

**Supporting Statement for the  
Disclosure Requirements Associated with CFPB's Regulation M  
(FR M; OMB No. 7100-0202)**

**Summary**

The Board of Governors of the Federal Reserve System (Board), under authority delegated by the Office of Management and Budget (OMB), proposes to extend for three years, without revision, the disclosure requirements associated with the Consumer Financial Protection Bureau's (Bureau) Regulation M (FR M; OMB No. 7100-0202). Since 2011, the Bureau has been responsible for issuing Consumer Leasing Act (CLA)<sup>1</sup> regulations that apply to depository institutions and other lessors. However, the Board continues to be responsible under the Paperwork Reduction Act (PRA)<sup>2</sup> for renewing every three years the information collections mandated by the Bureau's regulation for institutions supervised by the Board.<sup>3</sup>

The estimated total annual burden for the FR M is 259 hours.

**Background and Justification**

The CLA and Regulation M are intended to provide consumers with meaningful disclosures about the costs and terms of leases for personal property. The disclosures enable consumers to compare the terms for a particular lease with those for other leases and, when appropriate, to compare lease terms with those for credit transactions. The CLA and Regulation M also contain rules about advertising consumer leases and limit the size of balloon payments in consumer lease transactions.

The Bureau's Regulation M applies to all types of lessors of personal property (except motor vehicle dealers excluded from the Bureau's authority under Dodd-Frank Act section 1029, which are covered by the Board's Regulation M).<sup>4</sup> The CLA and Regulation M require lessors uniformly to disclose to consumers the costs, liabilities, and terms of consumer lease transactions. Disclosures are provided to consumers before they enter into lease transactions and in advertisements that state the availability of consumer leases on particular terms. The regulation generally applies to consumer leases of personal property in which the contractual obligation does not exceed \$50,000, adjusted annually for inflation, and has a term of more than four months.<sup>5</sup> The CLA does not provide exemptions for small entities.

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<sup>1</sup> The CLA was enacted in 1976 as an amendment to the Truth in Lending Act (TILA) and is codified at 15 U.S.C. 1667-1667f.

<sup>2</sup> 44 U.S.C. 3501 *et seq.*

<sup>3</sup> The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) transferred rulemaking authority for the CLA to the Bureau except for certain motor vehicle dealers that are excluded from the Bureau's authority, which remain subject to the Board's Regulation M. Supervisory authority for these motor vehicle dealers rests with the Federal Trade Commission. *See* section 1029 of the Dodd-Frank Act, Pub. L. 111-203, 124 Stat. 1376 (2010), 12 U.S.C. 5512, 5519, 5581. The Bureau's Regulation M is published at 12 CFR Part 1013 and the Board's Regulation M is published at 12 CFR Part 213.

<sup>4</sup> *See* 12 U.S.C. 5519; 12 CFR Part 213.

<sup>5</sup> For 2021, the Regulation M threshold is \$58,300.

## **Description of Information Collection**

The information collection under Regulation M is triggered by specific events. All disclosures must be provided to the lessee prior to the consummation of the lease and when the availability of consumer leases on particular terms is advertised. No reporting forms are associated with Regulation M, but certain disclosures must be provided in a manner substantially similar to the applicable model form in the appendix to the regulation. To ease the compliance cost (particularly for small entities) model forms are appended to the regulation. Lessors are required to “retain evidence of compliance” for 24 months, but the regulation does not specify the types of records that must be retained. Regulation M’s recordkeeping and disclosure requirements are described in greater detail below.

### **Section 1013.4 - Lease disclosures.**

Under the CLA and Regulation M, lessors are required to provide certain key information to consumers before they enter into a transaction to lease personal property for consumer (not business) purposes. Lessors are persons who regularly lease, offer to lease, or arrange to lease personal property to consumers. The costs and terms of the lease must be disclosed to consumers clearly and conspicuously and must be in writing in a form the consumer may keep. Disclosures may be in electronic form, subject to the consumer consent and other provisions of the Electronic Fund Transfer Act (E-Sign Act).<sup>6</sup> Lessors must disclose, among other things, the total amount due at lease signing or delivery; the number, amount, due dates or periods of payments under the lease, and the total amount of these payments; and other terms relating to the rights and responsibilities of both parties to the lease.

### **Section 1013.7 - Advertising rules.**

The advertising requirements apply to all persons that promote consumer leases through commercial messages in any form, including messages in print or electronic media, direct mailings, or on any sign or display. Advertising certain terms triggers the requirement for additional disclosures. For television or radio advertisements, special rules allow alternative disclosures using toll-free telephone numbers or written advertisements in a publication of general circulation.

### **Respondent Panel**

The FR M panel comprises state member banks with assets of \$10 billion or less that are not affiliated with an insured depository institution with assets over \$10 billion (irrespective of the consolidated assets of any holding company); non-depository affiliates of such state member banks; and non-depository affiliates of bank holding companies that are not affiliated with an insured depository institution with assets over \$10 billion.<sup>7</sup> Notwithstanding the foregoing, the

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<sup>6</sup> See 15 U.S.C. 1693 *et seq.*

<sup>7</sup> The Bureau and the FTC also have administrative enforcement authority over non-depository entities for compliance with the Bureau’s Regulation M. See 12 U.S.C. §§ 5514–5516. Accordingly, the Bureau allocates to itself half of the estimated burden to non-depository entities under the Bureau’s Regulation M, with the other half

Bureau and not the Board has supervisory authority for Regulation M with respect to automobile leasing over non-banks defined as “larger participants” in the automobile finance market pursuant to 12 U.S.C. 5514 (implemented by 12 CFR 1090.108).

