

Index

[References are to sections (§).]

A

Abusive conduct or language. See Harassment

Accounts

See also Joint accounts; Names on accounts
definition (Rev. Reg. B), 4.06[2][a], 6.04[6][a], 7.01[2][a]
individual accounts, sex discrimination, 5.03[6][e][iii]
married persons' accounts, requirement to designate, 8.02[2]

Accuracy of consumer reporting agencies, 11.04[3]

burden of proof, 11.04[3][a]
completeness, 11.04[3][c], 11.08[2]
deletion of inaccurate information, 11.08[1][a]
reinvestigation, 11.08[1][a], 11.08[4]
 frivolous or irrelevant dispute, 11.08[4][c]
 multiple reinvestigations, 11.08[4][d]
 standard of conduct for, 11.08[3]
 validity of debts, 11.08[4][b]
statement of dispute from consumer, 11.08[1][b], 11.08[1][d],
11.08[5]
technical accuracy as defense, 11.04[3][b]

Acknowledgments

disclosures by creditors concerning income from alimony
and support payments, written acknowledgment of oral
disclosures, 5.03[5][e]

Acquisition of financial institutions

ECOA compliance required for acquisition, 9.01[2][b]
HMDA information, use of, 1.02

Actions, administrative. See Enforcement

Actions, civil. See Civil actions

Activity reports provided by consumer reporting agencies, 11.04[2]

Actual damages. See Damages

Address discrepancies

FCRA regulations, 12.07[1][a]

Administrative actions. See Enforcement

Administrative law judges (ALJs)

FHA violation proceedings, 3.07[1][d]
housing discrimination, FHA violation proceedings, 3.07[1][d]

Adverse action

appraisal report on real property, copy to be provided to
applicant, 7.06
automatic denial of credit, 7.02[4][b]
business creditors, modified requirements under Rev. Reg. B,
7.02[4][b]
class of accounts, 4.03[8]
contents of notification, 7.02[3]

cosigner suggested, 8.01[5][b]

credit scoring systems, specific reasons, 6.06[3], 7.02[4][b]
dealer-originated transactions, 12.01, 12.06

definition

ECOA, 4.03[8], 4.06[1], 7.01[2][b], 7.01[2][b][i]

FCRA, 10.04[10], 12.02[6]

Reg. B, 4.03[8], 4.06[2][c], 4.06[2][c]

derogatory information in consumer report, disclosure
requirements, 12.03

guarantor suggested, 8.01[5][b]

HMDA reporting requirements, 1.06[1]

no liability when no adverse action taken, 12.02[2]

notification to rejected applicants, 10.03, 7.02[2][f]

amended ECOA provisions, 4.03[8]

business credit, exemption from Rev. Reg. B,
4.08[5][b][iii]

choice of forms, 4.05[2][a]

OCC review for compliance, 13.01[2][c]

specific reasons

credit scoring systems, 6.06[3], 7.02[4][b]

FTC enforcement when not provided, 9.01[3][d][i],
9.01[3][d][i]

notice of right to statement of, 7.02, 7.02[4]

statement of specific reasons, 7.02[4][a]

contents, 7.02[4][b]

timing, 7.02[4][a]

time limits for notification, 7.02[2], 7.02[2][a]

business creditors, modified requirements, 7.02[2][b]

statement of specific reasons, 7.02[4][a]

users of credit reports, 12.01

conditions precedent construed as, 12.02[2][a]

content of disclosures, 6.06[3], 12.02[3]

derogatory information

disclosure requirements, 12.03

liability, procedures to avoid, 12.05, 13.08[2], 13.09

nonderogatory information, 12.02[2][b]

past history with consumer as basis for action, 12.02[1]

reasonable procedures as bar to liability, 12.02[4], 13.09

third-party information other than consumer reports,
10.03, 12.03

conditional approval as denial of credit, 12.03[2]

disclosure of nature of information, 12.03[3]

scope and coverage, 12.03[1]

what constitutes "third-party," 12.03[4]

Advertising

applications for credit, 5.02[3]

affirmative advertising, 5.02[3][a], 5.02[3][c]

document compliance, 5.02[3][b][ii]
 FHA regulations, 5.02[3][c]
 foreign language, 5.02[3][a]
 preparation of application program, 5.02[3][b][i]
 procedures to avoid violations and penalties, 5.02[3][b]
 review of advertising copy, 5.02[3][b][iii]
 FDCPA prohibition on advertising sale of debt, 14.08[1][d]
 FHA requirements
 applications for credit, 5.02[3][c]
 equal housing opportunity logotype, statement, or slogan, 3.07
 prohibited activities, 3.05[2][c]
 publisher's notice of fair housing advertising, 3.07
 single-family home sale or rental by owner, 3.05[2][e], 3.06[2][e]
Affiliate lending (CRA)
 CRA, 2.03[4][a], 2.03[5][b][iv], 2.03[6][c]
 data collection and reporting, 2.03[15][a][iii], 2.03[15][b][ii]
 definition of affiliate, 2.03[4][a]
 OCC Bulletin 97-26, 2.03[5][b][iv], 2.03[6][c]
Affiliate marketing
 opt-out notices, 12.07[6]
Affiliations of applicants. See Associations or affiliations of applicants, discrimination based on
Affiliation with federal or state government, debt collector pretending to have, 14.09[1][a]
Affirmative action credit programs
 amended ECOA provisions, 4.03[7][b]
 special-purpose credit programs, 4.10[2][a]
Affirmative advertising, applications for credit, 5.02[3][a], 5.02[3][c]
Affirmative fair housing marketing plans, 3.05[2][a][i]
 compliance test, 3.01[3]
Affordable small-dollar loans
 Community Reinvestment Act treatment, 2.03[6][a], 2.03[6][f]
Age discrimination
 amended ECOA provisions, 4.03[7][a]
 applications for credit, 5.01[3], 5.02
 evaluation of applications, 6.04[1]
 consent decrees, 9.01[3][d][i]
 credit insurance, unavailability due to age not to be factor in credit evaluation, 6.03[2], 8.01[12]
 ECOA enforcement, 9.01[3][d][ii]
 general rule, 4.09
 monitoring programs for principal dwelling purchase or refinance, 9.05[1][b]
 Rev. Reg. B general rule, 4.09
 reverse mortgages, 6.04[2]
Age Discrimination Act, housing discrimination enforcement proceedings, 3.01[3], 3.07[1][d]
Aged persons. See Age discrimination; Elderly
Age Information
 treatment under FCRA, 10.04[3]
Agents
 consumer reporting agencies may furnish reports to agent of party with permissible business purpose, 11.02[8][c]
 definition under FHA, 3.03[2]
Age of applicant
See also Elderly
 application inquiries
 amended ECOA provisions, 4.03[7][a]
 insurance purposes, permissible inquiries, 5.03[10]

definition
 negative factor or value (Rev. Reg. B), 4.06[2][v], 6.02[2][c]
 Rev. Reg. B, 4.06[2][d]
 evaluation of application, 6.04[2]
Aggrieved persons
 housing discrimination
 civil actions, 3.06[2], 3.07[2]
 complaint processing procedure, 3.07[1][a]
 definition under FHA, 3.03[1]
 standing of applicants, 9.02[3]
Agriculture Secretary, FCRA powers, 10.01[1], 10.06, 13.01[1], 13.01[2]
Air transportation industry. See Transportation Department
Aliases
 debt collectors using, 14.09[1][d]
 names on accounts, prohibition, 8.01[3]
 skip tracers using, 14.06
Aliens. See Immigration status
Alimony and support payments
 definitions relating to child support obligations, 10.04[9]
 dependent-related obligations and expenditures, 5.03[7]
 evaluation to include, 6.04[3][a]
 disclosures by consumer reporting agencies when child support overdue, 11.02[4][e], 11.11
 disclosures concerning income from alimony and support payments, 5.03[5]
 analysis and discussion, 5.03[5][e]
 assignee's liability, 5.03[5][c]
 exemption, 5.03[5][d]
 general inquiries about other income, 5.03[5][e]
 incidental credit, exemption, 5.03[5][d]
 language of disclosure, 5.03[5][e]
 modification of model forms, 5.04[3][b]
 placement of disclosure on application, 5.03[5][b]
 required disclosures, 5.03[5][a]
 timing of disclosure, 5.03[5][e]
 voluntary revelation, 5.03[5][e]
 written acknowledgment of oral disclosures, 5.03[5][e]
 ECOA violation for failure to consider income, FTC enforcement, 9.01[3][d][i]
 evaluation
 dependent-related obligations, 6.04[3][a]
 income from, 6.04[5]
 former spouse's reliance on support payments, application inquiries, 5.03[3][b][iv]
 monitoring information in applications, 5.03[2][b]
 overdue support
 defined, 10.04[9]
 disclosures by consumer reporting agencies when child support overdue, 11.02[4][e]
ALJs. See Administrative law judges
Amended Equal Credit Opportunity Act (Amended ECOA), 4.03
 adverse action notification to rejected applicants, 4.03[8]
 affirmative action credit programs, 4.03[7][b]
 analysis, 4.03
 annual report by FRB and Attorney General, 4.03[6]
 application inquiry restrictions, 4.03[7][a]
 civil penalty provisions, 4.03[3]
 conformity defense, 4.03[3]
 congressional statement of need for amendments, 4.03[2]
 discrimination provisions

affirmative action credit programs, 4.03[7][b]
 prohibitions expanded, 4.03[7][a]
 effective date, 4.03[1]
 history, 4.03[1], 4.07[1]
 purpose, 4.03[1]
 state law preemption, 4.03[4], 4.05[1][a]
 state transaction exemption, 4.03[5], 4.05[1][c]

Annual percentage rate, 1.06[1][n]

Anonymous calls by debt collectors, prohibition, 14.08[1][f]

Appeals
 ECOA enforcement, FTC-issued complaint, 9.01[3][d][v]
 internal appeal of non-final agency action, 9.01[3][d][v]
 FHA administrative enforcement, 3.07[1][d]
 frivolous appeals, attorney fees and costs, 9.03[7][h]

Appendix B to Rev. Reg. B. See Application forms, subheading model forms

Applicants
See also specific characteristics of applicant (e.g., Age of applicant, Sex of applicant)
 aggrieved applicant, standing, 9.02[3]
 definition, 5.01[1][a][iii], 5.02[1]
 ECOA, 4.06[1], 4.07[1], 7.01[2][b], 7.01[2][c], 9.02[3][a]
 monitoring requirements (Rev. Reg. B), 9.05[1][a]
 Rev. Reg. B, 4.06[2][e], 6.02[1][b], 6.04[6][a], 7.01[2][c], 9.02[3][a]
 referrers to creditors, ECOA inclusion in definition of creditors, 9.02[3]

Application forms, 5.04
See also Application inquiries; Applications for credit; Credit evaluations
 competitor's form, use of, 5.01[1][b][ii]
 conformity defense, 5.04[1], 5.04[2]
 "courtesy title," optional designation, 5.03[6][b]
 analysis and discussion, 5.03[6][f]
 disclosures concerning income from alimony and support payments
 language of disclosure, 5.03[5][e]
 modification of model forms, 5.04[3][b]
 placement of disclosure, 5.03[5][b]
 drafting guidelines, 5.04
 energy loans, 5.04[2]
 FHLMC/FNMA model forms, 5.04[2], 5.04[4]
 forms, 5.04[4]
See also this heading: model forms
 home improvement loans, 5.04[2]
 incomplete applications, treatment, 7.04[2], 7.04[3]
 option to orally request missing information, 7.04[4]
 loan-shopping service forms, 5.04[4]
 model forms, 4.04[4]
Ed. Note: Model application forms are included as part of App. D2.
 "as is" use, 5.04[1]
 energy loans, 5.04[2]
 FHLMC/FNMA form, 5.04[2], 5.04[4]
 good-faith conformity defense, 9.04[4]
 home improvement loans, 5.04[2]
 modification, 5.04[1], 5.04[3]
 notification, 4.04[4]
 residential loans, 5.04[2], 5.04[4]
 shelter from liability, 5.04[1], 5.04[2]
 modification of model forms, 5.04[1], 5.04[3]
 deletions, 5.04[3][b]
 permissible changes, 5.04[3][a]

review by specialists, 5.04[3][c]
 specific situations, 5.04[3][b]

residential loans
 FHLMC/FNMA model forms, 5.04[2], 5.04[4]
 shelter from liability, 5.04[1], 5.04[2]

Application inquiries, 5.03
See also Application forms
 age of applicant
 amended ECOA provisions, 4.03[7][a]
 insurance purposes, permissible inquiries, 5.03[10]
 alimony and support payments
 dependent-related obligations and expenditures, 5.03[7]
 disclosures concerning income from alimony and support payments, 5.03[5]
 former spouse's reliance on support payments, 5.03[3][b][iv]
 monitoring information, 5.03[2][b]
 amended ECOA provisions, 4.03[7][a]
 birth control practices, prohibition, 5.03[7]
 childbearing and rearing intentions, prohibition, 5.03[7]
 citizenship, 5.03[8]
 community property states
 marital status, individual unsecured credit, 5.03[4][b][i], 5.03[4][b][ii]
 nonapplicant spouses, 5.03[3][b][iii]
 "courtesy title," 5.03[6][b]
 analysis and discussion, 5.03[6][f]
 court-ordered inquiries, 5.03[2][b]
 definitions, 5.03[1], 6.02[1][c][i], 7.01[2][d]
 dependents and dependent-related obligations and expenditures, 5.03[7]
 disclosures of income from alimony and support payments, 5.03[5]
 analysis and discussion, 5.03[5][e]
 assignee's liability, 5.03[5][c]
 exemption, 5.03[5][d]
 general inquiries about other income, 5.03[5][e]
 incidental credit, exemption, 5.03[5][d]
 language of disclosure, 5.03[5][e]
 modification of model forms, 5.04[3][b]
 placement of disclosure on application, 5.03[5][b]
 required disclosures, 5.03[5][a]
 timing of disclosure, 5.03[5][e]
 voluntary revelation, 5.03[5][e]
 written acknowledgment of oral disclosures, 5.03[5][e]
 disclosures by creditors, optional designation of "courtesy title," 5.03[6][b]
 analysis and discussion, 5.03[6][f]
 endorsers, restrictions inapplicable, 5.03[2][a][ii]
 enforcement order, 5.03[2][b]
 exemptions from restrictions
 classes of credit transactions, 5.03[2][a][iii]
 disclosures of income from alimony and support payments, 5.03[5][d]
 marital status, 5.03[4][c], 5.03[4][d]
 race, color, religion, or national origin, 5.03[8]
 secondarily liable parties, 5.03[2][a][ii]
 sex of applicant, 5.03[6][c], 5.03[6][d]
 special-purpose credit programs, 5.03[2][a][iv]
 FCRA, applicability to inquiries about nonapplicant and former spouses, 5.03[3][c]
 financial need, special-purpose credit programs, 5.03[2][a][iv]
 former spouses, 5.03[3]

- analysis and discussion, 5.03[3][b][vi]
- disclosure of applicant's other accounts, 5.03[3][e]
- FCRA, applicability, 5.03[3][c]
- general prohibition, 5.03[3][a]
- permissible inquiries, 5.03[3][b]
- reliance on support payments, 5.03[3][b][iv]
- sources of spousal information, 5.03[3][b][v]
- state laws, 5.03[3][d]
- "freedom to request any information not expressly prohibited," 5.03[2][a]
- general rule prohibiting discrimination, effect of, 5.03[2][a][i]
- general rules, 5.03[2]
- government credit, exemption from restrictions
 - marital status inquiries, 5.03[4][c]
 - sex of applicant, 5.03[6][c]
- guarantors, restrictions inapplicable, 5.03[2][a][ii]
- HMDA coverage for home purchase or home improvement loans.
 - See* Home Mortgage Disclosure Act
- homosexual applicants, discrimination due to marital status inquiry, 5.03[6][f]
- immigration status, 5.03[8]
- incidental credit, exemptions from restrictions, 4.08[4][b]
 - disclosures concerning income from alimony and support payments, 5.03[5][d]
 - marital status inquiries, 5.03[4][c]
 - sex of applicant, 5.03[6][c]
- income
 - disclosures concerning income from alimony and support payments, 5.03[5]
 - nonapplicant spouse's income, 5.03[3][b][ii]
 - public assistance income source, amended ECOA provisions, 4.03[7][a]
- individual unsecured credit, marital status inquiries, 5.03[4][b][i]
- insurance purposes, permissible inquiries, 5.03[10]
- interview guidelines, 5.03[11]
- marital status, 5.03[4], Ch. 8, 11.02[4][b]
 - amended ECOA provisions, 4.03[7][a]
 - ECOA provisions, 5.03[4][a][i]
 - exemptions from restrictions, 5.03[4][c], 5.03[4][d]
 - government credit, exemption from restrictions, 5.03[4][c]
 - homosexual applicants, 5.03[6][f]
 - incidental credit, exemption from restrictions, 5.03[4][c]
 - individual unsecured credit, 5.03[4][b][i]
 - insurance purposes, permissible inquiries, 5.03[10]
 - monitoring information, exemption from restrictions, 5.03[4][d]
 - permissible inquiries, 5.03[4][b][ii]
 - public utilities credit, exemption from restrictions, 5.03[4][c]
 - related Rev. Reg. B sections, 5.03[4][b][iii]
 - restrictions, 5.03[4][b]
 - securities credit, exemption from restrictions, 5.03[4][c]
 - special-purpose credit programs, exemption from restrictions, 5.03[4][d]
 - state property laws, effect, 5.03[4][b][iv]
- medical records, exemption from restriction; sex of applicant, 5.03[6][c]
- monitoring information, 5.03[2][b]
 - marital status, exemption from restrictions, 5.03[4][d]
 - race, color, religion, or national origin; exemption from restrictions, 5.03[8]
- sex of applicant, exemption from restrictions, 5.03[6][d]
- written application required for acquisition, 5.03[9]
- national origin, 5.03[2][b], 5.03[8]
- nonapplicant spouses, 5.03[2][a], 5.03[3]
 - analysis and discussion, 5.03[3][b][vi]
 - community property states, 5.03[3][b][iii]
 - contractual liability, 5.03[3][b][i]
 - disclosure of applicant's other accounts, 5.03[3][e]
 - FCRA, applicability, 5.03[3][c]
 - general prohibition, 5.03[3][a]
 - permissible inquiries, 5.03[3][b]
 - reliance on nonapplicant spouse's income, 5.03[3][b][ii]
 - reliance on support payments, 5.03[3][b][iv]
 - sources of spousal information, 5.03[3][b][v]
 - state laws, 5.03[3][d]
 - user of open-end credit account, 5.03[3][b][i]
- oral inquiries, 5.01[2]
- permanent residence, 5.03[8]
- permissible information requests, 5.03[2][a]
 - monitoring information, 5.03[2][b]
 - nonapplicant and former spouses, 5.03[3][b]
 - special-purpose credit programs, 5.03[2][c]
- public utilities credit, exemption from restrictions, 4.08[2][b]
 - marital status inquiries, 5.03[4][c]
- race, 5.03[2][b], 5.03[8]
- religion, 5.03[2][b], 5.03[8]
- residence, 5.03[8]
- secondarily liable parties, restrictions inapplicable, 5.03[2][a][ii]
- securities credit, exemption from restrictions, 4.08[3][b]
 - marital status inquiries, 5.03[4][c]
 - sex of applicant, 5.03[6][c]
- sex of applicant, 5.03[6], 5.03[6]
 - analysis and discussion, 5.03[6][f]
 - credit histories of women, 5.03[6][d][ii]
 - credit reports on married persons, 5.03[6][d][v]
 - ECOA provisions, 5.03[4][a][i]
 - exemptions from prohibition, 5.03[6][c], 5.03[6][d]
 - government credit, exemption from prohibition, 5.03[6][c]
 - incidental credit, exemption from prohibition, 5.03[6][c]
 - indirect disclosure, 5.03[6][f]
 - individual accounts, 5.03[6][d][iii]
 - insurance purposes, permissible inquiries, 5.03[10]
 - medical records, exemption from prohibition, 5.03[6][c]
 - monitoring information, exemption from prohibition, 5.03[6][d]
 - names on accounts, 5.03[6][d][iv]
 - analysis and discussion, 5.03[6][f]
 - pregnant applicants, 5.03[6][d][i]
 - prohibition, 5.03[6][a], 5.03[6][b]
 - analysis and discussion, 5.03[6][f]
 - related Rev. Reg. B provisions, 5.03[6][d]
 - securities credit, exemption from prohibition, 5.03[6][c]
 - special-purpose credit programs, exemption from prohibition, 5.03[6][d]
 - state laws inconsistent, 5.03[6][e][vi]
- special-purpose credit programs
 - exemptions from restrictions, 5.03[2][a][iv]
 - marital status inquiries, 5.03[4][d]
 - race, color, religion, or national origin, 5.03[8]
 - sex of applicant, 5.03[6][d]
 - permissible information requests, 5.03[2][c]

- state laws
 - marital status inquiries, effect of property laws, 5.03[4][b][iv]
 - nonapplicant and former spouses, 5.03[3][d]
 - sex of applicant, 5.03[6][e][vi]
- student loans, restrictions inapplicable, 5.03[2][a][iv]
- subsidized housing programs, restrictions inapplicable, 5.03[2][a][iv]
- sureties, restrictions inapplicable, 5.03[2][a][ii]
- Application interview guidelines, 5.03[11]**
- Application of payments on multiple debts (FDCPA), 14.12**
- Applications for credit, Ch. 5**
 - See also* Application forms; Application inquiries; Credit evaluations
 - activities covered, 5.01[1][b]
 - advertising, discrimination prohibition, 5.02[3]
 - affirmative advertising, 5.02[3][a]
 - document compliance, 5.02[3][b][iii]
 - FHA regulations, 5.02[3][c]
 - preparation of application program, 5.02[3][b][i]
 - procedures to avoid violations and penalties, 5.02[3][b]
 - review of advertising copy, 5.02[3][b][iii]
 - affirmative advertising, 5.02[3][a]
 - appraisal report on real property, copy to be provided to applicant, 4.07[1], 7.06
 - completed application, definition, 4.07[2][f], 5.01[1][b][i], 7.01[2][d]
 - compliance file, 5.02[3][b][ii]
 - CRA, applicability, 5.01[4][d]
 - creditor, definition, 5.01[1][a][i]
 - limited exemption, 5.01[1][a][ii]
 - definitions, 5.01[1][a], 5.01[1][b][i]
 - HMDA, 1.03[2]
 - monitoring requirements (Rev. Reg. B), 9.05[1][a]
 - Rev. Reg. B, 4.06[2][f]
 - discrimination prohibition, 5.01[3], 5.02
 - advertising, 5.02[3]
 - creditors' requests for information, 5.03[2][a][i]
 - definitional analysis, 5.02[1]
 - personal contacts, 5.02[2]
 - prescreening activities, potential for violation, 5.01[4][b]
 - telephone contacts, 5.02[2]
 - documents covered, 5.01[1][b]
 - ECOA enforcement
 - administrative enforcement, 9.01[1]
 - computer system as written application
 - monitoring programs for principal dwelling purchase or refinance, 9.05[2][b]
 - recordkeeping requirements, 9.06[2]
 - monitoring programs for principal dwelling purchase or refinance, 9.05
 - pattern or practice of discouraging or denying application in violation of ECOA, referral for Attorney General action, 9.01[1], 9.01[4][b], 9.01[5], 9.01[5][a], 9.02[4]
 - authority and jurisdiction, 9.01[5][b]
 - consent decrees, 9.01[5][b]
 - jurisdiction, 9.01[5][b]
 - legislative history, 9.01[5][b]
 - pattern or practice of discouraging or denying application not required for referral for Attorney General action, 9.01[5]
 - five-year limitation period for FTC-referred suits, 9.02[2][b]
 - recordkeeping requirements, 9.06[2]
 - application exempt from notification requirements, 9.06[4]
 - withdrawn and brokered applications, expressly withdrawn, 9.06[4]
 - withdrawn applications, expressly withdrawn, 9.06[4]
 - employee training, 5.02[2][b]
 - exemptions for certain credit extenders, 5.01[1][a][ii]
 - FCRA, applicability, 5.01[4][c], 10.02[3]
 - government credit, exempt extenders, 5.01[1][a][ii]
 - incidental credit, exempt extenders, 5.01[1][a][ii]
 - incomplete applications, treatment, 7.04
 - notice, 7.04[2], 7.04[3]
 - option to orally request missing information, 7.04[4]
 - informal credit inquiries distinguished from, 5.01[2]
 - limited exemption for certain credit extenders, 5.01[1][a][iii]
 - oral applications
 - alimony and support payments, disclosures by creditors concerning income from, 5.03[5][a]
 - informal inquiry becoming, 5.01[2]
 - personal contacts, discrimination prohibition, 5.02[2]
 - employee training, 5.02[2][b]
 - precautionary statement, 5.02[2][a]
 - prescreening activities, 5.01[4]
 - CRA, applicability, 5.01[4][d]
 - effects test, applicability, 5.01[4][a]
 - FCRA, applicability, 5.01[4][c], 10.02[3]
 - general discrimination prohibition, potential for violation, 5.01[4][b]
 - procedures
 - definition, 6.02[1][c][ii]
 - established, definition, 5.01[1][b][i]
 - latitude, 5.01[1][b][i]
 - manuals, 5.01[1][b][ii]
 - interview guidelines, 5.03[11]
 - public utilities credit, exempt extenders, 5.01[1][a][ii]
 - scope of application process, 5.01
 - activities and documents covered, 5.01[2]
 - definitional analysis, 5.01[1]
 - securities credit, exempt extenders, 5.01[1][a][ii]
 - telephone contacts, discrimination prohibition, 5.02[2]
 - employee training, 5.02[2][b]
 - verification of data on, 10.05[3][e]
 - written requests for credit, 5.01[1][b][iii]
 - Appraisals**
 - copies provided to applicants, 4.07[1], 7.06, 7.06
 - FHA prohibited activities, 3.05[3]
 - Arrest of debtor, debt collector falsely threatening, 14.09[3][b]**
 - Arrest records, consumer reporting agencies furnishing, 10.05[2][b][i]**
 - motor vehicle reports on consumer's driving record, 10.05[2][b][iii]
 - obsolete information about, 11.03[1], 11.03[3][e]
 - Assignees**
 - creditor, defined as, 4.06[2][l], 4.07[1], 5.01[1][a][i], 9.03[4], 9.04[5]
 - disclosures by creditors concerning income from alimony and support payments, liability, 5.03[5][c]
 - liability of creditor's assignee, 9.03[4]
 - Associations or affiliations of applicants, discrimination based on, 4.06[2][z], 5.01[3], 5.01[4][d], 5.02[1], 8.01[1]**

Assumption of loan, HMDA reporting, 1.06[1][h]**Attorney fee and cost awards**

debt collector not to collect attorney fee for services, 14.10[2][a]

ECOA violations

court-awarded attorney fees, 9.03[7]
 awards greater than damages, 9.03[7][e][i]
 complaint required for fees, 9.03[7][e][iv]
 court's power to tax fees against counsel, 9.03[7][f]
 evidentiary hearing, 9.03[7][b]
 formula, 9.03[7][c]
 guidelines relating to fees, 9.03[7][c]
Lindy-Grinnell formula, 9.03[7][c]
 opposing counsel's fees as basis, 9.03[7][e][iii]
 prevailing creditor-defendants, 9.03[7][f]
 questionable claims, fees based on, 9.03[7][e][iii]
 Supreme Court's rule, 9.03[7][a]
 time slips as basis for fees, 9.03[7][e][iii]
 time spent establishing fee award, 9.03[7][e][v]
 value of attorney's time and services, 9.03[7][d]
 private actions, 9.01
 sanctions under Fed. R. Civ. P. 11, 9.03[7][f]

