



FINANCIAL INSTITUTIONS TODAY

News and topics of interest to financial institutions regulated by the Department of Banking and Finance

February 2021

Inside this issue:

| | |
|--|---|
| FinCEN Advisory on Financial Crimes Targeting Economic Impact Payments | 2 |
| FFIEC BSA/AML Examination Manual Updates | 2 |
| Home Mortgage Disclosure Act Data Collection Requirements | 2 |
| NCUA Joint Ownership Final Rule | 2 |
| Ability-to-Repay / Qualified Mortgage Rule | 2 |
| Speaking Engagements | 2 |
| Action on Applications | 3 |

Emergency Communications System Testing

The Emergency Communications System (ECS) Support Center of the Federal Reserve Bank of St. Louis will be conducting a test of ECS on Tuesday, March 9, 2021. Semi-annual tests are conducted to ensure contact information is up-to-date for all registrants. During the test, the Support Center will be verifying registrants' business email address, business telephone number, and business mobile phone number. A text will also be sent to the business mobile phone number that was provided at the time of registration with ECS. Registrants will be informed of the test in advance so they will not be alarmed when they receive the test message. If you have any questions or concerns, then contact the ECS Support Center at 877-327-5333 or ecs.support@stls.frb.org.

Reminder—Depository Financial Institution Electronic Document and Payment Submission

In order to improve service to our financial institutions, the Department previously implemented electronic document and payment submission for correspondence, applications, and requests, as well as any applicable fees. This change was originally communicated to banks and credit unions on March 31, 2020. The complete guidance on this topic can be found [here](#). Please contact your Supervisory Manager if you have any questions.

Breach of Customer/Member Information—Department Requirements

Ongoing technology risks including recent cybersecurity breaches can impact numerous elements of financial institution operations including the potential for unauthorized access to customer or member information. If a financial institution determines that sensitive information has been breached, then those customers or members must be notified. Sensitive information has been defined to include name, address, or telephone number in conjunction with a social security number, driver's license number, account number, credit or debit card number, or a personal identification number or password that would permit access to the customer's account.

Department Rule 80-1-3-.03 for banks and Rule 80-2-1-.05 for credit unions addresses notice requirements for unauthorized access to customer information. Under these Rules, financial institutions are required to develop and implement a response program that will be utilized in the event unauthorized access to customer/member information has taken place. Customer/member information is any record containing nonpublic information about a customer, whether in paper, electronic, or other form maintained by or on behalf of a bank. Federal law and regulations require disclosure to federal regulators of unauthorized access of customer information in certain circumstances. **If disclosure of such unauthorized access is required under federal law, then a duplicate of such disclosure will simultaneously be submitted to the Department.** Refer also to [15 USC § 6801](#) et seq., 12 CFR Part 364, and 12 CFR Part 208 for banks and [15 USC § 6801](#) et seq. and 12 CFR Part 748 for credit unions.

FinCEN Advisory on Financial Crimes Targeting COVID-19 Economic Impact Payments and Companion Notice Providing Filing Instructions for Financial Institutions

On February 24, 2021, FinCEN issued an [advisory](#) to alert financial institutions to fraud and other financial crimes related to Economic Impact Payments (EIPs), authorized by the Coronavirus Aid, Relief, and Economic Security Act, and the Coronavirus Response and Relief Supplemental Appropriations Act of 2021. The advisory contains descriptions of EIP fraud, associated red flag indicators, and information on reporting suspicious activity. In addition, FinCEN issued a companion [notice](#) that consolidates COVID-19 key terms and instructions for financial institutions filing Suspicious Activity Reports related to COVID-19.

Updates to the FFIEC Bank Secrecy Act/Anti-Money Laundering Examination Manual

On February 25, 2021, the Federal Financial Institutions Examination Council (FFIEC) released updates to four sections of the [Bank Secrecy Act/Anti-Money Laundering Examination Manual](#). Updates were made to the following sections:

- Introduction—Assessing Compliance with Bank Secrecy Act Regulations
- Customer Identification Program
- Currency Transaction Reporting
- Transactions of Exempt Persons

The updates should not be interpreted as new instructions or as a new or increased focus on certain areas; instead, they offer further transparency into the examination process and support risk-focused examination work.

Home Mortgage Disclosure Act Data Collection Requirements for Credit Unions in Calendar Year 2021

On February 16, 2021, the National Credit Union Administration (NCUA) issued a [Regulatory Alert](#) detailing the Home Mortgage Disclosure Act (HMDA) data collection requirements for calendar year 2021. The alert details the thresholds for full and partial exemptions from reporting requirements.

