

Approaching Consumer Law with a Racial Justice Lens

Session 1: Kimberly Merchant, Odette Williamson, Ben Carter, and Nolan Downey

July, 13, 2021

Shriver
Center on
Poverty
Law



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GALLERY VIEW

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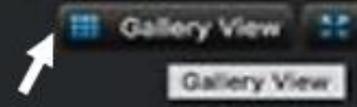


Priscilla Bardo...	Shan Clare, 360...	Simon Booth, 9...	Zules Park, 90...	Alex Kim, 90...	Don Jy, 90...	Yasin Moham...
Bark, 90...	Steven Crosby...	Winston Twa, 90...	Katie Williams...	Dani Roman, 9...	Jrt Gilbreath, 9...	Waylon Betz, 9...
Sacker, 90...	Shawn Lan, 90...	Andy de Artola, 9...	Rachael Villa...	Joanna Jiang...	Bernie Senti...	Brett Lile, 90...
Brian Spragg...	Andy Kim, 90...	Eburne Ling, 90...	Evan Byerly...	Alex Guerrero, 1...	Brook Bayuh, 90...	Eric Platt, 90...
David King, 9...	Chris Gleave...	Heather Gould...	James Desmon...	George Guff...	Jay Mohammed...	Austin Stumpe...
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SPEAKER VIEW



Click here for Gallery View



OBJECTIVES FOR THE SERIES

- 1. Introduce consumer advocates to concepts that will assist them in centering race in their practice**
- 2. Uplift case studies that illustrate how consumer advocates are using a race equity lens**
- 3. Provide opportunities to ask questions of advocates centering race in their consumer work.**

LOOKING AHEAD

Download Report: *Race Equity at the Core of Consumer Law*

Session 1: Today, July 13th @ 2PM ET

Session 2: Tuesday, July 20th @ 2PM ET

Session 3: Tuesday, July 27th @ 2PM ET



AGENDA

Importance of Applying Race in Advocacy – **Kim Merchant, Shriver Center on Poverty Law**

Applying a Racial Justice Lens in Consumer Advocacy – **Odette Williamson, NCLC**

Pushing for Equity in the Courts – **Ben Carter, KEJC**



Poll #1

Which option best describes your practice?



Poll #2

In which geographic region do you practice?



SPEAKERS



Kimberly Merchant

**Shriver Center on Poverty
Law**



Odette Williamson

**National Consumer Law
Center**



Ben Carter

**Kentucky Equal Justice
Center**



LOOKING AHEAD

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Download Report: *Race Equity at the Core of Consumer Law*



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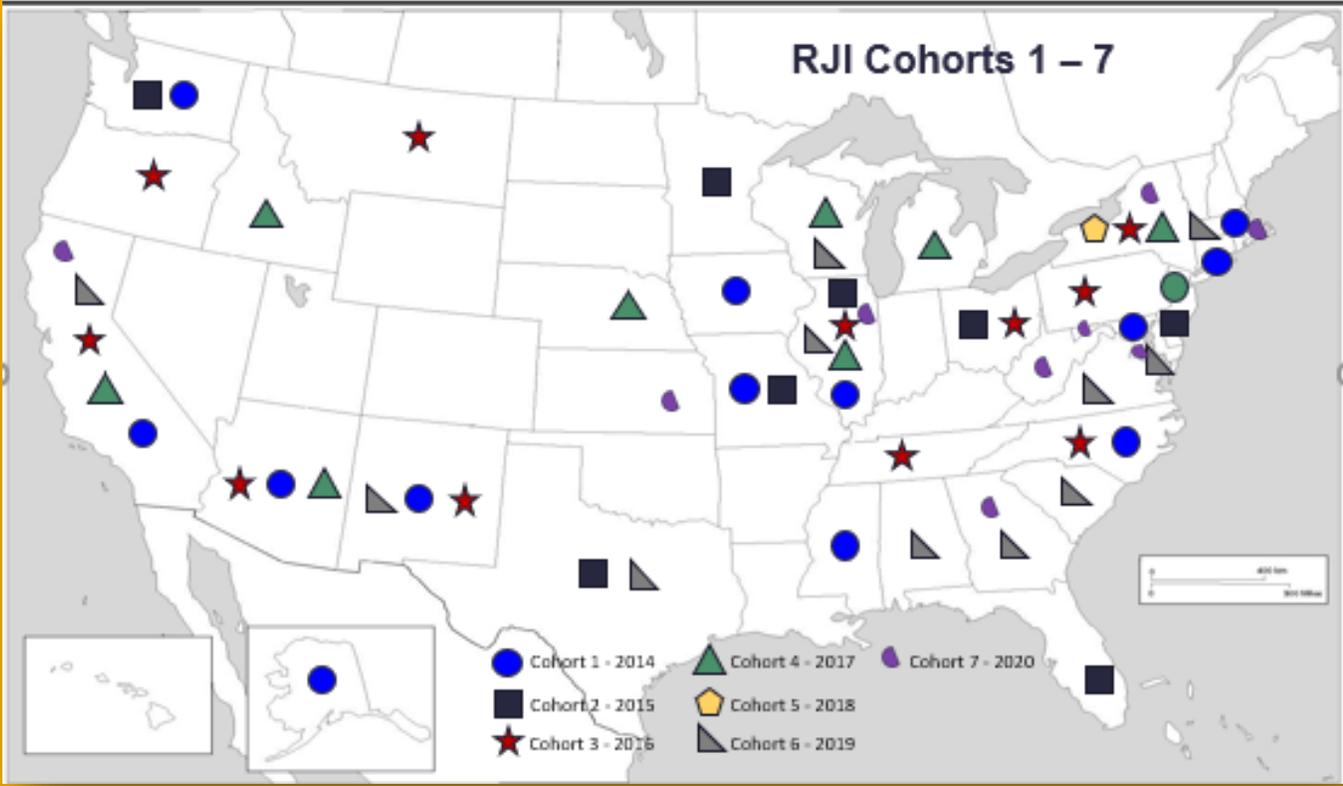
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Building a future free from poverty and racism

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The Racial Justice Institute is a national leadership program grounded in a commitment to race equity as an integral and essential part of anti-poverty advocacy in the belief that legal aid and public interest advocates are key to achieving real change.

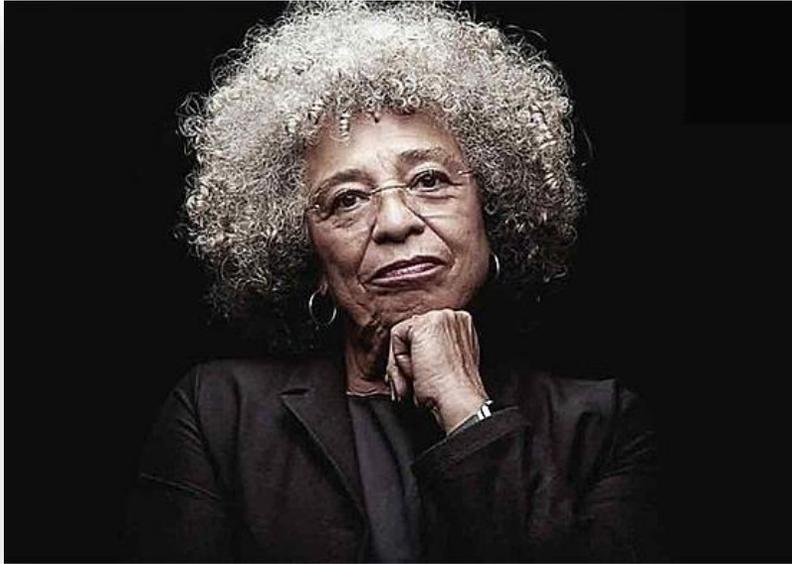


Common Myths About Racial Equity Advocacy

	Agree/Disagree
If you address poverty, you will address also racism.	
My organization does racial justice work when we serve people of color.	
Race equity advocacy ignores the needs of poor white communities.	
My organization has a role to play in addressing systemic racism.	



Why The Killing of George Floyd Sparked an American Uprising



"We are in the midst of the most intense expression of anti-racist collective sentiment this country has ever seen. We've seen 11 days of massive demonstrations & marches of all kinds."

Angela Davis, author, feminist, abolitionist scholar, long-time activist.

June 6, 2020



Black lives matter

Amazon stands in solidarity
with the Black community

Read about what we're doing on blog.aboutamazon.com



Washington Football Team

Shriver
Center on
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Law

We're all in this together,
BLACK LIVES MATTER!

Come to any of our stores shouting
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larger the size you'll get!



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Valid until June 30, 2020 or while supplies last. Not valid with any other promotions and discounts. Not entitled for Starbucks Card reward. Available only at participating Starbucks locations.



Believe in something.
Even if it means sacrificing everything.



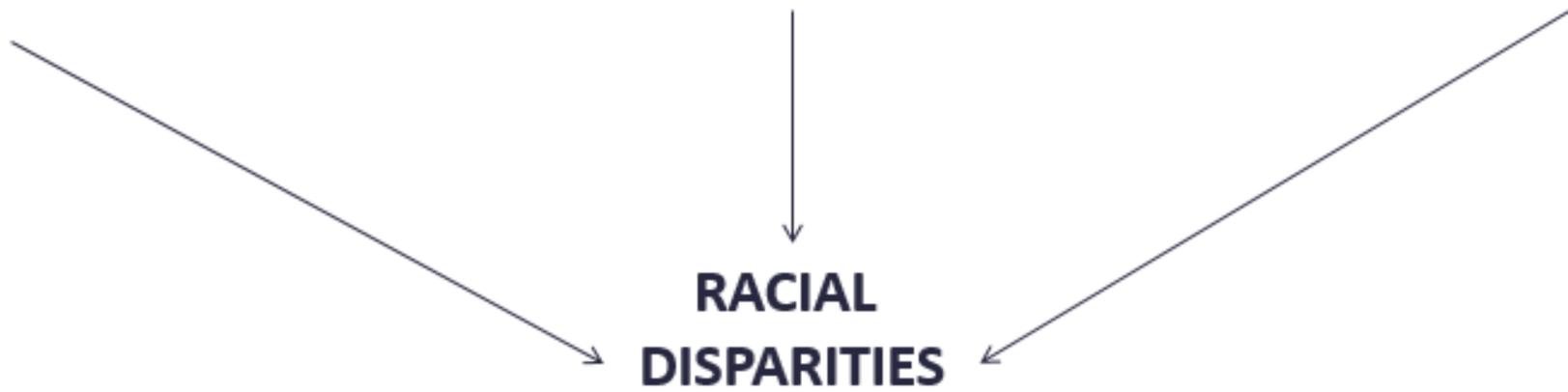
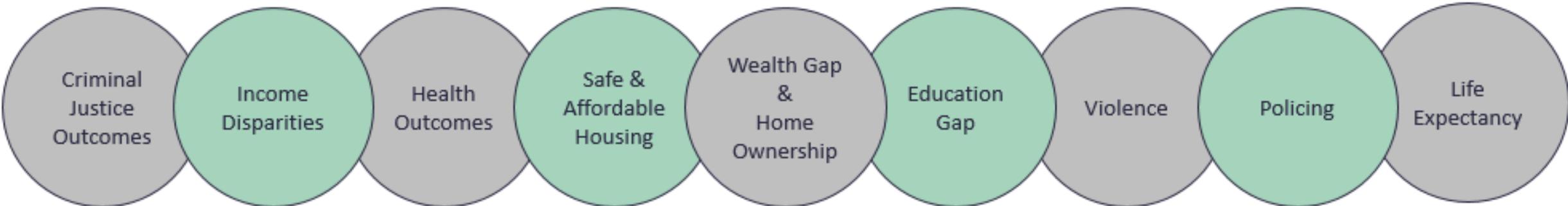
 Just do it.

