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Route to: ☐ _____ ☐ _____ ☐ _____ ☐ _____
☐ _____ ☐ _____ ☐ _____ ☐ _____

Truth-in-Lending Manual: Text and Forms

Publication 4829

Release 50

June 2026

HIGHLIGHTS

- We are pleased to enclose the latest update to the *Truth-in-Lending Manual*. This release provides coverage of recent regulatory developments and court decisions.

Regulatory Developments

CFPB Advisory Opinion on Earned Wage Access Programs. On December 23, 2025, the CFPB issued a replacement advisory opinion on earned wage access (EWA) programs. Please also see related court decisions, below, which may not bode well for the Trump 2.0 CFPB opinion. See §§ 1.04[20] and 1.07[7].

Regulation Thresholds. The CFPB and other agencies addressed several annual regulatory threshold adjustments for 2026:

1. *Regulations M and Z Dollar*

Thresholds. On December 15, 2025, the CFPB and FRB raised the dollar thresholds for Regulation M and Regulation Z from \$71,900 in 2025 to \$73,400, effective January 1, 2026. (Note that the Regulation Z threshold does not apply to consumer mortgage loans or to private education loans; that is, TILA applies to those loans whatever the amount). See §§ 1.04[18], 1.06[3][b]-[c], and 12.02[2], and Appendices B and C.

2. **HPML Appraisal Rule Transaction Exemption.** On December 16, 2025, three agencies (OCC, FRB, and CFPB) amended the official interpretations for their Higher-Priced Mortgage Loan (HPML) Appraisal

regulations that implement TILA § 129H, to exempt transactions of \$34,200 or less, effective January 1, 2026. See § 5.08[4][b][i] and [iii] and Appendix B (Regulation Z).

3. *HCM Threshold.* The CFPB adjusted the threshold for determining whether a loan is a high-cost mortgage (HCM) due to points and fees the creditor is charging. The applicable points-and-fees coverage test depends on whether the total loan amount is for \$20,000 or more, or for less than \$20,000, adjusted annually. For 2026, this amount adjusted to \$27,592. The adjusted points and fees dollar trigger for HCMs adjusted to \$1,380. See § 5.06[3][c] and Appendix B (Regulation Z).
4. *QM Annual Pricing and Total Points and Fees Threshold Adjustments.* For the general rule to determine consumers' ability to repay (ATR) mortgage loans, the CFPB set the thresholds for the spread between the APR and the APOR in 2026 to: 2.25 or more percentage points for a first-lien covered transaction with a loan amount greater than or equal to \$137,958; 3.5 or more percentage points for a first-lien covered transaction with a loan amount greater

than or equal to \$82,775 but less than \$137,958; 6.5 or more percentage points for a first-lien covered transaction with a loan amount less than \$82,775; 6.5 or more percentage points for a first-lien covered transaction secured by a manufactured home with a loan amount less than \$137,958; 3.5 or more percentage points for a subordinate-lien covered transaction with a loan amount greater than or equal to \$82,775; or 6.5 or more percentage points for a subordinate-lien covered transaction with a loan amount less than \$82,775. For all categories of QMs, the thresholds for total points and fees in 2026 is 3% of the total loan amount for a loan greater than or equal to \$137,958; \$4,139 for a loan amount greater than or equal to \$82,775 but less than \$137,958; 5 percent of the total loan amount for a loan greater than or equal to \$27,592 but less than \$82,775; \$1,380 for a loan amount greater than or equal to \$17,245 but less than \$27,592; and 8 percent of the total loan amount for a loan amount less than \$17,245. See §§ 09[13][d][ii] and 5.09[13][e][ii], and Appendix B (Regulation Z).

