

November 30, 2020

Director Kathleen L. Kraninger
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

Dear Director Kraninger:

The 26 undersigned consumer, civil and human rights, labor, community and legal services organizations are writing to voice our concerns with the Bureau's approach to consumers with Limited English Proficiency (LEP consumers) in the recently finalized Debt Collection Practices (Regulation F) rule, and to encourage the Bureau to provide greater protections in its upcoming disclosure rule under the FDCPA.

Providing meaningful language access in the debt collection process would be an important step in fulfilling the Director's stated intentions to prioritize progress for LEP consumers. Over 25 million people in the United States have limited English proficiency. While we appreciate the interest that the Bureau and its leadership have shown in LEP consumers, the Bureau needs to translate that interest into concrete action in its upcoming rule.

We are concerned with the Bureau's approach to language access in its recently finalized rule, which only requires use of translated 1692e(11) disclosures if the debt collector has used a language other than English for the rest of the communication. As this approach defers so heavily to the voluntary practices of debt collectors, the Bureau has essentially declined to create any new protections for LEP consumers in its rule.

The Bureau's stated rationale for this decision is its determination that "requiring debt collectors to identify such consumers and provide accurate translations in the myriad languages that consumers speak may impose a significant burden on debt collectors." The rationale ignores the measured and feasible requirements that the Bureau could impose on debt collectors' communications with LEP consumers. The rationale also ignores concrete steps that the Bureau itself can take to enhance debt collectors' ability to communicate with these consumers, such as providing debt collectors with high-quality translations.

Accordingly, the Bureau should take the following measured steps¹ when finalizing the upcoming disclosure-focused rule:

¹ A number of our organizations have previously provided the Bureau with similar recommendations. See <https://ourfinancialsecurity.org/wp-content/uploads/2019/09/2019.9.18-Debt-Collection-Language-Access-Comment-Letter.pdf>

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 validation notice in Spanish. The Bureau should translate this explanatory statement into Spanish and other languages and allow debt collectors to use its translation and rely on its accuracy and completeness.

Translate validation notices into the top eight languages spoken by LEP consumers and deem Bureau translations as complete and accurate.

Require debt collectors to send translated validation notices in certain circumstances, including:

- 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 a request received via the proposed tear off portion of the validation notice; or
- 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.

Note that this requirement would only apply for languages and documents where the CFPB has already made translations available.

In addition, the Bureau should investigate the feasibility and cost associated with the use of language lines, which could be used to provide oral language access. In general, such contracts provide a wide array of languages at a modest cost.

Track and transfer language preference. With sufficient time for implementation, the Bureau should require debt collectors to track when LEP consumers indicate that they prefer to communicate in a language other than English and transfer such preferred language information to the original creditor and any subsequent collectors if the debt is sold or transferred. Importantly, in 1006.6(d), the rule provides for a safe harbor based on information passed from one debt collector to another.

The Bureau's recently finalized rule reinforces the false notion that providing any language access at all is unworkable. In contrast, the recommendations we have offered above are tailored to LEP consumers' most immediate needs and feasible for the debt collection industry to implement. The Bureau has an opportunity to adopt a better course and ensure meaningful protections for LEP consumers in its upcoming rule, and should do so.

If you have any questions or would like to discuss further, please contact Linda Jun at linda@ourfinancialsecurity.org.

Sincerely,

Americans for Financial Reform Education Fund
California Reinvestment Coalition
Center for Responsible Lending
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Connecticut Fair Housing Center
Consumer Action
Consumer Federation of America
Fair Housing Advocates of Northern California
Greater Napa Valley Fair Housing Center
Justice in Aging
Louisiana Fair Housing Action Center
Mobilization for Justice
NAACP
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Consumer Advocates
National CAPACD (Coalition for Asian Pacific American Community Development)
National Center for Law and Economic Justice
National Consumer Law Center (on behalf of its low-income clients)
National Housing Resource Center
Project Sentinel
Public Justice Center
Public Law Center
Southwest Fair Housing Council
Texas Appleseed
The Equal Rights Center
U. S. PIRG