FCRA violations, 13.06**FDCPA suits, 14.18[1], 14.18[4]****Federal Rules of Civil Procedure sanctions**

Rule 11, bad faith, 9.03[7][f]
 Rule 16(f), failure to attend scheduled or pretrial conference, 9.03[7][f]
 Rule 30(g)(2), subpoena not issued, 9.03[7][f]
 Rule 37, discovery for improper purpose, 9.03[7][f]

FHA violations

administrative enforcement, 3.07[1][d]
 Attorney General actions, 3.06[3], 3.07[3]
 private actions, 3.06[2], 3.07[2]

Attorney General

ECOA annual report, 4.03[6]

ECOA enforcement

actions, 9.01[4][b]
 authority for, 9.01, 9.01[5]
 five-year limitation period for FTC-referred suits, 9.02[2][b]
 civil actions, referrals from federal enforcement agencies, 9.02[4]
 referrals from federal enforcement agencies, 9.01[1], 9.01[5], 9.01[5][a], 9.02[4] authority and jurisdiction of actions, 9.01[5][b]
 legislative history, 9.01[5][b]
 FHA enforcement actions, 3.06[3], 3.07[3]

Attorneys

See also Attorney fee and cost awards
 application of Fair Debt Collection Practices Act, 14.04[3][c]
 debt collectors pretending to be, 14.09[1][b]
 debtor's attorney
 communications limited to, 14.07[2][c]
 location inquiries directed to, 14.06[3]
 exclusion under FDCPA, repealed, 14.01[2], 14.05[3][c]

Audit trails, 10.04[6]**Auto loans**

See Dealer-originated transactions

Automatic denial of credit, 7.02[4][b]**Aviation Enforcement and Proceedings. *See* Transportation Department****B****Bad checks**

adverse characterization, required disclosures when check refused, 11.06[5]
 lists compiled to inform merchants about persons passing, 10.05[2][b][i]
 reporting as part of consumer credit report, 10.05[2][d]

Bad faith

appeals, attorney fees and sanctions for opponent's bad faith, Fed. R. App. P. 38, 9.03[7][h]
 attorney fees and sanctions for opponent's bad faith, Fed. R. Civ. P. 11, 9.03[7][f]

Bait and switch, 15.01**Bank holding companies**

CRA enforcement, 2.01[2][b]
 application for deposit facility, 2.01[2][a], 2.05[1]
 denials and approvals, 2.05[2]

Bankruptcy, consumer reporting agencies including information about discharged debts, 11.03[2], 11.03[3][a]**Banks**

See also National banks; State banks
 ECOA enforcement, 9.01[1], 9.01[6]
 HMDA coverage, 1.04[1]
 solvency regulations, ECOA preemption exception, 4.05[1][c]

Bill collectors. *See* Collection agencies; Fair Debt Collection Practices Act**Birth control practices, prohibited inquiries, 5.03[7]****Blockbusting, FHA prohibited activities, 3.04[2][e], 3.05[2][e]****Block numbering areas (BNAs), use in HMDA reporting of property location, 1.05[1][g]****Branch offices**

See also Federal branches and agencies of foreign banks
 definition (HMDA), 1.03[3]
 ECOA compliance required for acquisition of new branch, 9.01[2][b]
 HMDA disclosure requirements, 1.08[3]

Brokerage services, FHA prohibited activities, 3.05[4], 4.05[2][e]**Broker-dealers**

ECOA enforcement, 9.01[1]

Brokers or agents

defined (FHA), 3.03[2]
 financial institutions acting as brokers, reporting responsibilities, 1.04[1][a]

Bulk purchases of loans, 1.04[2][c]**Burden of proof**

consumer reporting agency's accuracy, 11.04[3][a]
 ECOA violations, 9.02[7]
 FHA prohibited activities, 3.04[1][a], 3.05[1][a]
 housing discrimination, FHA prohibited activities, 3.04[1][a], 3.05[1][a]

Bureau of Consumer Protection, 10.02[2]

Community Reinvestment Act, 2.01[6][m], 2.01[6][n]
 Equal Credit Opportunity Act, 4.03A
 Fair Housing Act...3.01[1], 3.01[5]
 Home Mortgage Disclosure Act, 1.01[4][j]
 Neighborhood Stabilization Program (NSP), 2.01[6][n]
 Office of Fair Lending and Equal Opportunity, 1.01[4][j], 3.01[5]

Business credit

exemption from Rev. Reg. B, 4.08[5], 7.01[2][g]
 adverse action notification, 4.08[5][b][iii], 7.02[4][b]

- hearings, 4.08[5][b][ii]
- limited exemption, 4.08[5][b][ii]
- record retention, 4.08[5][b][iii]
- repeal of exemption, 4.08[5][a]
- WBOA, applicability, 4.08[5][b][i]
- notification requirements, 7.01[2][g]
- time limits, 7.02[2][b]

Business transaction with consumer, consumer reporting agency furnishing reports for, 10.05[2][d], 11.02[8], 11.02[8][a]

C

CCPA. *See* Consumer Credit Protection Act

Cease-and-desist orders (CRA), 2.05[3]

Certification that user of consumer report has permissible purpose, 11.04[2]

- abuse of certification, 11.04[2][b]
- blanket certification, 11.04[2][a]
- computer access, 11.04[2][c]
- unauthorized computer access, 11.04[2][b]

Charges

See also Complaints and charges; Finance charges
 consumers requesting own reports, 11.07[2]
 denial of credit, free disclosure, 11.07[2][b]
 state law, effect, 11.07[2][a]

Checks, dishonored

FDCPA application to, 14.04[5]

Checklists

effects test, 6.07[4]
 FCRA consumer protection and consumer rights, 13.10

Childbearing and rearing

- application inquiries, prohibition, 5.03[7]
- credit evaluation, 5.03[4][b][iii], 5.03[6][d][i], 5.03[7], 6.04[3]
- analysis and discussion, 6.04[3][a]
- enforcement actions, 6.04[3][b]

Child support payments. *See* Alimony and support payments

Churches. *See* Religious organizations

Citizenship

- application inquiries, 5.03[8]
- credit evaluation, 6.04[7]

Civil actions

See also Attorney fee and cost awards; Damages; Standing;
 Statute of limitations
 consumer reporting agency may not furnish reports for purpose of litigation, 11.02[8][b]
 ECOA violations, 9.02
 FTC actions, 9.01[3]
 jurisdiction, 9.02[1]
 limitations of actions, 9.02[2]
 pleading violations, 9.02[6], 9.02[7]
 referrals from federal agencies, 9.02[4]
 standing, 9.02[3]
 aggrieved applicant, 9.02[3]
 person defined, 9.02[3][b]
 FDCPA violations
 debt collection commencement of action, validation of disputed debt, 14.11[1][i]
 frivolous suits, sanctions against consumers, 14.18[4]
 unauthorized contacts with third parties, 14.07[3][g]
 FHA violations

Attorney General actions, 3.06[3], 3.07[3]

private actions, 3.06[2], 3.07[2]

name of debtor, 8.01[3]

obsolete for consumer reporting purposes, 11.03[1], 11.03[3][b]

setoffs or recoupment of damages for ECOA violations
 against amounts owed, 9.02[2][f]
 limitations of actions, 9.02[2][f]

Civil liability. *See* Liability

Civil penalties. *See also* Attorney fee and cost awards; Damages

amended ECOA provisions, 4.03[3]

ECOA violations

defenses, 9.04[1]

FTC Act, 9.01[3][a]

FTC Improvement Act, 9.01[3], 9.03

FCRA violations

negligent violations, 13.01[2][c], 13.02[2], 13.04

users of credit reports, procedures to avoid, 12.05, 13.09

willful violations, 13.01[2][c], 13.05

FDCPA violations, 14.19

FHA violations

administrative enforcement, 3.07[1][d]

Attorney General actions, 3.06[3], 3.07[3]

willful intimidation or interference, 3.04[5], 3.05[5]

HMDA violations, 1.09

Civil Rights Act of 1866, housing discrimination enforcement proceedings, 3.01[3]

Civil Rights Act of 1964

See also Title VII

housing discrimination enforcement proceedings, 3.01[3], 3.07[1][d]

Civil Rights Act of 1968. *See* Fair Housing Act

Class actions

ECOA, punitive damages, 9.03[3][b]

maximum penalty, 9.03[3][b]

FDCPA, 14.18[1]

venue, 14.18[2]

Coding

consumer report files, explanation required, 11.06[2], 11.07[1][a]

credit guides on how well consumers pay bills, 10.05[2][b][ii]

Coercion, FHA prohibited activities, 3.04[5], 3.05[5]

Collection agencies, 14.05[3][a]

See also Fair Debt Collection Practices Act

abusive conduct, prohibitions against, 14.08

attorneys' exclusion under FDCPA, repealed, 14.01[2], 14.05[3][c]

collecting more than legally owed, prohibition, 14.10[2][a]

communications, restrictions on, 14.07

anonymous calls, 14.08[1][f]

cessation of communication upon consumer's written request, 14.07[4], 14.11[2][b]

collect calls, 14.10[2][c]

definition of communication (FDCPA), 14.04[2]

envelopes, wording on, 14.06, 14.10[2][e]

harassing calls, 14.08[1][e]

postcards, prohibited use, 14.06, 14.10[2][e]

repeated communications, prohibition on skip tracers, 14.06[1]

consumer reporting agencies

pretending to be, 14.09[1][e]

qualifying as, under FCRA definition, 10.05[3][f]

definition of debt collector (FDCPA), 14.04[6]

exclusions, 14.04[6][a], 14.05[3][b]
 flat-raters, 14.04[6][b]

disputed debts and their validation, 14.11
 action required when consumer disputes debt, 14.11[2][a]
 consumer's response disputing debt, 14.11[2]
 continued dispute after validation, 14.11[2][b]
 copy of judgment, debt collector's obligation to obtain,
 14.11[1][d]
 failure to dispute not admission of liability, 14.11[3]
 legal action, 14.11[1][i]
 misrepresenting notice as having copy of judgment,
 14.09[3][a][v]
 multiple debts, application of payments, 14.12[1]
 oral notice, 14.11[1][h]

false representations, prohibitions, 14.09
 harassment, prohibitions against, 14.08
 location information, restrictions on acquisition of, 14.06
 obsolete credit information based on date placed for collection,
 11.03[1], 11.03[3][d]
 postdated checks, restrictions upon accepting, 14.10[2][b]
 precollection activities, 14.11[1][e]
 request to consumer reporting agencies for reports, 11.02[4]
 self-help repossession or foreclosure, threatening prohibited,
 14.10[2][d]
 unfair or unconscionable means of collection, prohibitions,
 14.10

Collection of information for credit reports. See Consumer reporting agencies

Collection of information for monitoring principal resident purchases. See Monitoring programs for principal dwelling purchase or refinance

Color, application inquiries, 5.03[8]

Color discrimination. See Racial discrimination

Commencement of action for debt collection, validation of disputed debt, 14.11[1][i]

Commentary
Ed. Note: The Official Staff Commentary to ECOA, FCRA, and FDCPA is printed as part of the relevant text sections.

Commercial credit. See Business credit

Commercial lending companies, ECOA enforcement, 9.01[1]

Communications of debt collectors
See also Third-party communications
 anonymous calls, prohibited, 14.08[1][f]
 attorney of debtor, communications limited to, 14.07[2][c]
 calls at work, prohibition, 14.07[2][d]
 cessation of communication upon consumer's written request,
 14.07[4], 14.11[2][b]
 collect calls, prohibited, 14.10[2][c]
 consent of debtor, 14.07[2][a]
 definitions (FDCPA), 14.04[2]
 envelopes, wording on, 14.06, 14.10[2][e]
 harassing calls, prohibited, 14.08[1][e]
Miranda notice required, 14.09[6]
 postcards, prohibited use, 14.06, 14.10[2][e]
 prohibition on revealing identity as debt collector in written communications, 14.06, 14.10[2][e]
 repeated communications, prohibition on skip tracers,
 14.06[1]
 skip tracing, 14.06
 third-party communications, 14.07[3]
 unusual or inconvenient times and places, 14.07[2][b]

Community Housing Resource Board Program, 3.01[3]

Community property states

application inquiries
 marital status, individual unsecured credit, 5.03[4][b][i],
 5.03[4][b][ii]
 nonapplicant spouses, 5.03[3][b][iii]
 unsecured credit, applicability of signature rules, 8.01[7]

Community Reinvestment Act (CRA), Ch. 2
Ed. Note: The full text of this Act is reprinted in Appendix B1.

activities undertaken in cooperation with minority- and women-owned financial institutions and low-income credit unions, 2.01[6][k][ii]

affiliated institutions, loan purchases from, 2.03[6][c]

affordable small-dollar loans, 2.03[6][a], 2.03[6][f]

application for facility deposit
 acquisition applications require compliance, 9.01[2][b]
 defined, 2.01[2][a]

appropriate federal supervisory agency, 2.01[2][b]
 defined, 2.01[2][b]
 rating system. *See:* evaluations

bank holding companies
 application for deposit facility, 2.01[2][a], 2.05[1]
 denials and approvals, 2.05[2]
 appropriate federal supervisory agency, 2.01[2][b]

bank operating subsidiaries, 2.03[5][b][iv], 2.03[6][c]

case law, 2.01[5]

cease-and-desist orders, 2.05[3]

collection of data. *See:* regulations, revised

community development bank, contributions to,
 2.03[6][b][iv]

Community Development Investment Guide, 2.03[7][b]

community development loans, size eligibility standards for borrowers, 2.03[4][g]

Competitive Equality Bank Act of 1987, 2.03[9][a]

Comptroller of the Currency guidance on CRA-related agreements, 2.07[5], Appendix B8

consent decrees by DOJ and FTC, 2.05[4]

CRA-related agreements, 2.07[5] and Appendix B7, Appendix B8

credit card banks, 2.03[a][9]

debt securities fund, investments in, 2.03[7][b]

definitions, 2.01[2][a]

distressed and underserved geographies, 2.03[4][g]

Dodd-Frank Act, 2.01[6][m], 2.01[6][n]

ECOA relationship to, 4.05[2][c]

enforcement, 2.05[1]

evaluations, 2.01[3], 2.03[2][d]
 confidential section, 2.01[3][b]
 public section, 2.01[3][a]

FDIC evaluations, 2.05[6]

"FFIEC's Guide to CRA Data Collection and Reporting," 2.03[15]

"FFIEC's Questions and Answers on CRA Data Collection and Reporting," 2.03[1][b]
Ed. Note: The full text of this document is reproduced in Appendix B5.

"FFIEC Statement on CRA Recordkeeping and Documentation Guidelines," 2.02[1][f]

financial holding company activities, 2.08, Appendix B9

financial institution, defined, 2.01[2][e]

focus on community needs, 2.01[1][a]

Gramm-Leach-Bliley Act, Appendix B6

Gramm-Leach-Bliley Act activities, 2.08, Appendix B9

health care clinics, loans to, 2.03[7][b]

- Housing and Community Development Act, amendment of CRA, 2.01[4]
- HUD accord with Mortgage Bankers Association of America, 2.06
- intermediate small bank, 2.02[1][h]
- intermediate small institutions, 2.03[4][u]
- Internal Revenue Service's Volunteer Income Tax Assistance (VITA) program, 2.03[7][b]
- Interstate Banking and Branching Efficiency Act relationship to, 2.04
- local community, defined, 2.01[2][c]
- low-cost education loans, 2.01[[6]k][i]
- low-income credit unions, evaluation of involvement with, 2.01[4]
- minority-owned and women-owned financial institutions, evaluation of involvement with, 2.01[4]
- national banks
 - appropriate federal supervisory agency, 2.01[2][b]
- Neighborhood Stabilization Program (NSP), 2.01[6][n]
- notice, 2.02[1][e], 2.03[17]
- office of institution, defined, 2.01[2][d]
- performance context
 - bank operating subsidiaries, 2.03[5][b][iv], 2.03[6][c]
- prescreening of credit applications, applicability to, 5.01[4][d]
- public welfare investments, 2.03[8][b]
- public welfare test, 2.01[6][j]
- purpose of Act, 2.01[1]
- rating system, 2.01[3], 2.03[2][d]
- regulated financial institution, defined, 2.01[2][e]
- regulations, original (Reg. BB), 2.01[1][b]
 - Ed. Note: The full text of the original Reg. BB is reprinted in Appendix B2.*
 - authority and purpose, 2.02[1][a]
 - community description, 2.02[1][b]
 - CRA statement, 2.02[1][c]
 - availability, 2.02[1][c][ii]
 - board of directors' review, 2.02[1][c][iii]
 - required elements, 2.02[1][c][i]
 - public comment files, 2.02[1][d]
 - public notice, 2.02[1][e]
 - record of performance, assessment factors, 2.02[1][f]
- regulations, revised (Rev. Reg. BB), 2.01[1][b]
 - Ed. Note: The full text of the Revised Reg. BB is reprinted in Appendix B3.*
- affiliates
 - data collection and reporting, 2.03[15][a][iii], 2.03[15][b][ii]
 - defined, 2.03[4][a]
 - lending, 2.03[6][c]
- applications, effect of CRA ratings on, 2.03[13]
- assessment area
 - collection and reporting of data, 2.03[15][c]
 - defined, 2.03[4][c]
 - delineation, 2.03[14], 2.03[15][c]
- background and purpose, 2.03[3]
- collection of data, 2.03[1][b], 2.03[15][a], 2.03[15][c]
- community development test, 2.03[9]
 - definitions, 2.03[4][g]–2.03[4][i]
 - designation as a wholesale or limited purpose bank, 2.03[9][b]
 - indirect activities, 2.03[9][d]
 - performance criteria, 2.03[9][c]
 - scope, 2.03[9][a]
- consumer loan data, 2.03[15][a][ii]
- CRA disclosure statements, 2.03[15][d]
 - contents, 2.03[15][d][ii]
- CRA notice, 2.03[17]
- disclosure statement, 2.03[15][d]
- effective dates, 2.03[2][i], 2.03[19]
- examination procedures, 2.03[2][h], 2.03[12][f]
- examination schedule, publication of, 2.03[18]
- glossary, 2.03[4]
- investment test, 2.03[2][d], 2.03[2][g], 2.03[7]
 - performance criteria, 2.03[7][c]
 - qualified investment, 2.03[7][b]
 - scope, 2.03[7][a]
- lending test, 2.03[2][d], 2.03[2][e], 2.03[6]
 - affiliate lending, 2.03[6][c]
 - lending by consortium or third party, 2.03[6][d]
 - performance criteria, 2.03[6][b]
 - purpose and scope, 2.03[6][a]
- limited purpose banks
 - assessment areas, 2.03[14][b]
 - community development test, 2.03[9]
 - defined, 2.03[4][n]
 - examination procedures, 2.03[12][f]
- military personnel, assessment area for bank serving, 2.03[14][c]
- notice, 2.03[17]
- overview, 2.03[2]
- payday lending, 2.03[6][e]
- performance tests, in general, 2.03[5]
 - assigned rating, 2.03[5][c]
 - context, 2.03[5][b]
- public file, 2.03[16]
 - institutions subject to reporting HMDA data, 2.03[16][b][ii]
 - large institutions, 2.03[16][b][i]
 - location and number of copies, 2.03[16][c]
 - small institutions, 2.03[16][b][iii]
 - updating, 2.03[16][d]
- purpose and scope, 2.03[3]
- qualified investments, 2.03[8][a]
 - defined, 2.03[4][r]
 - performance criteria, 2.03[7][b]
 - wholesale or limited purpose banks, 2.03[9][a][iv]
- rating system, 2.03[2][d], 2.03[5][c], 2.03[12]
- recordkeeping requirements, 2.03[2][c]
- reporting requirements, 2.03[1][b], 2.03[15][b], 2.03[15][c]
- service test, 2.03[2][d], 2.03[2][f], 2.03[8]
 - performance criteria, 2.03[15][b], 2.03[15][c]
 - scope, 2.03[8][a]
- small business and farm loans, 2.03[2][a]
- small institutions
 - eligibility, 2.03[10][a]
 - examination procedures, 2.03[12][f]
 - performance standards, 2.03[1], 2.03[10][b]
 - public file, 2.03[16][b][iii]
 - test, 2.03[10]
- strategic plan, evaluation under, 2.03[11]
 - content of plan, 2.03[11][d]
 - criteria for evaluation, 2.03[11][f]
 - examination procedures, 2.03[12][f]
 - generally, 2.03[11][a]
 - public participation, 2.03[11][b]

- small-dollar loan products, 2.03[6][a], 2.03[7][f]
- standing, 2.01[5]
- student loans, consideration of, 2.03[6][a][iii]
 - transition rules, 2.03[1][a], 2.03[19]
 - wholesale banks assessment areas, 2.03[14][b]
 - community development test, 2.03[9]
 - defined, 2.03[4][v]
 - examination procedures, 2.03[12][f]
- reporting requirements. *See* regulations, revised
- scope of Act, 2.01[2]
- savings and loan associations
 - appropriate federal supervisory agency, 2.01[2][b]
- savings banks
 - appropriate federal supervisory agency, 2.01[2][b]
- state banks
 - appropriate federal supervisory agency, 2.01[2][b]
- sunshine requirements, 2.07[5], Appendix B7
- unit investment trust, investment in, 2.03[7][b]
- Compensatory damages.** *See* Damages
- Competitive Equality Banking Act of 1987**
 - Credit card bank activities under CRA, 2.03[9][a]
- Compilation and reporting requirements.** *See* Reporting requirements
- Complaints and charges**
 - ECOA violations, 9.02[6]
 - FCRA violations, 13.01[2][c]
 - FHA violations
 - issuance of charge, 3.07[1][c]
 - processing procedure, 3.07[1][a]
 - referral of complaint, 3.07[1][c], 3.06[4], 3.07[4]
 - Regulation AA complaints, 13.01[2][b]
- Completed application, definition, 4.07[2][f], 5.01[1][b][i], 7.01[2][d]**
- Compliance examinations, ECOA enforcement, 9.01[2][b]**
 - Compliance Handbook*, 9.01[2][b]
- Compliance file, 5.02[3][b][ii]**
- Compliance source material, 4.04**
- Comptroller of the Currency**
 - affiliate information sharing regulations, 10.02, 10.08[2], Appendix E1
 - CRA powers, 2.01[2][b]
 - CRA Sunshine requirements, 2.07[5], Appendix B8
 - credit cards, 15.06, Appendix G6
 - credit scoring, Appendix D5
 - ECOA powers, 9.01[1]
 - FCRA, relation to GLBA, 10.08
 - FCRA powers, 10.01[1], 10.06, 13.01[1]
 - examination procedures, 13.01[2][c]
 - FDCPA powers, 14.17[2]
 - FTC Act, 15.06, Appendix G6
 - Gramm-Leach-Bliley Act privacy requirements, 10.08
 - HMDA powers, 1.09
 - multiple name options, public information letter, 8.01[3]
 - OCC Bulletin 97-26, 2.03[5][b][iv], 2.03[6][c]
 - Office of the Comptroller of the Currency's "Home Mortgage Disclosure Consumer Compliance Examination," Appendix A4
 - overdraft protection, 8.01[14], 15.08
 - qualified investments, 2.03[8][a]
 - unfair or deceptive acts, 8.01[14], 15.06, 15.08, Appendix G6
- Computer access to consumer reports, 11.04[2][c]**
 - unauthorized access, 11.04[2][b]
- Computer applications for credit (ECOA)**
 - monitoring programs for principal dwelling purchase or refinance, 9.05[2][b]
 - recordkeeping requirements, 9.06[2]
- Computerized reporting (HMDA), 1.06[3], 1.07[1]**
- Conciliation, FHA complaint, 3.07[1][b]**
- Conditions precedent**
 - consumer reporting agency's disclosing information to consumer, 11.07[1]
 - credit, for, 12.02[2][a]
- Confidentiality**
 - consumer reporting agencies, 11.02, 11.04
 - CRA evaluation, 2.01[3][b]
 - HMDA disclosure to protect identity of applicants, 1.08[3]
- Conformity defense**
 - ECOA provisions, 4.03[3]
 - FDCPA provisions, 14.19[2]
 - lease transactions, 4.07[2]
 - model forms use, 5.04[1], 5.04[2]
- Consent agreements**
 - CRA enforcement by DOJ and FTC, 2.05[4]
 - DOJ negotiated orders, 9.01[5][b]
 - FCRA enforcement, 13.01[3][c]
 - FDCPA enforcement, 14.17[4]
 - FTC enforcement of ECOA, 9.01[3][d][i], 9.01[3][d][i]
 - public assistance wrongful discounted as income, FTC enforcement of ECOA, 9.01[3][d][i], 9.01[3][d][i]
- Consent of debtor to communications (FDCPA), 14.07[2][a]**
 - third-party communications, 14.07[3][c]
- Conspiracy to violate FCRA, 13.05[5]**
- Consumer, defined**
 - FCRA, 10.04[2]
 - FDCPA, 14.04[3], 14.07[1]
- Consumer credit, defined (Rev. Reg. B), 4.06[2][h]**
- Consumer Credit Protection Act (CCPA), 4.04[1]**
 - exercise of any right under, 4.03[7][a], 4.05[2][a], 4.09, 6.04[10]
 - FCRA, Title VI, 10.01[1]
 - FDCPA, Title VIII, 14.03[1]
- Consumer debts.** *See* Debts
- Consumer dispute statements, 11.08[1][b], 11.08[1][d], 11.08[5]**
- Consumer reporting agencies**
 - See also* Fair Credit Reporting Act
 - accuracy, procedures to ensure, 11.04[3]
 - burden of proof, 11.04[3][a]
 - completeness, 11.04[3][c], 11.08[2]
 - deletion of inaccurate information, 11.08[1][a]
 - denial of credit as prerequisite to recovery, 11.04[3][d]
 - disputed information, 11.08
 - reinvestigation, 11.08[1][a], 11.08[4]
 - frivolous or irrelevant dispute, 11.08[4][c]
 - multiple reinvestigations, 11.08[4][d]
 - time limits, 11.08[4][a]
 - validity of debts, 11.08[4][b]
 - reliability of sources, 11.04[3][c]
 - standard of conduct for reinvestigation, 11.08[3]
 - technical accuracy as defense, 11.04[3][b]
- activity reports for customers with open-end accounts, 11.04[2][d]
- adverse information, procedures to follow when reporting, 11.10
 - obsolete information, 11.03
- affiliate, information from