5. *Asset-Size Exemption*

Threshold for HPML Escrow Rule. The CFPB adjusted the asset size threshold for certain creditors to qualify for a Regulation Z exemption from the requirement to establish an escrow account for a higher-priced mortgage loan (HPML). The agency raised the exemption threshold from \$2.717 billion in 2025 to \$2.785 billion in 2026. Creditors must look at their assets as of December 31 to apply the threshold for the following year. This adjustment also affects small-creditor portfolio and balloon-payment Qualified Mortgages (QMs). To be entitled to the HPML escrow exemption, a creditor must meet three other conditions. Regulation Z includes another exemption for loans made by an insured depository institution or insured credit union, if the insured institution has assets of \$ 12,485,000,000 or less in 2026 (up from \$12,179,000,000 in 2025) and meets other criteria. See generally §§ 5.08[4][a][i] and [iii] and 5.09[13][e][v].

6. *Minimum Interest Charges.* On December 15, 2025, the CFPB announced, for open-end credit card plans, the threshold that triggers requirements to disclose minimum interest charges re-

mained unchanged at \$1.00 in 2026. See § 3.02[3][f][ix] and 3.04[4][i] and Appendix B (Regulation Z).

Consumer Credit Card Report. On January 7, 2026, the CFPB published its consumer credit market report, required biennially by the Credit CARD Act. See § 1.06[c].

Court Decisions

EWA, the MLA, and TILA. Federal district courts in California, Maryland, Pennsylvania, and Washington denied motions to compel arbitration of claims and/or to dismiss other claims related to EWA products. Among other things, the courts held that the EWA products were “consumer credit” within the meaning of the Military Lending Act (MLA) and/or TILA, in contrast to the CFPB advisory opinion mentioned above, which contends that Covered EWAs do not involve “credit” within the meaning of TILA. *Golubiewski v. Activehours, Inc.* (opinion on amended complaint), *Vickery v. Empower Finance, Inc.*, *Revell v. Grant Money, LLC*, *Johnson v. Activehours, Inc.*, *Russel v. Dave, Inc.*, and *Moss v. Cleo AI, Inc.* See §§ 1.04[20], 1.07[7], 2.01[1][a], and 11.08.

GAP Insurance; Advertising. A federal district court in Illinois dismissed a claim that an automobile dealer should have included a GAP insurance premium in the finance charge. The court also rejected an advertising claim regarding a required downpayment. *Archibald v. Scott Credit Union.* See §§ 2.01[5][c]

and 10.17[2].

Periodic Statements in Bankruptcy. A federal district court in New York affirmed denial of a proof of claim in bankruptcy, holding that a mortgage loan servicer acted properly in halting periodic statements after a borrower filed for Chapter 13 bankruptcy protection. *Russo v. Wilmington Savings Fund Society*. See § 5.04[4][c].

PACE Financing Rule. A federal district court in Florida rejected a challenge to the CFPB's PACE financing rule. *Building Resilient Infrastructure & Development Equity, Inc. v. CFPB*. See § 5.09[13](a)[i] and 5.09[13][j].

Exempt Residential Mortgage Transaction. A Georgia state court dismissed a TILA rescission claim because the underlying loan was a residential mortgage transaction. While this holding seems self-evident, consumers persist in filing rescission claims for residential mortgage transactions. *Sarraj v. Southeast Mortgage of Georgia Inc.* See § 6.03[1][a].

Rescission. A state appellate court in Hawaii used the borrowing doctrine to apply the state's 6-year limitation on a rescission action with relation back. *Deutsche Bank National Co. v. Winters*. See §§ 6.03[1][c] and 10.10[1].

Failure to Allege Damages. A federal district court in Texas dismissed a TILA periodic statement claim because the borrower failed to sufficiently allege damages. *Guzman v. Lakeview Loan Servicing*. See § 10.04[1].

Res Judicata. The U.S. Court of Appeals for the 2nd Circuit affirmed dismissal of a TILA claim due to res judicata because the borrowers should have raised the claim during the preceding state foreclosure action. *Ceccarelli v. Morgan Stanley Private Bank*. See §§ 10.13[1] and 11.09.

