMDA Proposal is its expanded coverage to all dwelling-secured loans, regardless of their purpose, thereby no longer restricting HMDA's applicability to mortgage loans for home purchase, refinance, and home improvement.²³ Under the HMDA Proposal, lending institutions would be required to report all open-end lines of credit, home-equity loans, reverse mortgages, and commercial loans secured by a dwelling. While a mortgage lender would no longer be required to ascertain a borrower's intended purpose for a dwelling-secured loan (as all such loans would be reportable), the institution would still itemize the loan by purpose when reporting under HMDA.²⁴

¹⁹ *Id.* at 51796. The HMDA Proposal indicates that the Bureau might be willing to take on the burden of geo-coding data by allowing institutions to report only postal addresses, rather than by requiring institutions themselves to geo-code the data by State, MSA (or MD), County, and Census Tract as required under the current rule.

²⁰ *Id.* at 51793. The Bureau proposes to collect Combined Loan-to-Value (CLTV) data directly, reasoning that it would not be burdensome for lenders to supply CLTV data, since “CLTV ratios appear to be calculated by all financial institutions, are a significant factor in the underwriting process, and provide valuable insight into both the stability of community homeownership and the functioning of the mortgage market.” *Id.*

²¹ *Id.* at 51739.

²² Under the HMDA Proposal, both non-depository and depository institutions that meet all the other requirements of Regulation C would have to file under HMDA if they originated at least 25 covered loans (excluding open-end lines of credit) in a calendar year. *Id.* at 51858.

²³ The Bureau has also proposed eliminating the requirement that non-dwelling-secured home improvement loans be reported, citing the limited value of this data to determine whether institutions are serving the housing needs of their communities. *Id.* at 51819.

²⁴ The current rule, codified at 12 C.F.R. § 1003.4, requires institutions to collect data “regarding applications for, and originations and purchases of, home purchase loans, home improvement loans, and refinancings.” 12 C.F.R. § 1003.4(a). The Bureau's proposed rule deletes references to “home purchase loans, home improvement loans, and refinancings” and replaces it with simply a requirement that an institution collect data for all “covered loans.” Home Mortgage Disclosure (Regulation C), *supra* note 1 at 51859. The proposed rule still requires the purpose of the loan (whether a home purchase loan, home improvement loan, a refinancing, or other purpose) to be identified for reporting purposes. *Id.* (to be codified at 12 C.F.R. § 1003.4(a)(1)(i)(B)(4)); 79 Fed. Reg. at 51733 (“[F]inancial institutions would no longer be required to ascertain an applicant's intended purpose . . . to determine if the loan [must] be reported . . . though they would still itemize . . . loans by different purpose when reporting.”).

This shift from a purpose to a dwelling-secured test is arguably at odds with the historical rationale for HMDA, which is to provide citizens and public officials information to determine whether depository institutions are serving “the housing needs of the communities and neighborhoods in which they are located.”²⁵ Nevertheless, the CFPB asserts that while HMDA’s earlier focus on the purpose of the loan “was successful for some time,” recent research indicates that other loan products, which may not have had one of the three enumerated purposes, such as closed-end home equity loans, were provided to non-prime borrowers and were “significant factor[s]” leading up to the mortgage financial crisis.²⁶

Institutional Coverage and Revised Reporting Requirements

The Bureau has also proposed changes to institutional coverage and technical reporting requirements. The HMDA Proposal adopts a uniform loan volume threshold of 25 covered loans (excluding open-end lines of credit) for both depository and non-depository institutions that meet other applicable criteria for a “financial institution.”²⁷ In addition to expanding the institutional coverage requirements, the Bureau has also proposed to require financial institutions that report large volumes of HMDA data (75,000 loans per year) to submit their data on a quarterly, rather than annual, basis.²⁸

The Bureau’s other proposed modifications to the reporting requirements are intended to align HMDA requirements with existing industry standards for collecting data on mortgage applications and loans, and to improve the electronic reporting process to prevent errors and ease resubmission burdens on institutions.

Industry Objections to the HMDA Proposal

The mortgage banking industry’s concerns about the HMDA Proposal are set forth in a jointly issued comment letter, which argues that the HMDA Proposal goes beyond the statutory purpose of HMDA, will hamper competition and increase costs for mortgage

lenders, and threaten consumer privacy.²⁹ The comment letter urges that the final rule continue to limit HMDA’s scope to mortgage loans used to purchase, refinance, or improve homes, rather than expand its ambit to all home-secured loans, regardless of their purpose (*e.g.*, commercial loans).³⁰ The letter also raises concerns about the additional data fields that may become publicly available, noting that borrower privacy could be compromised, and that the Bureau had yet to promulgate robust security rules and measures needed to protect the confidentiality of HMDA data.³¹ The Bureau has not yet indicated whether the HMDA Proposal will be amended based on industry concerns or other comments it has received.

