Center for Responsible Lending

UNFAIR MARKET

The State of High-Cost Overdraft Practices in 2017

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About the Author

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Executive Summary

According to new data released recently by the FDIC, the largest banks in America collected $11.45 billion in overdraft and non-sufficient funds (NSF) fees from American consumers in 2017, an increase of approximately $10 million over the 2016 total. Overdraft fees often impose a great burden on those already living paycheck to paycheck, struggling to make ends meet. Typically, a small proportion of bank account holders pay a large proportion of total overdraft fees. Since 2015, the FDIC has collected and released information about these controversial penalty fees from banks that have $1 billion or more in assets. Therefore, $11.45 billion does not represent the total overdraft fees collected, because it does not include those collected by small banks or credit unions, institutions which are not required to report their fee volume to the FDIC.

Financial institutions typically charge an overdraft fee when a customer's account lacks sufficient funds to cover a transaction, but the institution chooses to pay the transaction anyway. Overdraft fees can be triggered by debit card point-of-sale (POS) transactions, ATM withdrawals, electronic bill payments, and paper checks. Some institutions do not charge overdraft fees on POS or ATM withdrawals—simply declining the transaction at no cost when the account lacks sufficient funds—but many banks do. The bank typically charges a fee, averaging $35 for each individual overdraft transaction it pays,[1] even when the customer overdrafts by a very small amount. In addition to the high fee, the institution repays itself for the overdrafted transaction directly from the customer's next deposit, in effect "jumping the line" ahead of any other planned transactions or debts the consumer has. If time lags before the account is replenished, the institution may charge additional sustained/extended overdraft fees even in the absence of further overdrafts.

This report analyzes the overdraft income of banks with assets of $1 billion or more and reviews the overdraft practices of the 10 largest banks in the US, shining light upon the rules and procedures they each employ.

The analysis found that:

- Large banks reported charging consumers $11.45 billion in overdraft and NSF fee revenue in 2017, up $10 million from the 2016 total and up 2% from 2015. Nine billion dollars of this amount was earned by the 20 banks that charged the highest volume of fees.
- All 10 of the nation's largest banks charge overdraft fees in excess of $30, although a few do not charge these fees on POS and/or ATM transactions;
- More than one of the top 10 largest banks still engage in each of the following abusive practices: charging sustained/extended overdraft fees in addition to per-transaction overdraft fees; using high-to-low transaction processing for some types of debit transactions; and allowing five or more overdraft fees to be charged per day to customers.

CRL overdraft research

CRL has analyzed market and consumer data for over 15 years to better understand how bank overdraft programs operate and how those programs impact family finances. The most recent release, 2016's *Broken Banking,* analyzed FDIC Call Report data and quantitative and qualitative data from the Consumer Complaint Database maintained by the Consumer Financial Protection Bureau (CFPB). One of the most salient themes within these complaints was the difficulty consumers had avoiding overdrafts even when they believed they would. Often, these complaints related to bank practices that make it difficult for consumers to know balance availability, transaction timing, or whether or not overdraft transactions would be paid or declined. Central to many complaints were unreasonably high fees per transaction and no meaningful limits on how frequently a consumer can be assessed a fee.[2]

Earlier CRL reports estimated and tracked nationwide overdraft fee volume, analyzed consumer transaction data to determine what kinds of transactions were resulting in overdraft fees, surveyed consumers about their attitudes and behavior around overdraft programs, and investigated the impact of overdraft fees on older and college-age Americans. These analyses sought to describe overdraft programs through the experience of consumers and to build further understanding of the impact the fees have on the finances of families. Specifically, the analyses found the following: account holders incurring large numbers of overdraft fees are more often low-income, single, non-white, and renters[3]; nearly half of all overdrafts are triggered by debit card (POS) transactions or ATM withdrawals[4]; customers often pay more in overdraft fees than the amount of their overage[5]; banks collect a high volume of overdraft fees each year from college-age customers[6] and often benefit by partnering with colleges and universities to offer financial services to students[7]; banks also collect a high volume of overdraft fees each year from older Americans[8] who rely heavily on Social Security Income[9]; and many consumers who opted into fee-based overdraft coverage for debit card transactions after the July 2010 change to the Federal Reserve's Regulation E did so as a result of aggressive or deceptive marketing.[10] CRL polling has also shown that the large majority of bank customers would prefer to have their transactions declined rather than incur an overdraft fee, when the transaction involves a debit card transaction.[11]