NCUA Approves Joint-Ownership Share Account Final Rule

On February 18, 2021, the NCUA announced that it approved a [final rule](#) amending the NCUA regulation governing the requirements for a share account to be separately insured as a joint account. The final rule provides federally insured credit unions with an alternative method to satisfy the membership card or account signature card requirement. For example, the signature card requirement can be satisfied by the credit union having issued a mechanism for accessing the account, such as a debit card, to each co-owner or evidence of usage of the joint share account by each co-owner.

Ability-to-Repay / Qualified Mortgage Rule

The Ability-to-Repay/Qualified Mortgage Rule (ATR/QM Rule) requires a creditor to make a reasonable, good faith determination of a consumer's ability to repay a residential mortgage loan according to its terms. The ATR/QM Rule also defines several categories of "qualified mortgage" loans, which obtain certain protections from liability. On February 23, 2021, the Consumer Financial Protection Bureau (CFPB) updated the [small entity compliance guide](#) and other aids for the ATR/QM Rule. The CFPB also released a [statement](#) on the mandatory compliance date of the General QM Final Rule and possible reconsideration of the General QM Final Rule and the Seasoned QM Final Rule.

Speaking Engagements

Commissioner Kevin Hagler and Deputy Commissioner for Supervision Melissa Sneed will be speaking at the League of Southeastern Credit Unions & Affiliates Georgia Advocacy Conference on March 12, 2021. A link to the conference may be accessed [here](#).

ACTION ON APPLICATIONS FOR THE MONTH

The following is a summary of official action taken by the Department on certain applications by Georgia state-chartered financial institutions, petitions for certificate of incorporation of financial institutions, and other matters of interest during the month of February 2021:

APPLICATIONS TO ESTABLISH A BRANCH OFFICE

| <u>FINANCIAL INSTITUTION</u> | <u>BRANCH OFFICE</u> | <u>APPROVAL DATE</u> | <u>EFFECTIVE DATE</u> |
|---|---|----------------------|-----------------------|
| Members First Credit Union Decatur, GA | 1501 Pooler Parkway Pooler, GA 31322 Chatham County | 11-19-2019 | 02-22-2021 |
| Colony Bank Fitzgerald, GA | 2900 Old Dawson Road Albany, GA 31721 Dougherty County | 10-15-2020 | 02-08-2021 |
| Ameris Bank Atlanta, GA | One Morrocroft Centre, Ste 310 Charlotte, NC 28211 Mecklenburg County | 02-05-2021 | |
| Ameris Bank Atlanta, GA | 301 N Main Street, Ste 300 Greenville, SC 29601 Greenville County | 02-12-2021 | |
| Delta Community Credit Union Atlanta, GA | 5001 Peachtree Boulevard Bldg 520 Chamblee, GA 30341 DeKalb County | 02-08-2021 | |

APPLICATIONS TO CHANGE LOCATION

| <u>FINANCIAL INSTITUTION</u> | <u>CHANGE LOCATION OF</u> | <u>APPROVAL DATE</u> | <u>EFFECTIVE DATE</u> |
|---|--|----------------------|-----------------------|
| Go Energy Financial Credit Union Tucker, GA | From: 11490 Veterans Memorial Hwy Douglasville, GA 30134 Douglas county To: 3400 Hiram Douglasville Hwy Hiram, GA 30141 Paulding County | 12-17-2020 | 02-01-2021 |

FINANCIAL INSTITUTION MERGERS

| <u>FINANCIAL INSTITUTION</u> | <u>MERGED INSTITUTION</u> | <u>APPROVAL DATE</u> | <u>EFFECTIVE DATE</u> |
|---|--|----------------------|-----------------------|
| Tennessee Valley Federal Credit Union Chattanooga, TN | Roper Corporation Employees Credit Union LaFayette, GA | 02-15-2021 | |
| Wilkinson County Bank Irwinton, Ga | Apex Investment Group GA, Inc. Cleveland, GA | pending | |

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The Department is the state agency that regulates and examines Georgia state-chartered banks, state-chartered credit unions, state-chartered trust companies, international banking organizations, and bank holding companies that own Georgia state-chartered financial institutions. The Department also has responsibility for the supervision, regulation, and examination of Merchant Acquirer Limited Purpose Banks chartered in Georgia.

In addition, the Department has regulatory and/or licensing authority over mortgage brokers, lenders and processors, mortgage loan originators, consumer installment loan companies, check cashers, sellers-issuers of payment instruments, and money transmitters.

Our Mission is to promote safe, sound, competitive financial services in Georgia through innovative, responsive regulation and supervision.

Our Vision is to be a willing and able partner with our regulated entities in order to support vibrant economic growth and prosperity in Georgia.