Equal Access to Higher Education

Policy Briefs, Reports & Press Releases

- Report: Gainful Employment: A Civil Rights Perspective, October 2019
- Press Release: National Consumer Law Center Attorney to Testify on June 11 before U.S. House Oversight Committee on Student Loan Servicing, June 10, 2019

More Policy Briefs, Reports & Press Releases >>>

Letters

- Coalition letter to the Senate strongly urging the immediate passage of S. 1279, the Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act, to restore funding to serve students of color and native students, Nov. 22, 2019
- NCLC replied to a letter by Senators Jones, Warren, Harris, and Cortez Masto requesting ideas on how to address racial disparities in student debt and the broader challenges faced by students of color in college and career training, Feb. 15, 2019
- Coalition letter to the U.S. Department of Education on the Department’s failure to protect Education Corporation of America students, (disproportionately students of color) leading up to the for-profit school’s closure, Jan. 17, 2019

More Letters >>>

Litigation

- NCLC and ACLU File Lawsuit against U.S. Department of Education Over Failure to Disclose Debt Collection Practice Data, March 30, 2016
- Case against the United States Department of Education
  The National Consumer Law Center is co-counsel in a Freedom of Information Act suit requesting public records of the U.S. Department of Education regarding race and debt collection practices of third-party debt collectors hired by the Department, March 30, 2016 Complaint, Exhibit 1 (FOIA request, May 7, 2015), Exhibit 2, Exhibit 3, and Exhibit 4, and press release

More Litigation>>>

Testimony

- NCLC attorney Joanna K. Darcus testimony to the U.S. House Financial Services Subcommittee on Oversight and Investigations re: “An Examination of State Efforts to oversee the $1.5 Trillion Student Loan Servicing Market,” June 11, 2019; Press Release
Credit & Economic Opportunity

Policy Analysis

Policy Briefs, Fact Sheets, Reports & Press Releases

- Fact Sheet: Racial Disparities in Consumer Debt Collection and (Infographic), August 4, 2020
- Press Release: Advocates Praise FTC Action on Discrimination and Abuse at Car Dealer and Urge Further Efforts, May 28, 2020
- Report: Broken Records Redux: How Errors by Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing, Dec. 2019
- Press release: Statement Regarding Credit Report/Score Requirement in DHS Public Charge Regulation, Aug. 12, 2019
- Press release: National Consumer Law Center Chi Chi Wu to Testify on July 25 before U.S. House on Use of Alternative Credit Data to Expand Access to Credit, July 24, 2019
- Issue Brief: Credit Invisibility and Alternative Data: Promises and Perils, July 2019
- Report: Time to Stop Racing Cars: The Role of Race and Ethnicity in Buying and Using a Car, April 2019
- Issue brief: The Wrong Tool for the Wrong Purpose: Why the Credit Scoring Provision in the Immigration Public Charge Proposal Is Illogical and Ill-Advised, Oct. 2018
- Press Release: Congress Votes to Roll Back CFPB Guidance to Help Auto Lenders Avoid Discrimination, May 8, 2018

More Policy Briefs, Reports & Press Releases >>>

Comments, Letters, & Testimony

- NCLC letter to the Office of the Comptroller of the Currency opposing proposed changes that will weaken the Community Reinvestment Act, Jan. 28, 2020
- Testimony of NCLC attorney John Van Alst before the U.S. House Financial Services Subcommittee on Oversight and Investigations hearing “Examining Discrimination in the Automobile Loan and Insurance Industries, May 1, 2019
- Letter to the National Association of Forensic Economics (NAFE) expressing concern about the unfair consideration of race, ethnicity, and gender by forensic economists in future earnings modeling, April 29, 2019.
- Coalition letter urging Congress to prioritize civil rights in upcoming privacy legislation, Feb. 13, 2019
- Consumer, Civil Rights, and Privacy Advocates comments to the Department of Homeland Security opposing Notice of Proposed Rulemaking on Public Charge Determinations, Dec. 10, 2018
- Group letter to CFPB’s Acting Director Mulvaney seeking to remove Mr. Eric Blankenstein from having any involvement in the Bureau’s oversight and enforcement of antidiscrimination laws, Oct. 5, 2018
- Comments in response to the Consumer Financial Protection Bureau’s (CFPB) RFI on the importance of maintaining Regulation B (Reg B) and the use of the long-established disparate impact doctrine in enforcement actions, examinations, and complaint investigations that have Equal Credit Opportunity Act (ECOA) implications, June 25, 2018