Recent regulator research

In 2017, the CFPB published a cluster analysis of customers who were charged high numbers of overdraft fees. This study exposed the extent to which large banks' abusive overdraft fees drain working families' checking accounts. The study found that nearly 80% of bank overdraft and NSF fees are borne by only 8% of account holders. This group of account holders incurs 10 or more fees per year, with many of those customers paying far more. For one group of hard-hit consumers, the median number of overdraft fees was 37, or nearly $1,300 annually.[12] Recent FDIC research indicates that overdraft fees push bank account holders out of the banking system, finding that as many as 1 million adults who previously had bank accounts are currently unbanked as a result of high or unpredictable fees.[13]

Regulation of overdraft programs has permitted harmful practices to continue

In 2009 and 2010, the Federal Reserve passed amendments to Regulation E of 1978's Electronic Fund Transfers Act,[14] newly requiring banks to acquire consent, on an "opt-in" form, from accountholders before charging overdraft fees on ATM withdrawals and debit card purchases that overdrew customer balances. This disclosure-based change left a great deal of room for banks to continue to charge exorbitant fees to accountholders.

For the first time in 2015, the banking regulators began to require banks with greater than $1 billion in assets to publicly report their overdraft and NSF fee revenue. Since 2015, the FDIC has reported information about institutions' overdraft and NSF fee volumes in quarterly Call Report data. Reporting institutions now provide the quarterly total volume of the revenue they receive from overdraft and NSF fees from consumer accounts. Before this data provision, industry and other estimates of overdraft and NSF fee volume varied widely. Availability of this data is an important tool to evaluate the impact of bank practices on accountholders.

Among the 20 largest banks, overdraft revenue has increased from $8.66 billion to $9 billion.

Market analysis shows an increase in fee volume

To arrive at the figures in Figure 1, the analysis adds the reported overdraft fee income from the 627 institutions required to report within the FDIC's Call Report Data. The 20 institutions that charged the highest volume of overdraft and NSF fees are shown in Figure 2 below.

Figure 1. Aggregate overdraft and NSF fee volume since 2015

Year	Overdraft revenue among reporting banks	Change since 2015	Overdraft revenue among the 20 largest banks	Overdraft as a percent of non-interest among all reporting banks
2015	$11.18 billion	0	$8.66 billion	5.0%
2016	$11.44 billion	+2.3%	$8.99 billion	5.1%
2017	$11.45 billion	+2.4%	$9.00 billion	5.0%

Since 2015, the volume of overdraft/NSF fees charged by banks required to report, currently at a level of $11.45 billion, has grown by more than 2%—a troubling trend. In 2015, banks reported receiving $11.18 billion, and last year, $11.44 billion. Among the 20 largest banks, overdraft revenue has increased from $8.66 billion to $9 billion. Overdraft revenue as a percent of non-interest income has remained at about 5% for all reporting banks, in each year that the information has been collected.

Figure 2: Top 20 banks by 2017 overdraft/NSF fee income, dollar amounts in thousands