- duties of persons taking adverse action, 11.03[6]
- affiliate information sharing, 12.01, 12.07[6]
- arrest records, furnishing, 10.05[2][b][i]
 - obsolete information about, 11.03[1], 11.03[3][e]
- audit trails, 10.04[6]
- bankruptcy, obsolete information
 - ten-year time limit, 11.03[2], 11.03[3][a]
- charges for disclosures, 11.07[2][a]
- check dishonor reports, use of, 10.05[2][b][i]
- child support, reporting when overdue, 11.02[4][e], 11.11
- coding used in file, explanation of, 11.06[2], 11.07[1][a]
- collection agencies
 - accounts placed with, when obsolete information, 11.03[1], 11.03[3][d]
 - contact with, permissible under FDCPA, 14.07[3][e]
 - pretending to be reporting agencies, 14.09[1][e]
 - request for report, 11.02[4]
- collection of information, 10.05[2][c]
 - prior consumer reports, using, 10.05[2][c][i]
 - use of reports for purposes not anticipated by reporting party, 10.05[2][c][ii]
- confidentiality, 11.04
- consumer report, defined, 10.04[3]
- consumers, disclosures to upon request, 11.06, 11.07
 - charges for, 11.07[2]
 - denial of credit, free disclosure, 11.07[2][b]
 - state law, effect, 11.07[2][a]
 - coding used in file, explanation of, 11.06[2], 11.07[1][a]
 - conditions precedent to disclosing information, 11.07[1]
 - denial of credit, free disclosure, 11.07[2][b]
 - free or at reasonable cost, 11.07[2]
 - identification requirements, 11.06[1]
 - liability limitation, 11.07[1][e]
 - mail disclosures, 11.07[1][d]
 - medical information, 11.06[2]
 - nature and substance of information to be furnished, 11.06[2]
 - public office, duty to maintain, 11.07[1][f]
 - recipients of reports, 11.06[4]
 - request for disclosure form from consumer, 11.07[1][b]
 - risk scores, 11.06[2]
 - sources to be disclosed, 11.06[3]
 - time of disclosures, 11.07[1][c]
 - trained personnel to explain information, 11.07[1][a]
- conviction records, reporting obsolete information about, 11.03[1], 11.03[3][e]
- court order or subpoena for report, 11.02[2], 11.05
- credit guides, 10.05[2][b][ii]
- criminal penalties
 - falsely obtaining information from, 11.02, 13.02
 - unauthorized disclosure by, 13.03
- criminal records, reporting obsolete information about, 11.03[3][e]
- defamation actions against. *See* Defamation
- definition, 10.05[3]
 - examples of entities that satisfy definition, 10.05[3][f]
 - FCRA, 10.04[4]
 - regularity requirement, 10.05[3][b]
- disclosure of credit scores, 12.01
- disposal of information, 12.01, 12.07[8]
- disputed information, 11.08
 - automated reinvestigation system, 11.08[4][g]
 - deletion of inaccurate information, 11.08[1][a]
 - consumer's right to submit relevant information, 11.08[4][d]
 - expedited dispute resolution, 11.08[4][j]
 - furnishers of information, notice of dispute to, 11.08[4][b]
 - general reinvestigation requirements, 11.08[4][a]
 - inaccurate or unverifiable information, treatment of, 11.08[4][e]
 - notice, reinvestigation results, 11.08[4][h]
 - procedures to prevent reappearance, 11.08[4][f]
 - reinvestigation, 11.08[1][a], 11.08[4]
 - statement of dispute from consumer, 11.08[1][b]–11.08[1][d], 11.08[5]
- employment purposes, disclosures for, 11.02[5], 11.09, 11.10
 - definition of “employment purposes,” 11.02[1]
 - notice to consumer, 11.09
 - procedural requirements, 11.02[5][b]
- exclusions from definition of “consumer report,” 10.05[2][e]
 - credit card issuers' decisions, 10.05[2][e][ii]
 - dealer-originated transactions, 10.05[2][e][iii]
 - third-party credit requests, 10.05[2][e][iii]
 - transactions between consumer and maker of report, 10.05[2][e][i]
- FCRA
 - applicability, 10.05[3]
 - limitations, 5.01[4][c]
 - relationship to ECOA, 4.05[2][a]
- file, defined (FCRA), 10.04[6]
- financial institutions as, 10.05[3][a]
- fraudulent information, 12.01
- free disclosures, 11.07[2][b]
- furnishers of information to
 - duty to inform agency of account closure, 11.03[3][g]
- government agencies, disclosures to, 11.05
 - requesting in regard to granting license or benefit, 11.02[7]
- identity theft, 12.01
- inquiries, disclosure of information regarding, 11.06[6]
- insurance claims reports, when considered consumer reports, 10.05[2][c][i]
- invasion of privacy actions against. *See* Invasion of privacy
- investigative consumer reports, 11.10, 12.01, 12.04, 12.04[1]
- judgments, when obsolete for reporting purposes, 11.03[1], 11.03[3][b]
- liability limitations, 11.07[1][e], 13.08[2]
- limitations on furnishing reports, 5.01[4][c], 11.02
 - mandatory procedures to ensure, 11.04[2]
- lists of creditworthy individuals, 5.01[4]
- married persons' information, 8.02
- medical information, 11.02[5], 11.02[12][a]
- motor vehicle reports on consumer's driving record, 10.05[2][b][iii]
- nationwide, definition, 10.04[14]
- negative information, 12.07[7]
- negligence actions against. *See* Negligence
- notice
 - consumer to receive notice
 - public record information requested for employment purposes, 11.09
 - recipients of reports to receive notice of deletion of inaccurate information or presence of disputed information, 11.08[1][d]
 - to users and providers to ensure compliance, 11.04[2][f], 12.02[8][b]
- obligations, Ch. 11

obsolete adverse information not to be furnished, 11.03
 accounts placed with collection agencies, 11.03[3][d]
 amounts placed for collection or charged to profit and loss,
 11.03[3][d]
 bankruptcies, 11.03[3][a]
 criminal records, 11.03[3][e]
 date of last scheduled payment used for determining time,
 11.04[1]
 discriminatory effect in credit decision when furnished,
 6.03[1]
 exceptions, 11.03[2], 11.04[1]
 mandatory procedures to avoid reporting, 11.04[1],
 11.03[2][b]
 other adverse information, 11.03[3][f]
 suits and judgments, 11.03[3][b]
 tax liens, 11.03[3][c]
 time limits, 11.03[1]
 written-off accounts, 11.03[3][d]
 permissible purposes to furnish reports, 10.05[2][d], 11.02
 activity reports, 11.04[2][d]
 agent of party with permissible business purpose may
 receive reports, 11.02[8][c]
 business transaction with consumer, for, 10.05[2][d],
 11.02[8], 11.02[9]
 collection agency's request, 11.02[4]
 court order or subpoena, 10.05[2][d], 11.02[2], 11.05
 credit guides, 11.02[4][d]
 credit transaction request, 10.05[2][d], 11.02[4]
 employment purposes, for, 10.05[2][d], 11.02[5],
 11.02[5][c]
 general considerations, 11.02[9]
 government agencies requesting in regard to granting
 license or benefit, 10.05[2][d], 11.02[7], 11.04[3][c]
 insurance underwriting, 10.05[2][d], 11.02[6]
 judgment creditor's request, 11.02[4][a]
 litigation not legitimate business purpose, 11.02[8][b]
 mandatory procedures to limit reporting to, 11.04[2]
 medical information, need for consent, 11.02[12]
 permissible purposes and definition of "consumer report,"
 11.02[1]
 potential investor, servicer, or current issuer, 11.02[8]
 prescreening of credit applications, 11.02[4][c]
 spouse of applicant, 11.02[4][b]
 user's certification of permissible purpose, 11.04[2]
 abuse of certification, 11.04[2][b]
 blanket certification, 11.04[2][a]
 computer access, 11.04[2][c]
 unauthorized computer access, 11.04[2][b]
 verification of legitimate business making request,
 11.04[2]
 written instructions from consumer, 10.05[2][d], 11.02[3]
 prescreening, requirements for, 11.02[4][c]
 reconciling information, 12.07[9]
 regularity requirement to satisfy definition of "consumer
 reporting agencies," 10.05[3][b]
 reinvestigation of disputed information, 11.08[4]
 right to bar user from disclosing report contents, 11.04[2][e],
 12.02[8][a]
 right to receive of notice of dispute, 11.03[3][h]
 spousal information obtained from, 5.03[3][c]
 spouses, reports on, 5.03[6][e][v], 11.02[4][b]
 incidental credit, exemption from Rev. Reg. B, 4.08[4][b]

 public utilities credit, exemption from Rev. Reg. B,
 4.08[2][b]
 securities credit, exemption from Rev. Reg. B, 4.08[3][b]
 sex discrimination, 5.03[6][d][v]
 suits, when obsolete for reporting purposes, 11.03[1],
 11.03[3][b]
 summary of consumer rights, duty to disclose, 11.06[8]
 tax liens, when obsolete for reporting purposes, 11.03[1],
 11.03[3][c]
 tenants, unlawful detainer reports sold to landlords,
 10.05[2][a]
 time limits on credit information, 11.03[1]
 trained personnel to explain information to consumers,
 11.07[1][a]
 written instructions from consumer to furnish report,
 10.05[2][d], 11.02[3]
 written-off accounts, when obsolete for reporting purposes,
 11.03[1], 11.03[3][d]

Consumer reports, definition of 10.04[3]

Contractual liability

 application inquiries, nonapplicant spouses, 5.03[3][b][i]
 definition (Rev. Reg. B), 4.06[2][i], 6.02[1][b], 6.04[6][a]

Conviction records, consumer reporting agencies furnishing obsolete information about, 11.03[1], 11.03[3][e]

Co-obligor disclosures, sex inquiries, 5.03[6][f]

Cosigners

See also Guarantors

 nonapplicant spouses, 5.03[3][a]
 prohibition against requiring for creditworthy applicants,
 8.01[2], 8.01[5]
 signature rules, 8.01[9]
 suggestion at time of adverse action, 8.01[5][b]

Cost awards. *See* Attorney fee and cost awards

Counteroffers. *See also* Home Mortgage Disclosure Act

 model forms for notification, 7.03[1]

"Courtesy title," optional designation, 5.03[6][b]

 analysis and discussion, 5.03[6][f]

CRA. *See* Community Reinvestment Act

Credit, defined

 ECOA, 4.06[1], 4.07[1]
 Rev. Reg. B, 4.06[2][j], 4.07[1]

Credit and Debit Card Receipt Clarification Act

 FCRA liability, 1.12

Credit applications. *See* Applications for credit

Credit arrangers, defined as creditors, 4.06[2][I], 5.01[1][a][i]

Credit assistance programs. *See* Special-purpose credit programs

Credit bureaus. *See* Consumer reporting agencies

Credit Card Accountability Responsibility and Disclosure Act of 2009

 deceptive marketing of credit reports, 11.07[2][b]
 final rule, 15.11[2][c]
 January 2009 rulemaking, 15.11[1]
 Mortgage Acts and Practices (MAP) Rulemaking, 15.09[5]
 Mortgage Assistance Relief Services (MARS) Rulemaking,
 15.09[5]
 over-the-limit fees, acts, and practices, 15.11[2][a], 15.11[2][d]
 Reg. AA amendment, 15.11[3]
 Reg. Z rule, 15.11[2]
 state provisions, 15.11[2][b]
 underage consumers, 11.02[4][c][iv]

Credit card banks

 Community Reinvestment Act activities, 2.03[9][a]

Credit cards

definition (Rev. Reg. B), 4.06[2][j]
 FTC Act, 15.06, Appendix G6
 issuers' decisions, exclusions from definition of "consumer report," 10.05[2][e][ii]
 name on card, 8.01[3]
 no-fee to elderly, 6.04[2]
 sex discrimination, 5.03[6][f]
 unfair or deceptive acts, 15.06, Appendix G6

Credit evaluations, Ch. 6

See also Credit scoring systems; Users of credit reports
 bad credit history due to prior discrimination, 6.04[6][b]
 childbearing and rearing, 5.03[4][b][iii], 5.03[6][d][i], 5.03[7], 6.04[3]
 analysis and discussion, 6.04[3][a]
 credit history, 6.04[6]
 definitions, 6.04[6][a]
 triggering events, 6.04[6][b]
 credit scoring systems, definition (Rev. Reg. B), 4.06[2][p]
 decision tree, 6.02[2][a], 6.06[1]
 definitions, 6.02
 accounts, 6.04[6][a]
 applicant, 6.04[6][a]
 contractually liable, 4.06[2][i], 6.04[6][a]
 elderly (Rev. Reg. B), 4.06[2][v], 6.02[2][c]
 empirically derived and other credit scoring systems (Rev. Reg. B), 4.06[2][p], 6.02[2][a]
 judgmental system of evaluating applicants (Rev. Reg. B), 4.06[2][t], 6.02[2][b]
 negative factor in relation to age of elderly applicants (Rev. Reg. B), 4.06[2][v], 6.02[2][c]
 pertinent element of creditworthiness (Rev. Reg. B), 4.06[2][y], 6.02[2][d]
 discriminatory practices, rules governing, 6.03, 6.04
 divorced applicants, 6.04[1][a][iii]
 divorcing persons in states with spousal equitable distribution acts, 6.05[2]
 effects test, 6.01, 6.03, 6.07, 8.01[1]
 application of test, 6.07[3]
 checklist, 6.07[4]
 ECOA legislative history, 6.07[2]
 prescreening activities, applicability, 5.01[4][a]
 elderly applicants (Rev. Reg. B), 4.06[2][v], 6.02[2][c], 6.04[2]
 empirically derived and other credit scoring systems, definition (Rev. Reg. B), 4.06[2][p], 6.02[2][a]
 general rules, 6.03
 immigration status, 6.04[7]
 inadvertent error defense, 6.04[6][c]
 income, 6.04[5]
 judgmental system of evaluating applicants
 definition (Rev. Reg. B), 4.06[2][t], 6.02[2][b]
 discriminatory effects, 6.04
 reasons for adverse action, requirement to be specific, 7.02[4][b]
 judgment debtors' exemption, 6.05[2]
 marital status exemption, 6.04[1][a]
 necessities doctrine, 6.05[2], 11.02[4][b]
 negative factor in relation to age of elderly applicants (Rev. Reg. B), 4.06[2][v], 6.02[2][c]
 part-time income, 6.04[5]
 pertinent element of creditworthiness, definition (Rev. Reg. B), 4.06[2][y], 6.02[2][d]
 policy and procedure manuals, 6.02[1][c][iii]

public assistance recipients, 6.04[2]
 qualified credit scoring evaluation systems, 6.06
 regular customers, 6.03[1], 6.04[6][b]
 retirement income, 6.04[5]
 scope of restrictions, 6.02
 secondary income, 6.04[5]
 signature rules (Rev. Reg. B), 6.02[2][b]
 See also Signature rules
 special-purpose credit programs, 6.04[1][b]
 spousal equitable distribution acts, 6.05[2]
 spouse's outstanding debt, 6.04[1][a][ii]
 state laws, consideration, 6.05
 state property laws, 6.05[1]
 telephone listing not in applicant's name, prohibited factor, 6.04[4]
 tenants by the entireties, 6.05[2]
 unintentional error defense, 6.04[6][c]
 unmarried joint applicants, 6.04[1][a][i], 6.04[1][a][ii]
 written credit requests, 6.02[1][c][iv]

Credit guides, 10.05[2][b][ii], 11.02[4][d]**Credit histories**

credit scoring systems, part of data base, 6.06[4][a]
 definitions, 6.04[6][a]
 factor in credit evaluation, 6.04[6]
 triggering events, 6.04[6][b]
 married persons, 8.02
 women, 5.03[6][d][ii], 8.01[3]

Credit improvement services, notice to consumers, 13.01[3][c]**Credit inquiries**

See also Application inquiries
 applications for credit distinguished from informal inquiries, 5.01[2]

Credit insurance

See also Insurance
 unavailability due to age not to be factor in credit evaluation, 6.03[2], 8.01[12]

Creditors

See also Equal Credit Opportunity Act; specific actions (e.g., Adverse action, Application inquiries); Users of credit reports
 assignee and transferee included in ECOA definition, 9.03[4], 9.04[5]
 civil penalties under ECOA, 9.03[1]
 See also Civil penalties
 definition, 5.01[1][a][i]
 assignee, transferee included in definition, 9.04[5]
 ECOA, 9.03[4]
 ECOA, 4.06[1], 4.07[1], 7.01[2][e]
 FDCPA, 14.04[4]
 limited exemption, 5.01[1][a][ii]
 referrers to creditors, ECOA inclusion in definition of creditors, 9.04[5]
 Rev. Reg. B, 4.06[2][l], 4.07[1], 6.02[1][a], 7.01[2][e]
 lack of knowledge or notice of ECOA violations, 9.04[5]
 medical information, 11.02[12][b]
 monitoring programs for principal dwelling purchase or refinance, ECOA, 9.05
 name of creditor to whom debt is owed, validation of disputed debts (FDCPA), 14.11[1][b]
 recordkeeping requirements, 9.06
 referrals to creditors, 9.04[5]

Creditors' requests for information. *See* Application inquiries; Users of credit reports

Credit reports. *See* **Consumer reporting agencies; Credit histories; Users of credit reports**

Credit scoring systems

- age, consideration of, 6.06[1]
- components, 6.06[1]
- considerations in deciding to implement, 6.06[2]
- decision tree, 6.02[2][a], 6.06[1]
- definition (Rev. Reg. B), 4.06[2][p], 6.02[2][a]
- developing system, 6.06[4]
 - establishing policy and risk standards, 6.06[4][d]
 - past credit history as part of data base, 6.06[4][a]
 - sample system, 6.06[4][f]
 - statistical methods of constructing, 6.06[4][e]
 - validating system, 6.06[4][c]
 - weighting predictive applicant characteristics, 6.06[4][b]
- disclosure, 11.07[10], 12.01, 12.07[5]
- discriminatory effects, 6.04
- enquiries, 11.07[10][d]
- OCC Bulletin 97-24, Appendix D4
- overrides, 6.06[5]
- pooled data scoring systems, 6.06[1]
- reasons for adverse action, requirement to be specific, 6.06[3], 7.02[4][b]

Credit unions

See also National Credit Union Administration

- appraisal report on real property, copy to be provided to applicant, 7.06
- branch office, defined under HMDA, 1.03[3]
- CRA evaluation to consider involvement with low-income credit unions, 2.01[4]
 - performance test (Rev. Reg. BB), 2.03[7][c]
- ECOA enforcement, 9.01[1]
- FCRA enforcement, 10.06
- HMDA coverage, 1.04[1], 1.09

Creditworthiness. *See* **Credit evaluations; Signature rules**

Criminal history

- ECOA, as a factor under the, 6.03[1]

Criminal penalties

- FCRA, consumer reporting agencies
 - falsely obtaining information from, 11.02, 13.02
 - unauthorized disclosure by, 13.03
- FHA, willful intimidation or interference, 3.04[5], 3.05[5]

Criminal prosecutions for FCRA violations, 13.02[3]

Criminal records, consumer reporting agencies furnishing obsolete information about, 11.03[1], 11.03[3][e]

D

Damages

See also Punitive damages

ECOA violations

- actual damages, 9.03[2]
 - punitive damages, relation to, 9.03[3][c][ii]
- assignee's liability, 9.03[4]
- defenses, 9.04
- DOJ authority (Rev. Reg. B), 9.01[5]
- good-faith defense, 9.04[1]
 - Board- and staff-issued interpretations, conformity, 9.04[3]
- inadvertent error defense, 9.04[2]
- punitive damages, 9.03[3]

- setoffs or recoupment of damages for ECOA violations
 - against amounts owed
 - limitations of actions, 9.02[2][f]
 - statutory authority, 9.01
- factors considered in awarding, ECOA violations, 9.03[3][c]
- FCRA violations, 13.04[2], 13.05[3]
- FDCPA violations, 14.18[1]
- FHA violations
 - ALJ order, 3.07[1][d]
 - Attorney General actions, 3.06[3], 3.07[3]
 - conciliation agreement, 3.07[1][b]
 - private actions, 3.06[2], 3.07[2]

"Deadbeat lists," publication prohibited, 14.08[1][c]

Dealer-originated transactions

- adverse action, 12.01, 12.06
 - credit sale transaction completed, disclosures still advisable by financial institution or creditor, 12.06[3]
 - protection for financial institutions and creditors, 12.06[2]
- closed-end auto credit sale. *See* Application forms
- combination form not advisable, 12.06[1]
- exclusions from definition of "consumer report," 10.05[2][e][iii]
- notification requirements, 7.02[1][d][i]

Debarment proceedings, FHA violations, 3.07[1][d]

Debt collection. *See* **Collection agencies; Fair Debt Collection Practices Act**

Debts (FDCPA)

- definitions, 14.04[5]
- types covered, 14.05[2]

Deception. *See* **False representations**

Declaratory relief

- ECOA enforcement, 9.03[5]

Defamation

- consumer reporting agency's liability, 11.07[1][e], 13.08
- investigative consumer reports, limitation of liability, 12.04[1][c]
- privilege defense, 13.08[2][c]

Defenses

- conformity defense
 - ECOA provisions, 4.03[3], 9.04[3][b]
 - Board- and staff-issued interpretations, 9.04[3]
 - good-faith conformity, 9.04[1]
 - model forms, 9.04[4]
 - Official Board Interpretations, 9.04[3][a]
 - Official Staff Interpretations, 9.04[3][b]
 - Public Information Letters, 9.04[3][c], 9.04[3][d]
 - FDCPA provisions, 14.19[2]
 - lease transactions, 4.07[2]
 - model forms use, 5.04[1], 5.04[2]
- ECOA, 9.04
 - good-faith conformity, 9.04[1], 9.04[3][b]
 - Board- and staff-issued interpretations, 9.04[3]
 - model forms, 9.04[4]
 - Official Board Interpretations, 9.04[3][a]
 - Official Staff Interpretations, 9.04[3][b]
 - Public Information Letters, 9.04[3][c], 9.04[3][d]
 - ignorance of law, 9.04[5]
 - inadvertent error defense, 9.04[2]
 - correction of error, 9.04[2], 9.05[2][b]
 - definition, 9.04[2], 9.05[2][b]
 - lack of notice of violation, defense, 9.04[5]
 - recordkeeping requirements, correction of errors, 9.06[8]
 - sovereign immunity, 9.04[6]

- FCRA violations, technical accuracy as defense, 11.04[3][b]
 FDCPA violations, 14.19
 lease transactions, conformity defense, 4.07[2]
 notification requirements, inadvertent error defense, 7.02[1][e]
 unintentional error defense
 credit evaluation, 6.04[6][c]
 FDCPA, 14.19[1]
 HMDA, 1.09
 notification requirements, 7.02[1][e]
- Definitions**
- account (Rev. Reg. B), 4.06[2][a], 6.04[6][a], 7.01[2][a]
 adverse action
 ECOA, 4.06[1], 7.01[2][b], 7.01[2][b][i]
 Rev. Reg. B, 4.06[2][c], 4.06[2][c]
 affiliate (Rev. Reg. BB), 2.03[4][a]
 age of applicant
 negative factor or value (Rev. Reg. B), 4.06[2][v],
 6.02[2][c]
 Rev. Reg. B, 4.06[2][d]
 aggrieved person (FHA), 3.03[1]
 applicant, 5.01[1][a][iii], 5.02[1]
 ECOA, 4.06[1], 4.07[1], 7.01[2][b], 7.01[2][c]
 Rev. Reg. B, 4.06[2][e], 6.02[1][b], 7.01[2][c]
 application for credit, 5.01[1][a], 5.01[1][b][i]
 HMDA, 1.03[2]
 Rev. Reg. B, 4.06[2][f], 6.02[1][c][i], 7.01[2][c]
 application for deposit facility (CRA), 2.01[2][a]
 application inquiries, 5.03[1]
 appropriate federal supervisory agency (CRA), 2.01[2][b]
 area median income (Rev. Reg. BB), 2.03[4][b]
 assessment area (Rev. Reg. BB), 2.03[4][c]
 automated teller machine (Rev. Reg. BB), 2.03[4][d]
 bank (Rev. Reg. BB), 2.03[4][e]
 branch office
 HMDA, 1.03[3]
 Rev. Reg. BB, 2.03[4][f]
 broker or agent (FHA), 3.03[2]
 child support obligations, relating to (FCRA), 10.04[9]
 Commission (FDCPA), 14.04[1]
 communication (FDCPA), 14.04[2]
 community development (Rev. Reg. BB), 2.03[4][g]
 community development loan (Rev. Reg. BB), 2.03[4][h]
 community development service (Rev. Reg. BB), 2.03[4][i]
 completed application, 4.07[2][f], 5.01[1][b][i], 7.01[2][d]
 consumer
 FCRA, 10.04[2]
 FDCPA, 14.04[3]
 consumer credit (Rev. Reg. B), 4.06[2][h]
 consumer loan (Rev. Reg. BB), 2.03[4][j]
 consumer report (FCRA), 10.04[3], 11.02[1]
 exclusions from, 10.05[2][e]
 consumer reporting agencies (FCRA), 10.04[4], 10.05[3]
 examples of entities that satisfy definition, 10.05[3][f]
 contractually liable (Rev. Reg. B), 4.06[2][i], 6.02[1][b],
 6.04[6][a]
 CRA, 2.01[2]
 credit
 ECOA, 4.06[1], 4.07[1]
 Rev. Reg. B, 4.06[2][j], 4.07[1]
 credit card (Rev. Reg. B), 4.06[2][j]
 credit evaluations, 6.02
 creditor, 5.01[1][a][i]
 ECOA, 4.06[1], 4.07[1], 7.01[2][e]
 FDCPA, 14.04[4]
 limited exemption, 5.01[1][a][ii]
 Rev. Reg. B, 4.06[2][l], 4.07[1], 6.02[1][a], 7.01[2][e]
 credit scoring systems (Rev. Reg. B), 4.06[2][p], 6.02[2][a]
 credit transaction (Rev. Reg. B), 4.06[2][m]
 debt collector (FDCPA), 14.04[6]
 exclusions, 14.04[6][a], 14.05[3][b]
 debt (FDCPA), 14.04[5]
 discrimination
 housing practices (FHA), 3.03[3]
 “prohibited basis” (Rev. Reg. B), 4.06[2][z], 6.02[2][b],
 8.01[1]
 Rev. Reg. B, 4.06[2][n], 8.01[1]
 dwelling
 FHA, 3.02[4], 3.03[4]
 HMDA, 1.03[4]
 ECOA, 4.06, 4.07[1]
 elderly
 negative factor or value (Rev. Reg. B), 4.06[2][v],
 6.02[2][c]
 Rev. Reg. B, 4.06[2][o]
 empirically derived and other credit scoring systems (Rev. Reg.
 B), 4.06[2][p], 6.02[2][a]
 employment purposes (FCRA), 10.04[7], 11.02[1]
 evaluation of credit, 6.02
 “extend credit” and “extension of credit” (Rev. Reg. B),
 4.06[2][q], 4.07[1]
 familial status (FHA), 3.02[6], 3.03[6]
 family (FHA), 3.03[5]
 FCRA, 10.04
 FDCPA, 14.04
 FHA, 3.03
 file (FCRA), 10.04[5]
 financial institutions
 CRA, 2.01[2][e]
 HMDA, 1.03[5], 1.04[1]
 geography (Rev. Reg. BB), 2.03[4][k]
 good faith (Rev. Reg. B), 4.06[2][r]
 government credit, 4.08[6][a], 7.01[2][f][i]
 handicap (FHA), 3.03[7]
 HMDA, 1.03
 home improvement loans (HMDA), 1.03[7], 1.05[2]
 home mortgage loan (Rev. Reg. BB), 2.03[4][l]
 home purchase loan (HMDA), 1.03[8], 1.05[1]
 home state or host state (IBBEA), 2.04[2], 2.04[10][d]
 IBBEA. *See* Interstate Banking and Branching Efficiency Act
 inadvertent error (Rev. Reg. B), 4.06[2][s]
 incidental credit, 4.08[4][a], 7.01[2][f][i]
 income level (Rev. Reg. BB), 2.03[4][m]
 interstate bank (IBBEA), 2.04[8], 2.04[10]
 investigative consumer reports, 10.04[4], 11.10
 judgmental system of evaluating applicants (Rev. Reg. B),
 4.06[2][t], 6.02[2][b]
 limited purpose bank (Rev. Reg. BB), 2.03[4][n]
 loan production office (Rev. Reg. BB), 2.03[4][p]
 local community (CRA), 2.01[2][c]
 location information
 FDCPA, 14.04[7]
 Rev. Reg. BB, 2.03[4][o]
 marital status (Rev. Reg. B), 4.06[2][u]
 medical information (FCRA), 10.04[8]
 metropolitan statistical area
 HMDA, 1.03[9]

