

September 18, 2019

Via regulations.gov

The 43 undersigned consumer, civil and human rights, labor, community, housing, and legal services organizations submit the following comments on the Consumer Financial Protection Bureau's (CFPB or Bureau) proposed debt collection rule and the need for greater protections for consumers with limited English proficiency (LEP).

LEP consumers need clear information about the debt collection process and the details about the alleged debt in collection to make informed decisions. There are many misconceptions about debt collection laws that are heightened by language barriers, leaving LEP consumers vulnerable to harassment and exploitation. Providing enhanced language access is essential to protect LEP consumers and provide them with the ability to enforce critical consumer rights.

We support the Bureau's effort to incorporate protections for LEP consumers in the debt collection process. ***However, the CFPB's current proposal is inadequate to provide language access. We urge the Bureau to expand its plan by integrating the following recommendations.***

Require debt collectors to include a Spanish-language statement that describes what the validation notice is and notifies consumers that they can request the notice in Spanish and how to do so. Any consumer response tear-off form also should provide an option to ask for the form in Spanish. Spanish is the most common language spoken by LEP consumers in the United States. More than 16 million LEP individuals speak Spanish, and they comprise over 63% of the total LEP population. The CFPB should require debt collectors to include an explanatory statement in Spanish in every validation notice that informs Spanish-speaking consumers about the contents of the form and its availability in Spanish, so that they understand the purpose of the document and why they might want to request it in Spanish. The Spanish notification should be easily visible at the top of the letter. Brief information provided in Spanish on how to contact the collector for a translated copy should include items such as a phone number, email address, and returning a tear-off form with the relevant box checked.

Mandate translated notices in certain circumstances. After the CFPB has made a translated notice available on its website in the consumer's preferred language, the Bureau should require collectors to provide a complete and accurate translation of the debt collection notice into the consumer's preferred language in the following circumstances:

- The debt collector has already communicated with the consumer in a non-English language before sending the validation notice;
- The debt collector has received information in the file from the creditor or a prior collector indicating the consumer's non-English language preference;
- The debt collector receives a request from the consumer seeking any information in the consumer's preferred language, including the proposed tear off portion of the validation notice;

- If the debt collector later communicates with the consumer in a non-English language, in which case the collector must send the translated validation notice at that time.

Translate validation notices into the top eight languages and deem Bureau translations as complete and accurate. Nearly 83% of LEP consumers speak one of the top eight languages: Spanish, Chinese, Vietnamese, Korean, Tagalog, Russian, Arabic, and Haitian Creole.¹ The CFPB should translate the standard validation notice into these languages and conduct consumer testing to confirm that the notice conveys the right information. Once the translated notices are complete, the Bureau should make the translated notices available on the Bureau’s website and deem them complete and accurate for debt collectors using them. Collectors should also be permitted to use their own complete and accurate translation.

Track and transfer language preference. When LEP consumers indicate that they prefer to communicate in a language other than English, the CFPB should require debt collectors to place the preferred language information in their computer systems and transfer such information as part of the file to the original creditor and any subsequent collectors if the debt is sold or transferred. Tracking and transferring language preference is a critical step toward improved language access for LEP consumers. It also creates a more efficient process for collectors by circumventing the time and resources needed to identify the consumer’s preferred language. A consumer’s indication of language preference should be treated as a request for a translated validation notice, triggering the obligation to track such information and to provide the translated notice if the CFPB has made a model translation available on its website.

We ask that the CFPB incorporate these recommendations to provide LEP consumers with meaningful access to information regarding their debts in collection.

If you have any questions, please contact Linda Jun at (202)715-8919 or linda@ourfinancialsecurity.org.

Sincerely,

Americans for Financial Reform Education Fund
Action Center on Race and the Economy
Alaska Public Interest Research Group (AkPIRG)
Atlanta Legal Aid Society, Inc.
California Reinvestment Coalition
Center for Responsible Lending
Chicago Area Fair Housing Alliance
Connecticut Fair Housing Center
Consumer Action

¹U.S. Census Bureau, *2017 American Community Survey 1-Year Estimates*, American Community Survey (Washington, DC: U.S. Census Bureau) Table B16001 (accessed July 27, 2019), available at <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>).

Consumer Federation of America
Fair Housing Advocates of Northern California
Greater Houston Fair Housing Center
Greater Napa Valley Fair Housing Center
Greater New Orleans Fair Housing Action Center
Justice in Aging
La Casa De Don Pedro
Legal Services NYC
Legal Services of New Jersey
Metro Fair Housing Services, Inc.
Mobilization for Justice
Mountain State Justice, Inc.
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Consumer Advocates
National Center for Law and Economic Justice
National Coalition for Asian Pacific American Community Development (National CAPACD)
National Consumer Law Center (on behalf of its low income clients)
National Fair Housing Alliance
National Housing Law Project
National LGBTQ Task Force
NETWORK Lobby for Catholic Social Justice
New Jersey Citizen Action
North Texas Fair Housing Center
Project Sentinel
Public Justice Center
Public Law Center
Southern Poverty Law Center
Southwest Fair Housing Council
Texas Appleseed
The Equal Rights Center
U.S. PIRG
Virginia Citizens Consumer Council
Woodstock Institute