For economic and racial justice

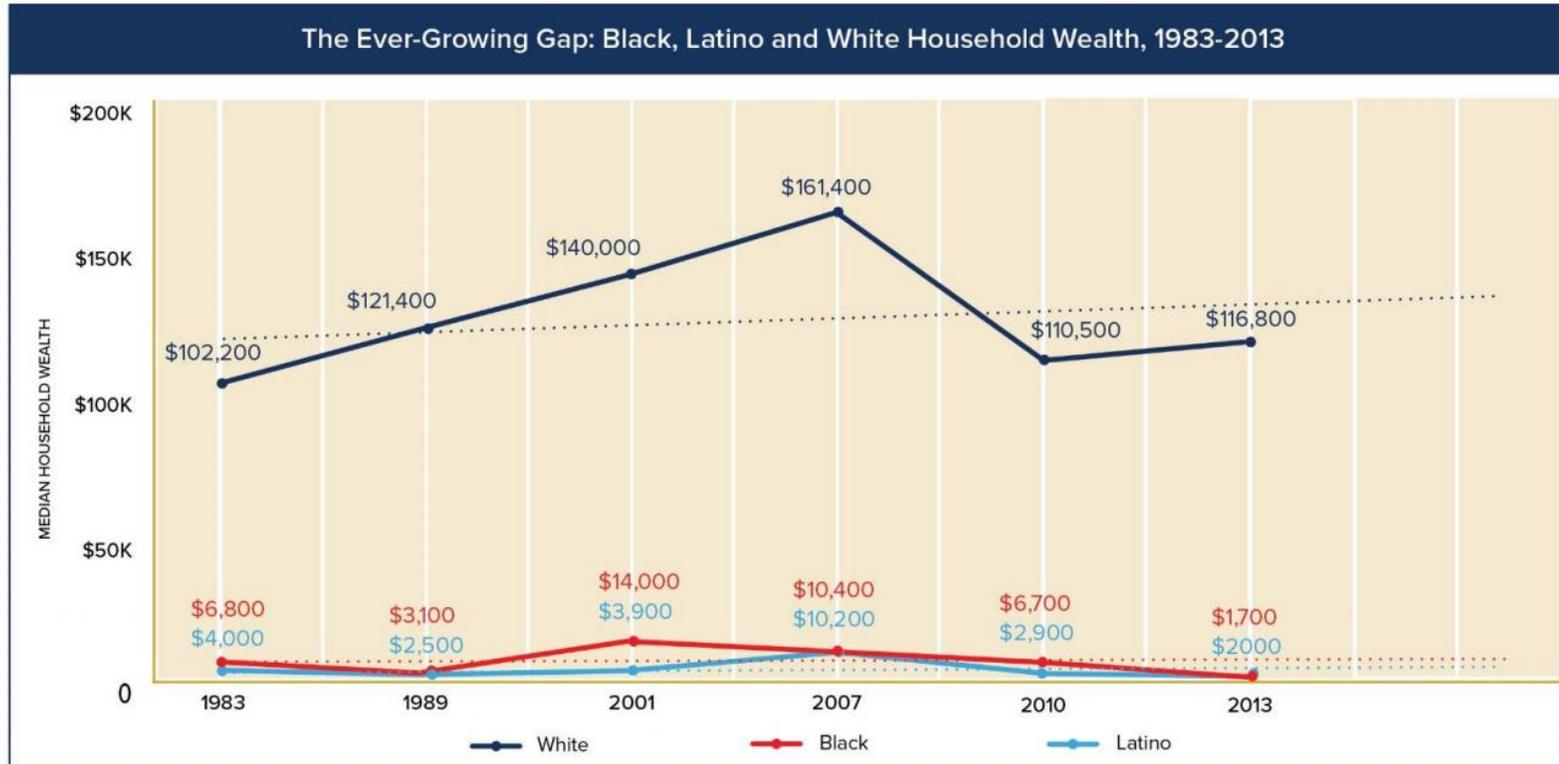
Resistance and Pushback



Where we are



Economic Security – Wealth Gap



Source: Edward N. Wolff; "Household Wealth T **TABLE 3: Home Ownership Rates and Median Equity in Own Home** Five are in 2013 dollars and exclude durable goods.

	Year		
	2005	2009	2011
Own Home (%)			
Total	62.8%	62.2%	61.3%
White	69.0%	69.3%	68.4%
Black	44.1%	43.3%	41.9%
Asian	59.5%	57.1%	58.6%
Hispanic	47.1%	42.7%	43.0%

Institute for Policy Studies. Prosperity Now.

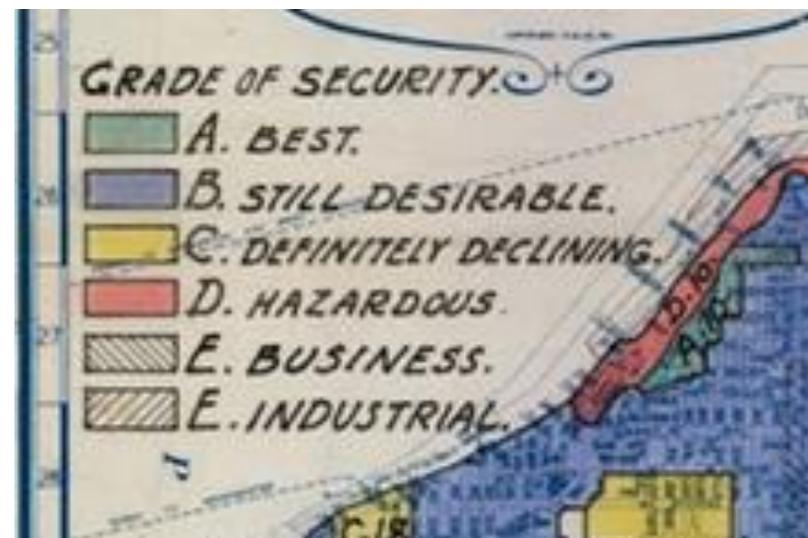
Housing – Residential Segregation

Redlining (1934 - 1968) – Began with the creation of the Federal Housing Administration, now HUD (U.S. Dept. of Housing and Urban Development).

- involved marking maps with “red lines” to indicate neighborhoods where mortgages and home purchases were denied to communities of color to keep them out of white neighborhoods.

Racial Covenants (1920 - 1948) – Used “white-only” clauses on house deeds to ensure people of color did not own/live property

= Affects the social determinants of health and well-being



Quality of Education

EDUCATION

Why White School Districts Have So Much More Money



February 26, 2019 · 2:00 PM ET

Source: Bettmann Archive/Getty Images/History.com

\$23 billion more funding goes to school districts that serve predominantly white students compared with districts that serve mostly students of color (EdBuild, 2019).



1954. Brown versus Board of Education

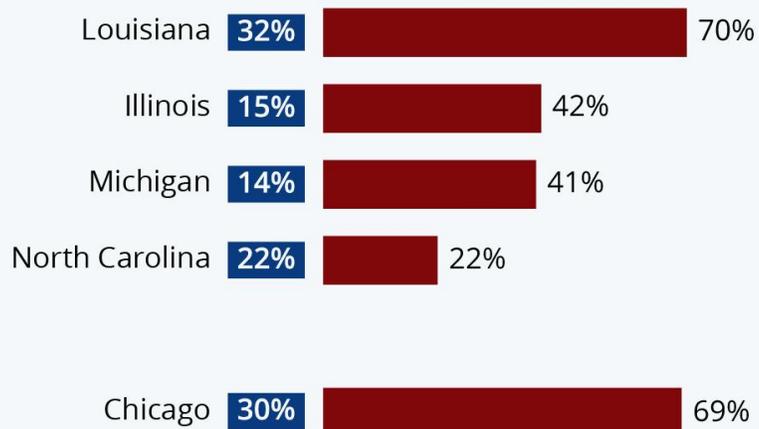
Did we reach educational equity?

Understanding the Impact of COVID-19

COVID-19's Devastating Impact On African Americans

African American share of state/city populations and COVID-19 deaths (as of Apr 06, 2020)

■ Share of state/city's population ■ Share of COVID-19 deaths



Sources: 2010 Census, respective state/city health departments



statista

More Latinos than U.S. adults overall say someone in their household has had pay cut or lost a job due to COVID-19

% who say they, or someone in their household, have ____ because of the coronavirus outbreak



Notes: Hispanics are of any race. Share of respondents who didn't provide an answer not shown.

Source: Survey of U.S. adults conducted March 19-24, 2020

PEW RESEARCH CENTER

Access to Opportunity

We define opportunity through **access** to...



EDUCATION



ECONOMIC



TRANSPORTATION



FOOD



HOUSING



JUSTICE



HEALTHCARE



COMMUNICATIONS

Defining Our Terms

Race is . . .

a social construct or idea that

- has been **built** over time
- continues to **evolve** and change
- has **concrete** ramifications for people's lives, and
- has many interconnecting sides or **facets**

The process of **racialization** is *one* way that our society sorts communities and people to allocate resources and access to resources.

It is helpful to shine light on it



Image source: understandingrace.org

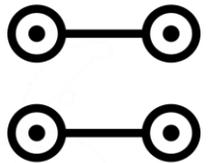
Defining Our Terms

RACE AS WE KNOW IT HAS NO DETERMINISTIC, BIOLOGICAL BASIS: ALL THE SAME, RACE IS SO POWERFUL THAT IT CAN HAVE LIFE-OR-DEATH CONSEQUENCES.

Defining Our Terms



Colorblindness



Color Consciousness

Defining Our Terms

Diversity

Inclusion

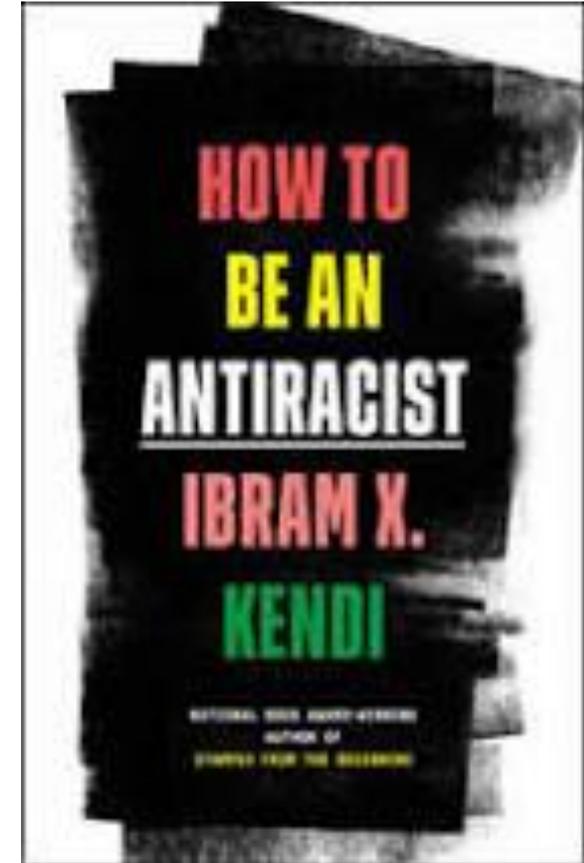
Equality

Equity



“The only way to undo racism is to constantly identify it and describe it—and then dismantle it.”

