

REGULATION

OVERVIEW

The fast paced and competitive environment within which CFS companies operate provides risk and opportunities that must be managed carefully. We provide regulatory advice on the development of consumer finance products and services in areas such as consumer banking, consumer lending (including residential mortgage and other consumer loans), compliance with Community Reinvestment Act (CRA) and fair lending requirements

We can assist with chartering and licensing CFS companies, developing or enhancing compliance management systems, conducting compliance reviews, managing regulatory exams, consumer complaint response and other pre-enforcement matters. In the event that MRAs are established, we can help develop and implement the compliance structures and tracking required to address them.

Our CFS regulatory team has deep knowledge and wide breadth of experience navigating the complexities arising from regulatory developments such as the CFPA, UDAAP, and Fair Lending practices affecting the following business areas:

- Auto
- Credit card
- Data collection
- Payment systems
- Marketplace
- Residential mortgage
- Origination
- Payday
- Sales
- Securitization
- Servicing
- Small business
- Student lending
- Data privacy / cyber security
- Fintech / regtech

Mergers & Acquisitions/ Joint Ventures: We also represent clients in mergers and acquisitions, public offerings, asset purchases and sales, warehouse lending agreements, joint ventures, joint marketing agreements and outsourcing agreements. On transactions, our CFS regulatory lawyers have provided advice both as part of BCLP-led teams and discretely as co-counsel.

Payments & Fintech: Additionally, our lawyers routinely advise on laws applicable to payments and financial technology (fintech) companies, including those offering digital currency, blockchain, debit card, gift card, debt collection, cash advance, factoring, point of sale, and marketplace products or platforms.

RELATED PRACTICE AREAS

- Class Actions
- Business & Commercial Disputes
- Real Estate
- White Collar

EXPERIENCE

- Representation of multiple US financial institutions in connection with CARES Act SBA Paycheck Protection Program application and underwriting issues, including interpretation of applicable SBA requirements and BSA CDD rules.
- Representation of multiple US financial institutions and servicers regarding CARES Act FCRA regulations changes and related CARES Act consumer credit collections and servicing forbearance and loss mitigation measures.
- Representation of multiple US financial institutions in connection with the development of change management systems that track legislative and regulatory developments that could impact the company's consumer banking core business lines. Such work included creating processes to trigger, as appropriate, policy and procedure enhancement, flag issues around which regulatory and legislative strategies should be developed (and then helping to develop them).
- Representation of multiple financial institutions as well as non-banks in connection with the development of digital products and services, including credit, deposit and card products.
- Representation of multiple financial institutions regarding responses to formal supervisory requests, including a wide range of pre-enforcement issues and responding to Potential Action and Request for Response (PARR) letters.
- A global auction house on US money transmitter licensing and consumer financial protection requirements for a planned customer loan program.

- Representation of a prospective acquirer of prepaid card and money transfer service targeted to prisons on potential implications of compliance with US banking and consumer financial protection laws, including US FinCEN and state licensing requirements, AML/BSA compliance program requirements and potential for CFPB supervision as a provider of a consumer financial product or service.
- Representation of trade association and certain of its members in their consultations with the CFPB in connection with the debt collection rulemaking.
- Representation of a large subprime credit card issuer with respect to a UDAAP review of its consumer credit product offerings.
- Representation of a global financial institution in a major acquisition of wholesale mortgage lending and payment collection assets.
- Representation of a global financial institution on various transactions involving the largest automobile title lender in the US.
- Representation of a global investment bank in connection with regulatory and compliance matters associated with the development and implementation of an online personal lending platform.
- Representation of multiple banks and non-banks in connection with conducting enterprise-wide fair banking risk assessments, including in auto, credit card, mortgage, personal and other unsecured-lending businesses.
- Representation of multiple banks and non-banks in connection with the design and implementation of enterprise fair lending programs including in auto, credit card, mortgage, personal and other unsecured-lending businesses.
- Representation of a large diversified financial services company regarding the development and implementation of an enterprise-wide strategic plan that included proposed novel solutions for compliance with Community Reinvestment Act obligations for an online bank with a limited physical branch footprint.

RELATED INSIGHTS

Insights

May 11, 2022

Levelling up the UK's Russian sanctions regime—the new internet sanctions

On 27 April 2022, the Russia (Sanctions) (EU Exit) (Amendment) (No 9) Regulations 2022, SI 2022/477 (the 'Regulations') were laid before Parliament and came into force two days later. The regime created under the statutory instrument, which targets internet services, is the first of its kind and underlines the novel nature of the UK's response to the fast moving events taking place on the world stage.

News

Nov 17, 2021

BCLP becomes first Featured Partner on the Association of Foreign Banks Website