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TRID: MORE CHANGES ADOPTED BUT NO “BLACK HOLE” FIX (YET)

In adopting its Final Rule amending TRID, the CFPB did not address several issues of concern to the industry, but did make many significant decisions that are reflected in the rule. The author discusses some of the most important of these decisions, from treatment of cooperatives to calculating the Cash to Close Table, as well as the omissions, which primarily concern liability, cures and simultaneous lender's and owner's title insurance. He ends with a discussion of the CFPB's new proposal to close the Black Hole.

By Robert M. Jaworski *

Effective October 10, 2017, the Bureau of Consumer Financial Protection (“CFPB”), following publication of a proposed rule in August, 2016,¹ adopted a final rule (“Final Rule”) making numerous changes to its Truth-in-Lending Act (“TILA”)/Real Estate Settlement Procedures Act (“RESPA”) Integrated Disclosures Rule (“TRID” or “Rule”).² Compliance with these changes becomes mandatory for any covered mortgage loan application received by a creditor or mortgage broker on or after October 1, 2018.³ Optional compliance with any

or all of the changes in the Final Rule is permitted for any application received before October 1, 2018.⁴

This article begins with a brief explanation concerning several important policy issues the CFPB chose not to address in either its proposed rule or the Final Rule, then summarizes 10 of the most significant decisions made by the CFPB in adopting the Final Rule, and concludes with a discussion of a critical change that

¹ 80 Fed. Reg. 54318 (August 15, 2016).

² 82 Fed. Reg. 37656 (August 11, 2017).

³ *Id.*; the partial payment disclosure and the escrow account notice required by TRID sections 38(l)(5) and 38(l)(7)(i)(B)

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must be included on the Closing Disclosure beginning October 1, 2018 *regardless* when the application is received.

⁴ 82 Fed. Reg. 37660-37661; New Comment 1(d)(5)-2(i).

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