- The opposite of “Racist” is not “Not Racist”.
- A racist is supporting racist policy or expressing a racist idea.
- An antiracist is supporting antiracist policy or expressing an antiracist idea.
- A racist or antiracist is not who we are, but what we are doing in the moment.



Racism as Hate



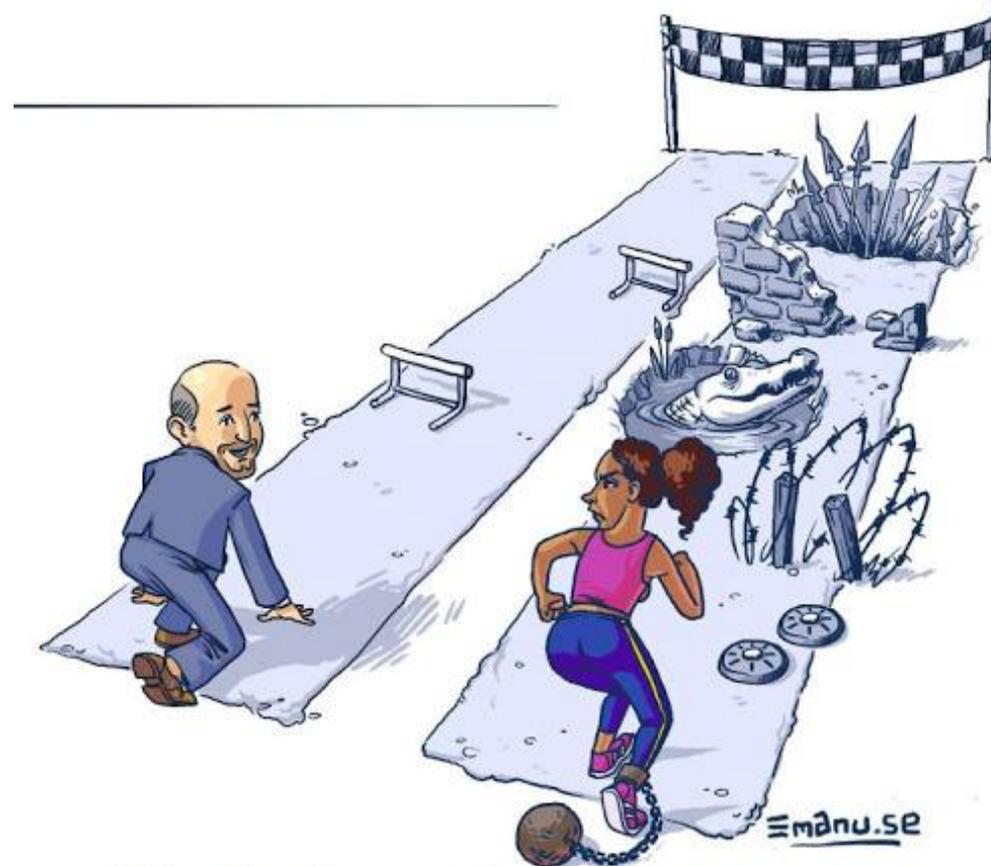
Unite the Right: Charlottesville, 2018

Strategic Racism

DOG WHIS'TLE POL'I'TICS, noun:

The use of racist appeals to white voters intended to provoke resentment against people of color and government, but using language that is not directly about race.

Structural Racism



“What’s the matter?
It’s the same distance!”

Structural Racism

Structural Racism:

a framework for understanding the institutional and public policies that, whether intentionally or not:

- create & perpetuate
- fundamental barriers to economic and social equality for persons and communities of color and
- opportunities to white individuals and communities.



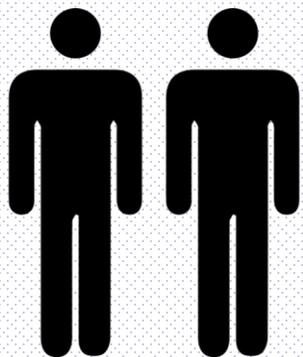
"What's the matter?
It's the same distance!"

4 Levels of Racialization

INDIVIDUAL LEVEL



Internalized



Interpersonal

SYSTEMIC LEVEL

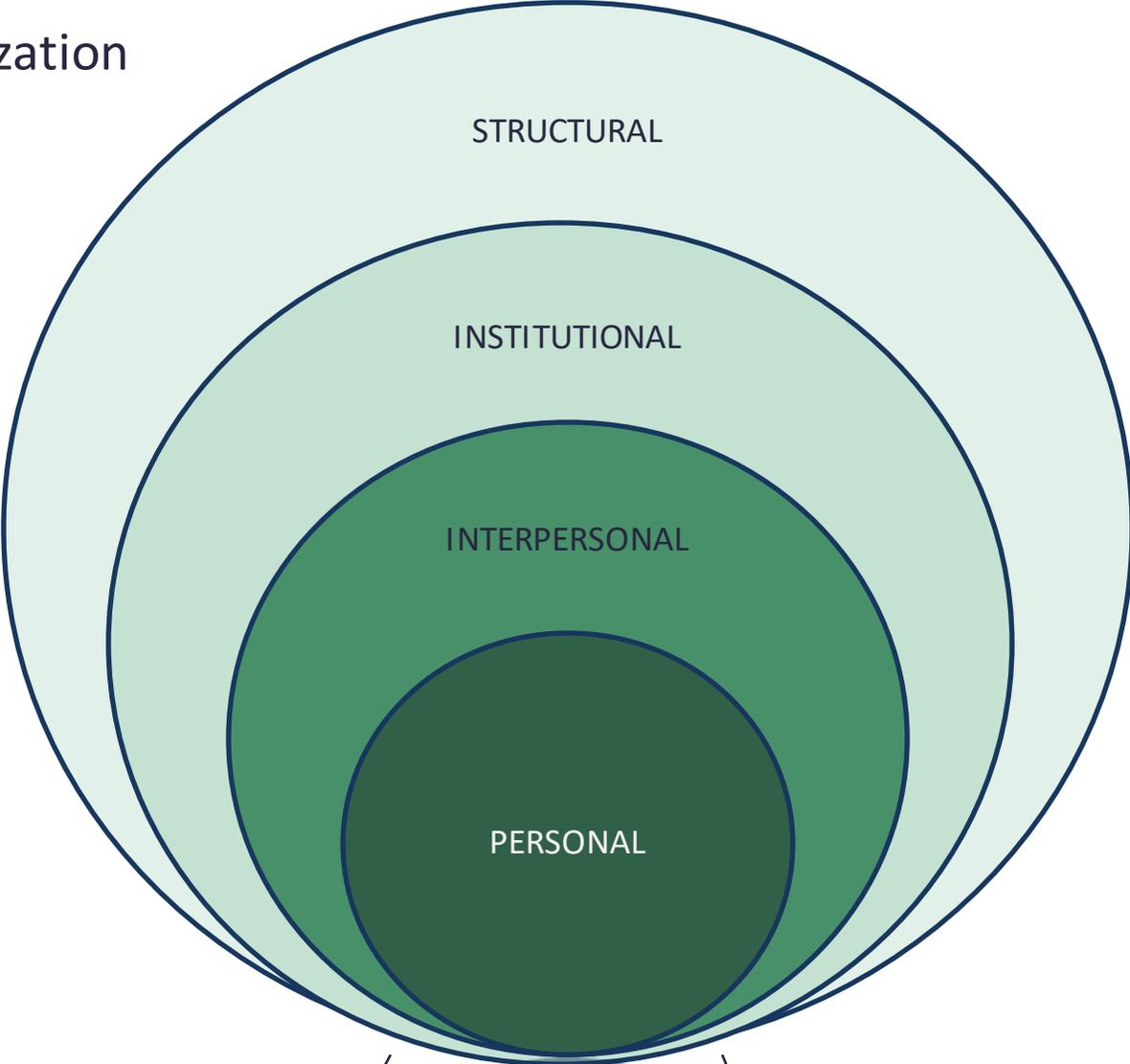


Institutional



Structural

Spheres of Systemic Racialization



Affects us at the unconscious level

HISTORY

INTERNAL

Bias

Privilege

**Internalized
Racism**

EXTERNAL

Interpersonal

Institutional

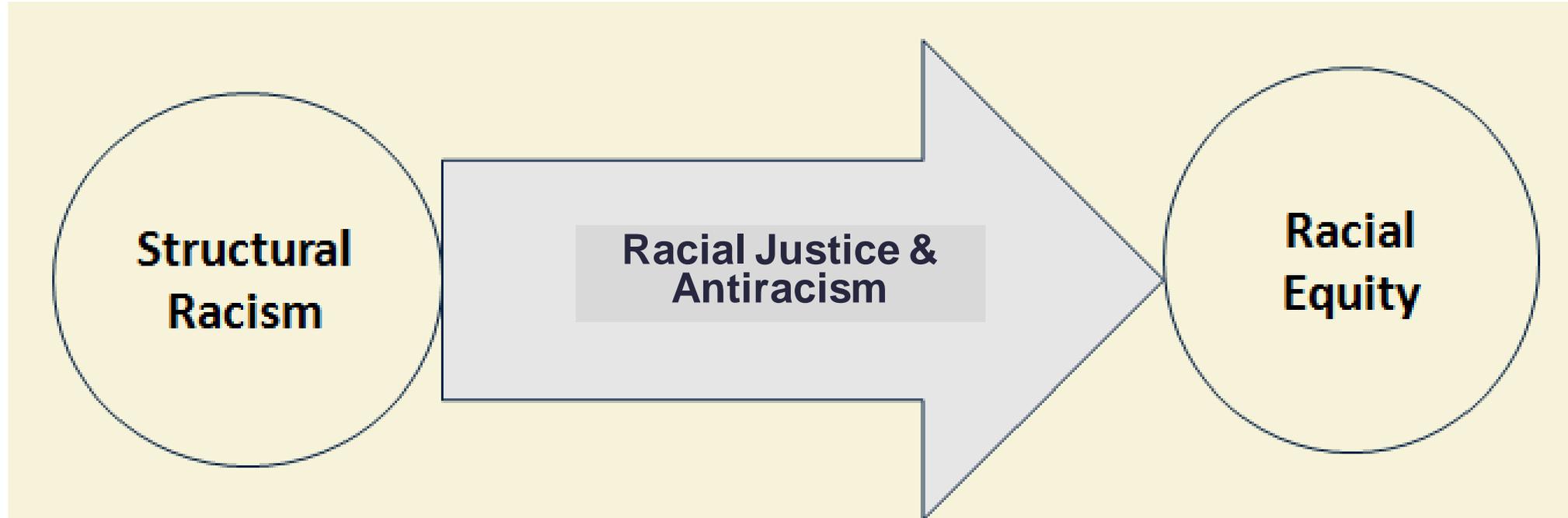
Structural

**POWER
AND
ECONOMICS**

CULTURE

IDENTITY

The work



Antiracism: the creation and proactive reinforcement of policies, practices, attitudes and actions that produce equitable power, access, opportunities, treatment and outcomes for all

Racial equity: the state that occurs when we cannot predict group advantage or disadvantage by race/ethnicity.