Rank	Bank Name	Assets	Deposits	Total Income	Interest Income	Non-Interest Income (NII)	NII/Total income	Service Charge Income (SCI)	SCI/NII	OD/NSF Fee Income (OD)	OD/SCI
1	JPMORGAN CHASE BANK, NATIONAL ASSOCIATION	$2,140,778,000	$1,271,886,000	$90,213,000	$48,270,000	$41,943,000	46%	$4,774,000	11%	$1,863,000	39%
2	WELLS FARGO BANK, NATIONAL ASSOCIATION	$1,747,354,000	$1,259,735,000	$80,083,000	$54,585,000	$25,498,000	32%	$5,611,000	22%	$1,698,000	30%
3	BANK OF AMERICA, NATIONAL ASSOCIATION	$1,751,524,000	$1,301,404,000	$75,544,000	$49,884,000	$25,660,000	34%	$5,598,000	22%	$1,656,000	30%
4	TD BANK, N.A.	$288,294,007	$246,420,895	$8,643,018	$6,999,569	$1,643,449	19%	$1,120,486	68%	$520,854	46%
5	U.S. BANK NATIONAL ASSOCIATION	$456,025,829	$327,047,060	$23,395,048	$14,136,028	$9,259,020	40%	$1,369,332	15%	$464,736	34%
6	PNC BANK, NATIONAL ASSOCIATION	$370,002,264	$262,895,285	$16,052,009	$10,699,928	$5,352,081	33%	$1,216,848	23%	$381,432	31%
7	REGIONS BANK	$123,325,220	$98,978,579	$5,893,005	$3,892,797	$2,000,208	34%	$708,159	35%	$347,544	49%
8	SUNTRUST BANK	$201,637,519	$164,051,107	$9,297,875	$6,344,743	$2,953,132	32%	$640,581	22%	$295,676	46%
9	BRANCH BANKING AND TRUST COMPANY	$216,077,000	$163,944,000	$11,149,000	$6,708,000	$4,441,000	40%	$708,000	16%	$275,000	39%
10	CAPITAL ONE, NATIONAL ASSOCIATION	$290,651,177	$224,592,854	$17,466,522	$11,977,618	$5,488,904	31%	$344,216	6%	$167,216	49%
11	WOODFOREST NATIONAL BANK	$5,372,590	$4,876,049	$607,670	$162,874	$444,796	73%	$246,529	55%	$164,899	67%
12	USAA FEDERAL SAVINGS BANK	$80,522,766	$71,142,238	$5,982,439	$3,638,324	$2,344,115	39%	$181,452	8%	$158,874	88%
13	CITIZENS BANK, NATIONAL ASSOCIATION	$121,995,997	$89,182,594	$5,144,773	$3,939,299	$1,205,474	23%	$365,765	30%	$156,620	43%
14	KEYBANK NATIONAL ASSOCIATION	$135,758,439	$107,635,232	$6,465,400	$4,357,935	$2,107,465	33%	$349,552	17%	$141,098	40%
15	FIFTH THIRD BANK	$140,077,697	$106,763,187	$7,685,097	$4,532,228	$3,152,869	41%	$573,066	18%	$132,421	23%
16	HUNTINGTON NATIONAL BANK, THE	$104,050,332	$78,840,680	$4,589,939	$3,458,196	$1,131,743	25%	$319,886	28%	$132,163	41%
17	MANUFACTURERS AND TRADERS TRUST COMPANY	$118,072,176	$94,195,287	$5,691,717	$4,155,071	$1,536,646	27%	$334,204	22%	$121,610	36%
18	CITIBANK, N.A.	$1,385,697,000	$486,491,000	$64,604,000	$49,981,000	$14,623,000	23%	$1,018,000	7%	$114,000	11%
19	COMPASS BANK	$86,504,843	$69,596,113	$3,463,900	$2,724,951	$738,949	21%	$222,450	30%	$104,394	47%
20	FIRST NATIONAL BANK TEXAS DBA FIRST CONVENIENCE BANK	$1,689,129	$1,434,294	$311,423	$44,092	$267,331	86%	$140,999	53%	$104,331	74%
	Top 20 banks	$9,765,409,985	$6,431,111,454	$442,282,835	$290,491,653	$151,791,182	34%	$25,842,525	17%	$8,999,868	35%
	All reporting banks	$15,246,536,443	$10,417,234,512	$725,338,830	$498,128,026	$227,210,804	31%	$32,735,149	14%	$11,454,572	35%
	All banks	$17,427,000,765	$12,081,255,000	$831,463,348	$572,371,281	$259,092,067	31%	$36,094,726	14%	--	--

