

Aldrich & Bonnefin, PLC\*, Counsel for Bankers' Compliance Group® Presents  
**CFPB's New Small Business Lending Data Collection Rule &  
Fair Lending for Commercial Lenders**

October 2023

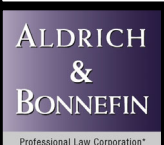
**D**odd-Frank Act Section 1071 amended the Equal Credit Opportunity Act to require financial institutions to compile, report, and maintain specified information regarding certain women-owned, minority-owned, or small business loan applicants, in accordance with regulations to be issued by the CFPB. On March 30, 2023, the CFPB issued a final rule amending Regulation B to implement changes to ECOA Section 1071 (the "Final Rule").

In this Seminar, we will discuss which institutions are subject to the new Final Rule, the details and requirements of the Final Rule (such as the data collection requirements, firewall requirements, reporting data to the CFPB, etc.), and some best practices in terms of complying with the Final Rule. We will also discuss the Final Rule's impact on lenders, such as fair lending issues, possible reputational concerns, changes to the application process for small business loans, and training staff. Additionally, we will cover some examples and case studies during the Seminar.

However, it should be noted that while a Texas district court recently granted an injunction to temporarily delay the compliance dates of the Final Rule for those lenders that are members of the American Bankers Association or the Texas Bankers Association, the compliance dates for those lenders are currently expected to only be delayed for about six months to one year, and the delay currently does not cover all lenders that are otherwise subject to the Final Rule (*Texas Bankers Ass'n v. Consumer Fin. Prot. Bureau*, No. 7:23-CV-00144 (July 31, 2023)). Finally, given the complexity, size and impact of the Final Rule, it is recommended that lenders promptly start taking steps to prepare to comply with the Final Rule (including those lenders that are covered by the court's injunction temporarily delaying the compliance dates).



Joel N. Cook, Esq., a principal of Aldrich & Bonnefin, PLC\*, joined the firm in October 2011. As manager of the firm's Corporate Practice Group, Mr. Cook's practice focuses on corporate law, commercial lending matters (including commercial and real estate loans, loan participations and loan workouts) as well as regulatory compliance. Mr. Cook obtained his law degree from Loyola Law School of Los Angeles. Prior to becoming an attorney, Mr. Cook worked as a banker for nine years in various roles with a large national bank and had extensive dealings with the Office of the Comptroller of the Currency.




### SEMINAR HIGHLIGHTS

- Overview of the CFPB's new Final Rule
  - Framework of the Final Rule
  - Which institutions are subject to the Final Rule
  - Compliance dates of the Final Rule and recent developments
  - The impact of the Final Rule on covered institutions
- A focus on the data collection requirements
  - The small business loan applications that require data to be collected
  - The 20 data points that must be collected with regard to covered applications
  - Treatment of sensitive and protected data
- Voluntarily collecting data and miscellaneous issues
  - Issues regarding voluntarily collecting data
  - Firewall and recordkeeping requirements
  - Reporting data to the CFPB and publication of the data
- Fair lending issues
  - Fair lending laws, regulations, and guidance that apply to small business loans
  - Issues related to fair lending, such as disparate treatment and redlining
  - Fair lending concerns raised by the CFPB's new Final Rule

### WHO SHOULD ATTEND?

Please invite your loan officers, loan processors, chief credit officer, compliance officers, and other personnel involved with small business loans.

We have scheduled only  
**Recording Playbacks with Live Q&As for this Seminar.**



John Davis, Esq. joined Aldrich & Bonnefin, PLC\* in May 2017 as a Summer Associate and remained with the firm as a law clerk until he became an Associate Attorney in June 2019. Mr. Davis is part of the firm's Banking Operations & Fintech and Corporate Practice Group, specializing in corporate and commercial lending matters. Mr. Davis also regularly advises clients on matters related to data privacy and information security laws, including with regard to the Gramm-Leach-Bliley Act, the California Consumer Privacy Act, and the California Consumer Privacy Rights Act.

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\* Janet Bonnefin is retired from the practice of law with the firm

**SEMINAR RECORDING PLAYBACKS - BCG MEMBERS ONLY**  
(Continuing education credit will be provided only to the registrant)

	DATE AND TIME	REGISTRATION CLOSE DATE
RECORDING PLAYBACK #1	Tuesday, October 17, 2023, 8:30 a.m. - 3:00 p.m.	Thursday, October 12, 2023, 12:00 p.m.
RECORDING PLAYBACK #2	Thursday, October 19, 2023, 8:30 a.m. - 3:00 p.m.	Monday, October 16, 2023, 12:00 p.m.
RECORDING PLAYBACK #3	Tuesday, October 24, 2023, 8:30 a.m. - 3:00 p.m.	Thursday, October 19, 2023, 12:00 p.m.
RECORDING PLAYBACK #4	Thursday, October 26, 2023, 8:30 a.m. - 3:00 p.m.	Monday, October 23, 2023, 12:00 p.m.

**LOGIN INFORMATION:** Registrants will receive an email two business days prior to the Recording Playback Date with the login information. Registrants also will receive a second email when the pin is activated and the Seminar materials are available to download. There will be live question and answer sessions both during and at the end of the presentation.

## REGISTRATION

**MEMBERS:** To register for this Seminar, please contact your institution's BCG Main Contact, or if you are authorized, log in at <http://register.bankerscompliancegroup.com/subadmin> and select "Register for Events." We recommend that you register as soon as possible as registrations are accepted on a first-come, first-serve basis.

## MATERIALS

For this Seminar, Standard Procedures Manual #03, "CFPB's New Small Business Lending Data Collection Rule & Fair Lending for Commercial Lenders," will be updated. BCG members will receive the updated SPM through their membership subscription to Compliance Companion® by the first week of November 2023. As noted above, registered attendees will be able to download the Agenda and Discussion Outline prior to the Seminar.

## ACCREDITATION

(Continuing education credit will be provided only to the registrant)

**MCLE:** Aldrich & Bonnefin, PLC certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing MCLE. This activity has been approved in the amount of **4.75** hours.

**CRCM:** "CFPB's New Small Business Lending Data Collection Rule & Fair Lending for Commercial Lenders" has been submitted to ABA Professional Certifications for CE credit review and is pending approval. Once the review is complete, we will notify attendees. Contact the law firm for further information regarding the status of our request ([info@bankerscompliancegroup.com](mailto:info@bankerscompliancegroup.com)).

**CPE:** Aldrich & Bonnefin, PLC follows Continuing Education (CE) regulations as outlined in the California Accountancy Act. CE credit may be obtained for Certified Public Accountants and Public Accountants. This activity is eligible for **4.75** hours of CPE Continuing Education credit.