



# KANSAS BANKERS ASSOCIATION

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December 12, 2025

Consumer Financial Protection Bureau  
Comment Intake-NPRM ECOA  
c/o Legal Division Docket Manager  
1700 G Street NW  
Washington, DC 20552

Re: Proposed amendments to Regulation B Docket No. CFPB-2025-0039 or RIN 3170-AB54

Dear Sir or Madam:

The Kansas Bankers Association (KBA) appreciates the opportunity to comment on the proposed amendments to CFPB Regulation B, which implements the Equal Credit Opportunity Act (ECOA). The KBA is a nonprofit trade association which has 193 of the 196 Kansas domiciled banks and thrifts in Kansas, as well as 25 of 43 out-of-state chartered banks doing business in the state, as members.

The KBA generally supports the proposal's attempt to limit the scope of Regulation B's impact on financial institutions, while upholding the original intent of protecting credit applicants from discrimination on a prohibited basis as defined by the ECOA. Specifically, while the KBA commends the CFPB's goals of eliminating disparate-impact liability (or effects-test liability) and further defining discriminatory discouragement, it is concerned that the proposed prohibitions and restrictions for special purpose credit programs (SPCPs) could have unintended consequences to financial institutions and credit applicants. The KBA's positions are set forth below.

- 1) The KBA supports the CFPB's actions in eliminating disparate-impact liability under the ECOA and Regulation B. The text of ECOA does not state that disparate-impact claims are cognizable, nor does it have language of the type that has been found in other statutes, such as the Fair Housing Act, that would invoke "effects-test" liability. As such, it is appropriate to eliminate such "effects-test" language from Regulation B so that the implementing regulation does not impose more liability on creditors than what the law intended.
- 2) The KBA supports the CFPB's proposal to change Regulation B [§1002.4(b)] and its accompanying commentary, with the goal of clarifying that encouraging statements by creditors directed at one group of consumers is not prohibited discouragement as to applicants or prospective applicants who were not the intended recipients of the statements.
- 3) As for the proposed changes to SPCPs, the KBA has concerns that it hopes the CFPB will take into consideration. There are Kansas banks that offer such SPCPs as means of satisfying obligations under the Community Reinvestment Act. Specifically, these SPCPs assist KBA member banks in meeting the credit needs of low- and moderate-income communities by providing beneficial financing terms based upon low- and moderate-income census tracts. Many of these census tracts also have a significant number of ethnic or racial communities so that the census tract is

also a majority minority census tract (MMCT). There is concern that the CFPB's proposal would adversely affect a bank's geographic-based SPCP due to its overlap of benefiting ethnic/racial minority communities. As such, the KBA would prefer that the CFPB either avoid amending Regulation B in the SPCP area or provide further clarification and assurance that geographically based SPCPs are acceptable, even if providing significant benefit to MMCTs.

Additionally, the KBA is concerned that if the CFPB requires SPCPs to wind down, more time will be needed than the 90 days that have been proposed. Banks offering SPCPs should be permitted to wind these programs down over a "reasonable period of time" as determined by the financial institution.

Once again, we appreciate the efforts of the CFPB to amend and refine Regulation B with the proposed amendments, and the opportunity that has been provided to submit comments. The KBA supports the efforts of the CFPB but believes that the suggested modifications set forth above would be even more beneficial to Kansas communities. If you have any questions or concerns regarding the above, please feel free to contact the undersigned at 785-232-3444.

Respectfully,

Douglas E. Wareham, President & CEO  
Kansas Bankers Association

Terri D. Thomas, JD-EVP, Legal Services Director  
Kansas Bankers Association