In addition to overdraft and NSF fee volumes, Figure 2 also contains each institution's assets, deposit volumes, total income (including both interest and non-interest income), and service charge income. Taken together, and compared to the aggregate averages for these top 20 banks, all overdraft-reporting banks, and all banks, we note two specific outliers: Woodforest Bank and First National Bank Texas. Among the largest overdraft and NSF-charging institutions, these two are much, much smaller than the rest, nearly all of which are at or above $100 billion in assets. Woodforest and First National Texas, however, are both below $6 billion in assets. As such, their proportions of non-interest income to total income, service charge income to non-interest income,[15] and overdraft and NSF income to service charge income are each outliers among the broader sets of institutions. This set of proportions shows the importance overdraft programs can play within a smaller institution. While most of the highest-charging overdraft and NSF banks are also the largest banks in general, the problems of overdraft can occur at every bank asset class.

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Large-bank overdraft practices present obstacles to customers

Figure 3 below provides information about the overdraft practices of the 10 largest institutions, ranked by asset size. Several practices tracked by this analysis were tracked for many years by the Consumer Federation of America and more recently by the Pew Charitable Trusts, which continues to track various overdraft practices of the 50 largest banks annually.[16] To evaluate an institution's overdraft policies, we use indicators and features that bear directly upon the consumer experience of overdraft, including:

- the size of the fee;
- whether or not the institution charges overdraft fees on ATM or POS debit card transactions;
- whether or not the institution allows transfers from savings or a linked line of credit (LOC) in lieu of overdraft fees;
- whether the institution has a cap on the number of fees it charges in a single day or on the minimum size of an overdraft to trigger a fee;
- the transaction-processing order of the institution; and
- whether or not the institution charges sustained/extended overdraft fees in addition to per-transaction overdraft fees.

When indicating that an institution uses a particular practice, the entire set of checking account options is considered. For example, if one of three checking account options for a bank's customers is charged sustained overdraft fees, the bank is classified as charging extended overdraft fees. Though some banks have accounts with greater protections than other accounts, it is the features of the least-protected accounts covered here.

Figure 3: Overdraft practices of the top 10 banks by assets

Bank	OD Fee	OD Fee on POS?	OD Fee on ATM?	Sustained Overdraft Fee	De Minimis Amount/Policy	OD/NSF Fees Per Day Limit	Debit Transaction Processing Order	Cost of Transfer from Savings	Cost of Transfer from Line of Credit
JPM Chase[17]	$34	Yes	No	$15 after 5th business day	Chase will not charge an OD fee if your account is overdrawn $5 or less at the end of each business day or if a transaction of $5 or less resulted in an OD.	Three	1. Electronic (real time) 2. Checks (high to low)	No fee	Not available
Bank of America[18]	$35	No	Yes	None	Bank of America won't charge a fee for overdrafting purchases under $1 and won't charge a fee for overdraft amounts under $1.	Four	1. POS/ATM (real time) 2. Checks (number order) 3. Electronic (high to low) 4. Fees (high to low)	$12 charged once daily	$12 charged once daily
Wells Fargo[19]	$35	Yes	Yes	None	Wells Fargo will not charge an OD fee if your account is overdrawn $5 or less at the end of each business day or if a transaction of $5 or less resulted in an OD.	Three	1. Real-time debits[20] 2. ACH/checks (real time, then low to high if same time)	$12.50 charged once daily	$12.50 charged once daily
Citibank[21]	$34	No	No	None	None	Four	1. Real-time debits[20] 2. Checks (low to high)	$10 charged once daily	$10 charged once daily
US Bank[22]	$36	Yes	Yes	$36 after 7th calendar day	US Bank charges no OD fee for overages under $5.	Four	1. Non-check (real time) 2. Checks (number order)	No fee	$12.50 charged once daily
PNC Bank[23]	$36	Yes	Yes	$7 per day after 5th day	PNC will refund OD fees If your account is overdrawn by $5 or less after all transactions are posted for the day.	Four	All debits in order based on date and time the bank receives notice of the transaction	$10 per transfer	$10 per transfer
Capital One[24]	$35	Yes	Yes	None	Capital One will not charge an OD fee if your account is overdrawn $5 or less at the end of each business day or if a transaction of $5 or less resulted in an OD.	Four	1. EFTs 2. "Bill Pay" and "Mail a Check" (high to low)	No fee	No fee
TD Bank[25]	$35	Yes	Yes	None	TD Bank charges no OD fee for overages under $5.	Five	All debits and deposits in order based on date and time the bank receives notice of the transaction	$10 charged once daily	Not available
BB&T[26]	$36	Yes	Yes	$36 after 7th day	BB&T charges no OD fee (or transfer fee) for overages under $5.	Six	1. Real-time debits[20] 2. Other debits (low to high) 3. Checks (number order)	$12.50 charged once daily	$12.50 charged once daily
SunTrust[27]	$36	Yes	Yes	$36 after 5 consecutive business days of a negative balance	SunTrust will waive the overdraft/returned item fees on transactions that are less than $5.	Six	1. Pre-authorized debits 2. Other debits	$12.50 charged once daily	$7 monthly fee for overdraft line of credit (no per-transfer fee); $12.50 charged once daily from other LOC