IMPACT OF THE PROPOSED RULE

Enhanced Fair Lending Scrutiny

As previously discussed, the ability of regulators to review expanded data from mortgage lenders on an annual basis and compare that data across the industry will inevitably lead to more scrutiny of fair lending practices. For example, the collection of applicant age will lead to focused analyses on whether institutions have unfairly targeted older borrowers with loan terms and rates that may be deemed unfair or predatory. Indeed, the Bureau’s review of the reverse mortgage market found such mortgages to be a “complex product,” “difficult for consumers to understand” with many “risks [that] still require regulatory attention.”³²

Overall, the additional data points that regulators will scrutinize will result in a more comprehensive analysis of an individual institution’s lending practices and make

²⁵ HMDA, *supra* note 3, § 302(b).

²⁶ Home Mortgage Disclosure (Regulation C), *supra* note 1 at 51748.

²⁷ *Id.* at 51746.

²⁸ *Id.* at 51810-11.

²⁹ Joint Comment Letter issued by the Consumer Bankers Association, American Bankers Association, Financial Services Roundtable, Housing Policy Council, and Mortgage Bankers Association, *Re: Request for Comment on Proposed Amendments to Regulation C to Implement Amendments to Home Mortgage Disclosure Act, Docket No. CFPB-2014-0019* (Oct. 29, 2014), available at <http://www.aba.com/Advocacy/commentletters/Documents/JointTradesHMDAExpansion.pdf>.

³⁰ The industry notes that HMDA’s purpose is to “determine whether depository institutions are . . . [serving] the *housing needs* of the communities and neighborhoods in which they are located . . .” *Id.* at 4-7 (emphasis original).

³¹ *Id.* at 7-12.

³² CFPB, Reverse Mortgages: Report to Congress (Jun. 28, 1012) at 148-50, available at http://files.consumerfinance.gov/a/assets/documents/201206_cfpb_Reverse_Mortgage_Report.pdf.

it more difficult for lenders to argue that non-discriminatory factors that are not captured by HMDA data affected their lending decisions. As a result, institutions must be prepared to address any disparities in their underwriting or pricing decisions that cannot be explained by a purely HMDA data-driven analysis.³³

Public Availability of Enhanced HMDA Data

While the CFPB has delayed consideration of what data will be released to the public, the HMDA Proposal states that “public HMDA data [should] be modified only when the release of the unmodified data creates risks to applicant and borrower privacy interests that are not justified by the benefits of such release to the public.”³⁴ The Bureau also notes that while modifying publicly available data may mitigate privacy risks, modifications “may decrease the data’s utility to its users.”³⁵

Should the new HMDA data become publicly available, financial institutions may find themselves in the same position they were in after mortgage data were initially made public in 1991. Public officials, advocacy organizations, and the press will analyze the new HMDA data and once again force institutions to publicly defend their lending activities. The industry’s arguments in self-defense are even less likely to resonate when calculations of raw denial disparities based on protected status are augmented with extensive information on an applicant’s credit profile and the property to be

mortgaged. In addition, the inclusion of debt-to-income and combined loan-to-value ratios, which, as the Bureau itself notes, are highly predictive of future default rates, may expose financial institutions to public scrutiny regarding the safety and soundness of their loan portfolios.³⁶

Financial institutions are understandably unsettled about the potential ramifications of sensitive mortgage data being made publicly available. Most of all, financial institutions are concerned about violations of consumer privacy that arise when (i) large amounts of confidential data are reported electronically to third parties and (ii) proprietary applicant and borrower information is made publicly available. The CFPB has not yet detailed the security safeguards it will establish to protect sensitive consumer financial data from being intercepted by malicious hackers.³⁷ The risk that consumers are “re-identified” based on the data provided to the regulators is greatly increased if the full dataset becomes public, especially as data experts compare the new HMDA data with local land records of recorded mortgages. One possible way that security breach and consumer privacy concerns may be alleviated is for institutions to report ranges of particular sensitive data points instead of exact values, which is currently under consideration in the HMDA Proposal.³⁸ The ways in which consumer privacy and data security will be protected remain outstanding issues for the CFPB to consider and on which to provide guidance.