Expanding our Approach to Equity: Mind Science

Understanding Social Cognition
&
Implicit Bias

Unconscious Actions & Associations



Bias & Compromised Outcomes



Expanding our Approach to Equity

Complex Systems Thinking

Responsive



Proactive



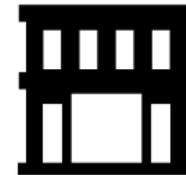
Expanding our Approach to Equity

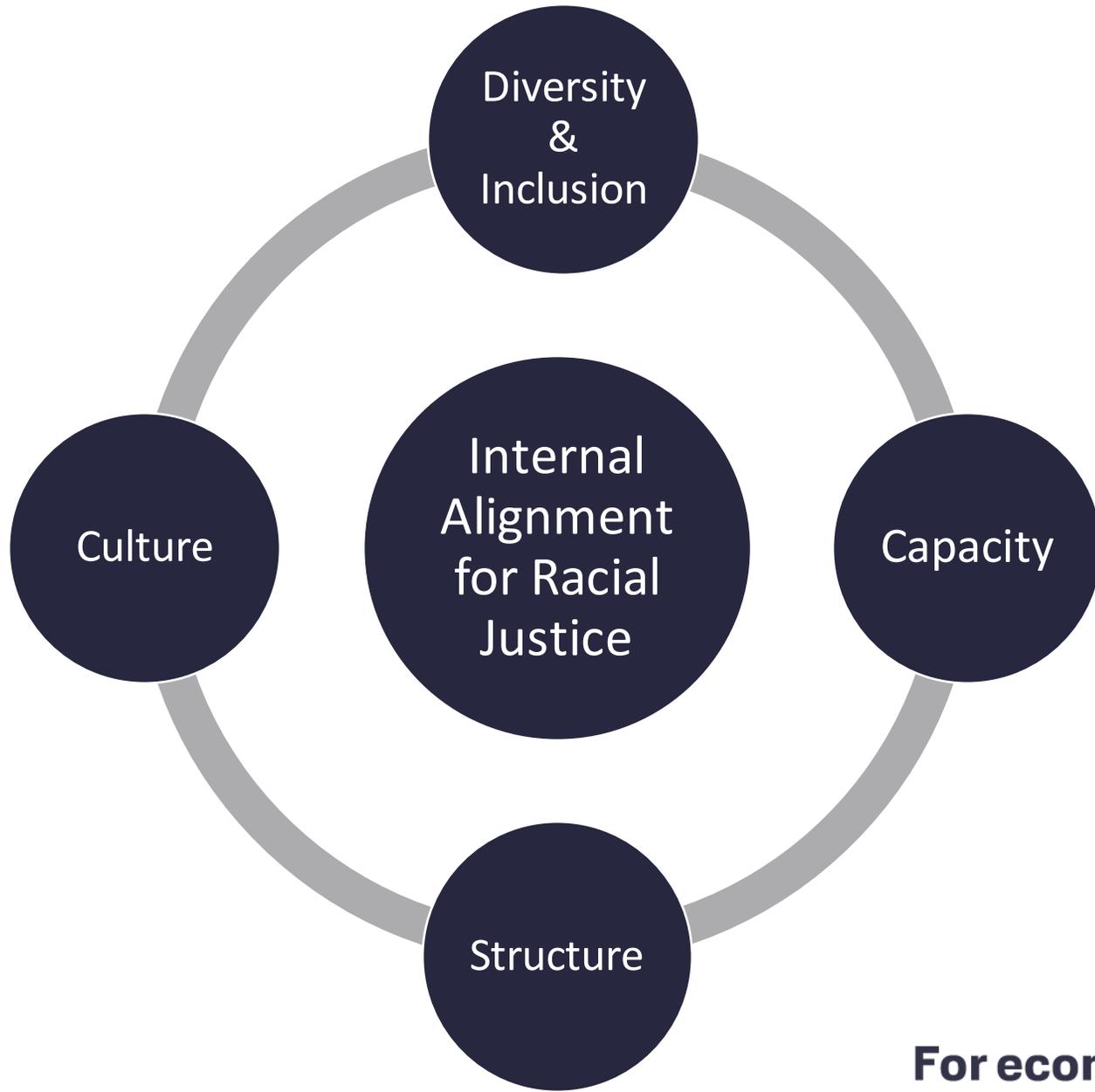
Community Lawyering

Clients



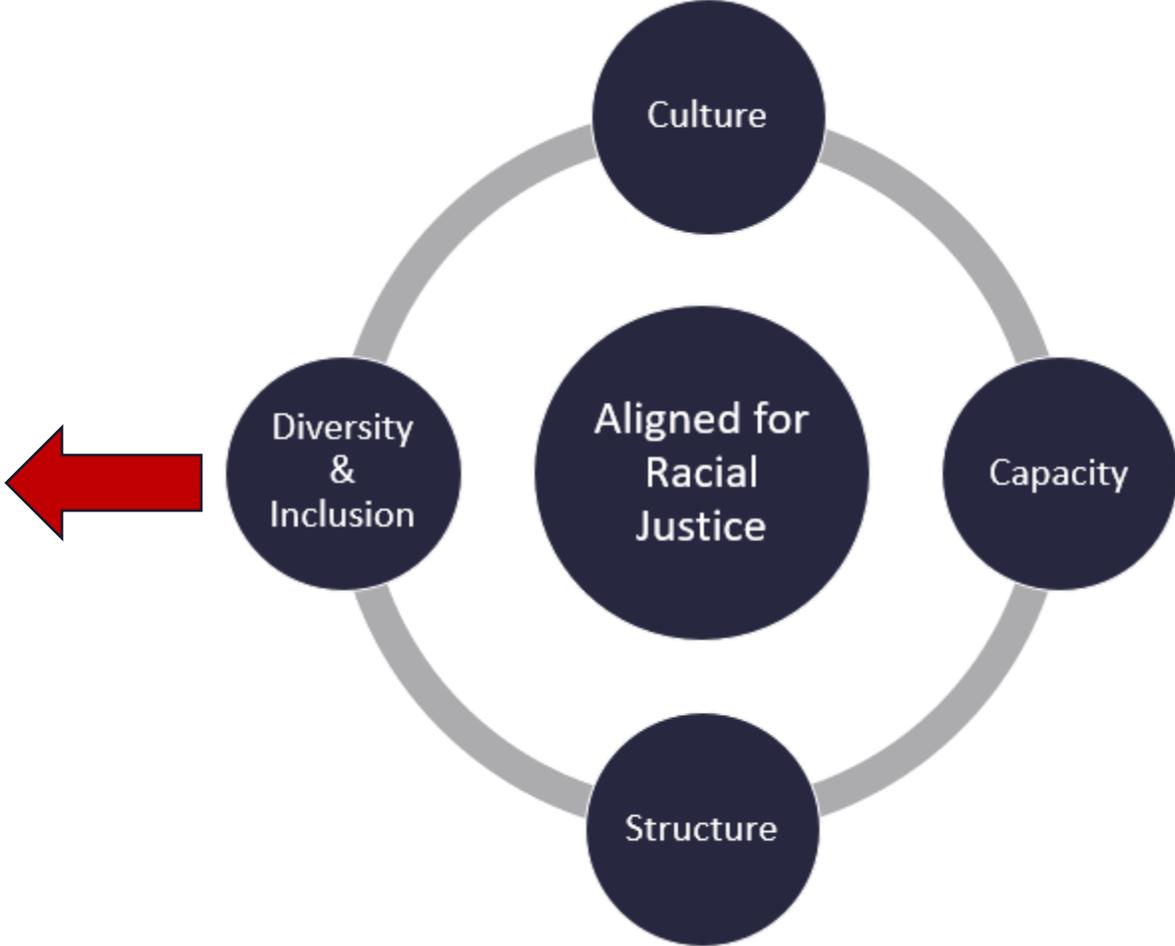
Position of Opportunity

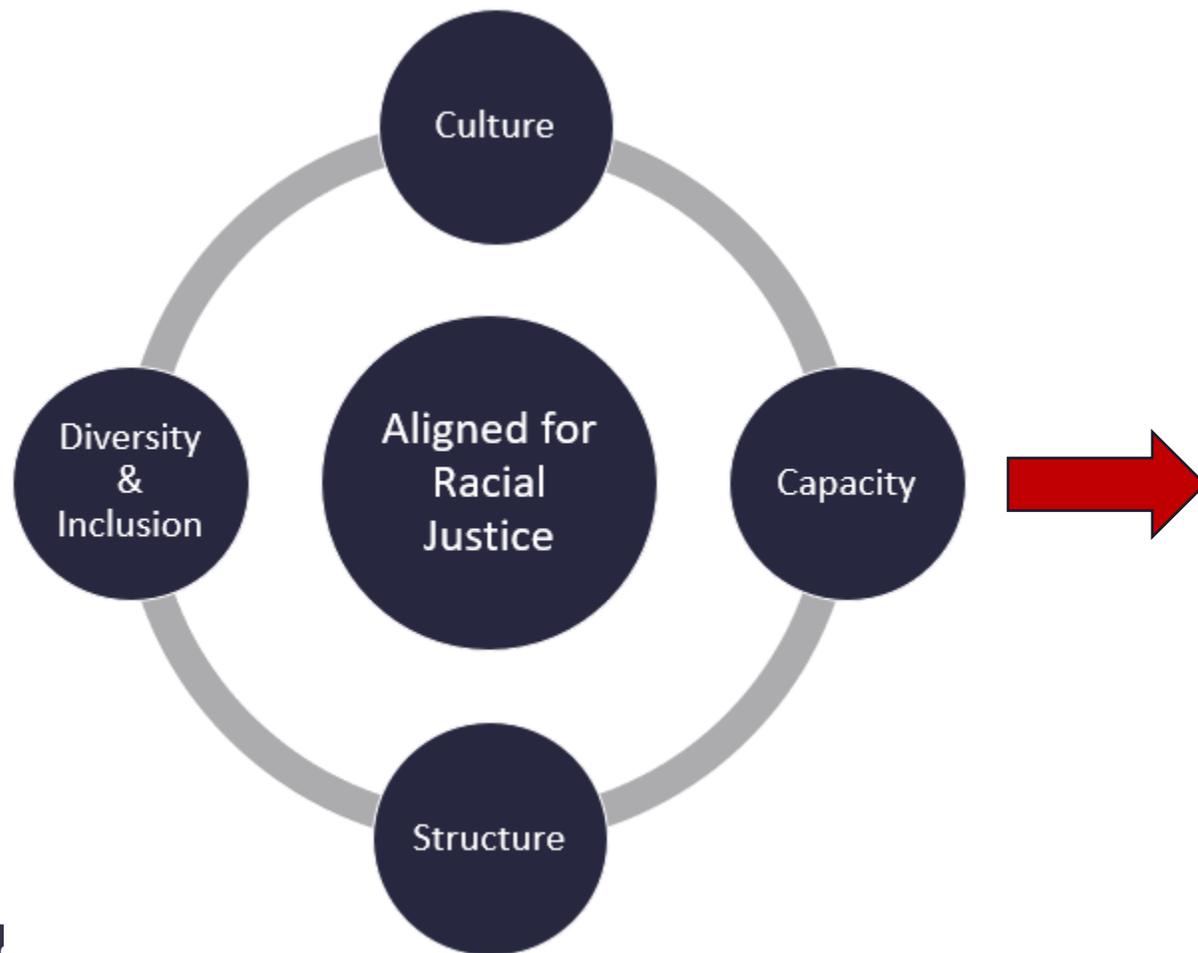




Diversity & Inclusion

- **Diversity** – by race across all roles & positional levels.
- **Inclusion** – when all can be & feel welcomed, respected, supported, valued and included in decision-making that affects them.