Rev. Reg. BB, 2.03[4][r]
 minority-owned (CRA), 2.01[4]
 notification requirements under ECOA, 7.01[2]
 office (CRA), 2.01[2][d]
 open-end credit (Rev. Reg. B), 4.06[2][w], 8.01[4]
 ordinary course of business, 4.07[1]
 person
 ECOA, 4.06[1]
 FCRA, 10.04[1]
 FHA, 3.03[8]
 Rev. Reg. B, 4.06[2][x], 4.07[1], 6.04[6][a]
 pertinent element of creditworthiness (Rev. Reg. B),
 4.06[2][y], 6.02[2][d]
 procedures established, 6.02[1][c][ii]
 prohibited basis (Rev. Reg. B), 4.06[2][z], 6.02[2][b], 8.01[1]
 public utilities credit, 4.08[2][a]
 qualified investment (Rev. Reg. BB), 2.03[4][f]
 Rev. Reg. B, 4.06, 4.07[1]
 Rev. Reg. BB, 2.03[4]
 securities credit, 4.08[3][a]
 small bank (Rev. Reg. BB), 2.03[4][s]
 small business loan (Rev. Reg. BB), 2.03[4][t]
 small farm loan (Rev. Reg. BB), 2.03[4][u]
 state
 FDCPA, 14.04[8]
 Rev. Reg. B, 4.06[2][a]
 wholesale bank (Rev. Reg. BB), 2.03[4][v]

Denial of credit. *See* Adverse action

Dependents
See also Alimony and support payments
 application inquiries, 5.03[7]

Derogatory information in consumer report
See also Investigative consumer reports
 adverse credit action based on, 12.03

Descent and distribution, ECOA preemption exception, 4.05[1][c]

Disclosures
See also Consumer reporting agencies; Home Mortgage Disclosure Act
 adverse action on request for credit, insurance, or employment applications based on credit report information, 12.01
 application inquiries concerning income from alimony and support payments, 5.03[5]
 analysis and discussion, 5.03[5][e]
 assignee's liability, 5.03[5][c]
 exemption, 5.03[5][d]
 general inquiries about other income, 5.03[5][e]
 incidental credit, exemption, 5.03[5][d]
 language of disclosure, 5.03[5][e]
 modification of model forms, 5.04[3][b]
 placement of disclosure on application, 5.03[5][b]
 required disclosures, 5.03[5][a]
 timing of disclosure, 5.03[5][e]
 voluntary revelation, 5.03[5][e]
 written acknowledgment of oral disclosures, 5.03[5][e]
 CRA evaluation, 2.01[3][a]
 "courtesy title," optional designation, 5.03[6][b]
 analysis and discussion, 5.03[6][f]
 dealer-originated transactions, adverse action, 12.06
 debt collectors, requirements, 14.09[6]
 FCRA disclosures, 4.05[2][a]
 FTC Act and unfair or deceptive acts and practices, 15.12
 HMDA requirements for public disclosure, 1.08

monitoring programs for principal dwelling loans. *See*
 Monitoring programs for principal dwelling purchase or
 refinance
 Riegle Community Development and Regulatory
 Improvement Act, disclosures required when check refused
 due to adverse information, 11.06[5]
 skip tracing, 14.06

Discouragement. *See* Applications for credit, subheading: discrimination prohibition

Discovery
 ECOA
 credit standards subject to discovery, 9.02[5]
 sanction for vexatious actions, Fed. R. Civ. P 37,
 9.03[7][f]
 FCRA "discovery rule," 13.07[2][b]
 FHA violations, 3.07[1][d]

Discrimination
See also specific type of discrimination (e.g., Racial
 discrimination, Sex discrimination)
 applications for credit, 5.01[3], 5.02
 advertising, 5.03[3]
 creditors' requests for information, 5.03[2][a][i]
 definitional analysis, 5.01[1]
 past discriminatory practices based on prohibited basis,
 Ch. 8
 personal contacts, 5.02[2]
 prescreening activities, potential for violation, 5.01[4][b]
 telephone contacts, 5.02[2]
 definitions
 housing practices (FHA), 3.03[3]
 "prohibited basis" (Rev. Reg. B), 4.06[2][z], 6.02[2][b],
 8.01[1]
 Rev. Reg. B, 4.06[2][n], 8.01[1]
 ECOA general rule, 4.09
 fraud and active duty alerts, 4.03[7][a], 4.05[2][a], 4.09,
 6.04[10]
 HMDA purpose to identify, 1.02
 "prohibited basis"
 analysis and discussion, 6.03[1]
 definition (Rev. Reg. B), 4.06[2][z], 6.02[2][b], 8.01[1]
 general rule, 6.03
 Rev. Reg. B general rule, 4.09

Disparate impact
 credit evaluations, 6.01
 FHA prohibited activities, burden of proof, 3.04[1][a],
 3.05[1][a]

Disparate treatment
 FHA prohibited activities, burden of proof, 3.04[1][a],
 3.05[1][a]

Disputed debts, validation (FDCPA), 14.11

Disputed information, consumer reporting agencies, 11.08

District Office of Comptroller of the Currency. *See* Comptroller of the Currency

Division of Consumer Credit and Special Programs, Federal Trade Commission, 10.02[2]

Divorced persons. *See* Former spouses

Divorcing persons, spousal equitable distribution acts' effect on credit evaluation, 6.05[2]

Dodd-Frank Wall Street Reform and Consumer Protection Act
 Bureau of Consumer Financial Protection, 1.01[4][j], 3.01[5]
 Community Reinvestment Act, 2.01[6][m], 2.01[6][n]
 Equal Credit Opportunity Act, 4.03A
 Fair Housing Act, 3.01[1], 3.01[5]

Home Mortgage Disclosure Act, 1.01[4][j]
 Neighborhood Stabilization Program (NSP), 2.01[6][n]

DOJ. See Justice Department

Dunning. See Collection agencies; Fair Debt Collection Practices Act

Dwellings

See also Residential loans
 definition
 FHA, 3.02[4], 3.03[4]
 HMDA, 1.03[4]
 monitoring program requirements, ECOA, 9.05[1][a]
 monitoring programs for principal dwelling purchase or refinance, 9.05
 multifamily dwelling loans, HMDA requirements, 1.06[1][d]

E

E-Sign Act, 7.02[1][g]

ECOA. See Equal Credit Opportunity Act

ECOA Notice (official language), 7.02[4]

Economically disadvantaged. See Special-purpose credit programs

Effects test. See Credit evaluations

Elderly

See also Age discrimination; Age of applicant
 definition
 negative factor or value (Rev. Reg. B), 4.06[2][v], 6.02[2][c]
 Rev. Reg. B, 4.06[2][o], 6.02[2][c]
 ECOA violations, consent decrees, 9.01[3][d][i]
 evaluation of application for credit, 6.04[2]
 housing discrimination, FHA exemption, 3.05[2][d], 3.06[2][d]
 Ed. Note: The full text of the Fair Housing regulations dealing with Housing for Older Persons is reprinted in Appendix C2.
 80 percent occupancy rule, 3.05[2][d]
 impracticality, 3.05[2][d]
 policies to show intent to provide housing, 3.05[2][d]
 self-certification, 3.05[2][d]
 housing projects, promulgation of regulations under HCDA, 3.05[2][d], 3.06[2][d]
 more favorable credit terms, when permissible, 6.04[2]

Election of remedies

FHA/ECOA alternative recovery, 9.03[6][a]
 state law vs. ECOA remedies, 9.03[6][b]

Electronic Signatures in Global and National Commerce Act (ESIGN Act), 11.02[3]

ECOS disclosures, 7.02[1][g]

Empirically derived credit scoring systems. See Credit scoring systems

Employee training, applications for credit, 5.02[2][b]

Employment purposes, consumer reporting agency's furnishing report for, 10.05[2][d], 11.02[5], 11.09, 11.10

adverse action, 12.01
 disclosure requirements, 12.02, 12.02[2][c]
 definition of employment purposes (FCRA), 10.04[7], 11.02[1]
 procedural requirements, 11.02[5][b]

Endorsers

See also Cosigners
 application inquiries, restrictions inapplicable, 5.03[2][a][ii]

Energy loans, application forms, 5.04[2]

Enforcement

See also Attorney General; Civil actions; Injunctive relief
 CRA, 2.05
 ECOA, Ch. 9
 administrative enforcement, 9.01[1]
 Attorney General actions, 9.01, 9.01[4][b], 9.01[5]
 five-year limitation period for FTC-referred suits, 9.02[2][b]
 burden of proof, 9.02[7]
 civil actions, 9.02
 See also Civil actions, *subheading*: ECOA enforcement
 civil penalties, 9.03
 data collection for monitoring programs, 9.05
 discovery, 9.02[5]
 DOJ role, 9.01[5]
 federal enforcement agencies, designation of, 9.01[1]
 FRB enforcement, 9.01[2], 9.01[2][a][ii], 9.01[2][a][iii]
 administrative role, 9.01[2][a]
 compliance examinations, 9.01[2][b]
 Consumer and Community Affairs Division duties, 9.01[2][a][v]
 enforcement role, 9.01[2][b]
 interpretation, 9.01[2][a][iv]
 Regulation B, 9.01[2][a][i]
 Rev. Reg. B, 9.01[2][a][ii]
 FTC enforcement, 9.01[3], 9.01[4]
 annual letter to FRB, 9.01[3][c]
 appeals of FTC-issued complaints, 9.01[3][d][v]
 authority, 9.01
 civil penalties, 9.01[3][a]
 consent decrees, 9.01[3][d][i]
 Credit Practices Division, duties, 9.01[3][b]
 enforcement powers, 9.01[3][d]
 “enforcer of last resort,” 9.01[3][d][ii]
 federal lending practices, 9.01[3][d][iii]
 five-year limitation period for FTC suits, 9.02[2][b]
 injunctive relief under FTC Act, 9.01[3][d][iv]
 internal structure of FTC, 9.01[3][b]
 modifying orders, 9.01[3][d][vi]
 rulemaking vs. adjudication, 9.01[3][d][iii]
 testers, use of, 9.01[3][c][ii]
 information collection for monitoring programs, 9.05
 monitoring programs for principal dwelling purchase or refinance, 9.05
 pleading violations, 9.02[6]
 private actions, 9.01
 recordkeeping requirements, 9.06
 statutory authority, 9.01
 FCRA, 10.06, Ch. 13
 administrative enforcement, 13.01
 criminal prosecutions, 13.02[3]
 FTC enforcement, 13.01[3]
 FDCPA
 administrative enforcement, 14.17
 civil liability, 14.18
 FHA, 3.07
 administrative enforcement, 3.06[1], 3.07[1]
 appeals, 3.07[1][d]
 attorney fee and cost awards, 3.07[1][d]
 Attorney General actions, 3.06[3], 3.07[3]
 burden of proof, 3.04[1][a], 3.05[1][a]
 charge, issuance, 3.07[1][c]

civil penalties, 3.07[1][d]
 complaint processing procedure, 3.07[1][a]
 conciliation, 3.07[1][b]
 establishing case, 3.05[1][a]
 hearings, 3.07[1][d]
 injunctive relief, 3.07[1][d]
 investigative report, 3.07[1][b]
 notice of complaint, 3.07[1][a]
 private actions, 3.06[2], 3.07[2]
 referral of complaint, 3.06[4], 3.07[1][c], 3.07[4]
 related laws, 3.01[3]
 "SIDE-BY-SIDE, a Guide to Fair Lending," 3.06[1]
 Ed. Note: The text of this Guide is reprinted in Appendix D4.
 standing, 3.04[1][b], 3.05[1][b]
 state and local agency cooperation, 3.06[4], 3.07[4]
 HMDA, 1.09

Envelopes of debt collectors, wording on, 14.10[2][e]
Equal Credit Opportunity Act (ECOA), Ch. 4-9
See also Amended Equal Credit Opportunity Act; Applications for credit; Credit evaluations; Regulation B (prior); Revised Regulation B
Ed. Note: The full text of this Act is reprinted in Appendix D1.
 administrative enforcement, 9.01[1]
 statutory authority, 9.01
 age, consideration of, 6.06[1]
 alimony and support payments not considered income, FTC enforcement, 9.01[3][d][i]
 amendments, 4.04[2]
 applicability, 4.07[1]
 application inquiries
 marital status, 5.03[4][a][i]
 sex of applicant, 5.03[4][a][i]
 applications for credit, 5.01[3]
 attorney fee and cost awards, 9.03[7]
 complaint required for fees, 9.03[7][e][iv]
 evidentiary hearing, 9.03[7][b]
 formula, 9.03[7][c]
 guidelines relating to fees, 9.03[7][e]
 awards greater than damages, 9.03[7][e][i]
 Lindy-Grinnell formula, 9.03[7][c]
 prevailing creditor-defendants, 9.03[7][f]
 sanctions under Fed. R. Civ. P. 11, 9.03[7][f]
 Supreme Court's rule, 9.03[7][a]
 time slips as basis for fees, 9.03[7][e][iii]
 time spent establishing fee award, 9.03[7][e][v]
 value of attorney's time and services, 9.03[7][d]
 burden of proof, 9.02[7]
 civil actions, 9.02
 burden of proof, 9.02[7]
 discovery, 9.02[5]
 jurisdiction, 9.02[1]
 jury trial, 9.02[1]
 limitations of actions, 9.02[2], 9.02[2][a]
 bonus one-year extension, 9.02[2][c]
 commencement of limitations period, 9.02[2][d]
 Congressional intention in circumscribing, 9.02[2][e]
 extension possibility, 9.02[2][c]
 five-year limitation period for FTC suits, 9.02[2][b]
 state-claim by defense, 9.02[2][f]
 statute of limitations distinguished, 9.02[2][e]
 pleading violations, 9.02[6]
 referrals from federal enforcement agencies, 9.02[4]

standing, 9.02[3]
 statute of limitations, 9.02[2]

civil penalties, 9.03
 actual damages, 9.03[2]
 assignee's liability, 9.03[4]
 attorney fee and cost awards, 9.03[7]
 avoiding penalties, 9.04
 declaratory relief, 9.03[5]
 defenses, 9.04
 election of remedies, 9.03[6]
 state law vs. ECOA remedies, 9.03[6][b]
 equitable relief, 9.03[5]
 FTC Act, 9.01[3][a]
 good-faith defense, 9.04[1]
 Board- and staff-issued interpretations, 9.04[3]
 inadvertent error defense, 9.04[2]
 punitive damages, 9.03[3]
 actual damages considered in determining amount, 9.03[3][c][ii]
 class action recoveries, 9.03[3][b]
 factors considered in awarding, 9.03[3][c]
 individual actions, 9.03[3][a]
 commercial lending companies, enforcement of Act by Federal Reserve Banks, 9.01[1]
 compliance source material, 4.04
 congressional findings, 4.01, 4.07[1]
 coverage, 4.07[1], 7.01[2][f]
 CRA relationship to ECOA, 4.05[2][c]
 creditors, limitations on requests for information, 5.03
 criminal history, 6.03[1]
 damages
 actual damages, 9.03[2]
 punitive damages, relation to, 9.03[3][c][ii]
 inadvertent error defense, 9.04[2]
 punitive damages, 9.03[3]
 actual damages considered in determining amount, 9.03[3][c][ii]
 class action recoveries, 9.03[3][b]
 creditor's resources considered, 9.03[3][c][iv]
 "deepest pocket" theory, 9.03[3][c][iv]
 factors considered in awarding, 9.03[3][c]
 individual actions, 9.03[3][a]
 intent and conduct of creditor considered, 9.03[3][c][v]
 net worth of creditor in determining amount, 9.03[3][c][i]
 noncompliance frequency and persistence considered, 9.03[3][c][iii]
 willful violations, class action recoveries, 9.03[3][b]
 statutory authority, 9.01
 declaratory relief, 9.03[5], 9.03[5]
 defenses
 conformity defense, 9.04[3][b]
 Board- and staff-issued interpretations, 9.04[3]
 good-faith conformity, 9.04[1]
 model forms, 9.04[4]
 Official Board Interpretations, 9.04[3][a]
 Official Staff Interpretations, 9.04[3][b]
 Public Information Letters, 9.04[3][c], 9.04[3][d]
 ignorance of law, 9.04[5]
 inadvertent error defense, 9.04[2]
 correction of error, 9.04[2], 9.05[2][b]
 lack of notice of violation, defense, 9.04[5]

- sovereign immunity, 9.04[6]
- definitions, 4.06, 4.07[1]
- discovery, 9.02[5]
- discrimination. *See* Discrimination; specific type of discrimination
- Dodd-Frank Act, 4.03A
- effective date, 4.02
- elderly credit applicants. *See* Elderly
- election of remedies, 9.03[6]
 - FHA/ECOA alternative recovery, 9.03[6][a]
 - state law vs. ECOA remedies, 9.03[6][b]
- Electronic disclosures, 7.02[1][g]
- Electronic Signatures in Global and National Commerce Act, 7.02[1][g]
- enforcement, Ch. 9
 - administrative enforcement, 9.01[1]
 - statutory authority, 9.01
 - civil actions, 9.02
 - civil penalties, 9.03
 - damages (Rev. Reg. B), 9.01[5]
 - data collection for monitoring programs, 9.05
 - declaratory relief, 9.03[5]
 - DOJ role, 9.01[5]
 - equitable relief, 9.03[5]
 - FDIC, by, 9.01[6]
 - information collection for monitoring programs, 9.05
 - injunctive relief
 - FTC Act, 9.01[3], 9.01[3][d][iv]
 - Rev. Reg. B, 9.01[5]
 - monitoring programs for principal dwelling purchase or refinance, 9.05
 - age information, 9.05[1][b]
 - private actions, 9.01
 - statutory authority, 9.01
 - equitable relief, 9.03[5]
 - exemptions, 4.08
 - SPCPs, 4.10
 - FCRA relationship to ECOA, 4.05[2][a], 7.02[4][b], 7.05
 - FDCPA relationship to ECOA, 4.05[2][b]
 - FDIC enforcement, 9.01[6]
 - FHA relationship to ECOA, 4.05[2][e]
 - foreclosure, effect of violation on, 8.01[5]
 - fraud and active duty alerts, 4.03[7][a], 4.05[2][a], 4.09, 6.04[10]
 - FRB enforcement, 9.01[2], 9.01[2][a][ii], 9.01[2][b]
 - administrative role, 9.01[2][a]
 - Compliance Handbook*, 9.01[2][b]
 - examinations, 9.01[2][b]
 - interpretation, 9.01[2][a][iv]
 - good-faith conformity, 9.04[3]
 - investigations, 9.01[2][b]
 - organization of FRB staff, 9.01[2][a][v]
 - Regulation B, 9.01[2][a][i]
 - Rev. Reg. B, 9.01[2][a][i]
 - rulemaking, 9.01[2][a]
 - FTC enforcement, 9.01[3]
 - administrative and judicial enforcement, 9.01[3][d][i]
 - age discrimination, 9.01[3][d][ii]
 - annual letter to FRB, 9.01[3][c]
 - zip codes as racially biased standard for credit, 9.01[3][c][i]
 - appeals of FTC-issued complaint, 9.01[3][d][v]
 - civil actions, 9.01[3]
 - consent agreements, 9.01[3][d][i], 9.01[3][d][ii]
 - consumer redress, 9.01[3]
 - Credit Practices Division, 9.01[3][b]
 - elderly credit applicants, 9.01[3][d][ii]
 - “enforcer of last resort,” 9.01[1]
 - five-year limitation period for FTC suits, 9.02[2][b]
 - finance companies, 9.01[1]
 - FmHA lending practices, 9.01[3][d][iii]
 - FTC Act, 9.01[3]
 - injunctive relief under FTC Act, 9.01[3]
 - authority upheld, 9.01[3][d][iv]
 - modifying orders, 9.01[3][d][vi]
 - penalties, 9.01[3][a]
 - powers, 9.01[3][d]
 - testers, uses of, 9.01[3][d][ii]
 - retailers, 9.01[1]
 - rulemaking vs. adjudication, 9.01[3][d][iii]
 - statutory authority, 9.01
 - HAMP loan modifications, 4.05[2][g], 5.01[5], 7.02[5]
 - history, 4.02, 4.07[1]
 - HMDA relationship to, 1.02, 4.05[2][d]
 - jury trials, 9.02[2]
 - leases, applicability to, 4.07[2]
 - limitations of actions, 9.02[2][a], 9.02[2][c]
 - bonus one-year extension, 9.02[2][c]
 - commencement of limitations period, 9.02[2][d]
 - credit decision, 9.02[2][d]
 - failure to provide notice, 9.02[2][d]
 - Congressional intention in circumscribing, 9.02[2][e]
 - statute of limitations distinguished, 9.02[2][e]
 - marital status discrimination, effect of, 8.01[5]
 - Medicaid recipients as “applicants” for credit, 4.06[2][m]
 - monitoring programs for principal dwelling purchase or refinance, 9.05
 - “Mortgage Loan Prequalifications: Applications or Not? (A Guide for Complying with Regulations B and C),” Appendix A5
 - notification requirements, Ch. 7
 - appraisal report on real property, copy to be provided to applicant, 7.06
 - business credit exemption, 7.01[2][g]
 - contents of adverse action notice, 7.02[3]
 - dealer-originated transactions, 7.02[1][d][i]
 - exemptions, 7.01[2][f][i]
 - form of ECOA Notice (official language), 7.02[4]
 - forms, 7.03
 - government credit exemption, 7.01[2][f][i]
 - inadvertent error defense, 7.02[1][e]
 - incidental credit exemption, 7.01[2][f][i]
 - legislative history, 7.01, 7.01[1]
 - model forms, use of, 7.03[1]
 - modification, 7.03[2]
 - multiple applicants, 7.02[1][c]
 - multiple creditors, 7.02[1][d]
 - oral notice by small-volume creditors, 7.02[1][a]
 - regulative history, 7.01, 7.01[1]
 - separate notification by multiple creditors, 7.02[1][d][ii]
 - small-volume creditors, oral notice, 7.02[1][a]
 - special-purpose credit programs, 7.01[3]
 - specific reasons for denial. *See* Adverse action
 - timing rules, 7.02[2], 7.02[2][a]
 - withdrawn loans, 7.02[1][b]
 - pleading violations, 9.02[6]

pre-ECOA practices that ECOA has prohibited as discriminatory, Ch. 8

prohibited discrimination, 4.09

purpose, 4.01

recordkeeping requirements, 9.06

- application exempt from notification requirements, 9.06[4]
- application information, 9.06[2]
- authority (Rev. Reg. B), 9.06
- business credit, shorter retention period, 9.06[7]
- computerized decisions, 9.06[2]
- copies, 9.06[2]
- correcting errors, 9.06[8]
- exempted classes of creditors, 9.06[6]
- existing actions, retention, 9.06[3]
- inadvertent error defense, 9.06[8]
- pending investigations and proceedings, extended retention periods, 9.06[5]
- prescreening, 9.06[9]
- prohibited information, retention of, 9.06[1]
- receipt of prohibited information, 9.06[1]
- use of retained information, 9.06[1]
- withdrawn and brokered applications, expressly withdrawn, 9.06[4]

Regulation B. *See* Regulation B (prior)

relationship to other laws, 4.05, 9.03[6][c]

- CRA, 4.05[2][c]
- FCRA, 4.05[2][a], 7.02[4][b], 7.05
- FDCPA, 4.05[2][b]
- FHA, 4.05[2][e]
 - election of remedies, 9.03[6][a]
- HMDA, 1.02, 4.05[2][d]
- state laws, 4.05[1]
 - election of remedies, 9.03[6][b]

retailers, enforcement of Act by FTC, 9.01[1]

Revised Regulation B. *See* Revised Regulation B

rulemaking, FRB, 9.01[2][a]

scope, 4.07

self test exception to general prohibition against inquiring about race, color, religion, national origin, or sex, 5.03[12]

self-testing, privilege for, 9.04[7]

sexual harassment, 9.01[4]

special-purpose credit programs, 4.10

spousal signature, 8.01[13]

spouse listed on account not considered in credit history, FTC enforcement, 9.01[3][d][i]

standing to sue, 4.07[1]

state laws, relationship to, 4.05[1]

- exemption of certain state transactions, 4.03[5], 4.05[1][c]
- finance charge limits and loan ceilings, 4.05[1][b]
- preemption of state laws, 4.03[4], 4.05[1][a]

statute of limitations

- extension possibility, 9.02[2][c]
- distinguished from limitations of actions, 9.02[2][e]

Subprime lending, 6.08

testers, uses of, 9.01[3][d][ii]

third-party liability, 9.01[4][a]

zip codes as racially biased standard for credit, 9.01[3][c][i]

Equal Credit Opportunity Act

- mortgage pricing, 6.09, 9.01[3][d]
- overages, 6.09, 9.01[3][d], 9.01[4][b]

Equitable relief, ECOA enforcement, 9.03[5]

Errors. *See* Accuracy of consumer reporting agencies; Defenses

E-Sign Act

ECOA disclosures, 7.02[1][g]

Evaluations. *See* Credit evaluations**Evidence. *See* Burden of proof****Examinations, ECOA enforcement, 9.01[2][b]****Exclusionary zoning, FHA prohibited activities, 3.04[2][a][ii], 3.05[2][a][iii]****Executive Orders**

11063, housing discrimination enforcement proceedings, 3.01[3], 3.07[1][d]

12892, affirmative action for fair housing, 3.06[1], 4.05[2][c]

Exemptions

See also Business credit; Government credit; Incidental credit; Securities credit; Special-purpose credit programs

application inquiry restrictions

- classes of credit transactions, 5.03[2][a][iii]
- disclosures by creditors concerning income from alimony and support payments, 5.03[5][d]
- marital status, 5.03[4][c], 5.03[4][d]
- race, color, religion, or national origin, 5.03[8]
- secondarily liable parties, 5.03[2][a][ii]
- sex of applicant, 5.03[6][c], 5.03[6][d]
- special-purpose credit programs, 5.03[2][a][iv]

disclosures by creditors concerning income from alimony and support payments, 5.03[5][d]

ECOA, 4.08**SPCPs, 4.10**

state laws exempted from preemption, 4.03[5], 4.05[1][c]

FDCPA, 14.05**FHA, 3.06[2]**

elderly, housing for, 3.05[2][d], 3.06[2][d]

See also Elderly

private clubs, 3.06[2][b]

reasonable occupancy limits, 3.05[2][c], 3.06[2][c]

religious organizations, 3.06[2][a]

retirement communities, 3.05[2][d], 3.06[2][d]

single-family home sale or rental by owner, 3.05[2][e], 3.06[2][e]

HMDA, 1.04[2], 1.07[1]**public utilities credit**

application inquiries, 4.08[2][b]

marital status inquiries, 5.03[4][c]

Rev. Reg. B, 4.08[2], 5.01[1][a][ii]

definition, 4.08[2][a]

limited exemption, 4.08[2][b]

Rev. Reg. B, 4.08, 5.01[1][a][ii]

signature rules, 8.01[5][c]

SPCPs, 4.10

state laws exempted from ECOA preemption, 4.03[5], 4.05[1][c]

“Extension of credit” defined (Rev. Reg. B), 4.06[2][q], 4.07[1]

F**Factoring, 7.02[3]**

Fair and Accurate Credit Transaction Act (FACT Act), (See Chapters 10-13 generally; see Fair Credit Reporting Act for specific subjects.)

Fair Credit Reporting Act (FCRA), Ch. 10-13

See also Consumer reporting agencies; Users of credit reports

Ed. Note: The full text of this Act is reprinted in Appendix E1; Questions and Answers about the Act are reprinted in Appendix E2.

