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CONSULTING + SOLUTIONS

## Regulation Z Threshold Adjustments for 2019

Regulation Z implements the Truth in Lending Act. This regulation contains various exemptions and requirements, some of which are based on specific thresholds that are subject to adjustment. The Bureau of Consumer Financial Protection (Bureau), and other agencies as applicable, have published final rules amending these thresholds, which become effective in 2019.

Updated Alert Date: January 18, 2019

Status: Effective January 1, 2019

Links: [Final Rule \(general exemption\) - 11/23/2018](#)  
[Final Rule \(CARD HOEPA & ATR/QM\) - 08/27/2018](#)  
[Final Rule \(appraisals & HPMLs\) - 11/23/2018](#)  
[Final Rule \(escrows & HPMLs\) - 12/2018](#)

Final rules have been issued amending Regulation Z. These rules communicate annual adjusted applicability thresholds for 2019. *Credit card information is not discussed in this Compliance Alert.*

### How is the general Regulation Z exemption threshold changing?

Regulation Z contains information that outlines transactions that are exempt. **One particular factor is the loan amount for consumer credit transactions.** This particular threshold is subject to annual adjustment by any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). **Based on that increase, the exemption threshold will increase from \$55,800 to \$57,200 in 2019.**

Keep in mind, this particular exemption threshold is not applicable to some types of credit, as follows:

- Loans secured by any real property, or by personal property used or expected to be used as the principal dwelling of the consumer, or
- Private education loans.

*Note: Since the threshold does not apply to these types of credit, these particular loans are always covered by the Regulation regardless of loan amount.*

### What other Regulation Z thresholds are changing or remaining the same?

**HOEPA Threshold Adjustments** - Section 1026.32 of the regulation contains a points and fees coverage test for use in calculating whether a transaction is a high cost mortgage. In 2019, the total points and fees thresholds are adjusted as follows:

- 5% of the total loan amount – for loans greater than or equal to **\$21,549**
- 8% of the total loan amount or **\$1,077**, whichever is less – for loans less than **\$21,549**

**Ability to Repay / Qualified Mortgages (ATR/QM)** – Another section of the regulation contains standards for determining whether a transaction is a QM. In part, a transaction is not a QM if the transaction's total points and fees exceed certain thresholds, based on specific loan amounts. Effective in 2019, the thresholds are adjusted as follows:

- Points and fees may not exceed **3%** - for a loan amount greater than or equal to **\$107,747**
- Points and fees may not exceed **\$3,232** - for loans greater than or equal to **\$64,648**, but less than **\$107,747**
- Points and fees may not exceed **5%** - for loans greater than or equal to **\$21,549** but less than **\$64,648**
- Points and fees may not exceed **\$1,077** – for loans greater than or equal to **\$13,468** but less than **\$21,549**
- Points and fees may not exceed **8%** - for loans less than **\$13,468**

**Appraisal Requirements for Higher Priced Mortgage Loans (HPMLs)** – This section of the regulation contains appraisal requirements for HPML transactions. It also contains a list of transactions that are specifically exempted from these requirements. One such exemption is based on the amount of the extension of credit. **Based on the CPI-W, the exemption threshold will increase from \$26,000 to \$26,700 in 2019.**

**Escrow Requirements for Higher Priced Mortgage Loans (HPMLs)** – Another section of the regulation contains criteria for determining whether an institution can be exempt from certain escrow account requirements. One criterion is the asset size of the institution. **The Bureau has adjusted this threshold from \$2.112 billion to \$2.167 billion applicable January 1, 2019.**

**Minimum Interest Charge** – Under the open-end credit rules, section 1026.6(b)(2)(iii) provides that the minimum interest charge threshold will be re-calculated periodically. It has been determined that there will be no amendment and the minimum interest charge threshold of at least \$1.00 will remain unchanged in 2019.

## Recommendations for Next Steps

By January 1, 2019:

1. Update any lending-related policy, as needed, which references these particular thresholds for consumer credit transactions.
2. As needed, update any existing loan procedures that monitor these thresholds.
3. Alert staff regarding the new thresholds that will be in effect for 2019.