PREPARING FOR THE NEW HMDA RULE

As the data collection and reporting requirements of the new HMDA rule will likely become effective in January 2017, mortgage lenders have sufficient time to prepare themselves for the regulatory changes. Lenders should use this time to ensure that they have the capability to collect and accurately report the new data points, conduct internal statistical analyses to determine whether the data indicates any disparities in pricing or underwriting, and implement corrective action if any unexplained disparities are found.

³³ Although beyond the scope of this article, we note that the Supreme Court is anticipated to issue a decision by June 2015 in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project*, 747 F.3d 275 (5th Cir. 2014), cert. granted 83 U.S.L.W. 3183 (Oct. 2, 2014), argued 83 U.S.L.W. 3619 (Jan. 21, 2015). The Court is expected to decide whether the Fair Housing Act (“FHA”), which prohibits discrimination in housing, permits a textual basis for disparate impact claims. Disparate impact claims under the FHA are often based on the type of loan data which would be collected and reported pursuant to the HMDA Proposal. However, even if the Court rules that the FHA does not permit a disparate impact cause of action, it is likely that the new HMDA data could still be used by government, advocacy group, and individual plaintiffs to assert disparate impact causes of action under certain state fair housing laws and to support other, quasi-disparate impact theories of discrimination under the FHA, such as redlining.

³⁴ Home Mortgage Disclosure (Regulation C), *supra* note 1 at 51742.

³⁵ *Id.*

³⁶ *Id.* at 51792; see also *supra*, note 17.

³⁷ See, e.g., Matthew Goldstein, Nicole Perlroth and David E. Sanger, *Hackers’ Attack Cracked 10 Financial Firms in Major Assault*, N.Y. Times Dealbook (Oct. 3, 2014, 9:39 PM), http://dealbook.nytimes.com/2014/10/03/hackers-attack-cracked-10-banks-in-major-assault/?_r=0.

³⁸ See Home Mortgage Disclosure (Regulation C), *supra* note 1 at 51741.

Ensure Technical Reporting Capabilities

It is imperative for mortgage lenders to confirm that they have in place the ability to accurately collect and report the new HMDA data fields. Conducting an internal analysis of the proposed data fields, as if the new rule were already in effect, will allow the institution to ensure consistency and accuracy in reporting the data, particularly if data are collected and reported through different channels. Implementing quality control measures at all points of inspection in the loan application process will allow the institution to test and tweak its operational model, identify the source of data errors, and correct deficiencies to ensure greater accuracy and uniformity in reporting.

Conduct Internal Analyses

Financial institutions should not wait until the proposed rule is in effect to review their fair lending performance based on the new data fields. Conducting in-house analyses or engaging a consultant to review the fair lending implications of the proposed data points will allow the institution to anticipate how the data will be viewed by others. Institutions should pay particular attention to any disparities in decision-making and pricing, keeping in mind that certain underwriting considerations that were taken into account may not show up in the data. In addition, institutions should analyze their lending patterns over time and across geographies, and employ peer performance comparison analyses where relevant.

Implement Corrective Action

If, upon conducting internal analyses an institution finds potential fair lending issues, it should actively

review the data for possible non-discriminatory rationales and address any unexplained disparities by implementing corrective action and enhanced training for its employees. In some cases, an institution may consider self-reporting the issues to its regulator, which may result in more favorable consideration if the disclosure is prompt, thorough, and proactive.³⁹

CONCLUSION

The Bureau's HMDA Proposal will drastically impact the fair lending regulatory environment for mortgage lenders. It will expand the number of data fields required to be reported under HMDA and increase the scope of transactions reported to encompass all dwelling-secured loans. In addition to requiring the reporting of new data fields, the HMDA Proposal suggests that most of that data will become publicly available, thereby facilitating scrutiny from community advocacy groups, the government, and the media. Moreover, making certain proprietary data publicly available will inevitably lead to concerns regarding violations of consumer privacy.

Financial institutions should anticipate the regulatory changes and take ample precautions in advance of the final rule being published. In addition to ensuring that they have the technological capability to collect and report the new data fields, mortgage lenders should conduct internal analyses on the proposed fields, investigate the existence of any pricing or underwriting disparities, and implement corrective action to address any unexplained disparities. A proactive approach to managing HMDA compliance today will go a long way to ensuring that financial institutions are prepared for the fair lending transformation that is sure to take place when the Bureau's HMDA Proposal is implemented. ■

³⁹ CFPB Bulletin 2013-06, *Responsible Business Conduct: Self-Policing, Self-Reporting, Remediation, and Cooperation* (Jun. 25, 2013), available at http://files.consumerfinance.gov/f/201306_cfpb_bulletin_responsible-conduct.pdf.