

New Hampshire Federal and State Regulatory Directives, Recommendations, and Best Practices Tracker Coronavirus (COVID-19)

NOTE: FOR ADDITIONAL FEDERAL REGULATORY GUIDANCE FOR FEDERALLY-INSURED CREDIT UNIONS:

Please refer to the Association's Federal Regulatory Directives, Recommendations, and Best Practices Tracker Coronavirus (COVID-19)

Federal and state regulatory agencies have provided directives and guidance to financial institutions relative to the Coronavirus (COVID-19), including policies that financial institutions should have in place. As the issue of the COVID-19 pandemic remains ongoing, regulators continue to release updated guidance and resources. The Association continues to work with credit union regulators to raise operational challenges and promote regulatory reasonableness. In any crisis, even a public health crisis, it is paramount that credit unions and other financial service providers work to instill public confidence in the banking system. As credit unions consider various scenarios reflective of the severity of developments, no clear approaches are apparent. The Association recommends careful, well thought, reasonable approaches using best judgement on a day-to-day basis understanding the fluidity of the situations.

As with any policy decision made by credit union officials, documentation should be maintained to justify the reasonableness of the decision, as well as the board's approval of those actions. Regulatory review will likely be based on management's justification and a holistic view of the risks, including those that are community health related. Swift decisions may need to be made by credit union officials weighing competing risks.

Credit union inquiries and concerns may be sent to advocacynh@ccua.org.

The Association has compiled the following regulatory guidance and resources and will continue to update this page with additional regulatory recommendations as they become available.

I. State

a. New Hampshire

NEW: Office of Governor Chris Sununu

[Emergency Order #4: Temporary Prohibition on Evictions and Foreclosures](#) – March 16, 2020

[Executive Order 2020-04 Declaring a State of Emergency Due to Novel Coronavirus \(COVID-19\) from Governor Chris Sununu](#) – March 13, 2020

- A State of Emergency was declared in New Hampshire as a result of Coronavirus (COVID-19) on March 13.
- In addition, an emergency order was issued on March 16 declaring a temporary prohibition on evictions and foreclosures.
- The Emergency Order states that no owner of property may initiate eviction proceedings during the State of Emergency, that no eviction order shall be issued or enforced, and that any violation shall be considered a prohibited act.
- Additionally, all judicial and non-judicial foreclosure actions are prohibited.

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- No provisions of the Order shall be construed as relieving an individual of their obligations to pay rent, make mortgage payments, or other obligations.

NEW: New Hampshire Banking Department
[Additional Guidance and Frequently Asked Questions from the New Hampshire Banking Department: Coronavirus 2019 \(COVID-19\)](#) – March 16, 2020

[Guidance from the New Hampshire Banking Department: Responding to Impacts of the Novel Coronavirus 2019 \(COVID-19\)](#) – March 13, 2020

i. Branch Closings/Reduction of Branch Hours ([RSA 383-A:8-801](#))

- Credit unions are authorized to use only the drive through portion of a branch without requesting approval for a branch closure.
- A credit union may adjust the normal business hours of any of its branches without the approval of the Bank Commissioner if such adjustments are necessary due to staff shortages or other impacts resulting from the Coronavirus pandemic.
- If a credit union decides to close a branch for **more than 48 hours** due to the Coronavirus pandemic, information concerning the closure must be submitted to the Department by a letter or an email notice and the Department will act quickly to acknowledge receipt to NHBD@banking.nh.gov. Further details in the Department's Frequently Asked Questions/guidance as of March 16, 2020.
- No submission is needed if the branch is closed for less than 48 hours (not including legal holidays, or other days the branch is not otherwise scheduled to be open.)
- If a credit union adjusts its branch hours, closes a branch, or limits access in any branch to drive through services only, it must ensure its customers and members are aware of any such changes.

ii. Annual Meetings ([RSA 383-E:7-701](#))

- The annual meeting must be held within 120 days after the close of its fiscal year, and as directed in the credit union's bylaws.
- Review bylaws and consider the most appropriate date to set the annual meeting, consistent with the advice of public health officials.
- If necessary, consider whether annual meetings should be conducted via teleconference or videoconferencing rather than an in-person meeting.

iii. Examination and Consumer Complaints ([RSA 383:9-d](#); [RSA 383-A:9-904](#))

- The commencement of an examination may be delayed due to business disruptions or other significant developments resulting from the Coronavirus pandemic.
- Review statutory standards and contact the Department immediately if your institution seeks to adjust the schedule for an upcoming examination. RSA 383:9-d, III.

