

March 17, 2017

Richard Cordray, Director
Consumer Financial Protection Bureau
1275 First St., N.E.
Washington, D.C. 20002

*Re: Small Business Review Panel for Debt Collector and Debt Buyer Rulemaking:
Outline of Proposals Under Consideration and Alternatives Considered*

Dear Director Corday:

The undersigned organizations submit this letter in response to the CFPB's Small Business Regulatory Enforcement Fairness Act (SBREFA) review of proposed regulations under the Fair Debt Collection Practices Act (FDCPA). Specifically, this letter addresses the Bureau's proposal related to increasing access to the FDCPA's protections for Limited English Proficient (LEP) consumers. We applaud the Bureau for raising the issue of language access in the context of debt collection and for seeking feedback on this important issue.

A significant and growing proportion of the U.S. population does not speak English fluently. In 2014, approximately nine percent of the U.S. population qualified as Limited English Proficient (LEP), as defined by the Census Bureau to include anyone over the age of five who speaks English less than "very well." Many of these individuals participate in the consumer credit marketplace, but may have greater difficulty navigating the market, especially when debts go into collection and consumers face the legal implications of unpaid debt.

It is critically important for the CFPB to make the FDCPA's protections accessible to LEP consumers by strengthening its proposal as described below.

1. The Bureau should adopt both of the proposed changes it outlined in its SBREFA proposal: requiring debt collectors to send the validation notice and statement of rights in Spanish automatically and requiring these notices to be sent in other languages if the collector has information that the consumer prefers to communicate in another language and the CFPB has published model translations into the relevant language.
2. The Bureau should publish translations of required state law disclosures as well as model language for web portals that could be used by collectors to facilitate payments and notify consumers of the option to communicate in other languages.
3. The Bureau should treat as timely notices from consumers submitted in another language, beginning with Spanish, even if the English translation is obtained after the applicable deadline.
4. The Bureau should require collectors to collect and maintain information about language preference and transmit that information to subsequent collectors when a collection account is transferred.

5. The Bureau should require larger debt collectors to take reasonable steps to provide oral interpretation.

Thank you for the opportunity to submit these comments.

Sincerely,

Americans for Financial Reform
Baltimore Neighborhoods, Inc.
California Reinvestment Coalition
Center for Responsible Lending
Committee for Better Banks
Community Legal Services of Philadelphia
Connecticut Fair Housing Center
Consumer Action
Consumers Union
East Bay Community Law Center
Empire Justice Center
Jacksonville Area Legal Aid, Inc.
Kentucky Equal Justice Center
Legal Aid Society of Southwest Ohio, LLC
Maryland Consumer Rights Coalition
MFY Legal Services, New York
Mid Minnesota Legal Assistance
NAACP
National Association for Latino Community Asset Builders (NALCAB)
National Association of Consumer Advocates
National Center for Law and Economic Justice
National Coalition for Asian Pacific American Community Development (National CAPACD)
National Community Reinvestment Coalition (NCRC)
National Consumer Law Center (on behalf of its low-income clients)
National Council of La Raza
National Fair Housing Alliance
National Housing Resource Center
Public Good Law Center
Public Justice Center
Public Law Center
SC Appleseed Legal Justice Center
Vermont Legal Aid
Western New York Law Center
Woodstock Institute