

General Predatory Lending Analysis

- Issue Brief: The End of Libor: Risk and Solutions for Residential Mortgages, February 2020
 - Analysis of H.R. 3915's Preemption Rule, March 14, 2008
 - Analysis of H.R. 3915—as passed out of the House Financial Services Committee, November 2007
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General Predatory Lending Briefs, Reports & Press Releases

Fair Lending || Housing || Land Installment Contracts || Limited English Proficiency (LEP) || Property Assessed Clean Energy (PACE) Loans || Pace Loans in the News

Fair Lending

- Press release: HUD Guts Civil Rights Rule Used to Address Systemic Discrimination in the Housing Market on the Dawn of an Eviction and Foreclosure Crisis, Sept. 8, 2020
- Press statement: HUD Proposal Would Significantly Obstruct Enforcement of Long-Standing Civil Rights Protections, Aug. 19, 2019
- Comments to the U.S. Department of Housing and Urban Development on Reconsideration of HUD's Implementation of the Fair Housing Act's Disparate Impact Standard, August 20, 2018
- Litigation: *Connecticut Fair Housing Center, Inc. vs Liberty Bank Case No. 18-1654* || Press Release and Complaint The National Consumer Law Center and the Connecticut Fair Housing Center filed a fair housing lawsuit in the United States District Court for the District of Connecticut against Liberty Bank, alleging that Liberty Bank violated the Fair Housing Act by: engaging in a pattern and practice of redlining communities where most of the residents are racial and ethnic minorities; discriminating against African - American and Latinx mortgage applicants and; discouraging African - American and Latinx mortgage applicants from applying for credit. Press Release and Settlement Agreement.

Housing

- Brief: Contracts that Offer Cash for Home Equity Are Riskier than They Look, Apr. 2020
- Press release: FDIC's New Mortgage Appraisal Rule Ignores Lessons of Great Recession, Aug. 20, 2019

Land Installment Contracts

- Statement of the National Consumer Law Center for Hearing: A Review of the State of and Barriers to Minority Homeownership before the U.S. House Financial Services Committee Subcommittee on Housing, Community Development and Insurance, May 8, 2019
- Policy Brief: Policy Recommendations for a Strong State Law on Land Contracts, April 2017
- **In the News (Installment Contracts)**
11/2/17 WSB-TV2, Atlanta (4:05 runtime) "Company accused of preying on low-income

minorities trying to buy homes” in which NCLC / Atlanta Legal Aid attorney **Sarah Bolling Mancini** discusses a lawsuit brought by the two legal organizations against Harbour Portfolio for selling toxic land-installment contracts to unsuspecting families in Atlanta.

11/2/17 WSB-TV2, Atlanta digs into a national overview of the problem in a separate story (3:45 runtime)

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Litigation

- *Henderson v. Vision Property Management*

The NAACP Legal Defense and Educational Fund, Inc. (LDF), the American Civil Liberties Union of Michigan (ACLU), the National Consumer Law Center (NCLC), and the Michigan Poverty Law Program filed a federal class-action lawsuit against Vision Property Management (Vision). The lawsuit was filed on behalf of financially challenged Detroit- and Flint-area residents to whom Vision promised a path to homeownership but are now trapped in contracts structured to fail. Vision primarily targeted Black consumers for its home purchase scheme, the lawsuit argues. The complaint includes detailed allegations about how Vision operated almost exclusively in Black neighborhoods, profiting from communities that were hit hardest in the housing crisis and thwarting attempts to build wealth in the Black community. The lawsuit seeks to remedy the damages caused to communities of color throughout the Greater Detroit region as a result of Vision’s practices.

- *Horne et al. v. Harbour Portfolio et al.*

Horne et al. v. Harbour Portfolio et al. Second Amended Complaint (N.D. GA)

Horne et al. v. Harbour Portfolio et al. Third Amended Complaint (N.D. GA)