- accuracy and integrity regulations, 11.13[5]
- active duty alerts, 4.03[7][a], 4.05[2][a], 4.09, 6.04[10], 11.12[1]
- address discrepancies, 12.07[1][a]
- administration, 10.06
- administrative enforcement, 13.01
 - allocation of enforcement responsibilities, 13.01[1]
 - examination procedures of Comptroller of the Currency, 13.01[2][c]
 - FTC enforcement, 13.01[1], 13.01[3]
 - investigative powers, 13.01[3][c]
 - limits, 13.01[3][b]
 - regulatory agency enforcement, 13.01[2]
 - FCRA § 621(c), 13.01[2][a]
 - FTCA § 18(f), 13.01[2][b]
- adverse action, definition of, 10.04[10]
 - Internet preapprovals, 12.02[2][a]
- affiliates, reports by, exclusion for, 10.05[2][e][i]
- affiliate information sharing, 10.05[2][e], 10.05[3][a], 11.02[12][c], 12.07[6]
- affiliate information sharing regulations, 10.02, 10.08[2], Appendix E1
- affiliate marketing opt-out notices, 12.07[6]
- age information, 10.04[3]
- agency interpretation, court's regard for, 10.02[5]
- application inquiries, applicability to nonapplicant and former spouses, 5.03[3][c]
- attorney fees, recovery in successful action, 13.06
- checklist of consumer protection and consumer rights, 13.10
- civil liability to consumer reporting agency, 13.05[6]
- civil penalties, 13.01[2][c]
 - false pretenses in obtaining credit information, 13.02[2], 13.05[2]
 - negligent violations, 13.01[2][c], 13.04, 13.04[1]
 - damages, 13.04[2]
 - willful violations, 13.01[2][c], 13.05, 13.05[1], 13.05[4][b], 13.08[2][d]
- cloaking, 11.04[3], 13.04[3], 13.05[4][c]
- complaints, 13.01[2][c]
- compliance, generally, Ch. 13
 - See also this heading:* enforcement
- congressional findings, 10.03
- conspiracy to violate, 13.05[5]
- consumer reports, definition of, 10.04[3]
- consumers
 - preselected for offers of credit or insurance, 13.01[2][c]
 - summary of rights, 11.06[8]
- coverage, 4.05[2][a], 10.05
 - commercial credit reports not covered, 10.05[2]
 - consumer reports only, 10.05[2]
 - characteristics of consumer reports, 10.05[2][b]
 - interdependence between consumer reports and consumer reporting agencies, 10.05[2][a]
 - consumers only, 10.05[1]
- Credit Card Accountability Responsibility and Disclosure Act of 2009, 11.07[2][b], 11.02[4][c][iv]
- Credit and Debit Card Receipt Clarification Act, 1.12
- credit score, 11.06[7], 11.06[10], 11.06[11], 12.07[5]
- criminal penalties, 13.02, 13.03
 - consumer reporting agencies
 - falsely obtaining information from, 13.02
 - unauthorized disclosure by, 13.03
- damages, 13.04[2]
- defamation. *See* Defamation
- denial of credit as prerequisite to recovery, 11.04[3][d]
- definitions, 10.04
- direct dispute regulations, 11.13[4]
- disclosures, 4.05[2][a]
 - “discovery rule,” 13.07[2][b]
- disposal of consumer credit information, 12.07[8]
- ECOA relationship to FCRA, 4.05[2][a], 7.02[4][b], 7.05
- effective date, 4.05[2][a]
- employee investigations, 10.04[19]
- employment agencies, exclusion for communications by, 10.05[2][e][iv]
- enforcement, Ch. 13
 - administrative enforcement, 13.01
 - ban on state action when federal action pending, 13.01[4][b]
 - civil penalties, 13.01[2][c], 13.04, 13.05, 13.05[1]
 - complaints, 13.01[2][c]
 - compliance examinations, limitations on, 13.01[2][c]
 - criminal penalties, 13.02, 13.03
 - federal regulators, rights of, 13.01[2][c], 13.01[4][c]
 - interpretations by Federal Reserve Board, 13.01[5]
 - “otherwise has knowledge” of violation, 13.01[2][c]
 - pattern and practice suits, 13.01[3][d]
 - states’ authority to bring enforcement actions, 13.01[4]
 - examination procedures, 13.01[2][d]
 - exclusions from coverage, 10.05[2][e]
 - FDCPA relationship to FCRA, 14.10[1]
 - “Financial Institutions and the Fair Credit Reporting Act,” 10.02[4]
 - firm offer of credit or insurance, definition of, 10.04[11]
 - fraud alert, 4.03[7][a], 4.05[2][a], 4.09, 6.04[10], 10.04[15], 11.12[1], 12.01, 12.07[3]
 - free credit reports rule, 11.06[11][c], Appendix E13
 - FTC powers, 10.01[1], 10.01[2], 13.02[3][d]
 - FTC red flags web site, 2.07[1][c]
 - furnishing negative information, 11.13
 - furnishers of information to CRAs
 - duties, 11.13[1], 11.13[2]
 - examination guidance, 11.13[5]
 - liability limitations, 11.13[3]
 - notice of dispute, 11.13[2]
 - notice of responsibilities, 11.13[4]
 - private cause of action against, 11.13[3], 13.04, 13.05
 - regulations and guidelines, 11.13[4]
- glossary, 10.04
- Gramm-Leach-Bliley Act, 10.01[2], 10.05[2][e][i]
- Gramm-Leach-Bliley Act privacy requirements, 10.08, 10.08[5], Exhibit 10-3
- guidelines for information furnished to consumer reporting agencies, 11.13[5]
- identity theft red flags, 12.07[1][a]
- Identity Theft Red Flags and Address Discrepancies FAQs, 12.07[1][b], Appendix E12
- injunctive relief, 13.04[3], 13.07
- instant merge reports, 11.08
- Interagency Guidelines Establishing Information Security Standards Small Entity Compliance Guide, 12.07[8][b]
- Internet, 12.02[2][a]
- invasion of privacy. *See* Invasion of privacy

- investigative consumer reports, restrictions on preparing, 11.10 jurisdiction, 13.07[1]
 - legislative history, 10.01[1]
 - medical information, 10.05[2][d], 11.02[5], 11.02[12]
 - medical information, limitations on use in reports, 11.02[12]
 - Nationwide Specialty Consumer Reporting Agency, 10.04[18]
 - negligence. *See* Negligence
 - notice
 - adverse action. *See* Adverse action
 - to furnishers of information, 11.13[4]
 - to users of reports, 12.02[8][b]
 - offers of credit or insurance to preselected consumers, 13.01[2][c]
 - personal liability on business debt, 11.02[4]
 - postscreening, 11.02[4][c]
 - preapprovals, 1.01[2]
 - preemption of state laws, 10.07
 - preemption of tort claims, 13.08[2][b]
 - prescreening of credit applications, applicability to, 5.01[4][c], 10.02[4], 10.04[12], 11.02[4][c], 12.02[2]
 - punitive damages, 13.04, 13.05, 13.05[4]
 - purpose, 4.05[2][a], 10.01[1], 10.03, 11.01
 - recordkeeping requirements, dated record of inquiries, 10.03
 - regulations, 10.02[1], 10.02[2]
 - reseller, 10.04[17]
 - risk-based pricing, 12.01, 12.07[4], Appendix E11
 - sanctions against plaintiffs, 13.06[3]
 - scope, 10.01[1], 10.05
 - sharing of information among banks, 13.01[2][c]
 - Social Security Numbers, 11.06
 - sources for meeting FCRA requirements, 10.02
 - state, definition of, 10.04[13]
 - state law and, 10.07
 - statute of limitations, 13.07[2]
 - summary of consumers' rights, 11.06[8]
 - target marketing, 11.02, 13.01[3][d]
 - users, notice of responsibilities, 12.07, 12.02[8][b]
 - vicarious liability, 13.04[4]
 - violations, conspiracy, 13.05[5]
 - workplace investigations, 11.02[5][d]
- Fair Debt Collection Practices Act (FDCPA), Ch. 14**
- Ed. Note: The full text of this Act is reprinted in Appendix F1.*
- abusive conduct, prohibitions against, 14.08
 - administrative enforcement, 14.17
 - attorney exclusion, repealed, 14.01[2], 14.05[3][c]
 - attorney fees, 14.18[1], 14.18[4]
 - attorney of debtor
 - communications limited to, 14.07[2][c]
 - known to skip tracer, communications limited to, 14.06[3]
 - attorneys, debt collectors pretending to be, 14.09[1][b]
 - avoidance of civil liability, 14.19
 - calls at work, prohibition, 14.07[2][d]
 - cessation of communication upon consumer's written request, 14.07[4], 14.11[2][b]
 - checks, dishonored, 14.04[5]
 - class actions, 14.18[1]
 - collection means not to be unfair or unconscionable, 14.10, 14.10[1]
 - collecting more than legally owed, 14.10[2][a]
 - Commission, defined, 14.04[1]
 - communication, restrictions on, 14.06, 14.07
 - anonymous calls, prohibited, 14.08[1][f]
 - attorney of debtor, communications limited to, 14.07[2][c]
 - calls at work, prohibition, 14.07[2][d]
 - cessation of communication upon consumer's written request, 14.07[4], 14.11[2][b]
 - collect calls, prohibited, 14.10[2][c]
 - consent of debtor, 14.07[2][a]
 - definitions, 14.04[2]
 - harassing calls, prohibited, 14.08[1][e]
 - Miranda* notice required, 14.09[6]
 - prohibition on revealing identity as debt collector in written communications, 14.10[2][e]
 - third-party communications, 14.07[3]
 - unusual or inconvenient times and places, 14.07[2][b]
 - conformity defense, 14.19[2]
 - congressional findings, 14.02
 - consent decrees, 14.17[5]
 - consent of debtor to communications, 14.07[2][a]
 - third-party communications, 14.07[3][c]
 - consumer, defined, 14.04[3]
 - coverage, 14.05
 - creditor, defined, 14.04[4]
 - damages, 14.18[1]
 - debt collectors, 14.05[3][a]
 - definition, 14.04[6]
 - exclusions, 14.04[6][a], 14.05[3][b]
 - debts
 - definition, 14.04[5]
 - types covered, 14.05[2]
 - deceptive collection forms, prohibition, 14.14
 - defenses, 14.19
 - definitions, 14.04
 - disclosure requirements, 14.09[6]
 - disputed debts and their validation, 14.11
 - action required when consumer disputes debt, 14.11[2][a]
 - amount of debt, 14.11[1][a]
 - consumer's response disputing debt, 14.11[2]
 - continued dispute after validation, 14.11[2][b]
 - copy of judgment, debt collector's obligation to obtain, 14.11[1][d]
 - creditor's name, 14.11[1][b]
 - failure to dispute not admission of liability, 14.11[3]
 - format of notice, 14.11[1][g]
 - legal action, 14.11[1][i]
 - misrepresenting notice as having copy of judgment, 14.09[3][a][v]
 - multiple debts, application of payments, 14.12[1]
 - oral notice, 14.11[1][h]
 - preliminary notice of availability of validation, 14.11[1]
 - referral of account to second collector, 14.11[1][f]
 - time limits, 14.11[1][c]
 - ECOA relationship to FDCPA, 4.05[2][b]
 - enforcement
 - administrative enforcement, 14.17
 - civil liability, 14.18
 - exemptions, 14.05
 - false representations, prohibitions, 14.09
 - aliases, 14.09[1][d]
 - attorneys, pretending to be, 14.09[1][b]
 - charging debtors with crimes or other misconduct falsely, 14.09[3][c]
 - consumer reporting agency, pretending to be, 14.09[1][e]
 - disclosure requirements, 14.09[6]

- documents faked, 14.09[2]
 - government agency or judicial documents faked, 14.09[2][a]
 - governmental connections, pretending to have, 14.09[1][a]
 - innocent purchasers for value of debt, pretending to be, 14.09[1][c]
 - legal process
 - claiming collection documents to be, 14.09[2][b]
 - disguising true nature of legal documents, 14.09[2][c]
 - misrepresenting debts, 14.09[3][a]
 - misrepresenting legal remedies, 14.09[3][b]
 - threatening illegal or unintended actions, 14.09[3][b]
 - threatening to communicate false credit information about consumer, 14.09[7]
 - transfer of debt will deprive debtor of FDCPA protection, false claims, 14.09[5]
 - using misrepresentation to collect debt or obtain information about debtor, 14.09[4]
 - FCRA relationship to FDCPA, 14.10[1]
 - Federal Reserve Board powers, 14.03[5]
 - Federal Trade Commission Act, 14.05
 - flat-raters, 14.05[3][c], 14.11[1][e], 14.14
 - civil liability, 14.18[1]
 - defined, 14.04[6][b]
 - foreclosures, 14.11[2][d]
 - frivolous suits, sanctions against consumers, 14.18[4]
 - FTC Advisory Opinion — Discussing Settlement Options in the Foreclosure Context, 14.11[2][e]
 - FTC Advisory Opinion Resolves Potential Conflict Between FACT Act's Direct Dispute Rule and FDCPA, 14.11[2][f]
 - FTC Consumer Alert: Right of Surviving Relatives under FDCPA, 14.07[5]
 - FTC powers, 14.01[1], 14.17, 14.17[1]
 - interpretations of FDCPA, 14.03[4]
 - full recourse agreements, 14.11[1][b][i]
 - glossary, 14.04
 - good faith conformity defense, 14.19[2]
 - harassment, prohibitions against, 14.08
 - advertising sale of debt, 14.08[1][d]
 - anonymous calls by debt collectors, 14.08[1][f]
 - continuous, repeated calls, 14.08[1][e]
 - obscene, abusive, or profane language, 14.08[1][b]
 - publication of lists of alleged debtors, 14.08[1][c]
 - violence or criminal means, 14.08[1][a]
 - judicial interpretations, 14.03[3]
 - legislative history, 14.01, 14.03[1], 14.05, 14.17[4]
 - location information
 - definition, 14.04[7]
 - restrictions on acquisition of, 14.06
 - Miranda* notice required in communications, 14.09[6]
 - mortgage servicing companies, exemption, 14.05[3][b]
 - multiple debts, application of payments, 14.12
 - application as directed, 14.12[2]
 - disputed debts, 14.12[1]
 - Official Staff Commentary, 14.03[4]
 - preemption of state debt collection practice laws, 14.15
 - prohibitions, 4.05[2][b], 14.01
 - protected persons, 14.05[1]
 - punitive damages, 14.18[1]
 - purpose, 4.05[2][b], 14.01, 14.02
 - repeal of attorneys' exclusion, 14.01[2]
 - repurchase agreements, 14.11[1][b][ii]
 - rulemaking powers not conferred, 14.17[3]
 - scope, 14.05
 - skip tracing, 14.06
 - source materials for FDCPA compliance, 14.03
 - standing to sue, unauthorized contacts with third parties, 14.07[3][g]
 - state, defined, 14.04[8]
 - state laws, relation to, 14.15, 14.16
 - state regulation of debt collection practices, exemptions, 14.16
 - statute of limitations, 14.18[3]
 - third-party communications, 14.07[3]
 - consent of debtor, 14.07[3][c]
 - credit bureaus, with, 14.07[3][e]
 - definitional contradiction, 14.07[3][d]
 - limited express exceptions, 14.07[3][b]
 - permitted contacts, 14.07[3][a]
 - postjudgment remedy, permissible contacts to effectuate, 14.07[3][f]
 - unauthorized contacts, standing to sue, 14.07[3][g]
 - unfair or unconscionable means of collection, prohibitions, 14.10, 14.10[1]
 - collect calls by debt collectors, 14.10[2][c]
 - collecting more than legally owed, 14.10[2][a]
 - postdated checks, 14.10[2][b]
 - self-help repossession, threatening, 14.10[2][d]
 - unintentional error defense, 14.19[1]
 - Unofficial Staff Commentary, 14.03[4]
 - venue, 14.18[2]
 - foreclosure when security interests in real property collateral, 14.13[1]
 - multiple debtors, 14.13[4]
 - oral agreements involved, 14.13[5]
 - restriction on choices in collection suits, 14.13
 - suits on debts not secured by realty, 14.13[2]
 - waiver, 14.13[3]
 - workplace calls, prohibition, 14.07[2][d]
- Fair Housing Act (FHA), Ch. 3**
- Ed. Note: The full text of this Act is reprinted in Appendix C1.*
- administrative enforcement, 3.06[1], 3.07[1]
 - alternative actions, 3.07[1][d]
 - appeals, 3.07[1][d]
 - attorney fee and cost awards, 3.07[1][d]
 - charge, issuance, 3.07[1][c]
 - civil penalties, 3.07[1][d]
 - complaint processing procedure, 3.07[1][a]
 - conciliation, 3.07[1][b]
 - damages, 3.07[1][d]
 - debarment proceedings, 3.07[1][d]
 - Executive Order 12892, affirmative action for fair housing, 3.06[1], 4.05[2][e]
 - hearings, 3.07[1][d]
 - HUD's failure to file complaint, suit for, 3.06[1][c]
 - injunctive relief, 3.07[1][d]
 - investigative report, 3.07[1][b]
 - notice of complaint, 3.07[1][a]
 - referral of complaint, 3.06[4], 3.07[1][c], 3.07[4]
 - review of ALJ decision, 3.07[1][d]
 - "SIDE-BY-SIDE, a Guide to Fair Lending," 3.06[1]
 - text, Appendix D3
 - advertising
 - applications for credit, 5.02[3][c]
 - equal housing opportunity logotype, statement, or slogan, 3.07
 - prohibited activities, 3.05[2][c]

publisher's notice of fair housing advertising, 3.07
 single-family home sale or rental by owner, 3.05[2][e],
 3.06[2][e]

affirmative fair housing marketing plan, validity of, 3.04[2][b]

aggrieved persons

- civil actions, 3.06[2], 3.07[2]
- complaint processing procedure, 3.07[1][a]
- definition, 3.03[1]

Aid for Families With Dependent Children, bias against recipients, 3.02[6]

amendment, 3.01[1]

Ed. Note: The full text of the House Report on the Fair Housing Amendments Act of 1988 is reprinted in Appendix C3.

appeals from administrative enforcement, 3.07[1][d]

appraisals, prohibited activities, 3.05[3]

attorney fee and cost awards

- administrative enforcement, 3.07[1][d]
- Attorney General actions, 3.06[3], 3.07[3]
- private actions, 3.06[2], 3.07[2]

Attorney General actions, 3.06[3], 3.07[3]

blockbusting, prohibited activities, 3.04[2][e], 3.05[2][e]

brokerage services, prohibited activities, 3.05[4], 4.05[2][e]

broker or agent, definition, 3.03[2]

burden of proof, 3.04[1][a], 3.05[1][a]

charge, issuance, 3.07[1][c]

civil actions

- Attorney General actions, 3.06[3], 3.07[3]
- private actions, 3.06[2], 3.07[2]

civil penalties

- administrative enforcement, 3.07[1][d]
- Attorney General actions, 3.06[3], 3.07[3]
- willful intimidation or interference, 3.04[5], 3.05[5]

coercion, prohibited activities, 3.04[5], 3.05[5]

complaints

- processing procedure, 3.07[1][a]
- referral, 3.06[4], 3.07[1][c], 3.07[4]

conciliation, 3.07[1][b]

coverage, 4.05[2][e]

criminal penalties, willful intimidation or interference, 3.04[5], 3.05[5]

damages

- ALJ order, 3.07[1][d]
- Attorney General actions, 3.06[3], 3.07[3]
- conciliation agreement, 3.07[1][b]
- private actions, 3.06[2], 3.07[2]

debarment proceedings, 3.07[1][d]

definitions, 3.03

discovery, 3.07[1][d]

discriminatory housing practice, definition, 3.03[3]

disparate impact, burden of proof, 3.05[1][a]

disparate treatment, burden of proof, 3.05[1][a]

Dodd-Frank Act, 3.01[1], 3.01[5]

dwelling, definition, 3.03[4]

ECOA relationship to FHA, 4.05[2][e]

effective dates, 3.04

elderly, housing for; exemption, 3.05[2][d], 3.06[2][d]

- 80 percent occupancy rule, 3.05[2][d]
- impracticality, 3.05[2][d]
- policies to show intent to provide housing, 3.05[2][d]
- self-certification, 3.05[2][d]

election of remedies

- ECOA/FHA alternative recovery, 9.03[6][a]

enforcement, 3.07

- administrative enforcement, 3.06[1], 3.07[1]
- Attorney General actions, 3.06[3], 3.07[3]
- burden of proof, 3.05[1][a]
- charge, issuance, 3.07[1][c]
- complaint processing procedure, 3.07[1][a]
- conciliation, 3.07[1][b]
- establishing case, 3.05[1][a]
- hearings, 3.07[1][d]
- investigative report, 3.07[1][b]
- private actions, 3.06[2], 3.07[2]
- referral of complaint, 3.06[4], 3.07[1][c], 3.07[4]
- related laws, 3.01[3]
- standing, 3.04[1][b], 3.05[1][b]
- state and local agency cooperation, 3.06[4], 3.07[4]

exclusionary zoning, prohibited activities, 3.04[2][a][iii], 3.05[2][a][ii]

Executive Order 12892, 3.06[1], 4.05[2][e]

exemptions, 3.06[2]

- elderly, housing for, 3.05[2][d], 3.06[2][d]
 - impracticality, 3.05[2][d]
 - self-certification, 3.05[2][d]
- immunity from suit, 3.05
- private clubs, 3.06[2][b]
- reasonable occupancy limits, 3.05[2][c], 3.06[2][c]
- religious organizations, 3.06[2][a]
- retirement communities, 3.05[2][d], 3.06[2][d]
- single-family home sale or rental by owner, 3.05[2][e], 3.06[2][e]

fair lending definition, 3.01[5]

false representations of availability, prohibited activities, 3.05[2][d]

familial status

- definition, 3.02[6], 3.03[6]
- elderly, housing for; exemption, 3.05[2][d], 3.06[2][d]
- reasonable occupancy limit exemption, 3.05[2][c], 3.06[2][c]

family, definition, 3.03[5]

financing activities, prohibitions, 3.04[3], 3.05[3]

gender identity, 3.02[6]

handicap, definition, 3.03[7]

handicap discrimination, prohibited activities, 3.04[2][f], 3.05[2][f]

hearings, 3.07[1][d]

high LTV residential real estate lending, 3.01[4][b]

HMDA, relationship to, 1.02

House Judiciary Committee report on 1988 amendments, 3.01[1]injunctive relief

- administrative enforcement, 3.07[1][d]
- Attorney General actions, 3.06[3], 3.07[3]
- private actions, 3.06[2], 3.07[2]

immunity from suit, 3.05

insurance redlining, prohibited activities, 3.04[2][a][iii], 3.05[2][a][iii]

interference, prohibited activities, 3.04[5], 3.05[5]

intervention, 3.07[1][d]

intimidation, prohibited activities, 3.04[5], 3.05[5]

investigative report, 3.07[1][b]

jurisdiction, 3.06[1][d]

mental handicap, burden of proof, 3.05[1][a]

mobile home loans, bias in, 3.06[3]

mortgage purchases, 3.01[4][i]

- mortgage redlining, prohibited activities, 3.04[2][a][iii], 3.04[3], 3.05[2][a][iii], 3.05[3]
- notice
 - complaint, 3.07[1][a]
 - publisher's notice of fair housing advertising, 3.07
- Office of Fair Lending and Equal Opportunity, 3.01[5]
- person, definition, 3.03[8]
- person in the business of selling or renting dwellings, definition, 3.03[9]
- policy, 3.01
- posting of nondiscrimination policy, 3.07
- pregnancy discrimination, 3.01[5][b][vii]
- private actions, 3.06[2], 3.07[2]
- private clubs, exemption, 3.06[2][b]
- prohibited activities, 3.01, 3.05, 4.05[2][e]
 - advertising, 3.05[2][c]
 - appraisals, 3.05[3]
 - blockbusting, 3.04[2][e], 3.05[2][e]
 - brokerage services, 3.05[4], 4.05[2][e]
 - burden of proof, 3.05[1][a]
 - definition of discriminatory housing practice, 3.03[3]
 - establishing case, 3.05[1][a]
 - exclusionary zoning, 3.04[2][a][ii], 3.05[2][a][ii]
 - false representations of availability, 3.05[2][d]
 - financing activities, 3.04[3], 3.05[3]
 - handicap discrimination, 3.04[2][f], 3.05[2][f]
 - insurance redlining, 3.04[2][a][iii], 3.05[2][a][iii]
 - interference, coercion, or intimidation, 3.04[5], 3.05[5]
 - mortgage redlining, 3.04[2][a][iii], 3.04[3], 3.05[2][a][iii], 3.05[3]
 - preliminary matters, 3.04[1], 3.05[1]
 - redlining, 3.04[2][a][iii], 3.04[3], 3.05[2][a][iii], 3.05[3]
 - refusal to sell or rent, 3.04[2][a], 3.05[2][a]
 - related transactions, 3.04[3], 3.05[3]
 - rental of housing, 3.05[2]
 - restrictive covenants, 3.04[2][a][ii], 3.05[2][a][ii], 3.05[2][d]
 - sale of housing, 3.05[2]
 - standing, 3.04[1][b], 3.05[1][b]
 - steering, 3.04[2][a][i], 3.05[2][a][i]
 - terms, conditions, or privileges, 3.04[2][b], 3.05[2][b]
- public officials
 - immunity from suit, 3.05
- publisher's notice of fair housing advertising, 3.07
- quotas, 3.05[2][a][i]
- reasonable occupancy limit exemption, 3.05[2][c], 3.06[2][c]
- redlining, prohibited activities, 3.04[2][a][iii], 3.04[3], 3.05[2][a][iii], 3.05[3]
- referral of complaint, 3.06[4], 3.07[1][c], 3.07[4]
- refusal to sell or rent, prohibited activities, 3.04[2][a], 3.05[2][a]
- regulations
 - Ed. Note: The full text of these regulations is reprinted in Appendix C2.*
 - promulgation and codification, 3.01[2]
 - related laws, 3.01[3]
 - supplemental regulations, 3.01[3]
- related laws, 3.01[3]
- related transactions, prohibited activities, 3.04[3], 3.05[3]
- religious organizations, exemption, 3.06[2][a]
- rental of housing, prohibited activities, 3.05[2]
- restrictive covenants, prohibited activities, 3.04[2][a][ii], 3.05[2][a][ii], 3.05[2][d]
- retirement communities, exemption, 3.05[2][d], 3.06[2][d]
- reverse redlining, 3.04[2][a][iv]
- row houses, 3.06[7], 9.01[5]
- sale of housing, prohibited activities, 3.05[2]
- scope, 3.01, 3.06[1]
- secretary, definition, 3.03[10]
- self-testing, privilege for 3.05[4]
- sexual harassment, 3.04[1][b], 3.04[2][b], 3.04[3]
- Sexual orientation, 3.02[6]
- single-family home sale or rental by owner, exemption, 3.05[2][e], 3.06[2][e]
- standing, 3.04[1][b], 3.05[1][b]
- state and local agency cooperation in enforcement, 3.06[4], 3.07[4]
- statute of limitations
 - Attorney General actions, 3.06[3], 3.07[3]
 - private actions, 3.06[2], 3.07[2]
- steering, prohibited activities, 3.04[2][a][i], 3.05[2][a][i]
- subprime lending, 3.01
- terms, conditions, or privileges; prohibited activities, 3.04[2][b], 3.05[2][b]
- "testers," standing, 3.04[1][b], 3.05[1][b]
- testing, use of evidence, 3.06[1][e]
- venue, 3.07[1][d]
- vicarious liability, 3.06[6]
- willful intimidation or interference, penalties, 3.04[5], 3.05[5]
- withholding credit reporting information, 12.01
- Fair Housing Amendments Act of 1988, 3.01[1]**
 - Ed. Note: The full text of the House Report on this Act is reprinted in Appendix C3.*
- Fair Housing Assistance Program, 3.01[3]**
- Fair Housing Initiatives Program, 3.01[3]**
- Fair Lending Examination Procedures, 3.06[1][a], 9.01[1]**
 - Ed. Note: The full text of the interagency examination procedures is reprinted in Appendix D5.*
- reverse redlining, 3.04[2][a][iv]
- False representations**
 - consumer reporting agencies, obtaining information under false pretenses
 - civil penalties, 13.02[2], 13.05[2]
 - criminal penalties, 11.02, 13.02
 - element of false pretenses, 13.02[1][a]
 - nature and scope, 13.02[1]
 - reasonable procedures required, 13.02[1][b]
- FDCPA prohibitions, 14.09
 - charging debtors with crimes or other misconduct falsely, 14.09[3][c]
 - criminal action, threatening, 14.09[3][b]
 - debt collector pretending to be another entity or associated with government, 14.09[1]
 - disclosure requirements, 14.09[6]
 - documents faked, 14.09[2]
 - misprision of felony,
 - misrepresenting debts, 14.09[3][a]
 - amount of debt, 14.09[3][a][ii]
 - character of debt, 14.09[3][a][i]
 - fees for collection, 14.09[3][a][iv]
 - status of debt, 14.09[3][a][iii]
 - validation notice with copy of judgment, 14.09[3][a][v]
- misrepresenting legal remedies,
- seizure of debtor's property, threatening,
- threatening illegal or unintended actions,