More Comments, Letters, & Testimony >>>
Litigation & Amicus Briefs

- American Insurance Association v. U. S. Department of Housing and Urban Development, Case No. 1:13-cv-00966-RJL (D.D.C.) NCLC joined an amicus brief drafted by the NAACP Legal Defense and Educational Fund and the American Civil Liberties Union, also joined by the National Community Reinvestment Coalition, in support of the defendant’s motion to dismiss or, in the alternative, for summary judgment in this case challenging HUD’s Discriminatory Effects Rule under the Fair Housing Act. (2/20/2014)

More Litigation & Amicus Briefs>>>

Racial Justice and Equal Economic Opportunity

Credit & Economic Opportunity || Equal Access to Higher Education

Sustainable Homeownership || Equitable Access to Broadband, Media, Utilities, and Telecom Services

HOT TOPICS

Sign up for Racial Justice e-news!

- 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
- A Looming Crisis: Black Communities at Greatest Risk of Covid-19 Foreclosure, July 2020
- Leading Civil Rights & Housing Groups Condemn President’s Effort to Gut Fair Housing, Use of Incendiary Racial Rhetoric for Political Gain, July 23, 2020
- National Consumer Law Center Statement: Time for Action on Racial Equity, June 4, 2020
- NCLC letter to the Office of the Comptroller of the Currency opposing proposed changes that will weaken the Community Reinvestment Act, Jan. 28, 2020
- 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
- Press Statement: HUD Proposal Would Significantly Obstruct Enforcement of Long-Standing Civil Rights Protections, August 19, 2019
- Issue Brief: Credit Invisibility and Alternative Data: Promises and Perils, July 2019
- Report: Time to Stop Racing Cars: The Role of Race and Ethnicity in Buying and Using a Car, April 2019 Press Release
- Issue brief: The Wrong Tool for the Wrong Purpose: Why the Credit Scoring Provision in the Immigration Public Charge Proposal Is Illogical and Ill-Advised, Oct. 2018
About NCLC’s Racial Justice and Equal Economic Opportunity Project: Exploitative financial practices have drained wealth and resources from families and communities of color. The National Consumer Law Center (NCLC) works at the national and state levels to protect these families’ pocketbooks and rebuild their wealth so that they can survive and thrive in the U.S. financial marketplace.

From NCLC’s groundbreaking anti-discrimination litigation and public policy advocacy, training, and support for attorneys and other advocates, and public education, we are committed to building economic security for vulnerable families of color so they can achieve the American Dream.

Free Racial Justice Webinars

Check out NCLC’s series of webinars on Rebuilding Wealth and Economic Opportunity in Communities of Color. The series focuses on restoring economic opportunity and preventing discrimination in communities that were decimated by the foreclosure crisis and the Great Recession. Listen to past webinars or sign up to be notified of future webinars.

Stay Connected Training

Through Stay Connected, NCLC attorneys Charlie Harak and Jenifer Bosco conduct trainings for non-attorney advocates and front-line social service workers to help low-income Massachusetts residents avoid termination of their utility services. Advocates learn the eligibility requirements for electric utility discounts, how to prevent service from being shut off, and how to restore service if it was terminated.

Advocates can request a live training by e-mailing utility@nclc.org or watch the training online (click on video below). Please note that advocates need a copy of NCLC’s Utilities Advocacy for Low-income Households in Massachusetts in order to follow along. Agencies or advocates can request up to one free copy from NCLC. Each additional copy costs $5. E-mail utility@nclc.org to order books. You can also download the book from this page for free and print as many copies as needed. Viewers of the online training video should download the handouts referenced throughout the training. The handouts are referred to by color and/or title during the training.