Opposition to Defendant Harbour’s Motion to Dismiss Second Amended Complaint

Opposition to Defendant NAA’s Motion to Dismiss Second Amended Complaint

Order on Motion to Dismiss Second Amended Complaint (N.D. GA)*Horne v. Harbour Portfolio*, United States District Court for the Northern District of Georgia: Suit was brought by the Atlanta Legal Aid Society on behalf of 22 African-American residents representing 16 household. The action asserted claims of discriminatory targeting for abusive credit terms in home purchase “contract for deed” transactions extended by Harbour Portfolio. The complaint alleged that Harbour Portfolio, through both intentional targeting of African-American consumers and practices that have a foreseeable disparate impact on African-American consumers, violated the Fair Housing Act of 1968, as amended, 42 U.S.C. § 3601, *et seq.*, the Equal Credit Opportunity Act, 15 U.S.C. § 1691, *et seq.*, and the Georgia Fair Housing Act, O.C.G.A. § 8-3-200 *et seq.* NCLC subsequently joined the case as plaintiffs’ co-counsel. On March 20, 2018, the Court denied a motion to dismiss for all but one of the claims asserted (wrongful eviction). Thereafter, during on-going discovery, including subpoenas issued to Fannie Mae, requests for production of documents by the defendants and depositions of the defendant principal, the parties engaged in mediation before a U.S. Magistrate Judge. The case settled in December, 2018. The 12 households who were still living in their homes received a deed converting their contract for deed to a mortgage with title insurance, reduced interest rates, shorter repayment terms and, in some cases, principal reductions. They also received a lump sum cash payment. The four households who were evicted/no longer living in the home received separate lump sum cash payments. As part of the settlement, separate attorneys’ fees were paid to plaintiffs’ counsel of record.

Limited English Proficiency (LEP)

Issue Briefs and Press Releases

- Press Release: How to Get Help with Your Mortgage During COVID-19, Jul. 9, 2020
- Press Release: COVID-19 Crisis: Advocates Urge FHFA to Help Ensure Fair Treatment for All Borrowers, Especially Limited English Proficient Borrowers, Apr. 9, 2020
- Press Release: FHFA Backtracks on Critical Language Access Question on Mortgage Application, Aug. 9, 2019. AFR Statement.
- Press Release: Public Interest Groups Applaud FHFA Move to Expand Resources for LEP Borrowers, Oct. 16, 2018. Spanish Version.
- Press Release: Language Preference Question in Uniform Mortgage Application Will Help Borrowers Gain Access to the Mortgage Market, Oct. 24, 2017
- AFR Issue Brief: Fair Treatment of Homeowners with Limited English Proficiency, May 26, 2016. Press Release.

Letters and Comments

- Letter prompted by COVID-19 economic upheaval calling on Equifax, Experian, and TransUnion to provide credit reports in Spanish and other languages used by consumers who are limited English proficient, Oct. 19, 2020
- Group letter to the Consumer Financial Protection Bureau re: Language Access Roundtable Discussion, Aug. 24, 2020
- Group comments to the OCC regarding FinTech, encouraging banks to use technology to expand access for LEP consumers, Aug. 3, 2020
- Group letter urging FHFA to quickly translate key mortgage forbearance notices related to COVID-19 for borrowers with Limited English Proficiency, Apr. 9, 2020. Press Release.
- Coalition letter to Rep. Green supporting a bill requiring the Federal Housing Finance Agency to include language preference on the Uniform Residential Loan Application, Oct. 22, 2019
- Group letter to the Federal Housing Finance Agency (FHFA) supporting recent language access progress made at the agency, Apr. 18, 2019
- Letter to FHFA regarding URLA and Language Access Implementation, Feb. 16, 2018
- Comments on the Federal Housing Finance Agency's Request for Input on Improving Language Access in Mortgage Origination and Servicing Submitted by Americans for Financial Reform's Language Access Task Force, Jul. 31, 2017. Supplemental Comments, Sep. 1 2017
- Group letter to the Federal Housing Finance Agency re Improving Language Access in Mortgage Lending and Servicing, Jul. 31, 2017. AFR Letter.

Property Assessed Clean Energy (PACE) Loans

- Group letter from consumer advocates and industry groups urging the CFPB to initiate PACE rulemaking, Oct. 15, 2018
- Comments in response to the Consumer Financial Protection Bureau ("CFPB")'s Request for Information ("RFI") regarding its inherited regulations and rulemaking authorities with focus on incorporating Property Assessed Clean Energy (PACE) loans into the Truth in Lending Act's (TILA) Regulation Z mortgage protections, June 25, 2018
- Comments submitted by the National Consumer Law Center and the National Housing Law Project to the California Dept. of Business Oversight in response to proposed rules implementing the consumer protection provisions of AB 1284 for Property Assessed Clean Energy (PACE) loans, June 8, 2018
- Letter re: California Senate Bill 1087 from National Housing Law Project, Housing and Economic Rights Advocates, and National Consumer Law Center recommending further changes to PACE legislation, April 11, 2018
- Comments [submitted by the National Consumer Law Center and the National Housing Law](#)

