

# Regulatory Issues Impacting Real Estate Lending

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## Fair Lending –CFPB Enforcement Actions

- ▶ CFPB and Department of Justice have made FAIR LENDING a priority
- ▶ A ton of attention to REDLINING CASES
- ▶ Number of cases, as well as new theories, are noteworthy

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# Fair Lending –CFPB Enforcement Actions

- ▶ **Redlining:** Trustmark 2021 Consent Order
  - Traditional redlining case against a bank based on CRA and HMDA data
  - Asserted Trustmark engaged in “redlining” by avoiding lending activities in minority neighborhoods of Memphis
  - Discrimination against neighborhoods instead of individual people.

## Trustmark **Redlining** Consent Order

- ▶ CFPB asserted that Branch locations contributed to unlawful redlining
  - 21 branches in majority white areas
  - 3 branches in majority minority areas
  - CFPB argued the location of the branches discouraged applications from minorities



# Trustmark **Redlining** Consent Order

- ▶ Lack of walk-in ability was noted by CFPB
- ▶ Bank took no meaningful steps to hire LOs that served black or Hispanic communities
- ▶ Marketing materials were targeted to appeal to a white audience and were disseminated in places they would be seen by white applicants.

# Trustmark **Redlining** Consent Order

- ▶ Bank lacked internal fair lending oversight over their operations
- ▶ Bank did not establish fair lending risk assessment until 2018
- ▶ Fair lending was not a consideration in expansion plans or hiring

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