- threatening to communicate false credit information about consumer, 14.09[7]
 transfer of debt will deprive debtor of FDCPA protection, false claims, 14.09[5]
 using misrepresentation to collect debt or obtain information about debtor, 14.09[4]
 housing availability, FHA prohibited activities, 3.05[2][d]
- Familial status, defined (FHA), 3.02[6], 3.03[6]**
- Family, defined (FHA), 3.03[5]**
- Family status discrimination. *See* Fair Housing Act**
- Farm Credit Administration**
 ECOA enforcement, 9.01[1]
- Farmers Home Administration (FmHA)**
 ECOA enforcement by FRC, 9.01[3][d][iii]
 insured loans, HMDA requirements, 1.06[1][d]
- Farm loans, CRA data collection and reporting, 2.03[3][a]**
- FCRA. *See* Fair Credit Reporting Act**
- FDCPA. *See* Fair Debt Collection Practices Act**
- FDIC. *See* Federal Deposit Insurance Corporation**
- Federal branches and agencies of foreign banks**
 ECOA enforcement, 9.01[1]
 FCRA enforcement, 10.06
 “Side-by-Side,” 3.06[1]
Ed. Note: The full text of the FDIC’s Side-by-Side publication is reprinted in Appendix D-4.
- Federal Deposit Insurance Corporation (FDIC)**
 affiliate information sharing regulations, 10.02, 10.08[2], Appendix E1
 CRA enforcement, 2.01[2][b]
 evaluations, 2.05[6]
 ECOA powers, 9.01[1], 9.01[6]
 fair housing advertising regulations, 5.02[3][c]
 FCRA powers, 10.01[1], 10.06, 13.01[1], 13.01[2]
 FDCPA powers, 14.17[2]
 HMDA powers, 1.09
 “Mortgage Loan Prequalifications: Applications or Not? (A Guide for Complying with Regulations B and C),” Appendix A5
 overdraft protection, 8.01[14], 15.08
 “Side-by-Side,” 3.06[1]
Ed. Note: The full text of the FDIC’s Side-by-Side publication is provided in Appendix D-4.
 spousal signature, 8.01[13]
- Federal Deposit Insurance Corporation Improvement Act, 7.06**
- Federal Financial Institution Examination Council (FFIEC), 1.01[2], 1.08[1], 1.08[5]**
 “A Guide to CRA Data Collection and Reporting,” 2.03[15]
 “CRA Examination Procedures”
Ed. Note: The full text of this document is reproduced in Appendix B4.
 “A Guide to HMDA Reporting: Getting It Right,” 1.01[2]
Ed. Note: The full text of this document is reproduced in Appendix A3.
 HMDA data, 1.01[3]
 “Interagency Fair Lending Examination Procedures,” 3.06[1]
Ed. Note: The full text of the examination procedures is reprinted in Appendix D5.
 “Questions and Answers on CRA Data Collection and Reporting,” 2.03[1][b]
Ed. Note: The full text of this document is reproduced in Appendix B5.
 “Statement on CRA Recordkeeping and Documentation Guidelines,” 2.02[1][f]
- Federal Home Loan Bank Board. *See now* Office of Thrift Supervision**
- Federal Home Loan Mortgage Corporation model forms, 5.04[2], 5.04[4]**
- Federal land banks**
 ECOA enforcement, 9.01[1]
- Federal National Mortgage Association (FNMA)**
 model forms, 5.04[2], 5.04[4]
- Federal preemption. *See* Preemption**
- Federal Reserve Board (FRB)**
See also Regulation B (prior); Revised Regulation B
 affiliate information sharing regulations, 10.02, 10.08[2], Appendix E1
 CRA enforcement, 2.01[2][b]
 ECOA annual report, 4.03[6]
 ECOA powers, 9.01[2], 9.01[2][a][ii]
 administrative role, 9.01[2][a]
Compliance Handbook, 9.01[2][b]
 Consumer and Consumer Affairs Division (Rev. Reg. B), 9.01[2][a][v]
 examinations, 9.01[2][b]
 acquisition of another institution or branch, 9.01[2][b]
 investigations, 9.01[2][b]
 Regulation B, 9.01[2][a][i], 9.01[2][a][iii]
 Revised Regulation B, 9.01[2][a][ii]
 rulemaking, 9.01[2][a]
 FCRA powers, 10.06
 FCRA powers, 10.01[1], 13.01[1], 13.01[2][b]
 FDCPA powers, 14.03[5], 14.17[2]
 FTC Act, 15.07, Appendix G5
 HMDA powers, 1.01[2], 1.09
 overdraft protection, 8.01[14], 15.08
 Regulation C, 1.01[2]
 unfair or deceptive acts, 8.01[14], 15.08, Appendix G5
- Federal Rules of Appellate Procedure, attorney fees and sanctions, 9.03[7][h]**
- Federal Rules of Civil Procedure, attorney fees and sanctions**
 Rule 11, bad faith and sanctions, 9.03[7][f]
 Rule 16(f), failure to attend scheduled or pretrial conference, 9.03[7][f]
 Rule 30(g)(2), subpoena not issued, 9.03[7][f]
 Rule 37, discovery for improper purpose, 9.03[7][f]
- Federal Trade Commission Act (FTCA)**
 authority to federal banking agencies, 15.03
 consumer protection from unfair or deceptive trade practices, 13.01[2][b]
 depository institutions, application to, 15.03
 disclosure of product terms, 15.12
 ECOA enforcement, 9.01[3]
 authority of FTC upheld, 9.01[3][d][iv]
 injunctive relief, 9.01[3]
 enforcement actions, 15.12
 FCRA enforcement, 10.06
 FRB/FDIC guidance on unfair or deceptive acts, 15.07
 Appendix G5
 FTC powers under, 13.01[1], 13.01[3]
 marketing practices, 15.03, 15.04
 OCC guidance on credit cards, 15.06, Appendix G6
 overdraft protection, 15.08
 relation to other laws, 15.02
 standards, 15.05
 subprime lenders, 15.12
 third-party liability, 15.12

Federal Trade Commission (FTC)

affiliate information sharing regulations, 10.02, 10.08[2], Appendix E1

Bureau of Consumer Protection, 10.02[2]

consent decrees, 2.05[4]

credit evaluation, enforcement, 6.04[3][b]

Division of Consumer Credit and Special Programs, 10.02[2]

Division of Credit Practices, 9.01[3][b]

ECOA powers, 9.01[3]

administrative and judicial enforcement, 9.01[3][d][ii]

annual letter to FRB, 9.01[3][c]

appeals of FTC-issued complaint, 9.01[3][d][v]

authority, 9.01

civil actions, 9.01[3]

consent agreements, 9.01[3][d][i]

consumer redress, 9.01[3]

Credit Practices Division, 9.01[3][b]

elderly credit applicants, 9.01[3][d][ii]

“enforcer of last resort,” 9.01[1]

five-year limitation period for FTC suits, 9.02[2][b]

Farmer’s Home Administration, 9.01[3][d][iii]

federal lending practices, 9.01[3][d][iii]

FTC Act, 9.01[3]

injunctive relief under FTC Act, 9.01[3]

authority upheld, 9.01[3][d][iv]

internal structure of FTC, 9.01[3][b]

modifying orders, 9.01[3][d][vi]

powers, 9.01[3][d]

predatory lending, 3.06[5]

FTC Act as guide for authority, 9.01[3][d]

testers, 9.01[3][d][ii]

rulemaking vs. adjudication, 9.01[3][d][iii]

testers, uses of, 9.01[3][d][ii]

FCRA enforcement, 10.06

FCRA powers, 10.01[1], 10.01[2], 11.01, 13.01[1], 13.01[3]

investigative powers, 13.01[3][c]

limits on powers, 13.01[3][b]

FDCPA powers, 14.01[1], 14.17, 14.17[1]

informal staff interpretations, 10.02[2]

Official Staff Commentary, 10.02[2]

FTC red flags web site, 2.07[1][c]

Mortgage Acts and Practices (MAP) Rulemaking, 15.09[5]

Mortgage Assistance Relief Services (MARS) Rulemaking, 15.09[5]

FFIEC. *See* **Federal Financial Institution Examination Council**

FHA. *See* **Fair Housing Act**

FHLMC. *See* **Federal Home Loan Mortgage Corporation**

Files on consumers. *See* **Consumer reporting agencies**

Finance charges

limits, state laws, 4.05[1][b]

Finance companies

ECOA enforcement, 9.01[1]

loan exchanges owned and operated by, 10.05[3][d]

Financial institutions

See also Banks; Credit unions

definition (HMDA), 1.03[5], 1.04[1]

FCRA pamphlet published by federal banking regulators, “Financial Institutions and the Fair Credit Reporting Act,” 10.02[4]

HMDA coverage, 1.04[1]

solvency, ECOA preemption exception, 4.05[1][c]

“Financial Institutions and the Fair Credit Reporting Act,” 10.02[4]

Financial need inquiries, special-purpose credit programs, 5.03[2][a][iv]

Financial statements

alimony and support payments, disclosures by creditors concerning income from, 5.03[5][a]

disclosures by creditors concerning income from alimony and support payments, 5.03[5][a]

prior statements, information obtained from, 5.01[1][b][i]

Fines. *See* **Civil penalties****Firm offer of credit or insurance,**

definition of, FCRA, 10.04[11]

FIRREA. *See* **Financial Institutions Reform, Recovery, and Enforcement Act****Flat-rating, 14.05[3][c], 14.11[1][e], 14.14**

civil liability, 14.18[1]

definition (FDCPA), 14.04[6][b]

FmHA. *See* **Farmer’s Home Administration; Farmer’s Home Administration (FmHA)****FNMA.** *See* **Federal National Mortgage Association****Foreclosure**

Fair Debt Collection Practices Act, 14.11[2][d]

threatening considered unfair or unconscionable means of collection (FDCPA), 14.10[2][d]

venue when security interests in real property collateral, 14.13[1]

Foreign banks

FCRA enforcement, 10.06

HMDA coverage, 1.03[5], 1.04[1], 1.09

Former spouses

application inquiries, 5.03[3]

analysis and discussion, 5.03[3][b][vi]

disclosure of applicant’s other accounts, 5.03[3][e]

FCRA, applicability, 5.03[3][c]

general prohibition, 5.03[3][a]

permissible inquiries, 5.03[3][b]

reliance on support payments, 5.03[3][b][iv]

sources of spousal information, 5.03[3][b][v]

state laws, 5.03[3][d]

credit evaluations of divorced applicants, 6.04[1][a][iii]

repudiation of responsibility for joint account, 8.01[4]

Forms. *See* **Application forms****Forum.** *See* **Venue****Fraud.** *See* **False representations****FRB.** *See* **Federal Reserve Board**

Frivolous suits, sanctions against consumers (FDCPA), 14.18[4]

FTCA. *See* **Federal Trade Commission Act**

Full recourse agreements, outstanding debt on, 14.11[1][b][i]

Furnishers of information to consumer reporting agencies

duties

accuracy, 11.13[1]

inform agency of account closure, 11.03[3][g]

inform agency of notice of dispute, 11.03[3][h]

upon notice of dispute, 11.13[2]

Fair Credit Reporting Act, 11.13[4]

limitations on furnisher’s liability, 11.13[3]

right to receive notice of dispute from agency, 11.08[4]

G**Glossary.** *See* **Definitions**

“Gold cards.” *See* **Credit cards**

Good faith

See also Conformity defense
 definition (Rev. Reg. B), 4.06[2][f]
 ECOA, 9.04[1]
 Board- and staff-issued interpretations, conformity,
 9.04[3], 9.04[3][b]
 Official Board Interpretations, 9.04[3][a]
 Official Staff Interpretations, 9.04[3][b]
 Public Information Letters, 9.04[3][c], 9.04[3][d]
 model forms, conformity, 9.04[4]
 SPCP compliance, 4.10[1]

Government affiliation, debt collector pretending to have, 14.09[1][a]

Government credit

application inquiries, exemption from restrictions
 marital status inquiries, 5.03[4][c]
 sex of applicant, 5.03[6][c]
 definition, 4.08[6][a], 7.01[2][f][i]
 Rev. Reg. B exemption, 4.08[6], 5.01[1][a][ii], 7.01[2][f][i]
 definition, 4.08[6][a]
 limited exemption, 4.08[6][b]
 signature rules exemption, 8.01[5][c]
 SPCP exemption, 4.10[3]

Gramm-Leach-Bliley Act

affiliate sharing, 10.05[2][e][i]
 Community Reinvestment Act, Appendix B6
 CRA requirements for financial holding companies activities,
 2.08
 CRA sunshine requirements, CRA-related agreement, 2.07[5],
 Appendix B7, Appendix B8
 Fair Credit Reporting Act, 10.01[2]
 Fair Credit Reporting Act, relation to, 10.08
 financial holding company activities, 2.08, Appendix B9
 financial subsidiaries, 2.08
 privacy requirements, 10.08

Guarantors

application inquiries, restrictions inapplicable, 5.03[2][a][ii]
 signature rules, 8.01[9], 8.01[10]
 suggestion at time of adverse action, 8.01[5][b]

“Guide to HMDA Reporting: Getting It Right,” 1.01[2], reproduced in full text, Appendix A3

H

Handicap, defined (FHA), 3.03[7]

Handicap discrimination, FHA prohibited activities, 3.04[2][f], 3.05[2][f]

Harassment, debt collector’s prohibited practices, 14.08

advertising sale of debt, 14.08[1][d]
 anonymous calls, 14.08[1][f]
 continuous, repeated calls, 14.08[1][e]
 obscene, abusive, or profane language, 14.08[1][b]
 publication of lists of alleged debtors, 14.08[1][c]
 violence or criminal means, 14.08[1][a]

Hearings

business credit exemption from Rev. Reg. B, 4.08[5][b][ii]
 ECOA, evidentiary hearing for attorney fee awards, 9.03[7][b]
 FHA violations, 3.07[1][d]
 housing discrimination, FHA violations, 3.07[1][d]

High LTV real estate lending

Fair lending compliance, 6.08[2]

History, credit. *See* Credit histories

History, legislative. *See* Legislative history

History, regulative. *See* Regulative history

HMDA. *See* Home Mortgage Disclosure Act

Home equity line of credit

Consumer protection compliance, 3.01[4][i], 4.01[3], 8.01[4]

Home improvement loans

application forms, 5.04[2]
 definition (HMDA), 1.03[7], 1.05[2]
 HMDA coverage, 1.05[2]
 location of property, 1.06[1][j]
 refinancings associated with, 1.05[4]

Home Mortgage Disclosure Act (HMDA), Ch. 1

Ed. Note: The full text of this Act is reprinted in Appendix A1.

acquisition applications require compliance, 9.01[2][b]
 action taken to be reported, 1.06[1][i]
 additional coverage considerations, 1.04[1][b]
 amount of loan to be reported, 1.06[1][h]
 applications, defined, 1.03[2]
 assumption of loan, new agreements for, 1.06[1][h]
 branch office, defined, 1.03[3]
 bridge loans, reporting exclusion, 1.05[3]
 broker rule, 1.04[1][a]
 Bureau of Consumer Financial Protection, 1.01[4][j]
 civil penalties, 1.09
 compilation of data, 1.06
 format, 1.06, 1.06[3]
 HMDA-LAR (Loan/Application Register), 1.06, 1.06[3]
 quarterly compilation rule, 1.06
 types of information required, 1.06[1][d]
 compliance, 1.09
 computerized reporting, 1.06[3], 1.07[1]
 conditional approvals, 1.06[1][i]
 congressional findings, 1.02
 counteroffers
 action taken, 1.06[1][i]
 determination of date of transaction, 1.06[1][b]
 date of application to be reported, 1.06[1][b]
 definitions, 1.03
 denial of loan, 1.06[1], 1.06[1][i]
 disclosure to public, 1.08
 FFIEC role, 1.08[1], 1.08[5]
 HUD role, 1.08[6]
 locations, 1.08[1]
 notice of availability, 1.08[4]
 what to disclose, 1.08[3]
 when disclosure to be made, 1.08[2]
 Dodd-Frank Act, 1.01[4][j]
 ECOA relationship to, 1.02, 4.05[2][d]
 enforcement, 1.09
 examination procedures, 1.01[4][i]
 exclusions, 1.05[3]
 exemptions, 1.04[2], 1.07[1]
 location as basis, 1.04[2][a]
 mergers, effect 1.04[2][c]
 size of depository institution as basis, 1.04[2][b]
 state-chartered banks, 1.04[3]
 Federal Financial Institutions Examination Council data,
 1.01[3]
 FFIEC role, 1.01[2], 1.08[1], 1.08[5]
 FHA, relationship to, 1.02
 frequently asked questions, 1.01[2]
 “Guide to HMDA Reporting: Getting It Right,” 1.01[2]
 reproduced in full text, Appendix A3
 home equity line of credit, 1.03[6]

- home improvement loans, 1.03[7], 1.05[2]
 - location of property, 1.06[1][j]
 - refinancings associated with, 1.05[4]
 - Home Ownership and Equity Protection Act, 1.01[2], 1.06[1][o]
 - home purchase loans, 1.03[8], 1.05[1]
 - location of property taken as security, 1.06[1][j]
 - refinancings associated with, 1.05[4]
 - HUD disclosure requirements, 1.08[6]
 - income of applicant to be reported, 1.06[1][l]
 - legislative history, 1.01[1]
 - lending institutions covered, 1.04[1]
 - lien status, 1.06[1][p]
 - loan number to be reported, 1.06[1][a]
 - Loan pricing data, 1.06[1][n]
 - loan purchaser to be reported, 1.06[1][m]
 - loans
 - bulk purchases, 1.04[2][c]
 - compilation of data, 1.06
 - home improvement loans, 1.05[2]
 - home purchase loans, 1.05[1]
 - types covered, 1.05
 - types excluded, 1.05[3]
 - location as basis for exemption, 1.04[2][a]
 - location of property to be reported, 1.06[1][j]
 - manufactured home, 1.03[9]
 - mergers of covered and exempt institutions, 1.04[2][c]
 - “Mortgage Loan Prequalifications: Applications or Not? (A Guide for Complying with Regulations B and C),” Appendix A5
 - multiple purpose loans, 1.06[1][d], 1.06[1][g]
 - official staff commentary, 1.01[2]
 - full text integrated with Regulation C provisions, Appendix A2
 - Office of the Comptroller of the Currency’s “Home Mortgage Disclosure Consumer Compliance Examination,” Appendix A4
 - optional data, 1.06[2]
 - origination of loan, reporting requirements, 1.04[1][b], 1.06
 - refinancing of home-purchase loan, 1.05[4]
 - owner occupancy to be reported, 1.06[1][g]
 - posting of notice of availability of disclosure information, 1.08[4]
 - preapprovals, 1.03[2], 1.06[1][e]
 - preemption of state law, 1.09
 - prequalification, 1.03[2]
 - property type, 1.06[1][f]
 - purpose, 1.02, 4.05[2][d]
 - race, sex, and national origin of applicant to be reported, 1.06[1][k]
 - rate spread, 1.06[1][n]
 - FAQs, 1.01[2]
 - reasons for denial, 1.06[2][a]
 - preapproval requests, 1.06[2][b]
 - home equity lines of credit, 1.06[2][c]
 - redlining, 1.02
 - refinancing loans covered, 1.03[11], 1.05[1], 1.05[4]
 - multiple purpose loans, 1.06[1][d]
 - Regulation C, Ch. 1
 - relation to state law, 1.10
 - reporting requirements, 1.07, 2.03[3][b], 4.05[2][d]
 - computerized reporting, 1.06[3], 1.07[1]
 - excluded loans, 1.05[3]
 - exemptions, 1.04[2]
 - financial institutions acting as brokers, 1.04[1][a]
 - transmittal sheet, 1.07[3]
 - when to report, 1.06[1]
 - where to report, 1.07[2]
 - reverse mortgages, 1.05[5], 1.06[1][o]
 - scope, 1.04
 - size of depository institution as basis for exemption, 1.04[2][b]
 - state-chartered banks exempt, 1.04[3]
 - subsidiaries, 1.07[2]
 - sunset provision, 1.01[1]
 - temporary loans, reporting exclusion, 1.05[3]
 - Title VI of Civil Rights Act of 1964, relationship to, 1.02
 - type of loan to be reported, 1.06[1][d]
 - unintentional error defense, 1.09
 - withdrawn loans to be reported, 1.06[1][g], 1.06[1][i]
- Home Ownership and Equity Protection Act, 1.06[1][o]**
- HMDA reporting, 1.01[2]
 - reverse mortgages, 1.05[5], 1.06[1][o]
 - unfair or deceptive acts or practices, 15.01
- Home purchase loans (HMDA), 1.03[8], 1.05[1]**
- location of property taken as security, 1.06[1][j]
 - refinancings associated with, 1.05[4]
- Homosexuals, discrimination due to marital status inquiry, 5.03[6][f]**
- Housing**
- See also* Community Reinvestment Act; Fair Housing Act; Home Mortgage Disclosure Act
 - affirmative fair housing marketing plans, 3.04[2][a][i], 3.05[2][a][i]
 - compliance test, 3.01[3]
 - Community Housing Resource Board Program, 3.01[3]
 - Fair Housing Assistance Program, 3.01[3]
 - Fair Housing Initiatives Program, 3.01[3]
- Housing Act of 1959, 3.01[3]**
- Housing and Community Development Act of 1974, 3.01[3], 3.07[1][d]**
- Housing and Community Development Act of 1992, 3.06[2][d]**
- amendment of CRA, 2.01[4]
- Housing and Economic Recovery Act**
- public welfare test, 2.01[6][j]
- Housing and Urban Development Department (HUD)**
- FHA regulations, promulgation, 3.01[2]
 - HMDA disclosures by, 1.08[6]
 - Mortgage Bankers Association of America accord with, 2.06
 - mortgage purchases, 3.01[4][i]
- Housing discrimination**
- See also* Fair Housing Act
 - affirmative fair housing marketing plans, 3.04[2][a][i], 3.05[2][a][i]
 - compliance test, 3.01[3]
 - enforcement proceedings, 3.01[3]
- Housing-related credit. *See* Residential loans**
- HUD. *See* Housing and Urban Development Department**

I

- IBBEA. *See* Interstate Banking and Branching Efficiency Act**
- ICC. *See* Interstate Commerce Commission**
- Identification requirements of consumer reporting agencies**
 - consumer making request, 11.06[1]
 - legitimate business making request, 11.04[2]

Identity theft, 11.07[9], 12.01

- blocking information, 11.12[2]
- complaint investigation, 11.12[3]
- red flags, 12.07[1]
 - FCRA regulations, 12.07[1][a]
- restrictions, 12.07[2]

Immigration status

- application inquiries, 5.03[8]
- credit evaluation, 6.04[7]

Immunity from suit

- under Fair Housing Act, 3.05

Imprisonment. See Criminal penalties**Inadvertent errors**

- See also* Defenses, *subheading*: unintentional error defense
- definition (Rev. Reg. B), 4.06[2][s]
- ECOA

- correction of error, 9.05[2][b]
- damages, 9.04[2], 9.04[2]
- recordkeeping requirements, 9.06[8]

Incidental credit

- application inquiries, exemptions from restrictions, 4.08[4][b]
- disclosures by creditors concerning income from alimony and support payments, 5.03[5][d]
- marital status inquiries, 5.03[4][c]
- sex of applicant, 5.03[6][c]
- credit information about married persons, exemption from Rev. Reg. B, 4.08[4][b]
- definitions, 4.08[4][a], 7.01[2][f][i]
- notifications, exemption from Rev. Reg. B, 4.08[4][b], 7.01[2][f][i]
- retention of records, exemption from Rev. Reg. B, 4.08[4][b]
- Rev. Reg. B exemption, 4.08[4], 5.01[1][a][ii]
 - definition, 4.08[4][a]
 - limited exemption, 4.08[4][b]
- signature rules exemption, 4.08[4][b], 8.01[5][c]

Income

- See also* Alimony and support payments; Public assistance
- application inquiries
- disclosures by creditors concerning income from alimony and support payments, 5.03[5]
- nonapplicant spouse's income, 5.03[3][b][ii]
- public assistance income source, amended ECOA provisions, 4.03[7][a]
- credit evaluation, 6.04[5]
- HMDA reporting requirements, 1.06[1][l]

Incomplete applications for credit, treatment, 7.04**Individual actions. See Private actions****Informal inquiry becoming oral application for credit, 5.01[2]****Informal staff interpretations of FTC, 10.02[2]****Injunctive relief**

- ECOA violations
 - DOJ authority, 9.01[5]
 - FTC Act, 9.01[3]
 - authority of FTC upheld, 9.01[3][d][iv]
- FCRA violations, 13.04[3], 13.07
- FHA violations
 - administrative enforcement, 3.07[1][d]
 - Attorney General actions, 3.06[3], 3.07[3]
 - private actions, 3.06[2], 3.07[2]

Innocent purchasers for value of debt, debt collectors pretending to be, 14.09[1][c]**Inquiries. See Application inquiries; Credit inquiries****Instant merge reports**

FCRA application, 11.08

Insurance

- application inquiries permissible, 5.03[10]
- claims reports, when considered consumer reports, 10.05[2][c][i]
- consumer reporting agencies, request for reports, 10.05[2][d], 11.02[6]
 - adverse action, 12.01
 - disclosure requirements, 12.02
- credit insurance, unavailability due to age not to be factor in credit evaluation, 6.03[2], 8.01[12]
- increase in charges due to credit report, disclosures required, 12.02[2]
- redlining, FHA prohibited activities, 3.04[2][a][iii], 3.05[2][a][iii]

Interference, FHA prohibited activities, 3.04[5], 3.05[5]**Internet**

- FCRA adverse action notices, 12.02[2][a]
- Preapprovals, 12.02[2][a]

Interpretations

- ECOA, 9.04[3]
 - See also* Equal Credit Opportunity Act, *subheading*: FRB enforcement
- informal staff interpretations of FTC, 10.02[2]

Interstate Banking and Branching Efficiency Act (IBBEA)

- CRA relationship to, 2.04
 - branch closures, 2.04[7], 2.04[8]
 - definitions, 2.04[2], 2.04[5], 2.04[8], 2.04[10][d], 2.04[11][d]
 - deposit production offices, prohibition, 2.04[10]
 - evaluation of banks with interstate offices, 2.04[11]
 - examination of branches of out-of-state banks, 2.04[6]
 - foreign banks and branches, 2.04[9]
 - interstate bank mergers, 2.04[3]
 - preemption, 2.04[4], 2.04[5]

Interstate Commerce Commission (ICC)

- ECOA powers, 9.01[1]
- FCRA powers, 10.01[1], 10.06, 13.01[1], 13.01[2]

