

Summary of Federal Reserve Board Mortgage Rulemakings – 2008 through 2011

Final Rules

Rule	Date of Issuance	Description
Home Ownership and Equity Protection Act (HOEPA): Final Rule	July 2008 73 FR 44522 (July 30, 2008)	Rules to prohibit certain unfair or deceptive practices. For “higher-priced mortgage loans,” the rules require creditors to assess a borrower’s repayment ability and establish an escrow account. They also restrict the use of prepayment penalties. For all loans secured by a consumer’s principal dwelling, the rules prohibit unfair servicing practices and the coercion of appraisers; include provisions to prevent misleading and deceptive mortgage advertising; and require transaction-specific disclosures within three days after application to aid mortgage shopping.
Mortgage Disclosure Improvement Act, Part I: Final Rule	May 2009 74 FR 23289 (May 19, 2009)	Rules to revise timing requirements for providing early disclosures in closed-end mortgage transactions.
Mortgage Disclosure Improvement Act, Part II: Interim Final Rule	September 2010 75 FR 58470 (Sept. 24, 2010)	Interim final rule to require creditors to disclose in a tabular format how a borrower’s regular mortgage payment can change over time, along with a statement that the ability to refinance is not guaranteed.
Helping Families Save Their Homes Act – Mortgage Transfer Disclosure: Final Rule	September 2010 75 FR 58489 (Sept. 24, 2010)	Rule to require that consumers receive notice of the sale or transfer of their mortgage loan.
Loan Originator Compensation: Final Rule	September 2010 75 FR 58509 (Sept. 24, 2010)	Rules to prohibit unfair practices related to loan originator compensation, including a prohibition on paying compensation to an originator based on the interest rate or other loan terms (except the loan amount).
Dodd-Frank Act – Appraisal Independence: Interim Final Rule	October 2010 75 FR 66554 (Oct. 28, 2010)	Rules to ensure that appraisers are free to use their independent professional judgment in assigning home values. The rules also require that fee appraisers receive customary and reasonable payments for their services.
Dodd-Frank Act – Escrow Account: Final Rule	March 2011 76 FR 11319 (March 2, 2011)	Rule to provide a higher rate threshold for determining when escrow accounts are mandatory for jumbo loans.

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Proposed Rules (not finalized)

Rule	Date of Issuance	Description
Regulatory Review of Disclosure Rules for Closed-end Mortgages (Phase I)	August 2009 74 FR 43232 (Aug. 26, 2009)	Proposal to revise disclosures for closed-end mortgage loans to highlight potentially risky features; improve the annual percentage rate (APR) disclosure so it captures most fees and settlement costs paid by consumers; and require final TILA disclosures at least three business days before loan closing, even if early estimates provided at application did not change.
Regulatory Review of Disclosure Rules for Home Equity Lines of Credit (HELOCs) (Phase I)	August 2009 74 FR 43428 (Aug. 26, 2009)	Proposal to revise the timing, content, and format of required disclosures for home equity lines of credit and strengthen protections for consumers who have their home equity lines suspended or reduced.
Regulatory Review of Mortgage Disclosure Rules (Phase II)	September 2010 75 FR 58539 (Sept. 24, 2010)	Proposal to revise reverse mortgage disclosures and protect consumers against unfair practices in reverse mortgage transactions; strengthen disclosure requirements for loan modifications; improve notices of a consumer's right to rescind a home mortgage; and prohibit deceptive and misleading advertising for home equity lines of credit.
Dodd-Frank Act – Escrow Account Disclosures	March 2011 76 FR 11598 (March 2, 2011)	Proposal to expand the minimum period for mandatory escrow accounts for first-lien, higher-priced loans and provide an exemption for certain creditors in “rural or underserved” counties. The rules would also implement new disclosure requirements for escrow accounts, both when escrow accounts are mandatory (<i>i.e.</i> , for “higher-priced mortgage loans”) and when they are not.
Dodd-Frank Act – Ability to Repay/Qualified Mortgages	May 2011 76 FR 27390 (May 11, 2011)	Proposal to require that creditors determine a consumer's ability to repay a mortgage before making the loan and establish minimum mortgage underwriting standards. The proposal provides four options for complying with the ability-to-repay requirement, including making a “qualified mortgage” that does not have certain loan terms or features.