Stay Connected Materials

Video:

Books:

- Web-only appendices:
  - Appendix F: Discount Rate Applications
  - Appendix G: Termination Schedule
List of Handouts:

- Training Outline (Slides)
- Sample Bills
- Scenarios
- Checklist of Key Utilities Protections
- Sample Intake Form in between Chart of Protections and Retroactive Application of the Discount rate
- Chart of Key Utilities Protections
- Water Brochure
- Evaluation Form*
- Authorization for Release Form
- Discount Rate Informational Handout
- Lifeline Information

Consumer Education Brochures (English and Spanish):

- Keeping the Heats and Lights On, 2013
- Mantener La Calefaccion y Las Luces Encendidas, 2013

Additional Materials:

- Assisting Massachusetts Victims of Crime and Domestic Violence Who are Having Problems Establishing a New Account or Paying Their Utility Bills, 2019

* If you view the training online, please fill out the evaluation form and send to:

c/o Charlie Harak
National Consumer Law Center
7 Winthrop Square
Boston, MA 02110-1245

State Inaction

Gaps in State Oversight of For-Profit Higher Education
The astronomical growth in for-profit higher education has exposed increasing numbers of students to rampant fraud and abuse. This report examines state oversight of for-profit schools, focusing on state regulatory structures and the levels of resources devoted to enforcement and oversight. The report also evaluates consumer protection laws, relief funds and other options available to assist students who are harmed.

There are promising signs that some states are starting to exercise their legal authority to rein in for-profit school abuses and provide relief for students, but much more needs to be done. The report concludes with 14 recommendations to assist states that wish to better protect students and taxpayers.

**The Bad News**

1. **Common problems with for-profit post-secondary schools include:**
   - Inflated or misleading job placement rates
   - Manipulation of student grades and attendance records and
   - Illegal recruitment practices

2. **In overseeing for-profit schools, many states:**
Lack appropriate staffing levels

Have diluted and/or disparate resources

Have conflicts of interest (e.g. members of the for-profit school industry comprise the majority of the supervisory board)

Lack adequate funds that are dedicated to oversight and enforcement and

Fail to provide easily accessible public information about schools (e.g. process to register complaints)

Consequently, state oversight and enforcement of students harmed by for-profit post-secondary schools has been dismal to date.

**The Good News**

1. Some states are doing a better job of oversight and enforcement, even with limited resources.

2. Many states have relief funds for defrauded students collected from for-profit schools who operate in the state.

3. Most states have substantive legal recourse against fraud and abuse by for-profit schools if they choose to employ it.

   Every state and the District of Columbia has an unfair, deceptive acts and practices (UDAP) law

   Many states have additional consumer protection laws with separate provisions targeted at for-profit schools, including laws regarding disclosure, refund policies and prohibitions of specific practices

   Federal law requires states to help regulate for-profit higher education schools that participate in the federal aid programs

**Facts on States and For-Profit Higher Education Schools**

**State Staffing: Down for the Count**

States with the highest ratio of for-profit schools to staff oversight:

- Delaware (87:1)
- Massachusetts (70:1)
- Oklahoma (110:1)
- Washington (187:1)
- Wyoming (125:1)

*Source: National Consumer Law Center phone survey, 2011.*
Students Buried in Debt ⚫ Often for Life

Students at for-profit colleges are more than twice as likely to default on federal student loans as those who attend public institutions.

Source: Project on Student Debt (September 2011)

Taxpayer Dollars at Risk

In 2010-2011, 9% of student grant aid came from state governments.

Source: CollegeBoard, “Trends in Student Aid 2011.”

Additional Resources

Piling It On: The Growth of Proprietary School Loans and the Consequences for Students (January 2011)

NCLC’s Student Loan Borrower Assistance Project website

About Us

National Consumer Law Center® (NCLC®) is a non-profit organization specializing in consumer issues on behalf of low-income and other vulnerable people. Since 1969, NCLC has worked with legal services and nonprofit organizations as well as government and private attorneys across the United States, to create sound public policy for low-income and elderly individuals on consumer issues.

NCLC’s Student Loan Borrower Assistance Project provides information about student loan rights and responsibilities for borrowers and advocates. The Project also seeks to increase public understanding of student lending issues and to identify policy solutions to promote access to education, lessen student debt burdens and make loan repayment more manageable. Visit www.studentloanborrowerassistance.org.