Intervention

- FHA violations, 3.07[1][d]
- housing discrimination, FHA violations, 3.07[1][d]

Interview guidelines, 5.03[11]

- application inquiries, 5.03[11]
- investigative consumer reports, 12.04[1]

Intimidation, FHA prohibited activities, 3.04[5], 3.05[5]**Invasion of privacy**

- consumer reporting agency's liability, 11.07[1][e], 13.08
- investigative consumer reports, limitation of liability, 12.04[1][c]

Investigations

- ECOA enforcement by FRB
 - Compliance Handbook*, 9.01[2][b]
 - investigations, 9.01[2][b]
- FHA investigative reports of housing discrimination, 3.07[1][b]
- FTC investigations of consumer reporting agencies, 13.01[3][c]

Investigative consumer reports, 11.10, 12.01, 12.04

- definition (FCRA), 10.04[4]
- disclosures required to be provided to consumers, 12.04[2]
- factors distinguishing from other reports, 12.04[1]
- liability limitations, 12.04[1][c]
- nature and scope of investigation, disclosure, 12.04[2][b]

preliminary notice to consumer, 12.04[2][a]
 reasonable procedures as bar to liability, 12.04[4]
 requirement to qualify as “consumer report,” 12.04[1][a]
 sources not subject to disclosure, 12.04[1][b]
 time limit for preliminary notice to consumer, 12.04[2][a]
 users of credit reports, disclosures required to be provided to
 consumers, 12.04[2]

Investment brokers and dealers

ECOA enforcement by SEC, 9.01[1]

J

Joint account requirement for spouses, elimination by ECOA, 8.01[1]

Joint applicants

credit evaluation when unmarried, 6.04[1][a][i]
 notification requirements for multiple applicants, 7.02[1][c]
 permissible under Rev. Reg. B, 8.01[5][a]

Judgmental system of evaluating applicants. *See* Credit evaluations

Judgment creditor’s request to consumer reporting agencies for reports, 11.02[4][a]

Judgment debtors’ exemption, credit evaluation, 6.05[2]

Judgments, when obsolete for consumer reporting purposes, 11.03[1], 11.03[3][b]

Jurisdiction

ECOA

Attorney General actions, 9.01[5][b]
 civil actions, 9.02[1]

FCRA, 13.07

FHA violations, 3.06[1][d]

Jury trials (ECOA), 9.02[1]

Justice Department (DOJ)

See also Attorney General

consent decrees, 2.05[4]

ECOA enforcement, 9.01[5]

damages, 9.01[5]

prosecutions for FCRA violations, 13.02[3]

L

Land banks and land bank associations. *See* Federal land banks

Leases

conformity defense, 4.07[2]

ECOA applicability, 4.07[2]

Rev. Reg. B applicability, 4.07[2]

Legal name, 8.01[3]

Legislative history

See also Regulatory history

Amended ECOA, 4.03[1], 4.07[1]

ECOA, 4.02, 4.07[1]

effects test, 6.07[2]

1976 amendments, 4.03[1]

FCRA, 10.01[1]

FDCPA, 14.01, 14.03[1], 14.05, 14.17[4]

HMDA, 1.01[1]

notification requirements under ECOA, 7.01, 7.01[1]

Liability

assignee’s liability

disclosures by creditors concerning income from alimony
 and support payments, 5.03[5][c]

ECOA damages, 9.03[4]

conformity defense

ECOA provisions, 4.03[3]

FDCPA provisions, 14.19[2]

lease transactions, 4.07[2]

model forms use, 5.04[1], 5.04[2]

consumer reporting agencies, 11.07[1][e], 13.08[2]

contractual liability

application inquiries, nonapplicant spouses, 5.03[3][b][i]

definition (Rev. Reg. B), 4.06[2][i], 6.04[6][a]

disclosures by creditors concerning income from alimony and
 support payments, assignee’s liability, 5.03[5][c]

ECOA

assignee’s liability, 9.03[4]

statutory authority, 9.01

FDCPA

enforcement, 14.18[1]

means of avoidance, 14.19

flat-rating, 14.18[1]

investigative consumer reports, 12.04[1][c]

sources of information for credit reports, 13.08[2][a]

users of credit reports, procedures to avoid liability, 12.04[4],
 12.05, 13.08[2], 13.09

Liens

secured credit signature rules, 8.01[8]

status, HMDA reporting, 1.06[1][p]

tax liens, obsolete for consumer reporting purposes,

11.03[3][c]

Limitation of actions. *See* Statute of limitations

Limited exemptions. *See* Exemptions

Limited purpose banks. *See* Community Reinvestment Act, subheading: regulations, revised

Litigation. *See* Civil actions

Loan ceilings, state laws, 4.05[1][b]

Loan exchanges, 10.05[3][d]

Loan purchaser to be reported under HMDA, 1.06[1][m]

Loan shopping services

application forms, 5.04[4]

monitoring applications for principal dwelling purchase or
 refinance, ECOA, 9.05[1][b]

Location information (FDCPA), 14.06

debtor’s attorney known to skip tracer, communications with,
 14.06[3]

definition, 14.04[7]

M

Mail disclosures by consumer reporting agencies to requesting consumers, 11.07[1][d]

Maintenance payments. *See* Alimony and support payments

Malice. *See* Defamation; Willful violations

Managers not liable for use of credit reports when acting in scope of employment, 12.02[1]

Manuals. *See* Policy and procedure manuals

Marital status

application inquiries, 5.03[4]

amended ECOA provisions, 4.03[7][a]

ECOA provisions, 5.03[4][a][i]

exemptions from restrictions, 5.03[4][c], 5.03[4][d]

government credit, exemption from restrictions, 5.03[4][c]

homosexual applicants, 5.03[6][f]

incidental credit, exemption from restrictions, 5.03[4][c]

individual unsecured credit, 5.03[4][b][i]
 insurance purposes, permissible inquiries, 5.03[10]
 monitoring information, exemption from restrictions, 5.03[4][d]
 permissible inquiries, 5.03[4][b][ii]
 public utilities credit, exemption from restrictions, 5.03[4][c]
 related Rev. Reg. B sections, 5.03[4][b][iii]
 restrictions, 5.03[4][b]
 securities credit, exemption from restrictions, 5.03[4][c]
 special-purpose credit programs, exemption from restrictions, 5.03[4][d]
 state property laws, effect, 5.03[4][b][iv]
 credit evaluations, 6.04[1][a]
 divorced applicants, 6.04[1][a][iii]
 spouse's outstanding debt, 6.04[1][a][ii]
 unmarried joint applicants, 6.04[1][a][i], 6.04[1][a][i]
 definition (Rev. Reg. B), 4.06[2][u]
 open-end credit terms, effect of change of marital status, 8.01[4]

Marital status discrimination
 amended ECOA provisions, 4.03[7][a]
 applications for credit, 5.01[3], 5.02
 evaluation of applications, 6.04[1]
 exemption, 6.04[1][a]
 definition of "prohibited basis" (Rev. Reg. B), 4.06[2][z]
 ECOA general rule, 4.09
 finance company, consent decree, 9.01[3][d][i]
 monitoring programs for principal dwelling purchase or refinance, 9.05[1][b]
 Rev. Reg. B general rule, 4.09

Marketing practices, unfair or deceptive acts and practices, 15.03, 15.12

Married persons. See Marital status; Nonapplicant spouses; Spouses

Maternity leave. See Childbearing and rearing

Medicaid recipients
 as applicants for credit, 4.06[3][m]

Medical information
 consumer reporting agencies, disclosures to consumer, 11.06[2]
 definitions (FCRA), 10.04[8]

Medical records, application inquiries concerning sex of applicant, exemption from restriction, 5.03[6][c]

Mental handicap
 FHA prohibited activities, burden of proof, 3.05[1][a]
 housing discrimination; FHA prohibited activities, burden of proof, 3.05[1][a]

Mergers
 bank holding company applications. *See* Bank holding companies
 HMDA exempt and covered institutions merging, reporting requirements, 1.04[2][c]
 interstate banks, 2.04[3]

Metropolitan statistical area (MSA)
 HMDA definition, 1.03[9]
 HMDA reporting requirement, 1.06[1][j]

Military personnel, CRA assessment area for bank serving, 2.03[14][c]

Minorities. See Discrimination; specific types of discrimination (e.g., Racial discrimination)

Minority-owned financial institutions
 CRA evaluation to consider involvement with, 2.01[4]

performance criteria (Rev. Reg. BB), 2.03[7][c]

Miranda notice required in communications (FDCPA), 14.09[6]

Misprision of felony, debt collector committing

Misrepresentation. See False representations

Missing consumers, locating. See Skip tracing

Mobile homes, HMDA reporting of location, 1.06[1][j]

Model forms. See Application forms

Monitoring information (ECOA), 5.03[2][b]
 marital status, 5.03[4][d]
 race, color, religion, or national origin, 5.03[8]
 sex of applicant, 5.03[6][d]
 written application required for acquisition, 5.03[9]

Monitoring programs for principal dwelling purchase or refinance (ECOA), 9.05
 age information, 9.05[1][b]
 applicant defined (Rev. Reg. B), 9.05[1][a]
 application defined (Rev. Reg. B), 9.05[1][a]
 authority (Rev. Reg. B), 9.05[1]
 change of terms application, 9.05[1][a]
 computer system as written application, 9.05[2][b]
 correction of error, 9.05[2][b]
 disclosing mandatory monitoring to applicants, 9.05[3]
 disclosure procedures, 9.05[1][b]
 dwelling defined (Rev. Reg. B), 9.05[1][a]
 electronic media, applications through, 9.05[2][b]
 exempt transactions, 9.05[1][b]
 forms of collecting data, 9.05[1][b]
 inadvertent error defense, 9.05[2][b]
 information requirements, 9.05[1][b]
 limit of monitoring to principal dwelling purchase or refinance, 9.05[1][a]
 loan-shopping services, applications through, 9.05[1][b]
 marital status categories, 9.05[1][b]
 methods to request and obtain information, 9.05[2]
 model application forms, optional use of FHLMC/FNMA applications, 9.05[4][a]
 natural person requirement, 9.05[1][a], 9.05[1][b]
 new principal residence, 9.05[1][b]
 one principal residence, 9.05[1][a]
 open-end home equity line of credit exempt, 9.05[1][a]
 optional modified use of FHLMC/FNMA model applications forms, 9.05[4][a]
 principal residence requirement, 9.05[1][b]
 race or national origin categories, 9.05[1][b]
 refinancing, 9.05[1][a], 9.05[1][b]
 sex, information on applicants, 9.05[1][b]
 substitute programs, 9.05[1][b]
 enforcement agencies' substitution of own rules, 9.05[4]
 model application forms, optional use of FHLMC/FNMA applications, 9.05[4][a]
 optional modified use of FHLMC/FNMA model applications forms, 9.05[4][a]
 sample enforcement agencies' substitute monitoring rules, 9.05[4][b]
 telephone, mail application, 9.05[1][b]
 telephone information as written application, 9.05[2][b]
 temporary financing to construct exempt, 9.05[1][a], 9.05[1][b]
 written application, 9.05[1][b], 9.05[2][b]
 video, applications through, 9.05[2][b]

Mortgage Bankers Association of America accord with HUD, 2.06

Mortgage redlining

FHA prohibited activities, 3.04[2][a][iii], 3.04[3],
3.05[2][a][iii], 3.05[3]

HMDA prohibited activities, 1.02

Mortgages. See Home Mortgage Disclosure Act; Residential loans**Mortgage servicing companies, FDCPA exemption, 14.05[3][b]****Motor vehicle reports on consumer's driving record,**

10.05[2][b][iii], 10.05[3][f]

Multifamily dwelling loans, HMDA requirements, 1.06[1][d]**Multiple applicants. See Joint applicants****Multiple creditors, notification requirements, 7.02[1][d]****Multiple debtors, venue (FDCPA), 14.13[4]****Multiple debts, application of payments (FDCPA), 14.12****Multiple purpose loans, HMDA reporting, 1.06[1][d],
1.06[1][g]**

N

Names

See also Aliases; Names on accounts

creditor to whom debt is owed, validation of disputed debts
(FDCPA), 14.11[1][b]

debt collectors, restrictions on communications (FDCPA),
14.06, 14.10[2][e]

Names on accounts

Comptroller of the Currency public information letter on,
8.01[3]

credit card, 8.01[3]

freedom in designating, 8.01[3]

securities credit accounts, exemption from Rev. Reg. B,
4.08[3][b]

sex discrimination provisions, 5.03[6][d][iv]
analysis and discussion, 5.03[6][f]

National banks

CRA enforcement, 2.01[2][b]

ECOA enforcement, 9.01[1]

FCRA enforcement, 10.06

FDCPA enforcement, 14.17[2]

HMDA coverage, 1.09

Regulation AA complaints, 13.01[2][b]

National Credit Union Administration (NCUA)

affiliate information sharing regulations, 10.02, 10.08[2],
Appendix E1

ECOA powers, 9.01[1]

FCRA powers, 10.01[1], 10.06, 13.01[1], 13.01[2]

HMDA powers, 1.09

National origin

application inquiries, 5.03[2][b], 5.03[8]

HMDA reporting requirement, 1.06[1][k]

National origin discrimination

See also Fair Housing Act

amended ECOA provisions, 4.03[7][a]

applications for credit, 5.01[3], 5.02

evaluation of applications, 6.04[1]

definition of "prohibited basis" (Rev. Reg. B), 4.06[2][z]

ECOA general rule, 4.09

monitoring programs for principal dwelling purchase or
refinance, ECOA, 9.05[1][b]

Rev. Reg. B general rule, 4.09

NCUA. See National Credit Union Administration**Necessaries doctrine, 6.05[2], 11.02[4][b]****Neighborhood Stabilization Program (NSP)**

Community Reinvestment Act, 2.01[6][n]

Negligence

consumer reporting agency's liability, 11.07[1][e], 13.04, 13.08
statute of limitations, 13.07[2][a]

FCRA liability, 13.01[2][c]

investigative consumer reports, limitation of liability,
12.04[1][c]

users of credit reports, 13.04

**Nonapplicant spouses, application inquiries, 5.03[2][a],
5.03[3]**

analysis and discussion, 5.03[3][b][vi]

community property states, 5.03[3][b][iii]

contractual liability, 5.03[3][b][i]

disclosure of applicant's other accounts, 5.03[3][e]

FCRA, applicability, 5.03[3][c]

general prohibition, 5.03[3][a]

open-end credit account user, 5.03[3][b][i]

permissible inquiries, 5.03[3][b]

reliance on nonapplicant spouse's income, 5.03[3][b][ii]

reliance on support payments, 5.03[3][b][iv]

sources of spousal information, 5.03[3][b][v]

state laws, 5.03[3][d]

Nontraditional mortgage products

Interagency guidance, 15.09[1]

Notice

See also Disclosures; Posting of notices

adverse action notification to rejected applicants, 7.02

amended ECOA provisions, 4.03[8]

business credit, exemption from Rev. Reg. B,
4.08[5][b][iii]

choice of forms, 4.05[2][a]

definition of adverse action, 4.06[1], 4.06[2][c]

prequalification and preapproval programs, 7.02[2][f]

consumer reporting agencies

consumer to receive notice when public record
information requested for employment purposes,
11.09

recipients of reports to receive notice of deletion of
inaccurate information or presence of disputed
information, 11.08[1][d]

CRA notice to be posted, 2.02[1][e], 2.03[17]

credit improvement services, notice to consumers, 13.01[3][c]

dealer-originated transactions

ECOA notification requirements, 7.02[1][d][i]

debt collector (FDCPA)

ceasing communications upon consumer's written
request, 14.07[4], 14.11[2][b]

Miranda notice required in communications, 14.09[6]

validation of disputed debts, 14.11

format of notice, 14.11[1][g]

misrepresenting notice as having copy of judgment,
14.09[3][a][v]

oral notice, 14.11[1][h]

preliminary notice, 14.11[1]

ECOA requirements

adverse notice, 7.01

appraisal report on real property, copy to be provided to
applicant, 7.06

business credit exemption, 7.01[2][g]

contents of adverse action notice, 7.02[3]

dealer-originated transactions, 7.02[1][d][i]

exemptions, 7.01[2][f][i]

failure to provide notice of credit decision, commencement of limitations period, 9.02[2][d]
 form of notice, 7.02[4]
 forms, 4.04[4], 7.03
 government credit exemption, 7.01[2][f][i]
 inadvertent error defense, 7.02[1][e]
 incidental credit exempt, 7.01[2][f][i]
 lack of notice of violation, defense, 9.04[5]
 model forms, use of, 7.03[1]
 modification, 7.03[2]
 multiple applicants, 7.02[1][c]
 multiple creditors, 7.02[1][d]
 small-volume creditors, oral notice, 7.02[1][a]
 special-purpose credit programs, 7.01[3]
 timing rules, 7.02[2], 7.02[2][a]
 withdrawn loans, 7.02[1][b]

FHA provisions
 complaint, 3.07[1][a]
 publisher's notice of fair housing advertising, 3.07 forms, 7.03
 HMDA poster, 1.08[4]
 housing discrimination, notice of FHA complaint, 3.07[1][a]
 incidental credit, exemption from Rev. Reg. B, 4.08[4][b]
 incomplete applications, treatment, 7.04[2]-7.04[3]
 investigative consumer reports, preliminary notice to consumer, 12.04[2][a]
 legislative history of ECOA requirements, 7.01, 7.01[1]
 oral notice, small-volume creditors, ECOA requirements, 7.02[1][a]
 regulative history of ECOA requirements, 7.01, 7.01[1]

NOW accounts, 8.01[2]

O

Obscene language. See Harassment

Obsolete information not to be furnished by consumer reporting agencies, 11.03
 discriminatory effect in credit decision when furnished, 6.03[1]
 mandatory procedures to avoid reporting obsolete information, 11.04[1]

OCC. See Comptroller of the Currency

Office of Comptroller of the Currency. See Comptroller of the Currency

Office of Thrift Supervision (OTS)
 affiliate information sharing regulations, 10.02, 10.08[2], Appendix E1
 CRA enforcement, 2.01[2][b]
 ECOA enforcement, 9.01[1]
 savings institutions, enforcement of Act by OTS, 9.01[1]
 FCRA powers, 10.01[1], 10.06, 13.01[2]
 HMDA powers, 1.09
 overdraft protection, 8.01[14], 15.08

Official Staff Commentary
Ed. Note: The Official Staff Commentary to ECOA, FCRA, FDCPA, and HMDA is printed at the end of the relevant text sections.

Older persons. See Elderly

Omnibus Appropriations Act of 2009
 Mortgage Acts and Practices (MAP) Rulemaking, 15.09[5]
 Mortgage Assistance Relief Services (MARS) Rulemaking, 15.09[5]

Open-end credit
See also Open-end home equity line of credit application forms
 age may not trigger change of terms, 8.01[4]
 application inquiries, nonapplicant spouses, 5.03[3][b][i]
 change of terms, when permissible, 8.01[4]
 definition (Rev. Reg. B), 4.06[2][w], 8.01[4]
 marital status change, effect on terms, 8.01[4]
 reapplication, when permissible, 8.01[4]
 retirement may not trigger change of terms, 8.01[4]
 securities credit, exemption from Rev. Reg. B, 4.08[3][b]

Oral agreements governing debts, FDCPA venue determinations, 14.13[5]

Oral applications for credit
 alimony and support payments, disclosures by creditors
 concerning income from, 5.03[5][a]
 informal inquiry becoming, 5.01[2]

Oral notification
 small-volume creditors, notification requirements, 7.02[1][a]
 validation of disputed debts (FDCPA), 14.11[1][h]

Orders of courts for consumer reports, 11.02[2], 11.05

Ordinary course of business, defined, 4.07[1]

OTS. See Office of Thrift Supervision

Overages
 ECOA, 6.09, 9.01[3][d], 9.01[4][b]
 Mortgage pricing, 6.09, 9.01[3][d], 9.01[4][b]

Overdraft line of credit on checking accounts, 8.01[2]

Overdraft protection
 ECOA, 8.01[14]
 FTC Act, 15.08
 unfair or deceptive acts or practices, 8.01[14]

Overdue support
 defined, 10.04[9]
 disclosures by consumer reporting agencies when child support
 overdue, 11.02[4][e]

P

Packers and Stockyards Act, creditors subject to
 ECOA enforcement agency, 9.01[1]

Parental leave. See Childbearing and rearing

Part-time income, credit evaluations, 6.04[5]

Past credit history. See Credit histories

Past history with consumer, adverse action based on, 12.02[1]

Payday Lending
 CRA ramifications, 2.03[6][e]

Payments
See also Alimony and support payments
 credit guides on how well consumers pay bills, 10.05[2][b][ii]
 date of last scheduled payment used for determining time
 when debt information becomes obsolete on consumer
 report, 11.04[1]
 multiple debts, application of payments (FDCPA), 14.12[1]

Penalties. See Civil penalties; Criminal penalties

Person, definition. See Definitions

Pertinent element of creditworthiness, defined (Rev. Reg. B), 4.06[2][y], 6.02[2][d]

Pleadings. See Complaints and charges

Policy and procedure manuals, 5.01[1][b][ii]
 interview guidelines, 5.03[11]
 standards of creditworthiness, 6.02[1][c][iii]

Postcards, debt collectors prohibited from using, 14.10[2][e]

Postdated checks, restrictions upon debt collectors accepting, 14.10[2][b]

Posting of notices
 CRA notice to be posted, 2.02[1][e], 2.03[17]
 FHA nondiscrimination policy, 3.07
 HMDA poster, 1.08[4]

Preapprovals
 HMDA coverage, 1.03[2]
 notice of adverse action, 7.02[2][f]

Precollection activities, 14.11[1][e]

Predatory lending
See also Subprime lending
 enforcement actions, 3.06[5]
 fair lending compliance, 3.01[4]
 payday loans, 3.01[4][c]
 residential mortgage lending, 15.09
 subprime lending, 3.01[4]
 title loans, 3.01[4][c]

Pre-ECOA practices that ECOA has prohibited as discriminatory, Ch. 8

Preemption
 ECOA, 4.03[4], 4.05[1][a]
 exceptions, 4.05[1][c]
 FCRA, 10.07, 13.08[2][b]
 FDCPA, 14.15
 interstate branch banking, state vs. federal law, 2.04[4], 2.04[5]
 HMDA, 1.09

Pregnant applicants. *See* Childbearing and rearing

Prescreening of credit applications, 5.01[4]
 authority of state and federal agencies, 12.02[7][c]
 CRA, applicability, 5.01[4][d]
 credit or insurance transaction that is not initiated by the consumer, definition of, 10.04[12]
 disclosure statement, 12.02[7][a]
 duties of users of prescreened information, 12.02[7]
 effects tests, applicability, 5.01[4][a]
 FCRA, applicability, 5.01[4][c], 10.02[4], 10.04[2], 11.02[4][c], 12.02[2], 12.02[7]
 general discrimination prohibition, potential for violation, 5.01[4][b]
 maintenance of criteria on file, 12.02[7][b]
 record retention, 9.06[9]
 requirement imposed on consumer reporting agencies, 11.02[4][c]

Principal residence monitoring programs, obtaining information for. *See* Monitoring programs for principal dwelling purchase or refinance

Privacy. *See also* Disclosures
 Gramm-Leach-Bliley Act, 15.02

Private actions
 ECOA
 punitive damages, 9.03[3][a]
 statutory authority, 9.01
 FCRA
 furnishers of information, actions against, 11.13[3], 13.04, 13.05
 in general, 13.04, 13.05
 FHA violations, 3.06[2], 3.07[2]
 housing discrimination, FHA violations, 3.06[2], 3.07[2]

Private clubs, FHA exemption, 3.06[2][b]

Privilege defense to defamation, 13.08[2][c]

Procedure manuals. *See* Policy and procedure manuals

Prohibited basis. *See* Discrimination

Prosecutions for FCRA violations, 13.02[3]

Public assistance

discrimination against applicants for credit, 5.01[3], 5.02
 amended ECOA provisions, 4.03[7][a]
 definition of “prohibited basis” (Rev. Reg. B), 4.06[2][z]
 ECOA general rule, 4.09
 evaluation of application, 6.04[2]
 Rev. Reg. B general rule, 4.09
 ECOA violation for discounting income, FTC enforcement, 9.01[3][d][i], 9.01[3][d][i]

Public utilities credit

application inquiries, exemption from restrictions, 4.08[2][b]
 marital status inquiries, 5.03[4][c]
 definition, 4.08[2][a]
 Rev. Reg. B exemption, 4.08[2], 5.01[1][a][ii]
 credit information about married persons, 4.08[2][b]
 definition, 4.08[2][a]
 limited exemption, 4.08[2][b]
 retention of records, 4.08[2][b]

Punitive damages

ECOA violations, 9.03[3]
 actual damages, relation to, 9.03[3][c][ii]
 class action recoveries, 9.03[3][b]
 creditor’s resources considered, 9.03[3][c][iv]
 “deepest pocket” theory, 9.03[3][c][iv]
 individual actions, 9.03[3][a]
 intent and conduct of creditor considered, 9.03[3][c][v]
 net worth of creditor in determining amount, 9.03[3][c][i]
 noncompliance frequency and persistence considered, 9.03[3][c][iii]
 willful violations, 9.03[3][b]
 FCRA violations, 13.04, 13.05, 13.05[1], 13.05[4], 13.05[4][c]
 FDCPA violations, 14.18[1]

Q

Qualified credit scoring evaluation systems. *See* Credit scoring systems

Qualified investments under CRA. *See* Community

Reinvestment Act

regulations, revised

Quotas, FHA enforcement, 3.05[2][a][i]

R

Race

application inquiries, 5.03[2][b], 5.03[8]
 HMDA reporting requirement, 1.06[1][k]

Racial discrimination

See also Fair Housing Act

amended ECOA provisions, 4.03[7][a]
 applications for credit, 5.01[3], 5.02
 evaluation of applications, 6.04[1]
 definition of “prohibited basis” (Rev. Reg. B), 4.06[2][z]
 ECOA general rule, 4.09
 monitoring programs for principal dwelling purchase or refinance, ECOA, 9.05[1][b]
 Rev. Reg. B general rule, 4.09
 zip codes as biased standard for credit, 9.01[3][c][i]

Real estate brokerage services, FHA prohibited activities, 3.05[4], 4.05[2][e]

Reapplication for open-end credit accounts, when permissible, 8.01[4]

Recordkeeping requirements

See also Monitoring programs for principal dwelling purchase or refinance

CRA, 2.03[2][c]

ECOA, 9.06

application exempt from notification requirements, 9.06[4]

application information, 9.06[2]

authority (Rev. Reg. B), 9.06

business credit, shorter retention period, 9.06[7]

computerized decisions, 9.06[2]

copies, 9.06[2]

correcting errors, 9.06[8]

exempted classes of creditors, 9.06[6]

existing actions, retention, 9.06[3]

inadvertent error defense, 9.06[8]

pending investigations and proceedings, extended retention periods, 9.06[5]

prescreening, 9.06[9]

prohibited information, 9.06[1]

withdrawn and brokered applications, expressly withdrawn, 9.06[4]

Regulation B violations, FTC enforcement, 9.01[3][d]

Record retention. *See* Retention of records

Recoupment

damages for ECOA violations to reduce amounts owed, limitations of actions, 9.02[2][f]

Redlining

FHA prohibited activities, 3.04[2][a][iii], 3.04[3], 3.05[2][a][iii], 3.05[3]

HMDA prohibited activities, 1.02

Referral of account to second collector (FDCPA), 14.11[1][f]

Refinancing

ECOA coverage, 7.01[2][f]

home purchase loans, HMDA coverage, 1.05[1], 1.05[4]

multiple purpose loans, 1.06[1][d]

monitoring programs for principal dwelling refinance (ECOA), 9.05

Regular customers, favoring in credit evaluations, 6.03[1], 6.04[6][b]

Regulation AA, 13.01[2][b]

Regulation B (Rev. Reg. B), 4.04[3]

See also Credit evaluations; Equal Credit Opportunity Act

Ed. Note: The full text of this Regulation is reprinted in Appendix D2.

applicability, 4.07[1]

business credit exemption. *See* Business credit

cosigner, prohibition against requiring for creditworthy applicants, 8.01[2], 8.01[5]

coverage, 4.07[1], 7.01[2][f]

credit evaluation restrictions, 6.01

definitions, 4.06, 4.07[1]

ECOA enforcement

agencies, 9.01[1]

annual letter by FTC to FRB, 9.01[3][c]

applicant defined, 9.05[1][a]

civil penalties, 9.03[1]

actual damages, 9.03[2]

punitive damages, 9.03[3]

damages, DOJ authority, 9.01[5]

inadvertent error

correction of error, 9.04[2], 9.05[2][b]

definition, 9.04[2], 9.05[2][b]

monitoring programs for principal dwelling purchase or refinance, 9.05

recordkeeping requirements, 9.06

exemptions, 4.08

SPCPs, 4.10

federal enforcement agencies, 9.01[1]

FRB, 9.01[2][a][ii]

promulgation, 9.01[2][a][i]

government credit exemption. *See* Government credit history, 4.02

incidental credit exemption. *See* Incidental credit

interpretation, 9.01[2][a][iv]

good-faith conformity, 9.04[3]

issuance by FRB, 4.03[1]

leases, applicability to, 4.07[2]

notification requirements under ECOA, Ch. 7

Official Staff Commentary, 4.04[5], 9.01[2][a][ii]

Ed. Note: The text of Proposed Official Staff Commentary for comment by Feb. 15, 1995, is reprinted in Appendix D4.

organization of FRB staff, 9.01[2][a][v]

prohibited discrimination, 4.09, Ch. 8

public utilities credit exemption, 4.08[2]

reapplication provisions, 8.01[4] scope, 4.07

secured credit signature rules, 8.01[5], 8.01[8]

securities credit exemption. *See* Securities credit

self test exception to general prohibition against inquiring

about race, color, religion, national origin, or sex, 5.03[12]

signature rules, 6.02[2][b], 8.01[5]

cosigners, 8.01[9]

exemptions, 8.01[5][c]

guarantors, 8.01[9], 8.01[10]

sample problems occurring under, 8.01[11]

secured credit, 8.01[5], 8.01[8]

state property laws, effect, 8.01[6]

unsecured credit in community property states,

applicability, 8.01[7]

unsecured credit in noncommunity property states,

applicability, 8.01[6]

special-purpose credit programs, 4.10

spousal, 8.01[13]

Regulation BB, 2.01[1][b], 2.02

See also Community Reinvestment Act (CRA)

Ed. Note: The full text of the original Regulation is reprinted in Appendix B2; the revised Regulation is reprinted in Appendix B3.