### **Time Schedule for Information Collection**

The information collection pursuant to Regulation M is triggered by specific events. Disclosures must be provided to the lessee prior to the consummation of the lease and when the availability of consumer leases on particular terms is advertised. There is no reporting form associated with the requirements of Regulation M. Lease-specific disclosures are not collected by the Board, are not publicly available, and are not published. Disclosures of lease terms that appear in advertisements are available to the public.

### **Public Availability of Data**

There is no data related to this information collection available to the public.

### **Legal Status**

The FR M is authorized pursuant to sections 105(a) and 187 of the Truth in Lending Act (TILA)<sup>8</sup>, which require that the CFPB prescribe regulations regarding the disclosure requirements relating to consumer lease transactions. The FR M is mandatory.

Because the disclosures and records comprising the FR M are maintained at each banking organization, the Freedom of Information Act (FOIA) would only be implicated if the Board obtained such records as part of the examination or supervision of a banking organization. In the event the records are obtained by the Board as part of an examination or supervision of a financial institution, this information would be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in “examination, operating, or condition reports” obtained in the bank supervisory process.<sup>9</sup>

### **Consultation Outside the Agency**

There has been no consultation outside the Federal Reserve System.

### **Public Comments**

On April 16, 2021, the Board published an initial notice in the *Federal Register* (86 FR 20155) requesting public comment for 60 days on the extension, without revision, of the FR M. The comment period for this notice expires on June 15, 2021.

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allocated to the FTC. As noted, supervisory authority for motor vehicle dealers subject to the Board’s Regulation M under the Dodd-Frank Act rests with the FTC, which accounts for Regulation M burden for those motor vehicle dealers. See section 1029 of the Dodd-Frank Act, Pub. L. 111-203, 124 Stat. 1376 (2010), 12 U.S.C. 5512, 5519, 5581.

<sup>8</sup> 15 U.S.C. §§ 1604(a) and 1667f.

<sup>9</sup> 5 U.S.C. § 552(b)(8).

## Estimate of Respondent Burden

As shown in the table below, the estimated total annual burden for the FR M is 259 hours. The Board estimates that only four Board-supervised institutions engage in consumer leasing<sup>10</sup> with an estimated average of 572 transactions per institution per year. The Board also estimates that the four Board-supervised institutions advertise their leasing program approximately four times per year. These recordkeeping and disclosure requirements represent less than 1 percent of total Federal Reserve System paperwork burden.

No paperwork burden is deemed to be associated with the recordkeeping requirement in Regulation M that lessors “retain evidence of compliance” for a minimum of two years after the date disclosures are required to be made (section 213.8). The regulation does not specify the kind of records that must be retained for this purpose.

| FR M              | <i>Estimated<br/>number of<br/>respondents</i><br>11 | <i>Annual<br/>frequency</i> | <i>Estimated<br/>average hours<br/>per response</i> | <i>Estimated<br/>annual burden<br/>hours</i> |
|-------------------|--|-----------------------------|---|--|
| <b>Disclosure</b> |  |                             |   |  |
| Section 1013.4    |  |                             |   |  |
| Lease disclosures | 4  | 572                         | 0.11  | 252  |
| Section 1013.7    |  |                             |   |  |
| Advertising rules | 4  | 4                           | 0.42  | <u>7</u>                                     |
| <i>Total</i>      |  |                             |   | 259  |

The estimated total annual cost to the public for this collection of information is \$15,320.<sup>12</sup>

## Sensitive Questions

<sup>10</sup> Federal Financial Institutions Examination Council Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031 and FFIEC 041; OMB No. 7100-0036), Schedule RC-C, data item 10.a, Leases to individuals for household, family, and other personal expenditures.

<sup>11</sup> Of these respondents, one is considered a small entity as defined by the Small Business Administration (*i.e.*, entities with less than \$600 million in total assets) [www.sba.gov/document/support-table-size-standards](http://www.sba.gov/document/support-table-size-standards).

<sup>12</sup> Total cost to the public was estimated using the following formula: percent of staff time, multiplied by annual burden hours, multiplied by hourly rates (30% Office & Administrative Support at \$20, 45% Financial Managers at \$73, 15% Lawyers at \$72, and 10% Chief Executives at \$95). Hourly rates for each occupational group are the (rounded) mean hourly wages from the Bureau of Labor and Statistics (BLS), Occupational Employment and Wages, May 2020, published March 31, 2021 [www.bls.gov/news.release/ocwage.t01.htm#](http://www.bls.gov/news.release/ocwage.t01.htm#). Occupations are defined using the BLS Standard Occupational Classification System, [www.bls.gov/soc/](http://www.bls.gov/soc/).

These collections of information contain no questions of a sensitive nature, as defined by OMB guidelines.

**Estimate of Cost to the Federal Reserve System**

The estimated cost to the Federal Reserve System for collecting and processing this information collection is negligible.