

PUBLICATION UPDATE

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Federal Fair Lending and Credit Practices Manual

Publication 4758

Release 33

January 2024

HIGHLIGHTS

- This release updates the Federal Fair Lending and Credit Practices Manual, Revised Edition, with compliance guidance for recent changes in a wide range of fair lending laws and regulations.
- Please see below for details regarding new and updated material included in this release.

Chapter 1, Home Mortgage Disclosure Act

The Consumer Financial Protection Bureau published the 2024 Home Mortgage Disclosure Act (HMDA) Filing Instructions Guide, a technical resource to help financial institutions file HMDA data collected in 2024 and reported in 2025. Also, the Bureau filed a lawsuit against Freedom Mortgage Corporation for

violations of the HMDA.

Chapter 2, Community Reinvestment

On May 5, 2022, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the FDIC issued a joint notice of proposed rulemaking to strengthen and modernize the Community Reinvestment Act (CRA) regulatory framework.

Chapter 3, Fair Housing Act

The Tenth Circuit recently held that whether a zoning ordinance is facially discriminatory is a legal issue that can be discerned from the face of the ordinance; it requires no more proof of discriminatory motive.

The Tenth Circuit held that where an attorney contended that most of the work responding to a motion to strike could not be compensated un-

der 28 U.S.C.S. § 1927, a reduction in fees was warranted because the motion challenged multiple affirmative defenses, not just the real-party-in-interest defense, which was the only sanctionable conduct.

Chapter 4, Purpose and Scope of the Equal Credit Opportunity Act (ECOA)

The Consumer Financial Protection Bureau launched an initiative in late 2023 to better understand the financial experiences of immigrants in the United States. The CFPB and Justice Department issued a joint statement that reminds financial institutions that all credit applicants are protected from discrimination on the basis of their national origin, race, and other characteristics covered by the Equal Credit Opportunity Act, regardless of their immigration status.

Chapter 5, Rules Governing the Taking of Credit Applications

The Sixth Circuit has held that § 1981 does not create an independent cause of action against a governmental entity.

Chapter 6, Rules Concerning Evaluation of Creditworthiness

The CFPB recently issued guidance about certain legal requirements that lenders must adhere to when using artificial intelligence and other complex models. The guidance describes the way in which lenders

must use specific and accurate reasons when taking adverse actions against consumers.

Chapter 7, Notification by Creditors to Applicants and Debtors

The CFPB recently published a document concerning franchising which communicates the extent to which the Equal Credit Opportunity Act (ECOA) and its implementing Regulation B apply with respect to franchisees seeking credit to finance their businesses.

Chapter 8, Prohibition Against Discriminatory Credit and Reporting Practices

A number of settlements for lending discrimination redlining are discussed.

Chapter 9, Administrative Enforcement and ECOA Civil Penalties

The Justice Department announced a settlement agreement to resolve allegations that American Bank of Oklahoma engaged in a pattern or practice of lending discrimination by redlining in Tulsa, Oklahoma. The impacted area includes the historically Black neighborhoods that were the site of the 1921 Tulsa Race Massacre. This resolution is part of the department's nationwide Combating Redlining Initiative launched by Attorney General Merrick B. Garland in October 2021.

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