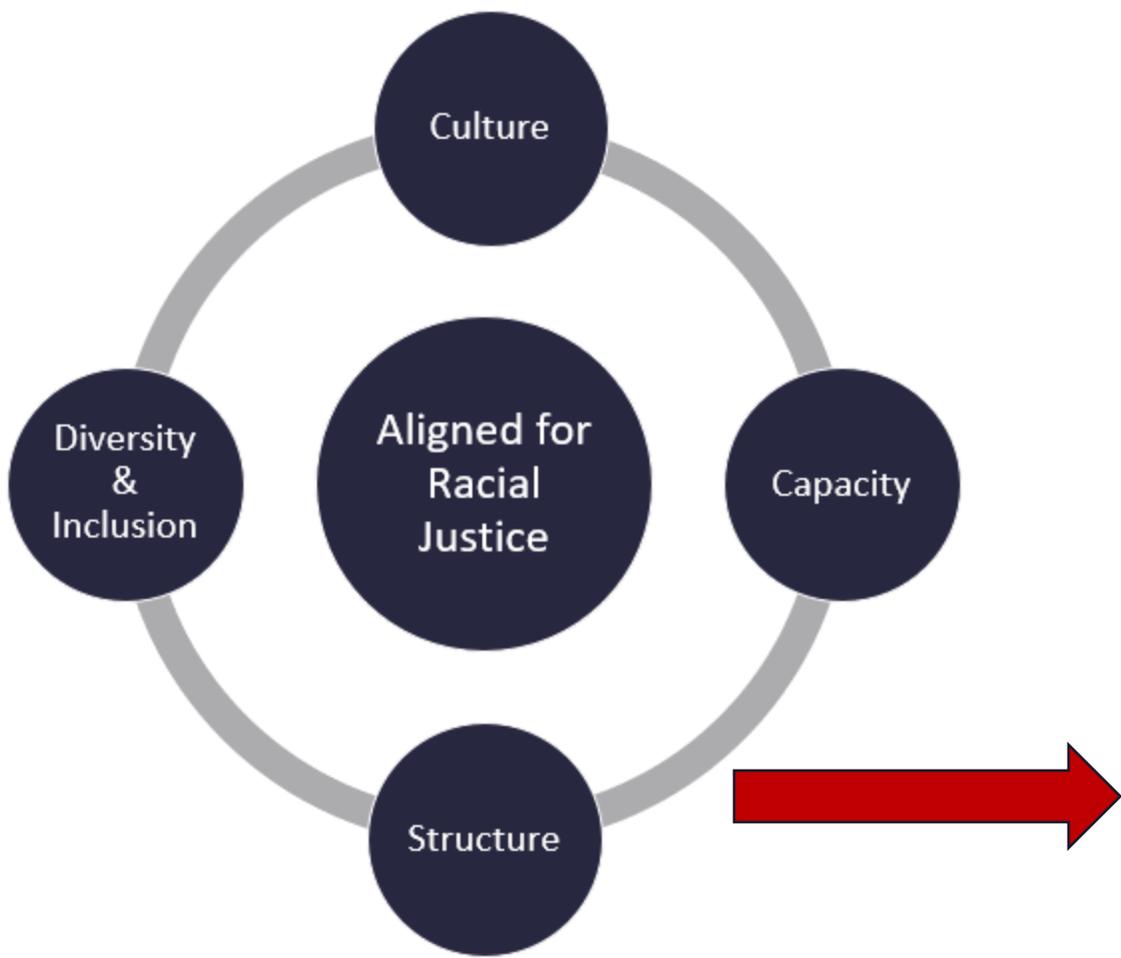


Capacity

Racial Equity Knowledge & Skills:

- Understanding structural racialization
- Implicit Bias & Debiasing
- Courageous Conversations about Race
- Systems Thinking
- Community Lawyering
- Mapping skills
- Racial Impact Assessments
- Racial Impact Statements
- Framing & Communication

For economic and racial justice

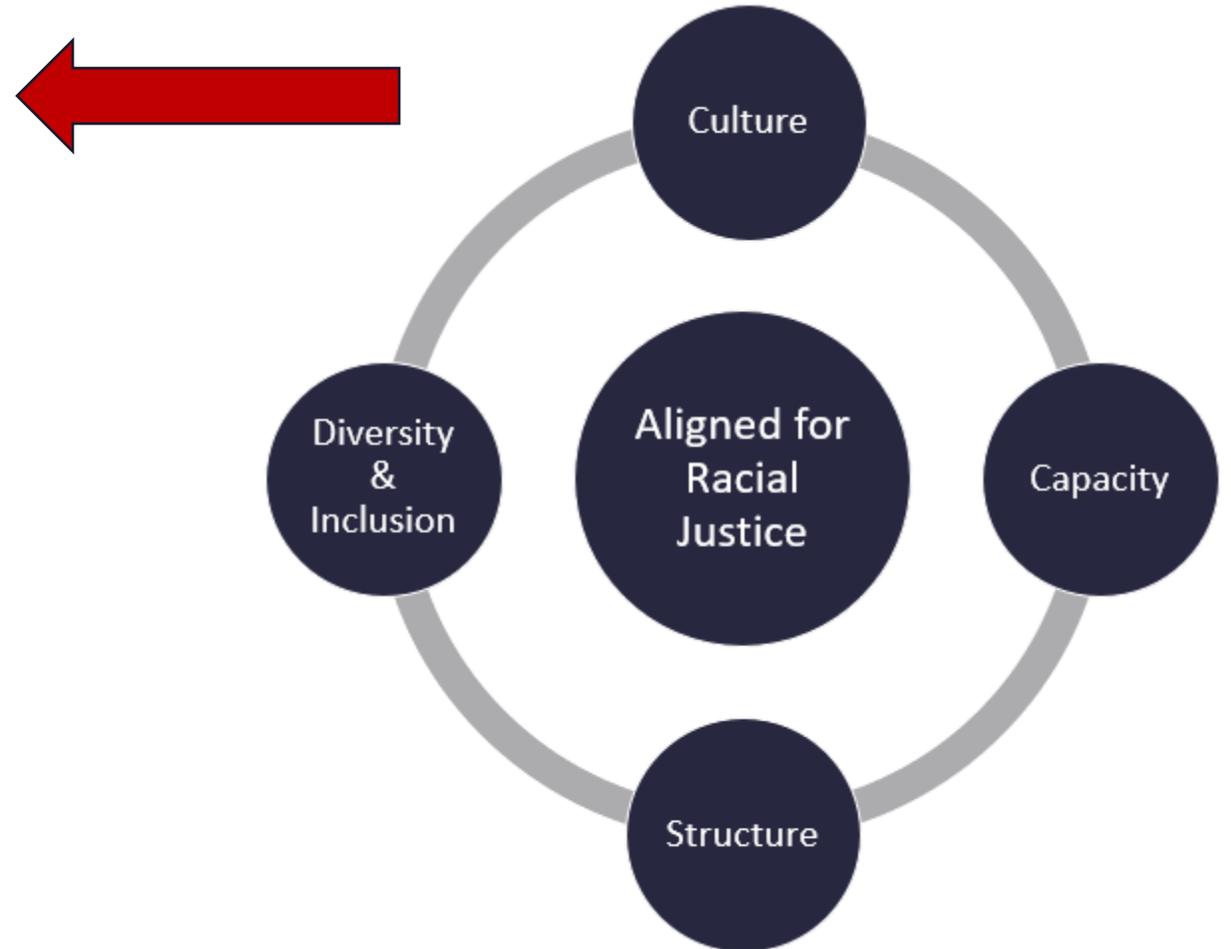


Structure

- Organizational values, vision & mission
- Strategic planning
- Priority setting
- Client intake
- Case/campaign selection
- Litigation
- Communications
- Decision-making
- Recruitment, hiring & promotion
- Staff training and development
- Accountability

- How we think about and do our work
- What we say we value and believe v. how what we do reflects our actual values & beliefs
- What/who is or feels most valued & safe speaking up
- Extent to which we are comfortable talking about race, privilege, power & oppression and willing to stay with the discomfort that can naturally come out of such discussions.
- What else?

Culture



Advancing Race Equity



COMPETENCY

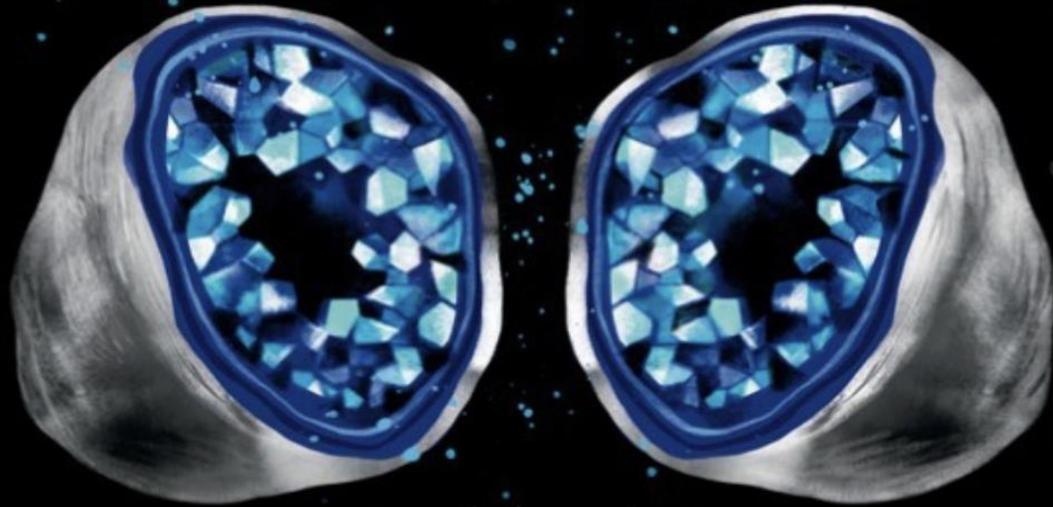


CAPACITY



COMMITMENT

WHEN SOMETHING CAN'T BE FIXED
THEN THE QUESTION IS
WHAT CAN WE BUILD
INSTEAD?



