

PUBLICATION

CFPB Hot Topics for 2015

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Despite rumblings from the new Congress about reining in the Consumer Finance Protection Bureau (CFPB), the Bureau has indicated a packed agenda for 2015. Following an aggressive push in 2014, the attention of the CFPB continues to expand to the areas of payday loans, debt collection, student loans, overdraft protection and even virtual currency.

Payday loans have been in the Bureau's sights for years and proposed rules regarding such loans will be released in February 2015. A White Paper published by the Bureau in 2013 concluded that the results of its study of the payday loan market "raise substantial consumer protection concerns." It is anticipated that short-term lending products will also be addressed in rules released in the summer and that those rules will include changes to overdraft fees.

New rules governing debt collection practices will be released by the CFPB in April. The exact scope of the new rules is highly anticipated as banks have argued that the rules should be limited to third party debt collectors rather than a broader swath of entities undertaking debt collection activities.

The CFPB is expected to wrap up its study of arbitration clauses in early 2015. Based on prior commentary from the Bureau indicating a strong dislike for arbitration provisions, many observers expect new rules either banning arbitration provisions entirely or sharply limiting their scope and application.

Recent enforcement activity by the Bureau in the for-profit education area indicates that the CFPB will continue to focus on student loans and for-profit colleges. Examinations of student loan servicers are likely as the CFPB continues to explore this subject area and potential future rulemaking efforts.

Despite the robust agenda outlined above, there is little reason to believe that the CFPB will lessen its focus on the mortgage industry in 2015. Continuing review and enforcement of the 2014 mortgage servicing rules will likely remain a priority of the Bureau as well as mortgage origination oversight.