Regulation C, Ch. 1

See also Home Mortgage Disclosure Act (HMDA)

Ed. Note: The full text of this Regulation is reprinted in Appendix A2.

Regulative history

See also Legislative history

notification requirements under ECOA, 7.01, 7.01[1]

Rev. Reg. B, 4.02

Rehabilitation Act, housing discrimination enforcement proceedings, 3.01[3], 3.07[1][d]

Riegle Community Development and Regulatory Improvement Act, disclosures required when check refused due to adverse information, 11.06[5]

Ed. Note: Text of subsection (4) this Act added to FCRA is reprinted at Appendix E1.

Reinvestigation by consumer reporting agencies, 11.08[1][a], 11.08[4]

Rejection letters. See Adverse action

Religion, application inquiries, 5.03[2][b], 5.03[8]

Religious discrimination

See also Fair Housing Act

amended ECOA provisions, 4.03[7][a]

applications for credit, 5.02

evaluation of applications, 6.04[1]

definition of “prohibited basis” (Rev. Reg. B), 4.06[2][z]

ECOA general rule, 4.09

Rev. Reg. B general rule, 4.09

Religious organizations

FHA exemption, 3.06[2][a]

housing discrimination, FHA exemption, 3.06[2][a]

Remedies

See also Attorney fee and cost awards; Damages; Injunctive relief

ECOA enforcement

declaratory relief, 9.03[5]

election of remedies, 9.03[6]

FHA/ECOA alternative recovery, 9.03[6][a]

state law vs. ECOA remedies, 9.03[6][b]

equitable relief, 9.03[5]

Remodeling loans. See Home improvement loans

Rentals

business transaction status for coverage under FCRA as permissible purpose, 10.05[2][d]

definition of “to rent” (FHA), 3.02[11], 3.03[11]

discrimination. *See* Fair Housing Act

reports on rental history, 10.05[2][b][i]

Reporting requirements

See also Consumer reporting agencies

ECOA enforcement

annual letter by FTC to FRB, 9.01[3][c]

annual report by FRB and Attorney General, 4.03[6]

FHA investigative reports, 3.07[1][b]

HMDA provisions, 1.06, 1.07, 2.03[3][b], 4.05[2][d]

exemptions, 1.04[2]

financial institutions acting as brokers, 1.04[1][a]

housing discrimination, FHA investigative reports, 3.07[1][b]

Repossession, threatening considered unfair or unconscionable means of collection (FDCPA), 14.10[2][d]

Repurchase agreements, collection actions after default, 14.11[1][b][iii]

Residence, application inquiries, 5.03[8], 8.01[7]

Residential loans

See also Home Mortgage Disclosure Act

application forms

FHLMC/FNMA model form, 5.04[2], 5.04[4]

FHA prohibitions, 3.04[3], 3.05[3]

monitoring programs for principal dwelling purchase or refinance (ECOA), 9.05

Residential real estate, discrimination. See Fair Housing Act

Restrictive covenants, FHA prohibited activities, 3.04[2][a][ii], 3.05[2][a][ii], 3.05[2][d]

Retail industry

ECOA enforcement by FTC, 9.01[1]

Retaliation against applicants for credit, 5.01[3], 5.02

amended ECOA provisions, 4.03[7][a]

definition of “prohibited basis” (Rev. Reg. B), 4.06[2][z]

ECOA general rule, 4.09

Rev. Reg. B general rule, 4.09

Retention of records

See also Recordkeeping requirements

business credit, exemption from Rev. Reg. B, 4.08[5][b][iii]

incidental credit, exemption from Rev. Reg. B, 4.08[4][b]

public utilities credit, exemption from Rev. Reg. B, 4.08[2][b]

securities credit, exemption from Rev. Reg. B, 4.08[3][b]

Retirement communities, FHA exemption, 3.05[2][d], 3.06[2][d]

Retirement income

change of credit terms (open-end accounts) upon retirement of debtor, 8.01[4]

credit evaluations, 6.04[5]

Reverse mortgages

age, consideration of, 6.04[2]

HMDA reporting, 1.05[5]

Home Mortgage Disclosure Act, 1.05[5], 1.06[1][o]

Reverse redlining

examination procedures, 3.04[2][a][iv]

Revised Regulation BB. See Community Reinvestment Act

Risk-based pricing

regulations, 12.07[4][b], Appendix E11

Rulemaking under ECOA

FRB, 9.01[2][a]

FTC, rulemaking vs. adjudication, 9.01[3][d][iii]

S

Sanctions

frivolous appeals, attorney fees and costs, 9.03[7][h]

Rule 11 of Fed. R. Civ. P., 9.03[7][f]

Savings and loan associations

CRA enforcement, 2.01[2][b]

Savings associations

ECOA enforcement, 9.01[1]

FCRA enforcement, 10.06

HMDA coverage, 1.04[1], 1.09

Savings banks

CRA enforcement, 2.01[2][b]

SBA. See Small Business Administration

Scoring systems. See Credit scoring systems

SEC. See Securities and Exchange Commission

Secondarily liable parties, application inquiries, restrictions inapplicable, 5.03[2][a][ii]

Secondary income, credit evaluation, 6.04[5]

Securities and Exchange Commission (SEC)

ECOA enforcement, 9.01[1]

Securities credit

application inquiries, exemption from restrictions, 4.08[3][b]

marital status inquiries, 5.03[4][c]

sex of applicant, 5.03[6][c]

credit information about married persons, exemption from Rev. Reg. B, 4.08[3][b]

definition, 4.08[3][a]

Rev. Reg. B exemption, 4.08[3], 5.01[1][a][ii]

definition, 4.08[3][a]

limited exemption, 4.08[3][b]

names on accounts, 4.08[3][b]

open-end accounts, 4.08[3][b]

retention of records, 4.08[3][b]

signature rules exemption, 4.08[3][b], 8.01[5][c]

Security clearances, 10.04[7]

Seizure of debtor's property, debt collector falsely threatening, 14.09[3][b]

Self-certification of intention to provide housing for elderly, 3.05[2][d]

Self-help repossession, threatening considered unfair or unconscionable means of collection (FDCPA), 14.10[2][d]

Self-testing, privilege for, 3.05[4], 9.04[7]

Senior citizens. *See* Elderly

Separate maintenance payments. *See* Alimony and support payments

Setoffs, damages for ECOA violations against amounts owed, limitations of actions, 9.02[2][f]

Settlement agreements. *See* Consent agreements

Sex discrimination
See also Fair Housing Act
 amended ECOA provisions, 4.03[7][a]
 applications for credit, 5.01[3], 5.02
 evaluation of applications, 6.04[1]
 definition of "prohibited basis" (Rev. Reg. B), 4.06[2][z]
 ECOA general rule, 4.09
 ECOA violation for failure to consider income support
 payments and part-time job, FTC enforcement,
 9.01[3][d][i]
 monitoring programs for principal dwelling purchase or
 refinance, ECOA, 9.05[1][b]
 Rev. Reg. B general rule, 4.09

Sex of applicant
 application inquiries, 5.03[6]
 analysis and discussion, 5.03[6][f]
 credit histories of women, 5.03[6][d][ii]
 credit reports on married persons, 5.03[6][d][v]
 ECOA provisions, 5.03[4][a][i]
 exemptions from prohibition, 5.03[6][c], 5.03[6][d]
 government credit, exemption from prohibition,
 5.03[6][c]
 incidental credit, exemption from prohibition, 5.03[6][c]
 indirect disclosure, 5.03[6][f]
 individual accounts, 5.03[6][d][iii]
 insurance purposes, permissible inquiries, 5.03[10]
 medical records, exemption from prohibition, 5.03[6][c]
 monitoring information, exemption from prohibition,
 5.03[6][d]
 names on accounts, 5.03[6][d][iv]
 analysis and discussion, 5.03[6][f]
 pregnant applicants, 5.03[6][d][i]
 prohibition, 5.03[6][a], 5.03[6][b]
 analysis and discussion, 5.03[6][f]
 related Rev. Reg. B provisions, 5.03[6][d]
 securities credit, exemption from prohibition, 5.03[6][c]
 special-purpose credit programs, exemption from
 prohibition, 5.03[6][d]
 state laws inconsistent, 5.03[6][e][vi]
 HMDA reporting requirement, 1.06[1][k]

Sexual harassment
 Equal Credit Opportunity Act, violation of, 9.01[4]
 Fair Housing Act, violation of, 3.04[1][b], 3.04[2][b]

Sexual orientation and gender identity
 Fair Housing Act, 3.02[6]

"Shame lists," publication prohibited, 14.08[1][c]

"Side-by-Side," 3.06[1]
*Ed. Note: The full text of the FDIC's Side-by-Side publication is
 reprinted in Appendix D-4*

Signature rules (Rev. Reg. B), 6.02[2][b], 8.01[5]
 cosigners, 8.01[9]
 exemptions, 4.08[4][b], 8.01[5][c]
 guarantors, 8.01[9], 8.01[10]
 sample problems occurring under, 8.01[11]
 secured credit, 8.01[5], 8.01[8]
 state property laws, effect, 8.01[6]
 unsecured credit
 community property states, applicability, 8.01[7]
 noncommunity property states, applicability, 8.01[6]

Skip tracing, 14.06
 attorney known to represent debtor, communications with,
 14.06[3]
 location information, defined (FDCPA), 14.04[7]
 repeated communications, prohibition, 14.06[1]
 written communications, 14.06, 14.06[2]

Small Business Administration (SBA)
 ECOA enforcement, 9.01[1]

Small businesses
 CRA data collection and reporting requirements, 2.03[3][a]
 credit applicants, notification requirements, 7.01[2][g],
 7.02[4][b]

Small institutions, CRA performance standards, 2.03[10]
 definitions, 2.03[4][s]–2.03[4][u]
 examination procedures, 2.03[12][f]
 public file, 2.03[16][b][iii]

Small-volume creditors, ECOA notification requirements, 7.02[1][a]

Social needs credit programs. *See* Special-purpose credit programs

Sources of information
 disclosure to consumer, 11.06[3]
 investigative consumer reports, not subject to disclosure,
 12.04[1][b]
 liability, 13.08[2][a]
 nonapplicant spouses, 5.03[3][b][v]
 reliability, 11.04[3][c]

Sovereign immunity defense, ECOA, 9.04[6]

SPCPs. *See* Special-purpose credit programs

Special-purpose credit programs (SPCPs), 4.10
 application inquiries
 exemptions from restrictions, 5.03[2][a][iv]
 marital status inquiries, 5.03[4][d]
 race, color, religion, or national origin, 5.03[8]
 sex of applicant, 5.03[6][d]
 permissible information requests, 5.03[2][c]
 authorization, 4.10[1]
 establishment of program, 4.10[2]
 evaluation of credit, 6.04[1][b]
 good faith compliance, 4.10[1]
 government credit exemption, 4.10[3]
 limitations on exemption, 4.10[2][a]
 membership restrictions, 4.10[1], 4.10[2][a]
 notification requirements, 7.01[3]
 prohibited information, permissible use, 4.10[2][b]
 related Rev. Reg. B provisions, 4.10[2][a]
 types of programs, 4.10[1]

Spouses
See also Former spouses; Marital status; Nonapplicant spouses
 accounts of married persons, requirement to designate, 8.02[2]
 credit information furnished on married persons, 8.02
 credit reports on married persons, 5.03[6][e][v], 11.02[4][b]
 incidental credit, exemption from Rev. Reg. B, 4.08[4][b]

- public utilities credit, exemption from Rev. Reg. B, 4.08[2][b]
 - securities credit, exemption from Rev. Reg. B, 4.08[3][b]
 - sex discrimination, 5.03[6][d][v]
 - pre-ECOA credit practices, 8.01[1]
 - Staff Commentary**
 - Ed. Note: The Official Staff Commentary to ECOA, FCRA, and FDCPA is printed at the end of the relevant text sections.*
 - Standing**
 - Community Reinvestment Act, 2.01[5]
 - ECOA, 4.07[1], 9.02[3]
 - aggrieved applicant, 9.02[3]
 - applicant defined, 9.02[3][a]
 - person defined, 9.02[3][b]
 - FDCPA, unauthorized contacts with third parties, 14.07[3][g]
 - FHA prohibited activities, 3.04[1][b], 3.05[1][b]
 - State, definition**
 - FDCPA, 14.04[8]
 - Rev. Reg. B, 4.06[2][a]
 - State banks**
 - CRA enforcement, 2.01[2][b]
 - ECOA enforcement, 9.01[1]
 - FCRA enforcement, 10.06
 - FDCPA enforcement, 14.03[5], 14.17[2]
 - HMDA exemption for state-chartered banks, 1.04[3]
 - State laws**
 - See also* Community property states; State property laws
 - application inquiries about marital status, effect of property laws, 5.03[4][b][iv]
 - nonapplicant and former spouses, 5.03[3][d]
 - sex of applicant, 5.03[6][e][vi]
 - credit evaluations, consideration, 6.05
 - debt collection practices, 14.16
 - ECOA relationship to, 4.05[1]
 - election of remedies, 9.03[6][b]
 - exemption of certain transactions, 4.03[5], 4.05[1][c]
 - finance charge limits and loan ceilings, 4.05[1][b]
 - preemption of state laws, 4.03[4], 4.05[1][a]
 - evaluation of credit applications, consideration, 6.05
 - FCRA relationship to, 10.07
 - FDCPA relationship to, 14.15, 14.16
 - finance charge limits, 4.05[1][b]
 - HMDA relationship to, 1.10
 - loan ceilings, 4.05[1][b]
 - marital status inquiries, 5.03[4][b][iv]
 - State property laws**
 - See also* Community property states; State laws
 - application inquiries
 - marital status, 5.03[4][b][iv], 8.01[3]
 - credit evaluation, 6.05[1]
 - ECOA preemption exception, 4.05[1][c]
 - signature rules, effect, 8.01[6]
 - Statute of limitations**
 - ECOA, 9.02[2][a], 9.02[2][a]
 - bonus one-year extension, 9.02[2][c]
 - civil actions, limitations of actions, 9.02[2][a]
 - commencement of limitations period, 9.02[2][d]
 - extension possibility, 9.02[2][c]
 - five-year limitation period for FTC suits, 9.02[2][b]
 - recoupment, 9.02[2][f]
 - setoffs, 9.02[2][f]
 - state-claim by defense, 9.02[2][f]
 - statute of limitations distinguished, 9.02[2][e]
 - congressional intention in circumscribing, 9.02[2][e]
 - extension possibility, 9.02[2][c]
 - limitation of actions distinguished, 9.02[2][e]
 - recoupment, 9.02[2][f]
 - setoffs, 9.02[2][f]
 - state-claim by defense, 9.02[2][f]
 - FCRA violations, 13.07[2]
 - FDCPA violations, 14.11[1], 14.18[3]
 - FHA violations
 - Attorney General actions, 3.06[3], 3.07[3]
 - private actions, 3.06[2], 3.07[2]
 - Steering, FHA prohibited activities, 3.04[2][a][i], 3.05[2][a][i]**
 - Student loan application inquiries, restrictions inapplicable, 5.03[2][a][iv]**
 - Subpoenas for consumer reports, 11.02[2], 11.05**
 - Subprime lending**
 - Fair lending compliance, 3.01, 6.08[1]
 - FTC Act, 15.12
 - Subsidiaries**
 - bank holding companies, approval for mergers, 2.05[2]
 - Barnett Banks, 2.05[2][b]
 - Johnson International, 2.05[2][c]
 - Shawmut orders, 2.05[2][a]
 - Totalbank Corp. of Florida, 2.05[2][d]
 - HMDA reporting, 1.07[2]
 - Subsidized housing program application inquiries, restrictions inapplicable, 5.03[2][a][iv]**
 - Suits. See Civil actions**
 - Support payments. See Alimony and support payments**
 - Sureties**
 - See also* Cosigners
 - application inquiries, restrictions inapplicable, 5.03[2][a][ii]
 - Surname. See Names; Names on accounts**
-
- T**
-
- Target marketing**
 - FCRA application, 11.02, 13.01[3][d]
 - Tax liens, obsolete for consumer reporting purposes, 11.03[1], 11.03[3][c]**
 - Telephone calls**
 - applications for credit, 5.02[2]
 - debt collector's calls
 - anonymous calls, 14.08[1][f]
 - collect calls, 14.10[2][c]
 - harassing calls, 14.08[1][e]
 - workplace of debtor, to, 14.07[2][d]
 - Telephone listing in applicant's name, prohibited factor in credit evaluation, 6.04[4]**
 - Tenants by the entirety**
 - See also* State property laws
 - factor in credit evaluation, 6.05[2]
 - signature requirements, 8.01[6]
 - Tenants' unlawful detainer reports sold to landlords, FCRA applicability, 10.05[2][a]**
 - Termination of credit, 8.01[4]. See also Adverse action**
 - Testers**
 - ECOA enforcement, FTC use of, 9.01[3][d][ii]
 - standing under FHA, 3.05[1][b]
 - Testing**
 - Use of evidence, 3.06[1][e]
 - Third-party communications (FDCPA), 14.07[3]**

consent of debtor, 14.07[3][c]
 credit bureaus, with, 14.07[3][e]
 definitional contradiction, 14.07[3][d]
 limited express exceptions, 14.07[3][b]
 other permissible contacts, 14.07[3][h]
 permitted contacts, 14.07[3][a]
 postjudgment remedy, permissible contacts to effectuate, 14.07[3][f]
 prohibition on revealing identity as debt collector in written communications, 14.10[2][e]
 standing to sue for unauthorized contacts, 14.07[3][g]
Third-party credit requests, exclusions from definition of “consumer report,” 10.05[2][e][iii]
Third-party information as basis for denial of credit, 12.03
 conditional approval as denial of credit, 12.03[2]
 disclosure of nature of information, 12.03[3]
 scope and coverage, 12.03[1]
 what constitutes “third-party,” 12.03[4]
Third-party liability
 ECOA, 9.01[4][a] (see Fidelity suit)
 FTC Act, 15.12
Threats. See Harassment
Tie-in violations, 6.03[1]
Time limits
See also Statute of limitations
 adverse action notification, 7.02[2], 7.02[2][a]
 business creditors, modified requirements under Rev. Reg. B, 7.02[2][b]
 consumer reporting agencies
 credit information to be reported by, 11.03[1]
 reinvestigation, 11.08[4][a]
 disclosures concerning income from alimony and support payments, 5.03[5][e]
 FDCPA, validation of disputed debts, 14.11[1][c]
 investigative consumer reports, preliminary notice to consumer, 12.04[2][a]
 notification requirements under ECOA, 7.02[2], 7.02[2][a]
 business creditors, modified requirements, 7.02[2][b]
Title VI of Civil Rights Act of 1964
 HMDA, relationship to, 1.02
Title VII of Civil Rights Act of 1964
 effects test for evaluation of credit applications, 6.01, 6.07
Title VIII of Civil Rights Act of 1968. See Fair Housing Act
Title VIII of Community Development Act. See Community Reinvestment Act
Training
 applications for credit, 5.02[2][b]
 consumer reporting agency personnel to explain information to consumers, 10.03, 11.07[1][a]
Transportation Department (DOT)
 ECOA enforcement for air carriers, 9.01[1]
 FCRA enforcement, 10.01[1], 10.06, 13.01[1], 13.01[2]

U

Unauthorized disclosures, consumer reports, 11.04[2][b], 13.03
Unconscionable collection practices, 14.10
Unfair or deceptive acts and practices, Ch. 15
 authority of federal banking agencies, 15.04
 Credit Card Accountability Responsibility and Disclosure Act, 15.11
 credit cards, 15.06, Appendix G6

depository institutions, 15.03
 disclosure of product terms, 15.12
 enforcement actions, 15.12
 exam procedures, 15.02
 FDIC Field Guide, 15.01
 FRB/FDIC guidance on unfair or deceptive acts, 15.05, Appendix G5
 FTC Act, relationship to other laws, 15.02
 Home Ownership and Equity Protection Act, 15.01
 marketing practices, 15.03, 15.12
 Mortgage Acts and Practices (MAP) Rulemaking, 15.09[5]
 mortgage advertising, 15.09[4]
 Mortgage Assistance Relief Services (MARS) Rulemaking, 15.09[5]
 mortgage trigger leads, 10.07, 15.02
 nontraditional mortgage products, 15.09[1]
 OCC guidance on credit cards, 15.06, Appendix G6
 overdraft protection, 8.01[14]
 privacy protection, 15.12
 refund anticipation loans, 15.02
 Regulation Z mortgage rules, 15.01, 15.09[3]
 residential mortgage lending, 15.09
 standards, 15.05
 subprime lenders, 15.12
 subprime mortgages, 15.05[2]
Unintentional error defense. See Defenses
Unmarried joint applicants, credit evaluation, 6.04[1][a][i]
Updating information on debtors, 8.01[4]
Users of credit reports, Ch. 12
 adverse action, 12.01
 conditions precedent construed as, 12.02[2][a]
 content of disclosures, 6.06[3], 12.02[3]
 derogatory information, 12.03
 disclosure requirements, 12.02
 duties of users taking, 12.02[6]
 liability, procedures to avoid, 12.05, 13.08[2], 13.09
 nonderogatory information, 12.02[2][b]
 past history with consumer as basis for action, 12.02[1]
 reasonable procedures as bar to liability, 12.02[4], 13.09
 third-party information other than consumer reports, 12.03
 conditional approval as denial of credit, 12.03[2]
 disclosure of nature of information, 12.03[3]
 scope and coverage, 12.03[1]
 what constitutes “third-party,” 12.03[4]
 centralized source requirement, 11.11[a]
 certification of permissible purpose, 11.04[2]
 dealer-originated transactions, adverse action, 12.01, 12.06
 disclosure of contents of reports, 11.04[2][e], 12.02[8][a]
 disclosures after taking adverse action, 12.02[6][b]
 duties of users taking adverse action based on reports, 12.02[6]
 improper request for reports, liability, 12.02[1]
 investigative consumer reports, disclosures required to consumers, 12.04[2]
 joint users, 10.05[3][c]
 managers not liable for use of credit reports when acting in scope of employment, 12.02[1]
 negligent violations of FCRA, 13.04, 13.08
 prescreened information, duties of users of, 12.02[7]
 disclosure statement, 12.02[7][a]
 maintenance of criteria on file, 12.02[7]
 procurement of reports for resale, preconditions for, 11.04[2][g], 12.02[8][c]

reasonable procedures as bar to liability, 12.04[4], 12.05

V

Validation of disputed debts. *See* **Fair Debt Collection Practices Act**, *subheading: disputed debts and their validation*

Venue

FDCPA, 14.18[2]
 restriction on choices in collection suits, 14.13
 FHA violation hearings, 3.07[1][d]

Verification of data on applications for credit, 10.05[3][e]

Veterans' Administration guaranteed loans, HMDA requirements, 1.06[1][d]

Vicarious liability

FHA cases, 3.06[6]
 FCRA cases, 14.08[1][a]

Violence by debt collectors, prohibitions, 14.08[1][a]

W

Waiver

FDCPA venue requirement, 14.13[3]
 notice of adverse action, 7.02[4]

WBOA. *See* **Women's Business Ownership Act**

Wholesale banks. *See* **Community Reinvestment Act**, *subheading: regulations, revised*

Willful violations of ECOA

punitive damages, 9.03[3][b]

Willful violations of FCRA, 13.05, 13.05[1], 13.05[4][b]

defamation, negligence, or invasion of privacy, 13.08[2][d]

Withdrawn loans

notification requirements under ECOA, 7.02[1][b]
 reporting requirements under HMDA, 1.06[1][g], 1.06[1][i]

Women

See also Childbearing and rearing; Sex discrimination; Sex of applicant

birth control practices, prohibited inquiries, 5.03[7]

credit histories, 5.03[6][d][ii], 8.01[3]

pre-ECOA credit practices, 8.01[1]

Women-owned financial institutions

CRA evaluation to consider involvement with, 2.01[4]

performance test (Rev. Reg. BB), 2.03[7][c]

Women's Business Ownership Act (WBOA)

applicability, 4.08[5][b][i]

ECOA recordkeeping requirements for business credit, effect on, 9.06[7]

exemption from Rev. Reg. B, effect on, 4.08[5][b]

purpose, 4.08[5][b][i]

Workplace investigations

FCRA requirements, 11.02[5][d]

Written communications

cessation of communication from debt collector upon

consumer's written request, 14.07[4], 14.11[2][b]

credit requests, 6.02[1][c][iv]

instructions from consumer to consumer reporting agencies to furnish report, 10.05[2][d], 11.02[3]

skip tracing, 14.06, 14.06[2]

Written-off accounts, when obsolete for consumer reporting purposes, 11.03[1], 11.03[3][d]

Z

Zip codes, creditworthiness associated with, suspect practice based on race, 9.01[3][c][i]

Zoning

accommodation for handicapped, 3.04[2][f]

FHA-prohibited activities when exclusionary, 3.04[2][a][ii]