— Mariame Kaba

@micahbazant



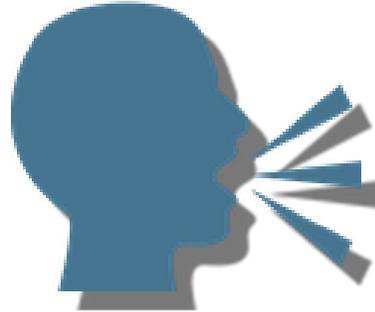
For economic and racial justice

Shriver
Center on
Poverty
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In Summary: The Path Ahead Requires



A New Way of Thinking



A New Way of Speaking



A New Way of Framing



A New Way of Engagement



New Advocacy Tools



A New Form of Militancy



**Racial Justice and Equal
Economic Opportunity**
National Consumer Law Center

Race & Ethnicity in Consumer Advocacy

July 13, 2021

Odette Williamson

National Consumer Law Center



National
Consumer Law
Center

Racial Justice and Equal Economic Opportunity Project

- Address the exploitive and discriminatory practices in the marketplace aimed at individuals and communities of color
- <http://www.nclc.org/issues/racial-justice.html>



Racial Justice and Equal Economic Opportunity Project

- Advocacy
- Litigation
- Reports
- Training
- Technical advice and assistance
- Working with civil rights & grassroots advocates

Discrimination in the Manufactured Housing Industry: An Inside Look at Abusive Lending and Collection Practices by the Nation's Largest Mobile Home Company

A recent article by the Seattle Times and BuzzFeed News has exposed discriminatory practices by the nation's largest manufactured housing company, Clayton Homes and its lending subsidiaries Vanderbilt Mortgage and 21st Mortgage. The article alleges that borrowers of color were steered into higher-rate loans, rushed at loan closing, charged substantially higher rates, on average, than white borrowers, and subject to abusive collection practices when the loans defaulted. Customers lost their homes, thousands of dollars in down payments, and ancestral homeland put up as collateral to back the loans.

Event Date	03-22-2016 3:00 pm
Event End Date	03-22-2016 4:30 pm



Speakers: Congressman Keith Ellison, Minnesota's 5th District, and the authors of the report, Daniel Wagner of BuzzFeed News and Mike Baker of the Seattle Times for a

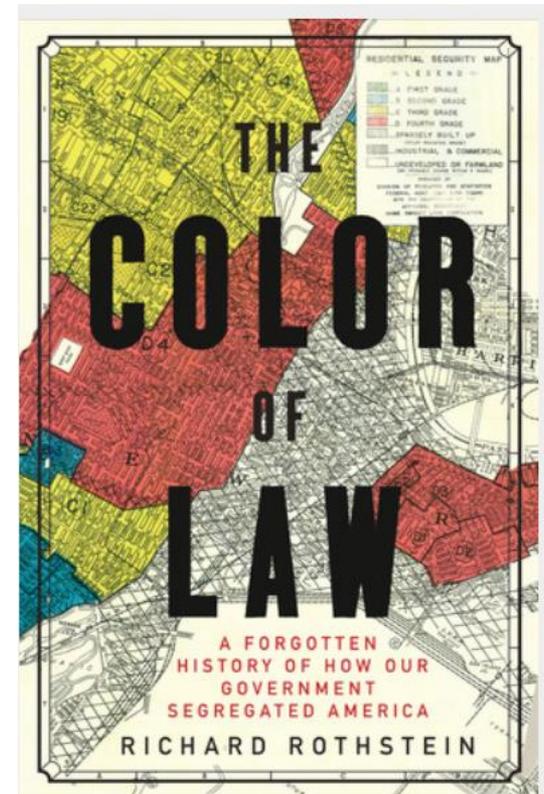
Debt and Democracy: How the Collection of Civil Fees and Fines Contributed to the Unrest in Ferguson

This webinar will discuss the levying and collection of unfair fees and fines by municipalities and their courts. According to The New York Times, unjust municipal fee and fine practices were one of the "simmering" issues underlying tensions in Ferguson, Missouri following the killing of unarmed black teenager Michael Brown by a Ferguson police officer. According to The Times, "Young black men in Ferguson and surrounding cities routinely find themselves passed from jail to jail as they are picked up on warrants for unpaid fines." The webinar will present an overview of the causes and pervasiveness of the problem, and impact on the community, both in Missouri and around the nation. The webinar will also discuss steps to address the problem, including policy advocacy and litigation.

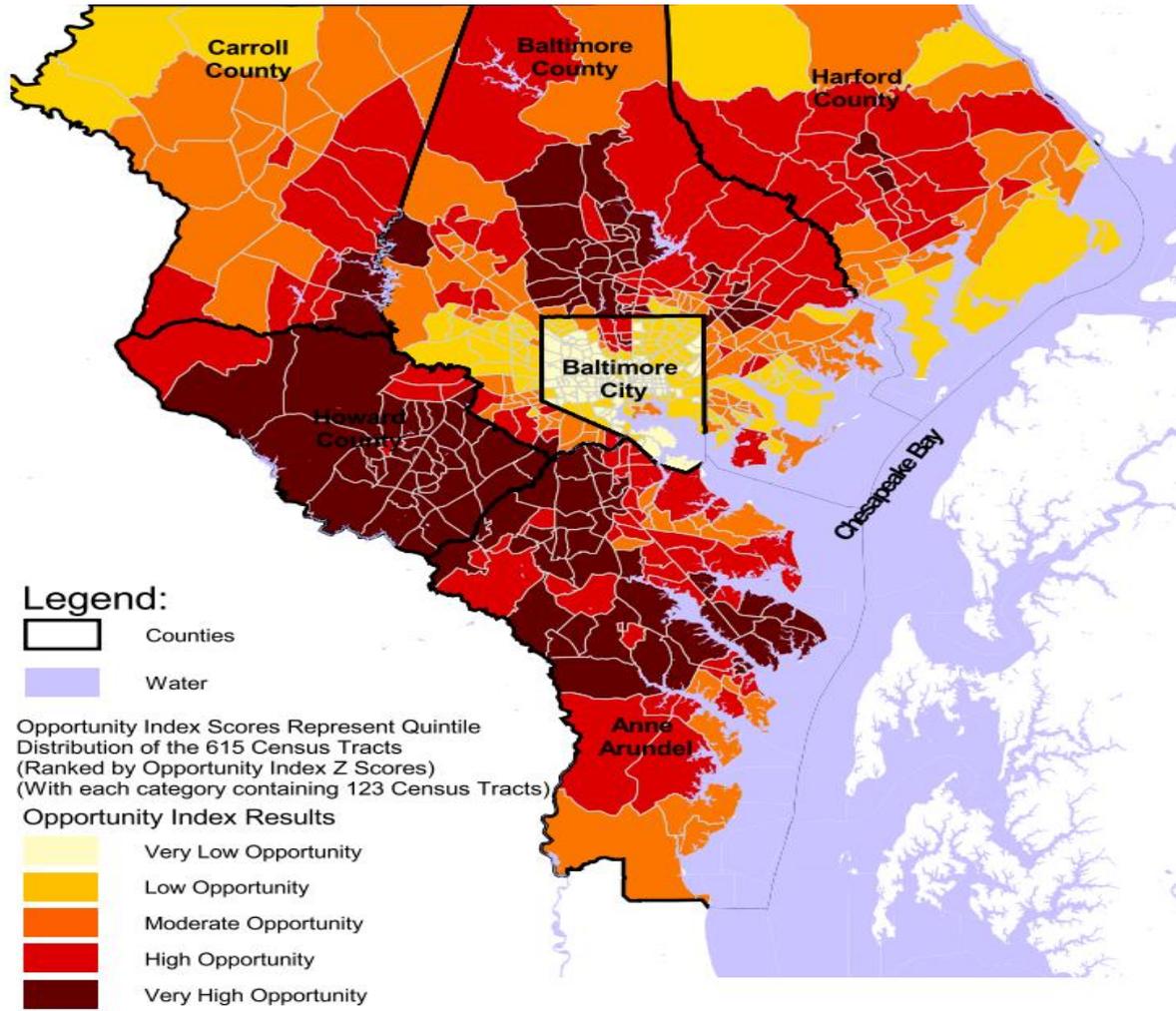
Event Date	01-29-2015 2:00 pm
Event End Date	01-29-2015 3:00 pm

History of housing & credit discrimination

- Laws and policies that segregated public & private housing
 - Redlining
 - Financing
 - Exclusionary zoning
- Government inaction in the face of violent resistance to racial integration
- Fueled private credit discrimination