Standing. A federal district court in Pennsylvania dismissed TILA claims because the borrower failed to allege any injuries other than statutory damages. *Kimberly Byrd Estate v. Nationstar Mortgage, LLC*. See § 10.13[1].

Arbitration. A federal district court in California denied a motion to compel arbitration of a HELOC-related claim. *Marino v. Aven Financial, Inc.* Several federal district courts in California and Washington denied motions to compel arbitration regarding EWA products. *Vickery v. Empower Finance, Inc.*, *Revell v. Grant Money, LLC*, *Moss v. Cleo AI, Inc.*, and *Russell v. Dave, Inc.* See § 11.08.

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VOLUME 1

Revision

☐	Title page.	Title page
☐	1-5.	1-5 thru 1-6.1
☐	1-23	1-23 thru 1-24.1
☐	1-76.5 thru 1-76.7.	1-76.5 thru 1-76.7
☐	1-88.5 thru 1-88.13	1-88.5 thru 1-88.13
☐	1-97 thru 1-101	1-97 thru 1-102.5
☐	1-110.3	1-110.3
☐	1-121 thru 1-122.1	1-121 thru 1-122.1
☐	1-183.	1-183
☐	1-201 thru 1-204.1	1-201 thru 1-204.2(1)
☐	1-234.1 thru 1-234.13	1-234.1 thru 1-234.23
☐	2-8.1 thru 2-8.3	2-8.1 thru 2-8.7
☐	2-49 thru 2-50.1.	2-49
☐	2-91 thru 2-92.1.	2-91 thru 2-92.1
☐	3-65 thru 3-66.1.	3-65 thru 3-66.1
☐	3-193 thru 3-194.1	3-193 thru 3-194.1

VOLUME 2

Revision

☐	Title page.	Title page
☐	5-460.9 thru 5-460.11	5-460.9 thru 5-460.11
☐	5-553 thru 5-555	5-553 thru 5-556.1
☐	5-647 thru 5-654.1	5-647 thru 5-654.1
☐	5-663 thru 5-676.5	5-663 thru 5-676.7
☐	5-739 thru 5-740.1	5-739 thru 5-740.1
☐	5-757 thru 5-773	5-757 thru 5-774.1
☐	5-807 thru 5-808.3	5-807 thru 5-808.3

VOLUME 2A

Revision

☐	Title page.	Title page
☐	6-42.1	6-42.1 thru 6-42.3
☐	6-78.5 thru 6-78.7.	6-78.5 thru 6-78.9
☐	10-48.1 thru 10-48.3.	10-48.1 thru 10-48.3

Check As Done	<i><u>Remove Old Pages Numbered</u></i>	<i><u>Insert New Pages Numbered</u></i>
☐	10-160.1 thru 10-162.1	10-161 thru 10-162.1
☐	10-208.7 thru 10-208.9	10-208.7 thru 10-208.11
☐	10-245	10-245 thru 10-246.15
☐	10-256.7	10-256.7
☐	10-267	10-267 thru 10-268.1
☐	10-277 thru 10-281	10-277 thru 10-281
☐	11-74.5 thru 11-74.9.	11-74.5 thru 11-74.11
☐	11-89 thru 11-93	11-89 thru 11-95
☐	12-1 thru 12-25	12-1 thru 12-25

VOLUME 3

Revision

☐	Title page.	Title page
☐	App B-1	App B-1 thru App B-2.1
☐	App B-29 thru App B-30.1.	App B-29 thru App B-30.1
☐	App B-307 thru App B-310.1	App B-307 thru App B-310.1
☐	App B-349 thru App B-356.1	App B-349 thru App B-356.1
☐	App B-575 thru App B-578.3	App B-575 thru App B-578.3
☐	App C-5 thru App C-6.1.	App C-5 thru App C-6.1
☐	TC-1 thru TS-13	TC-1 thru TS-13
☐	I-1 thru I-31	I-1 thru I-31

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