Market trends show little improvement

Most institutions do not post in order from smallest to largest, which would result in the lowest number of fees.

The above chart follows the overdraft programs of the top 10 banks in America through a series of account features, analyzing marketing and disclosures from the institutions themselves. While these large banks are generally subject to the same regulatory framework and economic pressures, some institutions have more responsible practices than others do. At the same time, the similarities among bank overdraft programs are largely reflective of insufficient regulation and oversight, which fosters a race to the bottom among these competitive institutions at the expense of their customers.

Overdraft fees: The amount of the overdraft fee is similarly high among the top 10 banks, between $34 and $36. But banks' practices differ substantially with respect to overdraft fees on debit card transactions. Citibank's practice is far better than the other largest banks, because it does not charge overdraft fees on debit card POS purchases or ATM transactions. Bank of America does not charge the fees on POS transactions, and Chase does not charge them on ATM transactions. The other seven banks routinely charge overdraft fees on both POS and ATM transactions, which they could easily decline instead, at no cost to the customer.

Extended overdraft: Five of the top 10 banks charge sustained/extended overdraft fees for an extended negative balance. Two additional banks previously charged these fees and have been engaged in lawsuits related to them; they no longer charge the fees.[28]

De minimis policies: In recent years, most banks have established a de minimis policy: the amount of negative balance, sometimes per transaction and sometimes per day, below which no fee will be charged. These de minimis policies can reduce the harm from a small overdraft, but in most cases, they do little to mitigate multiple and clustered overdrafts.

Maximum number of overdraft/NSF fees charged per day: There is fairly wide variation in the number of fees (often combining overdraft and NSF fees) an institution will charge in a single day—between three and six among the largest banks. This translates to fees in the still unreasonable range of $102–$216 in a single day.

Transaction reordering: While transaction reordering to post transactions from largest to smallest has, largely due to litigation,[29] become less prevalent, there remain some institutions that continue to post some transactions in order from largest to smallest. Most institutions do not post in order from smallest to largest, which would result in the lowest number of fees.

Lines of credit: More affordable alternatives to overdraft charges exist for bank customers. Unfortunately, while banks typically offer a transfer from savings and/or a line of credit for a lower cost, they often do not market these heavily, and these options are often not available to banks' most financially distressed customers, who are those hit hardest by the high-cost practices.

Policy Recommendations

The Consumer Financial Protection Bureau has studied overdraft fee programs for several years. Publishing multiple reports that highlight overdraft abuses, the CFPB has repeatedly concluded that concerns about overdraft practices that regulators have identified for years persist today. These concerns include that a significant segment of consumers incurs large numbers of overdraft fees and that even those with "moderate" overdraft usage may pay hundreds of dollars annually. As the CFPB considers how to address overdraft fee abuses, its regulations must include a backstop against excessive fees that ensures that financial institutions will no longer be permitted to wreak financial havoc in the life of any account holder through overdraft practices.