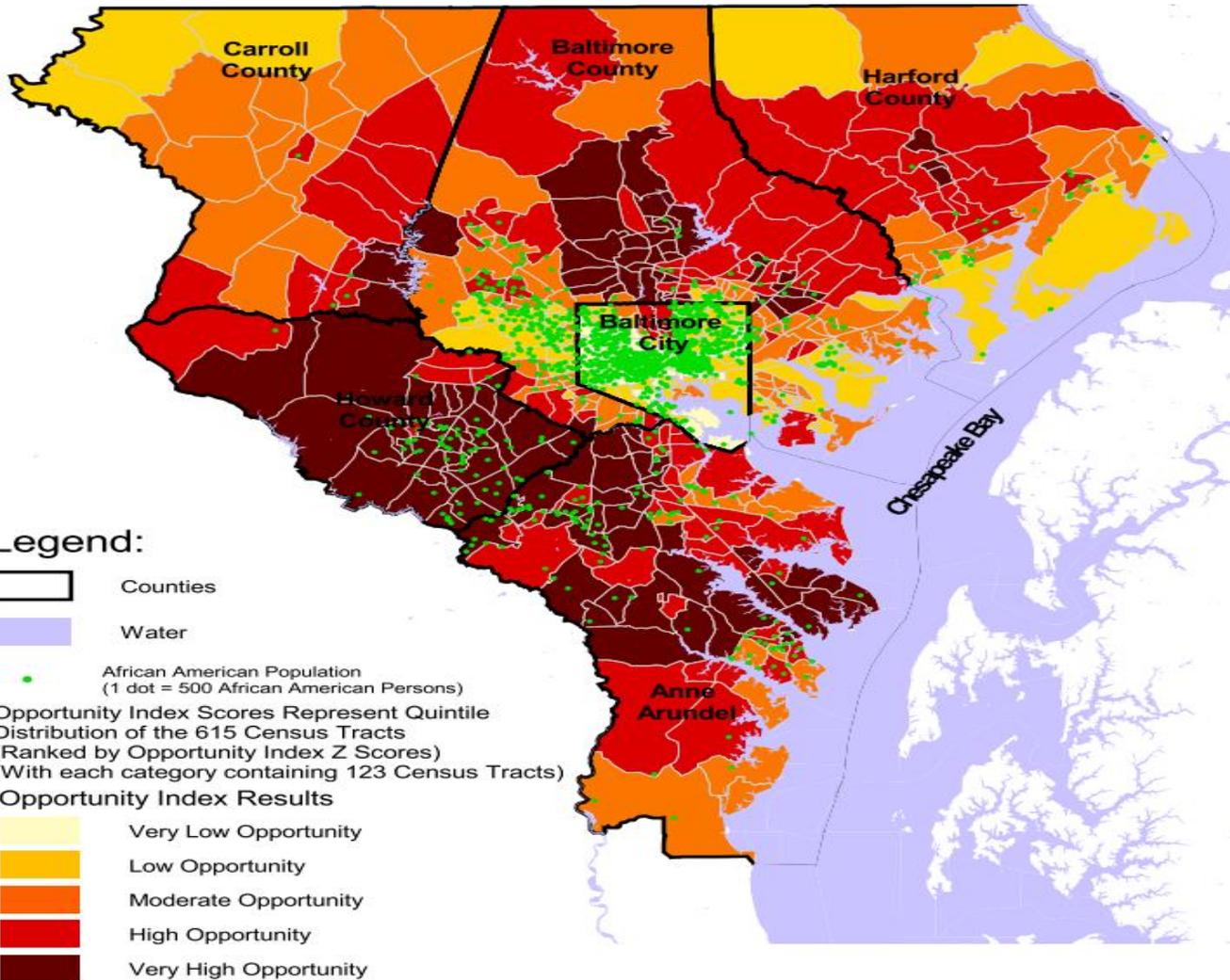
Baltimore Opportunity Scorecard



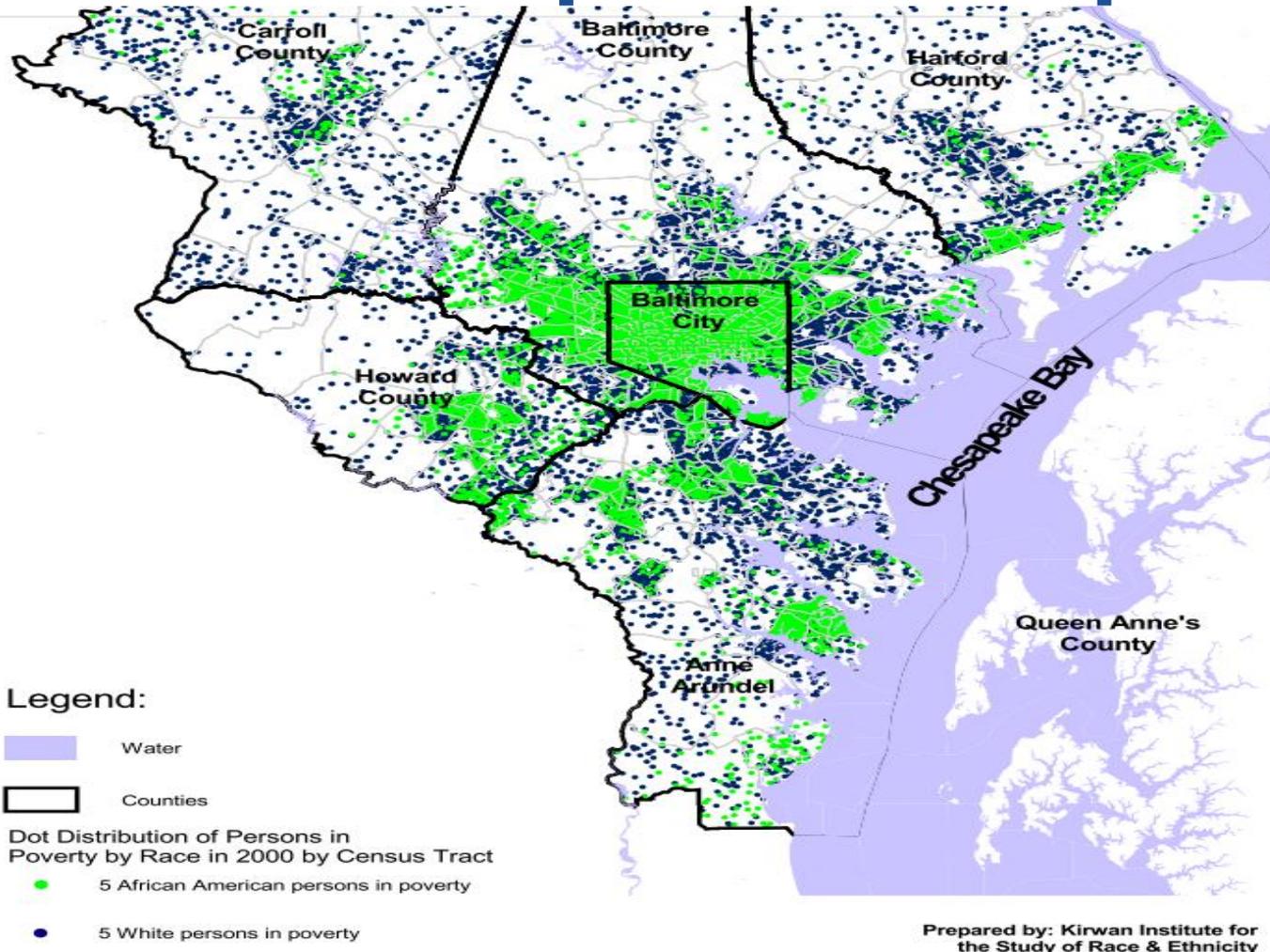
NCLC Racial Justice and Equal Economic Opportunity
National Consumer Law Center



Baltimore Opportunity Scorecard



Baltimore: African American and White persons in poverty



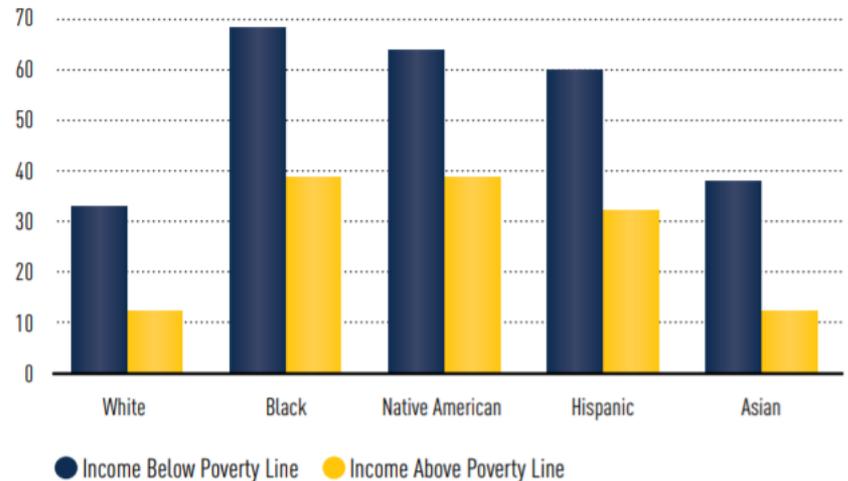
Residential Segregation

- According to the 2020 State of the Nation's Housing report, Joint Center for Housing Studies, Harvard
- Nearly two-thirds of poor Black, Latino and Indigenous people live in high poverty neighborhoods, twice the rate of white people living in poverty

FIGURE 5

People of Color Are More Concentrated in High-Poverty Neighborhoods than White People with Similar Incomes

Share of Population Living in Census Tracts with 20% or Higher Poverty (Percent)



Notes: Incomes above or below the poverty line are defined by the official measure of poverty established by the Office of Management and Budget (OMB). Only white individuals are non-Hispanic. Since Hispanic individuals may be of any race, there is some overlap with other racial categories. Source: JCHS tabulations of US Census Bureau, 2018 American Community Survey 5-Year Estimates.

High-Cost/ Fringe Lenders

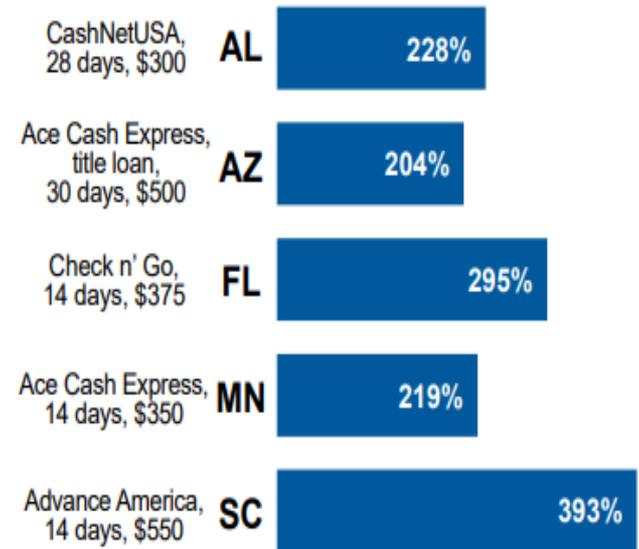
- Payday Lenders
- Auto Title Lenders
- Check Cashers
- Rent-to-Own



Payday Loans

- Also called deferred presentment, cash advance, deferred deposit or a check loan
- Short term loan supported by a check or authorization to automatically withdraw proceeds from a bank account
- Marketed as a quick and easy way to get cash by the next payday or check
- Average APR 200% - 500%

APR for Short-term Payday Loans



Discrimination in Auto Lending

The Data Is Clear: Auto Lenders Discriminate

We can't let Congress weaken the ability of the CFPB to address discrimination in auto financing.

By [Stuart Rossman](#), Contributor | Nov. 17, 2015, at 2:45 p.m.



Dealers are twice as likely to add a markup to the loans of African-Americans. (ISTOCKPHOTO)

The House of Representatives is about to vote on H.R. 1737, the Reforming CFPB Indirect Auto Financing Guidance Act, which would weaken the ability of the Consumer Financial Protection Bureau to address discrimination in auto financing. That would be a mistake.

7/13/2021

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TIME TO STOP RACING CARS: The Role of Race and Ethnicity in Buying and Using a Car

April 2019

AUTO ADD-ONS ADD UP HOW DEALER DISCRETION DRIVES EXCESSIVE, ARBITRARY, AND DISCRIMINATORY PRICING



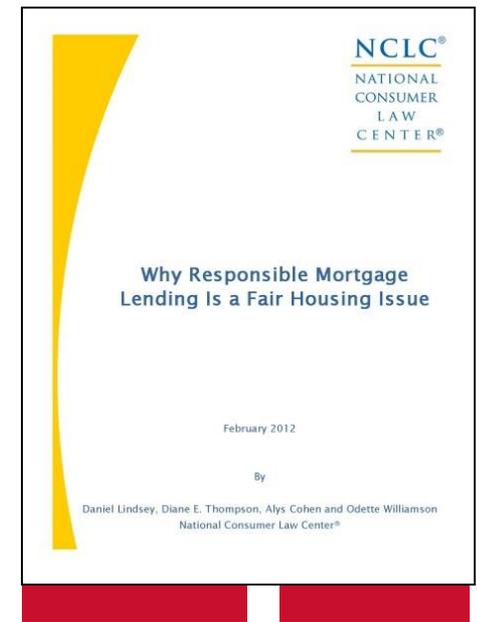
Police and the Black Community

- Ferguson Police Department
 - 2012-2014 Data
- 85% of vehicle stops
- 90% of citations
- 93% of arrests
- 94% of Failure to Comply
- **95%** of Manner of Walking in the Roadway