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- An institution may request additional time to respond to consumer complaints. Review requirements for requesting an extension for extenuating circumstances. RSA 383-A:9-904, II.

iv. Liquidity

- Closely monitor liquidity levels in the event of higher than normal consumer cash withdrawals at branch locations/ATMs.
- Ensure all sources of liquidity are readily available should the need arise.

v. Board Meetings ([RSA 383-A:5-507](#))

- The board of directors shall meet on a regular basis as often as necessary as proscribed by the bylaws.
- The attendance of a majority of the board of directors shall be required for a quorum to conduct business.
- The board of directors shall adopt a policy providing standards for determining the number of absences by directors from meetings of the board or the committees which could result in the removal of a director from office.

Banking Department Contacts

- Todd Wells, Chief Bank Examiner, todd.a.wells@banking.nh.gov, (603) 271-3561
- Emelia Galdieri, Deputy Commissioner, emelia.a.galdieri@banking.nh.gov, (603) 271-3561

II. Additional Considerations for both New Hampshire Federal and State Credit Unions

Examination Considerations and Reminders:

- Regulators are very mindful of the impact of the current health crisis on credit unions and more specifically, the challenges that it imposes on the scheduling and conduct of examinations. The overall goal remains to work with individual credit unions on a case-by-case basis to develop a plan that minimizes disruption and burden. A more targeted examination scope, increased off site monitoring, advance electronic delivery of documents, and condensed onsite activity are all ongoing considerations.

Governance Considerations and Reminders:

- Notify members of special circumstances of an annual or special meeting.
- Distribute meeting materials electronically, such as meeting minutes and committee reports.
- Quorum requirements remain in place and should be adhered to.
- As plans expand to include employees working remotely, be aware of cybersecurity risks and scams.

Safety/Soundness/Operational Considerations and Reminders:

- Closely monitor and notify regulators of business disruptions or other significant developments that result from the effects of Coronavirus, such as closures of office or

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branch locations, significant staff shortages, or the rapid withdrawal of deposits and other signs of erosion in consumer confidence.

- Closely monitor liquidity levels in anticipation of heightened demand for cash withdrawals at branch locations/ATMs and increased loan refinancing activity in the low interest rate environment.
- Ensure all sources of liquidity are readily available should the need arise.
- Confirm electronic credentials and authorized users with essential third party providers to minimize delays.
- Update contact information for liquidity/borrowing sources while ensuring operating procedures have been reviewed and are understood throughout the credit union.
- Organize and make available as much information as possible in a secured electronic format for examiners to minimize the length and direct contact of examinations.

Member Service Considerations:

- Offer payment accommodations, such as allowing borrowers to defer payments, extending the payment due dates or otherwise adjusting or altering terms of existing loans, which would avoid delinquencies and negative credit agency reporting.
- Offer lifeline banking services, including interest free loans.
- Waiving/forgiveness of overdraft and other fees.
- Ease credit terms for new loans.
- Waive late fees on loan balances.
- Encourage online applications, with increased technical assistance, as may be available.
- Promote use of video tellers.
- Monitor development of possible government-backed loan programs/incentives, such as those available from the Small Business Administration at <https://www.sba.gov/about-sba/sba-newsroom>
- Proactively reaching out to members and those adversely impacted via app announcements, text, email or otherwise to explain any other assistance offered.
- Consider precautions and protocols recommended to appraisers and other third parties interacting with members and any operational impact, such as to the mortgage processing process, while balancing fair lending requirements. [http://www.appraisalfoundation.org/iMIS/TAF/Coronavirus and Appraisers.aspx](http://www.appraisalfoundation.org/iMIS/TAF/Coronavirus%20and%20Appraisers.aspx)
- Consider drive-up only service when appropriate. A phased plan of member facing rolling branch, those first impacted by taking into account geographic locations if another branch is nearby may be an option. Review credit union shared branching options and remind geographically dispersed members of such service.

Health and Safety Considerations and Reminders:

- Suspend annual meeting door prizes, meals, drawings to minimize contact.
- Promote contactless/digital/online payments, remote banking, direct deposit and wash hands/change disposable gloves/sanitize frequently.
- Avoid direct handoffs.
- Encourage drive-up window usage.
- Adopt reserve online and express pickup on site/mail options for routine transactions such as card replacements, checks, etc. to reduce onsite time in offices.

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- Manage communications with members appropriately and increase robust website disclosures and usage.
- For members wearing masks upon arrival at a credit union location, consider posting a notice on entry doors indicating that anyone wearing a mask due to coronavirus is requested to use the drive-up lanes for both safety and security reasons. This practice of notice and recommended member action upon entry is similar to previous steps taken as a best practice for safety to minimize robberies. Consider reconfiguring a drive-up lane and designate it for walk-up traffic if safe.

Association Resources

Association [Coronavirus Resource Page](#)

Association [Coronavirus Recorded Webinar](#)

Association [Coronavirus Chat Room Using Yammer](#)

Association Emergency Contacts

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