Massachusetts

The National Consumer Law Center's Massachusetts Economic Justice Project allows NCLC to work specifically in Massachusetts with local advocates helping low-income consumers and seniors facing difficulties in the marketplace. NCLC offers our consumer law expertise, recognized in Massachusetts and throughout the country, to Massachusetts legal service attorneys, private attorneys, and advocacy organizations who share our goals of consumer justice.

Low-income Massachusetts consumers and seniors can locate free legal aid at MassLegalHelp.

To find private consumer attorneys, frequently with no advanced fee, go to www.naca.net.
Homeowners threatened with foreclosure should get help from their local housing counseling program, for information call (800) 569-4287 or go here.

Our support for advocates include:

Case Consultations
NCLC offers telephone consultations to advocates representing low-income Massachusetts clients and seniors on consumer issues. Technical assistance is also provided in the form of NCLC’s expert testimony, and by NCLC co-counseling or referring cases to other Massachusetts consumer lawyers.

Training
NCLC provides consumer law training for legal services programs, private lawyers, pro bono programs, and government agencies in our state. A Massachusetts legal services attorney will be awarded a partial scholarship to attend NCLC’s annual four-day Consumer Rights Litigation Conference each year.

Policy Advocacy
NCLC engages in legislative advocacy on behalf of low income clients and responds to requests for information within our expertise from the media and policymakers. NCLC is working with a coalition of housing groups to strengthen protections against predatory mortgage lending, and another coalition to strengthen the protections for consumer sued by debt collectors.

- How Victims of Crime and Domestic Violence Survivors in Massachusetts Can Receive Discounted Voice and Data Service through the Federal Lifeline Program, May 2019
- Assisting Massachusetts Victims of Crime and Domestic Violence Survivors Who are Having Problems Establishing a New Account or Paying Utility Bills, May 2019
- For Elder and Disabled Clients: New Laws to Protect their Money and Assets, March 18, 2011

Utility Advocacy: Project Stay Connected
NCLC provides targeted trainings, upon request, to advocates and social services staff on preventing gas and electricity shutoffs and restoring already-terminated service. We also provide telephone advice on individual cases, and advocate for changes in state energy policies and programs to reduce the significant burden of utility costs on low-income families throughout the Commonwealth.

Listserv
The National Association of Consumer Advocates runs a listserv for Massachusetts-based consumer attorneys to share information and collaborate on legal issues facing Massachusetts consumers. Legal aid lawyers may join at reduced rates.

Public Education
NCLC develops educational brochures, analysis, and other special reports on issues important to Massachusetts consumers.

- Consumer Rights for Domestic Violence Survivors in Massachusetts Brochure

Special Projects
NCLC can undertake special projects targeting specific abuses and issues or special populations, including absent class members, designed to bring greater fairness and justice to the consumer marketplace.

We know that, as we build and support the practices of a growing body of Massachusetts consumer
attorneys, we are expanding low-income consumers’ access to the protections of consumer law.

For information on directing a cy pres to NCLC contact Rich DuBois or Paul Laurent in NCLC’s Boston office.

California

Case Consultations

NCLC offers consultations to practitioners representing low-income California clients on consumer issues. Technical assistance is also provided in the form of NCLC’s expert testimony, and by NCLC co-counseling or referring cases to other California consumer lawyers.

Training

NCLC provides consumer law training for legal services programs, private lawyers, pro bono programs, and government agencies in our state. A number of eligible California attorneys will be awarded partial scholarships to attend NCLC’s annual four-day Consumer Rights Litigation Conference and additional trainings.

Listserv

NCLC runs a listserv for California-based legal services attorneys and other nonprofit advocates to share information and collaborate on legal issues facing low-income consumers.

Policy Advocacy

NCLC engages in legislative advocacy on behalf of low income clients and responds to requests for information within our expertise from the media and policymakers.

Public Education

NCLC develops educational brochures, analyses, and other special reports on issues important to California consumers.

Special Projects

NCLC can undertake special projects targeting specific abuses and issues or special populations, including absent class members, designed to bring greater fairness and justice to the consumer marketplace.

We know that, as we build and support the practices of a growing body of California consumer attorneys, we are expanding low-income consumers’ access to the protections of consumer law.