A. Rein in excessive fees. The size of the overdraft fee is the engine that drives overdraft abuses. It bears virtually no relation to the cost to the institution of covering the overdraft. The Credit CARD Act required that penalty fees on credit cards, including fees for exceeding the card's credit limit, be reasonable and proportional to the "violation." The Federal Reserve (charged with writing consumer protection rules before the creation of the CFPB in 2010) determined that this requirement included that the fee must be reasonable and proportional relative to the cost to the institution, and that the fee could not exceed the size of the violation. In the overdraft context, where overdrafts cost the institution very little, this would mean the fee should be significantly less than the average fee today, and it should in no case exceed the size of the overdraft itself. Similarly, NSF fees are extraordinarily high in an era when processes are highly automated, and it costs little to the bank to deny a transaction.

B. Stop the onslaught. Banks should limit overdraft fees to one fee per month and six per year, and predatory posting practices should be prohibited. Once an account has gone negative and the customer has incurred an overdraft fee, the customer should have sufficient time to bring the account back to positive before being charged additional fees. Again, the CARD Act limited over-the-limit fees to one per month, and the Federal Reserve determined in the credit card context that requiring "reasonable and proportional fees" meant that no more than one penalty fee of any kind could be charged per single event or transaction. The closest parallel to the typical "violation" in the credit card context is the monthly statement cycle. Account holders struggling to keep their account positive often do not have the capacity to pay multiple fees, and this practice causes them a harm they cannot reasonably avoid. Thus, CFPB should limit fees to one fee per month and six per year; prohibit sustained/extended fees; and prohibit posting practices that result in unnecessary overdrafts and fees.

C. Regulate overdrafts, particularly non-occasional/high-frequency and any ATM overdrafts, as credit subject to ability to repay assessment and repayment through installments. Overdraft fees have long enjoyed a regulatory pass in many respects, because banks have posited that overdraft is not being used as credit but instead is merely an occasional courtesy. However, data showing that many consumers are charged many fees annually belies this argument. When financial institutions pay a customer's transactions when the account lacks sufficient funds—particularly when done regularly, routinely, and repeatedly—the financial institution is extending credit to that customer, and the product should be regulated as such. This means that it should only be extended based on a determination that the customer has the ability to repay it, and it should be repayable in manageable installments. ATM overdrafts, indistinguishable from pure cash loans, should also always be subject to credit protections.

Endnotes

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14 74 Fed. Reg. 59033 (Nov. 17, 2009) and 75 Fed. Reg. 31665 (June 4, 2010).

15 Non-interest income, as reported to the FDIC, contains various bank income streams, including the following: income from fiduciary activities; trading revenue; investment banking-related fees and commissions; venture capital revenue; net servicing fees; net securitization income; insurance commissions and fees; net gains on sales of assets; and the category in which overdraft fees fall, service charges on domestic accounts. This final category contains almost all of the fees and charges made to the accounts of checking account depositors, and typify the retail customer experience of bank fees. These classifications are accessible at https://www.fdic.gov/regulations/resources/call/crinst/399ri.pdf.

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17 JPM Chase Standard Overdraft Practice at https://www.chase.com/personal/checking/overdraft-services/standard-overdraft-practice, Overdraft Protection at https://www.chase.com/personal/checking/overdraft-services/overdraft-protection, Debit Card Coverage at https://www.chase.com/personal/checking/overdraft-services/debit-card-coverage, Avoiding Fees at https://www.chase.com/personal/checking/overdraft-services/avoiding-fees, and How your transactions will work for Personal Checking Accounts at https://www.chase.com/content/dam/chasecom/en/checking/documents/how-your-transaction-will-work.pdf.