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PACE Loans in the News

- April 18, 2017, North Bay Business Journal “PACE green home-upgrade loans could get bigger legal leash”
- April 11, 2017, Florida Sun Sentinel “Federal suit says PACE home improvement loan program fails to disclose risks, costs”
- April 5, 2017, Wall Street Journal, Green-Energy PACE Home Loans Catch Congress’s Ire
- Jan. 10, 2017 America’s Fastest-Growing Loan Category Has Eerie Echoes of Subprime Crisis (WSJ)

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General Predatory Lending Comments

- NCLC Letter requesting that the deadline for the Seasoned QM Definition be extended for Yom Kippur, Sep. 17, 2020
- NCLC, CFA, and Prosperity Now long comments to the CFPB re: Qualified Mortgage Loan Definition under the Truth-in-Lending Act (Regulation Z), Sept. 8, 2020
- Civil Rights and Consumer Group Comments to the CFPB re: the General Qualified Mortgage Loan Definition under the Truth in Lending Act (Regulation Z): General, Sept. 8, 2020
- Group Letter to the CFPB requesting an extension to the 30-day comment period for the Seasoned Qualified Mortgage Loan Definition, Sept. 3, 2020
- Comments to CFPB re Facilitating the LIBOR Transition by Amending Regulation Z, Aug. 4, 2020
- Coalition letter to federal banking regulators expressing concerns about proposed changes to the Community Reinvestment Act, Sept. 17, 2019
- NCLC Comments to the VA on revisions to VA-Guaranteed or Insured Cash-Out Home Refinance Loans, Feb. 15, 2019; Additional Comments, March 14, 2019
- Consumer comments to the OCC, Board, and FDIC regarding the proposed rule to amend the regulations requiring appraisals for certain real estate-related transactions, Feb. 5, 2019
- Comments to CFPB re its draft policy guidance regarding the public dissemination of the Home Mortgage Disclosure Act (HMDA) data, Nov. 22, 2017
- Comments to CFPB re Amendments to Federal Mortgage Disclosure Requirements Under the Truth in Lending Act (Regulation Z), Oct. 10, 2017
- Supplemental Comments on the Federal Housing Finance Agency’s Request for Input on Improving Language Access in Mortgage Origination and Servicing Submitted by Americans for Financial Reform’s Language Access Task Force, Sept. 1, 2017
- Comments on the Federal Housing Finance Agency’s Request for Input on Improving Language Access in Mortgage Origination and Servicing Submitted by Americans for Financial Reform’s Language Access Task Force, July 31, 2017

- Group letter to the Federal Housing Finance Agency re Improving Language Access in Mortgage Lending and Servicing, July 31, 2017
- Consumer comments on Loan Guaranty: Revisions to Allowable Charges and Fees Assessed Incident to VA-Guaranteed Home Loans, June 12, 2017
- Comments to CFPB on proposed technical changes to the Home Mortgage Disclosure Act (HMDA), May 25, 2017
- Consumer comments to CFPB re aligning the requirements of the Equal Credit Opportunity Act (ECOA) with the data collection requirements of the Home Mortgage Disclosure Act (HMDA), May 4, 2017 || Additional Comments, May 25, 2017

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General Predatory Lending Letters

- Press Release: Joint Statement from Housing, Financial Services, and Public Interest Groups on GSEs' Adverse Market Fee, August 13, 2020
- Coalition letter urging House members to oppose CFPB rollbacks of fair lending oversight, June 4, 2019
- Group letter to the Federal Housing Finance Agency (FHFA) supporting recent language access progress made at the agency, April 18, 2019
- Letter to CFPB opposing increase in appraisal exemption threshold, Feb. 5, 2019
- Letter to federal banking agencies opposing increase in appraisal exemption threshold, Feb. 5, 2019
- H.R. 2570, Mortgage Fairness Act of 2017. Opposition Letter, July 23, 2018

General Predatory Lending Letters Archive

General Predatory Lending Model Laws & Statutes

- Model State Statute: Home Loan Protection Act - A, November 2001
-

General Predatory Lending Responses &

Statements

- Failed Regulatory Policy, Not Low Income Housing, Cause of Mortgage Crisis, October 13, 2008
 - Response to MBA Policy Paper on Suitability, February 2007
 - Point by Point Response To Ney-Kanjorski Predatory Lending Bill, April 2005
-

General Predatory Lending Testimony

- Press Release and Testimony of Margot Saunders on Mortgage Reform and Anti-Predatory Lending Act House Financial Services Committee (HR 1728), April 23, 2009
- Testimony of Margot Saunders on Mortgage Lending Reform: A Comprehensive Review of the Current Mortgage System, March 11, 2009
- Failed Regulatory Policy, Not Low Income Housing, Cause of Mortgage Crisis, October 13, 2008

General Predatory Lending Testimony Archive