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Projects

NCLC operates a number of special projects and initiatives that take a comprehensive approach to the consumer law problems facing low-income Americans.

- Climate Change Justice
- Covid-19 & Consumer Protections
- Domestic Violence Survivors
- Disaster Relief & Consumer Protection
- Manufactured Housing
- Military Personnel
- Older Consumers
- Racial Justice and Equal Economic Opportunity
- State Advocacy
- Stay Connected
- Student Loan Borrower Assistance
- Working Cars for Working Families

State Advocacy

The National Consumer Law Center offers its consumer law expertise to legal service attorneys, private attorneys, and advocacy organizations who share our goals of consumer justice. We assist states with one-off shorter-term advocacy projects as well as ongoing projects in Massachusetts. We also offer a wide range of free advocacy materials that state advocates can use.

- Massachusetts

Additional Resources

Model State Laws

Policy Analysis

Arbitration
- **50 State & D.C. Fact Sheets: How the CFPB’s Arbitration Rule Protects Victims of Wells Fargo Bank Fraud**, August 2017
- **50 State Fact Sheets: Forced Arbitration Harms Consumers, Servicemembers, and Veterans**, August 2017

### Autos
- **Shifting into Gear: A Revised Guide to Creating or Improving a Car Ownership Program**, April 2014

### Consumer Protection
- **Letter** supporting California Governor Newsom’s Proposal for a Dept. of Financial Protection and Innovation (DFPI) to protect consumers during the Covid-19 crisis and beyond, May 27, 2020
- **Issue Brief: Stabilizing Consumer Finances During and After the Coronavirus Crisis in California**, May 2020

### Criminal Justice
- **Written Testimony** of NCLC before the Commonwealth of Massachusetts Joint Committee on the Judiciary Supporting H.4652, An Act Regarding Decarceration and COVID-19, May 5, 2020
- **Commercialized (In)Justice: Consumer Abuses in the Bail and Corrections Industry**, March 2019
- **The Rent-to-Own Racket: Using Criminal Courts to Coerce Payments from Vulnerable Families**, February 2019

### Housing
- **Obtaining Mortgage Relief for Survivors of Disasters: A Practice Guide for Advocates**, February 2020 [Note: To print, please select “Fit to Page” under Scale; for best online viewing, please open in Internet Explorer or Firefox]
  - **Appendix A**: Flow Chart: Homeowner Post-Disaster Road to Recovery [Note: To print, please select “Fit to Page” under Scale.]
  - **Appendix B**: Short Summaries of Loss Mitigation Rules for Government-Backed Loans
  - **Appendix C**: Long Summaries of Loss Mitigation Rules for Government-Backed Loans
- **Toxic Transactions: How Land Installment Contracts Once Again Threaten Communities of Color**, July 2016
- **What is a Property Assessed Clean Energy (PACE) Loan?** September 2016
- **The Other Foreclosure Crisis: Property Tax Lien Sales**, July 10, 2012

### Debt Collection
- **Group letter** supporting the Massachusetts Debt Collection Fairness Act, July 31, 2020
• NCLC written testimony supporting §§ 1, 2 and 3 of Connecticut H.B. 5427, An Act Concerning Issues Relating to Debt Collection, March 10, 2020
• No Fresh Start in 2019: How States Let Debt Collectors Still Push Families into Poverty, November 2019
• 50 State & D.C. Fact Sheets, May 2019
• Debt Collection in the States and D.C.(consumer complaints and share of population with a debt in collection), May 2019
• What States Can Do to Help Consumers Debt Collection, May 2019
• What States Can Do to Help Consumers: Medical Debt, April 2019

Installment Loans

• Predatory Installment Lending in the States: 2020, February 2020
• Issue Brief: Stop Payday Lenders’ Rent-a-Bank Schemes!, November 2019 (showing the states in which lenders are evading state interest rate caps)
• Issue Brief: Payday Lenders Plan to Evade California’s New Interest Rate Cap Law through Rent-A-Bank Partnership, October 2019
• Fact sheets on APR rates in Southern States, May 2019
• Fact Sheet: State Annual Percentage Rate (APR) Caps for $500, $2,000, and $10,000 Installment Loans, March 2019
• A Larger and Longer Debt Trap?: Analysis of States’ APR Caps for a $10,000 Five-Year Installment Loan, October 2018

