

The Consumer Finance Podcast – Signs of Life at the CFPB**Host:** Chris Willis**Air Date:** February 26, 2026**Chris Willis (00:05):**

Welcome to [The Consumer Finance Podcast](#). I'm Chris Willis, the co-leader of Troutman Pepper Locke's, Consumer Financial Services Regulatory Practice. And today we're going to be talking about some signs of life and activity at the CFPB. But before we jump into that topic, let me remind you to visit and subscribe to our blogs, [TroutmanFinancialServices.com](#) and [ConsumerFinancialServicesLawMonitor.com](#). And of course, don't forget about all our other great podcasts, the [FCRA Focus](#), [Payments Pros](#), [Moving the Metal](#) and [The Crypto Exchange](#). Those are all available on all popular podcast platforms. And speaking of those platforms, if you like this podcast, let us know. Leave us a review on your platform of choice and tell us how we're doing. Now, as I said today, I want to talk to you briefly about some interesting news that we have about some reemerging activity at the CFPB.

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Now, by way of background, as we've all seen over the past year since the administration change, the CFPB has been doing not that much in terms of supervision and enforcement. There are a few enforcement cases that the CFPB has continued to pursue. I think they may have settled one of them, but they are litigating some of those cases in court. But in general, we had not seen reestablished activity in pending enforcement investigations. In fact, we'd seen a lot of them closed or the ones in court dismissed. And we hadn't seen much sign of supervisory exams resuming after they had been stopped again at the administration change about a year ago. But a couple of events have happened recently that I wanted to talk to you about and make some guesses about with you. So on the supervisory front, it was reported in the news recently that the CFPB is going to recommence doing supervisory exams in 2026 and expects to do quite a few of them.

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It'll be interesting to see how those play out, but here's what we know at least from the information that's been released publicly. It looks like the exams will proceed under the Humility Pledge that the CFPB came out with last year that was prescribed for examiners to read to examined entities at the beginning of an exam. I think we are aware that the exams will be less burdensome and less detailed than the examinations that we have been accustomed to throughout the CFPB's prior history. Our expectation is that those exams will be conducted wholly remotely without an actual onsite portion of the exam. And we think that those exams are likely to commence relatively soon with initial information requests expected to go out in the relatively near future. Now, there hasn't been any information released about the subject matter of these exams nor the identities of the entities or types of entities who are likely to receive those examination requests.

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We do know, of course, that the CFPB has said in previous statements that they intend to concentrate on large banks, and they of course, had hinted that they were going to do some larger participant rulemakings to reduce the number of larger participants in certain key markets that they had supervisory jurisdiction over. So it'll be interesting to see what mix of banks and non-banks exists in these exams and whether any of the non-bank exams will touch any of those other than the very largest of the market participants. That would've been included even under the CFPB's proposals that have not been finalized yet from last year with respect to those larger participant rules. The other interesting open question to me is whether or not the CFPB will use these exams to look into alleged debanking. We of course know that the Small Business Administration and the OCC are conducting inquiries relating to that topic spurred by the President's Executive Order ordering them to do so, and the CFPB has made statements that it wants to participate in that effort as well.

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But the thing is, the CFPB doesn't seem particularly well situated from a jurisdictional standpoint to contribute much to the debanking inquiry. The reason for that is that debanking, of course, has to do with the availability of loans and deposit accounts for non-consumer entities. Those involved in business areas that might be deemed to be disfavored, things like tobacco or crypto or the adult entertainment industry or payday lending, things like that, or political parties or religious institutions. Now, the thing is the CFPB does have jurisdiction over small business lending via the Equal Credit Opportunity Act, but the only potential violation of law that would exist related to debanking under ECOA would be to discriminate on the basis of religion, which is a specific protected characteristic under ECOA. But beyond that, the CFPB's UDAAP authority under Title X of Dodd-Frank only extends to consumer financial products and services.

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And of course, any kind of banking or lending relationship that would involve any of those business types or a political action committee or a church or something like that is not likely to be consumer credit because it's not for personal family or household use. And so it doesn't seem likely to me that there's much of a jurisdictional hook for the CFPB to go down the road of debanking, but we'll see if the agency nevertheless manifests an interest in that through the examinations that are going to occur later this year. So we'll be watching, obviously, for those, and those will not be recorded publicly except through supervisory highlights, but we'll of course have our ear to the ground to see what may be happening with those supervisory exams. The other thing that I wanted to mention in today's episode is that we've started to hear rumblings that the CFPB may be re-engaging on enforcement investigations that it had held in abeyance since the administration change, but have not had any activity and have not been formally closed.

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Many of them were actually closed. There were closed letters sent out last year on some of them, but others have just been sitting still for approximately a year. And we now have heard that some of those are restarting again. So in addition to the few cases that the CFPB

enforcement group is litigating in court, which of course is a matter of public record, we now know that they're re-engaging on some of their dormant enforcement investigations that have been sitting since the administration change. I think that's an interesting turn of events, and of course, bears watching as the Bureau moves into its next phase. But I think the combination of the news on supervisory exams and the re-engagement on some of the enforcement investigations suggests that our assumption that the CFPB would not engage in any of those activities the remainder of this administration doesn't look like it's going to bear out.

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In fact, it looks like the Bureau is going to restart both supervision and enforcement, and it'll be an open question to see what degree that occurs in. Of course, during the last Trump administration supervision occurred really untouched, and we'll see if it ramps back up to that level under this administration. And likewise, during the latter years of the first Trump administration, CFPB enforcement was very active in launching new investigations, even filing lawsuits and settling cases. And so we'll see if that return to activity occurs under this Trump administration as well. So there's some tantalizing hints about what's going on at the CFPB. I wanted you to know about them. And of course, we'll be monitoring these things and reporting to them as we can on this podcast and on our [Consumer Financial Services Law Monitor](#) blog. So thank you all for listening today, and of course, stay tuned for a great new episode of this podcast every Thursday afternoon.

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