18 Bank of America Overdraft Services FAQs at https://www.bankofamerica.com/deposits/overdraft-services-faqs/ and Personal Schedule of Fees at https://www.bankofamerica.com/deposits/resources/personal-schedule-fees.go?request_locale=en_US (in Google proprietary format, use Chrome browser).

19 Wells Fargo Overdraft Services at https://www.wellsfargo.com/checking/overdraft-services/, Overdraft Services Brochure at https://www.wellsfargo.com/assets/pdf/personal/debit-card/overdraft-services-brochure-wellsfargo.pdf and Consumer Account Fee and Information Schedule at https://www.wellsfargo.com/online-banking/consumer-account-fees/.

20 Several banks use the term "real-time debits" to refer to debiting transactions they receive and process as the transactions occur. Typically, these include point-of-sale debit card purchases and ATM withdrawals, though some institutions may classify some ACH transactions this way, too.

21 Citibank Consumer Accounts Client Manual at https://online.citi.com/JRS/popups/ao/Consumer_Client_Manual.pdf.

22 US Bank Overdraft Protection at https://www.usbank.com/bank-accounts/checking-accounts/checking-customer-resources/overdraft-protection.html and Deposit Account Agreement at https://www.usbank.com/pdf/Deposit-Account-Agreement.pdf.

23 PNC Bank Overdraft Solutions at https://www.pnc.com/en/personal-banking/banking/services/overdraft-solutions.html, Overdraft Notification at https://www.pnc.com/content/dam/pnc-com/pdf/personal/Services/Overdraft-Notification-Document.pdf, and Consumer Schedule of Service Charges and Fees at https://www.pnc.com/en/personal-banking/banking/checking/fee-schedules/service-charges.html.

24 Capital One Overdraft Options at https://www.capitalone.com/overdraftoptions/ and Account Disclosures at https://www.capitalone.com/checking-accounts/online-checking-account/disclosures/.

25 TD Bank Overdraft Service Comparison Chart at https://www.tdbank.com/personal/overdraft_comparison.html, Personal Deposit Account Agreement at https://esecure.tdbank.com/net/accountopening/PersonalAcctAgree.pdf and Personal Fee Schedule at https://www.feeds.td.com/en/document/oao/pdf/1_fees.pdf.

26 BB&T Pricing and Fees at a Glance at https://www.bbt.com/banking/at-a-glance.page and Personal Service Pricing Guide at https://www.bbt.com/assets/bbtcom/content/pdf/customer-service/personal-services-pricing-guide/md.pdf.

27 SunTrust Personal Banking Accounts Guides and Disclosures at https://www.suntrust.com/personal-banking/checking/overview-guides-and-disclosures.

28 These are TD Bank and Bank of America. The TD Bank litigation is ongoing (see NJ Law Journal article here for detail: https://www.law.com/njlawjournal/sites/njlawjournal/2017/12/06/td-bank-sued-for-overdraft-charges-for-uber-lyft-services/?slreturn=20180409184641) and the Bank of America litigation reached preliminary settlement in 2017 (https://www.reuters.com/article/us-bank-of-america-overdrafts/bank-of-america-settles-overdraft-lawsuit-for-66-6-million-idUSKBN1D22ER).

29 Many banks were sued for increasing overdraft fees by posting debit card transactions in order from largest to smallest, resulting in many multi-million dollar settlements, as well as a large judgment against Wells Fargo. For more detail on these lawsuits, see National Consumer Law Center, *Consumer Banking and Payments Law* (Fifth Ed.), Sec. 2.6.3.9.2.2.

Center for Responsible Lending

www.responsiblelending.org

The Center for Responsible Lending (CRL) is working to ensure a fair, inclusive financial marketplace that creates opportunities for all responsible borrowers, regardless of their income, because too many hard-working people are deceived by dishonest and harmful lending practices.

CRL is a nonprofit, non-partisan organization that works to protect homeownership and family wealth by fighting predatory lending practices. Our focus is on consumer lending: primarily mortgages, payday loans, credit cards, bank overdrafts, and auto loans.

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