Prepaid Debit Cards and Payroll Cards

• Updated Survey: Fees Dropping On State Prepaid Cards for Unemployed Workers, August, 2017
• Report: Rating State Government Payroll Cards, November 2015
• 2013 Survey of State Unemployment Compensation Prepaid Cards, January 2013

Student Loans

• What States Can Do to Protect Consumers: Student Loans, January 2020
• Updated Report: Ensuring Educational Integrity: 10 Steps to Improve State Oversight of For-Profit Schools, June 2014, Update to Step 2: Protecting Online Education Students, Dec. 2015

Utilities

• Competing to Overcharge Customers: The Competitive Energy Supplier Market in Massachusetts, April 2018
• Helping Low-Income Utility Customers Manage Overdue Bills through Arrearage Management Programs (AMP), September 2013

Older Consumers

The independence and financial security of older adults are threatened by abusive practices in the marketplace. NCLC provides trainings and case consultation as well as legal assistance to attorneys
and advocates for older adults in consumer and energy law. Our advocates specialize in foreclosure prevention and defense, debt collection, consumer fraud, and energy/utility assistance, among other topics. NCLC is a partner organization with the National Center on Law and Elder Rights (NCLER).

- **Webinars**
- **Consumer Information for Older Adults** (consumer and advocate brochures)
- **Policy Analysis** ([Reports, Comments, Testimonies and Letters](#))
- **Sign up for Elder Rights e-news!**

**Policy Analysis**

**Policy Briefs, Reports & Press Releases**

- Issue Brief: *Contracts that Offer Cash for Home Equity Are Riskier than They Look*, April 2020
- Issue Brief: *Assisting Homeowners with Reverse Mortgages after a Natural Disaster: A Guide for Advocates*, October 2018

[More Policy Briefs, Reports & Press Releases](#)

**Comments and Testimony**

- **Comments to HUD** re: Mortgagee Letter 2019-15 (protections for non-borrowing spouses in homes with reverse mortgages), October 23, 2019
- **Group comments to the U.S. Centers for Medicare & Medicaid Services opposing proposed changes to strip legal rights from vulnerable residents in long-term care (LTC) facilities**, Aug. 7, 2017. Related [press release](#).
- **NCLC comments to the U.S. Department of Housing and Urban Development re: Reducing the Regulatory Burden: Enforcing the Regulatory Reform Agenda Under Executive Order 13777 (FHA’s Home Equity Conversion Mortgage (HECM) program)**, June 14, 2017

[More Comments and Testimony](#)

**Letters**

- **Coalition letter to HUD** re: significant problems with the Home Equity Conversion Mortgage (HECM) program, June 13, 2018

**Additional Resources**

- Webinar: *Assisting Older Homeowners after a Natural Disaster* June 20, 2018:
  - Free Webcast: [Assisting Older Homeowners After a Natural Disaster](#)
  - Issue Brief: [Helping Older Homeowners Recover from Natural Disasters](#)
  - [Presentation](#)

- Consumer Financial Protection Bureau: [Reverse Mortgage Discussion Guide](#) (consumerfinance.gov)
- Consumer Financial Protection Bureau: [Reverse Mortgages: Know Before You Owe](#) (video) (consumerfinance.gov)
NCLC’s National Elder Rights Training Project provides trainings nationwide on a broad range of topics. The Project is part of the Administration on Community Living’s National Center on Law and Elder Rights (NCLER). The NCLER is a national resource center for the legal services and aging and disability networks, focused on the legal rights of older adults. Providing webinars, trainings, written materials, and case consultations, NCLER is a one-stop resource for professionals serving older adults with the greatest economic and social needs.

NCLER combines resources from Justice in Aging, the American Bar Association Commission on Law and Aging, the National Consumer Law Center, and The Center for Social Gerontology to produce and disseminate monthly trainings and written materials that cover both basic and advanced legal topics. Sign up to receive notices of trainings and resources by email or request a free case consultation by emailing consultNCLER@acl.hhs.gov.