Mortgage Lending Discrimination

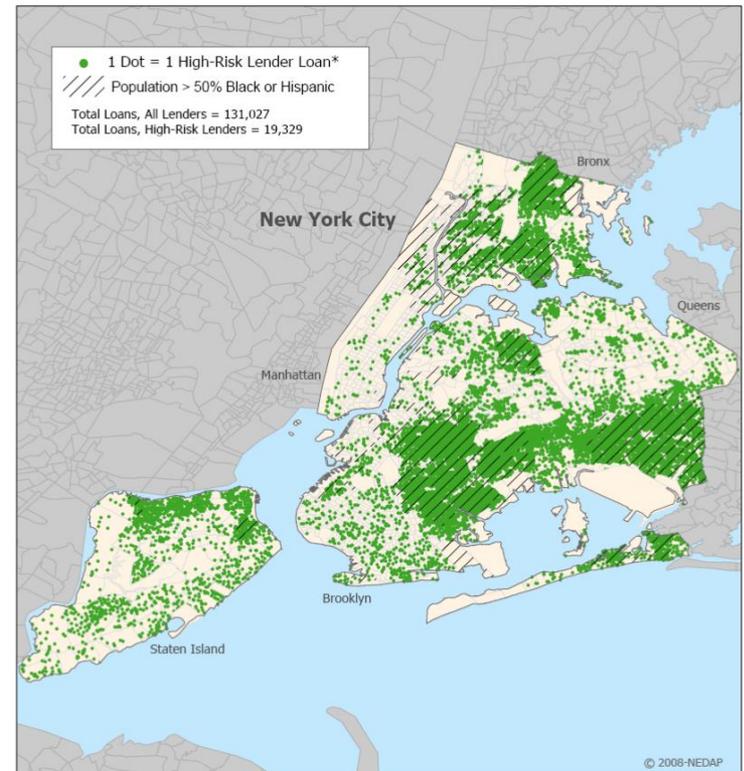
- Subprime lending crisis was also a fair housing crisis
- Disproportionately devastating impact on communities of color
- History of discriminatory lending reverse redlining



Paying More for the American Dream

- Rate of foreclosure highest in neighborhoods targeted by high-cost subprime lenders

Figure 1.
High-Risk Lender Loans, 2006
New York City, New York



Map prepared and data provided by NEDAP, Neighborhood Economic Development Advocacy Project - www.nedap.org

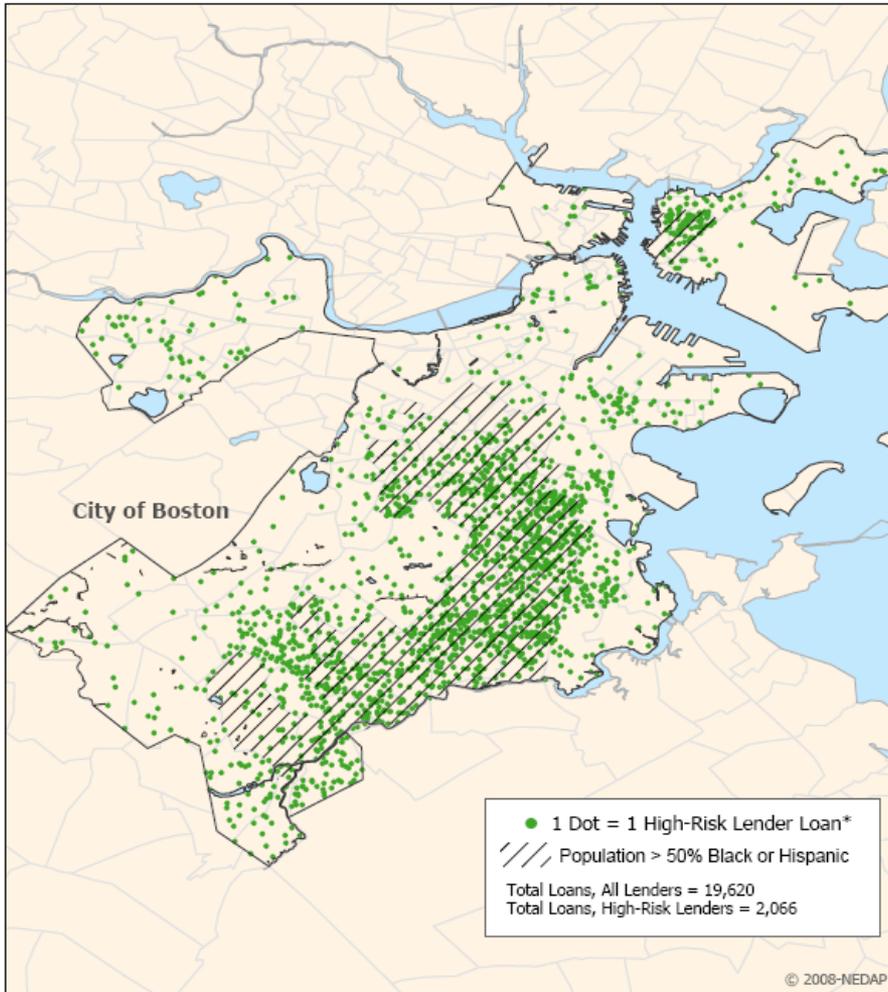
Sources: HMDA (2006), Census (2000)
* loans originated by now-defunct subprime lenders, as compiled by the Wall Street Journal in Sept. 2007.
"Subprime Shakeout: Lenders that have Closed Shop, Been Acquired, or Stopped Loans."

Paying More for the
American Dream
The Subprime Shakeout and Its Impact on
Lower-Income and Minority Communities



High-Risk Lender Loans, 2006

City of Boston, Massachusetts



Map prepared by NEDAP, Neighborhood Economic Development Advocacy Project - www.nedap.org
Data provided by Massachusetts Affordable Housing Alliance - www.mahahome.org

Sources: HMDA (2006), Census (2000)
* loans originated by now-defunct subprime lenders, as compiled by the Wall Street Journal in Sept. 2007, "Subprime Shakeout: Lenders that have Closed Shop, Been Acquired, or Stopped Loans."

Discriminatory Lending

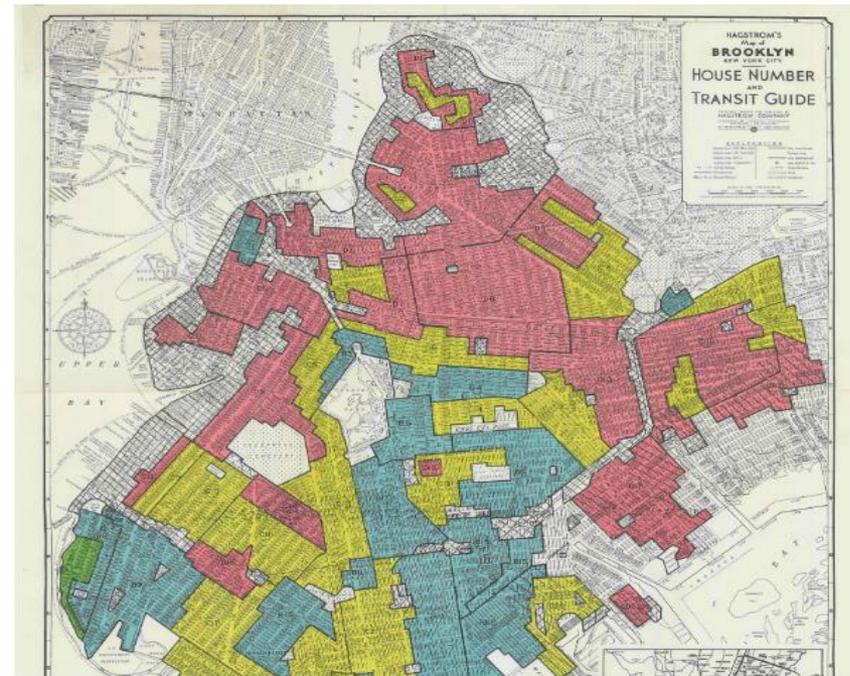
- **Reverse redlining** – the targeting of higher risk, more expensive loans to people of color and other vulnerable groups, regardless of their ability to qualify for better loans
- This is recognized as a discriminatory practice under federal law

The New York Times

TheUpshot

SELF-FULFILLING PROPHECIES

How Redlining's Racist Effects Lasted for Decades



qual
ity

Land Installment Contracts

- Agreement for deed, Contract for deed
- Alternative path to homeownership
- Built to fail
- Wall Street involved

TOXIC TRANSACTIONS

How Land Installment Contracts Once Again
Threaten Communities of Color

July 2016

By

Jeremiah Battle, Jr., Sarah Mancini,
Margot Saunders, and Odette Williamson
National Consumer Law Center[®]

Land Installment Contracts

- Racist roots
- Credit starved-communities
- Communities that bore the brunt of foreclosure crisis
- Targeting of African-Americans, Latino, LEP, immigrants



Publications & Data News & Events

Monetary Policy & Economic Research Supervision & Credit Payment Studies & Strategies Community Development In the Region
Communities & Banking

Land Installment Contracts: The Newest Wave of Predatory Home Lending Threatening Communities of Color



NCLC Racial Justice and Equal Economic Opportunity
National Consumer Law Center

Land Installment Contracts

- No appraisal
- No home inspection
- No notice and cure period
- No title
- No rights associated with foreclosure process



Land Installment Contracts

- Limit forfeiture
- Recordation
- Imposing habitability standards
- Litigation
- Legislation
- Ordinances
- Media
- Grassroots activists



BUSINESS

A House You Can Buy, But Never Own

African Americans in the same neighborhoods decimated by subprime lending are now being targeted with new predatory loan offerings, a lawsuit argues.

ALANA SEMUELS APR 10, 2018



EMERGING FROM THE PANDEMIC

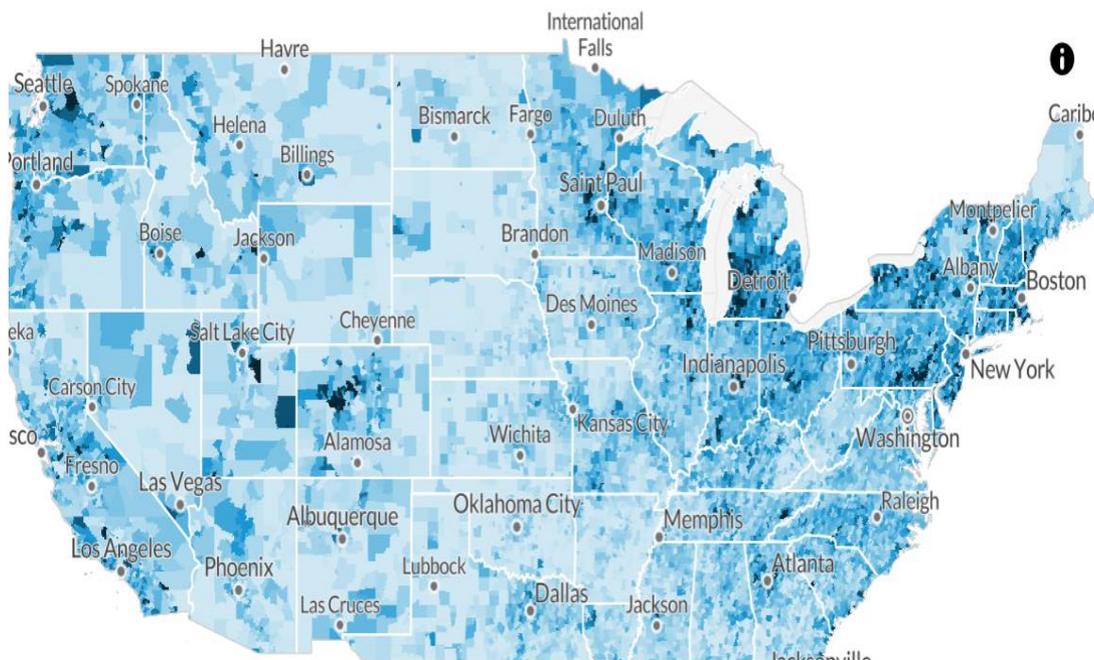
U Features :: Where Low-Income Jobs Are Being Lost to COVID-19

Search for your county

US
12,643,034

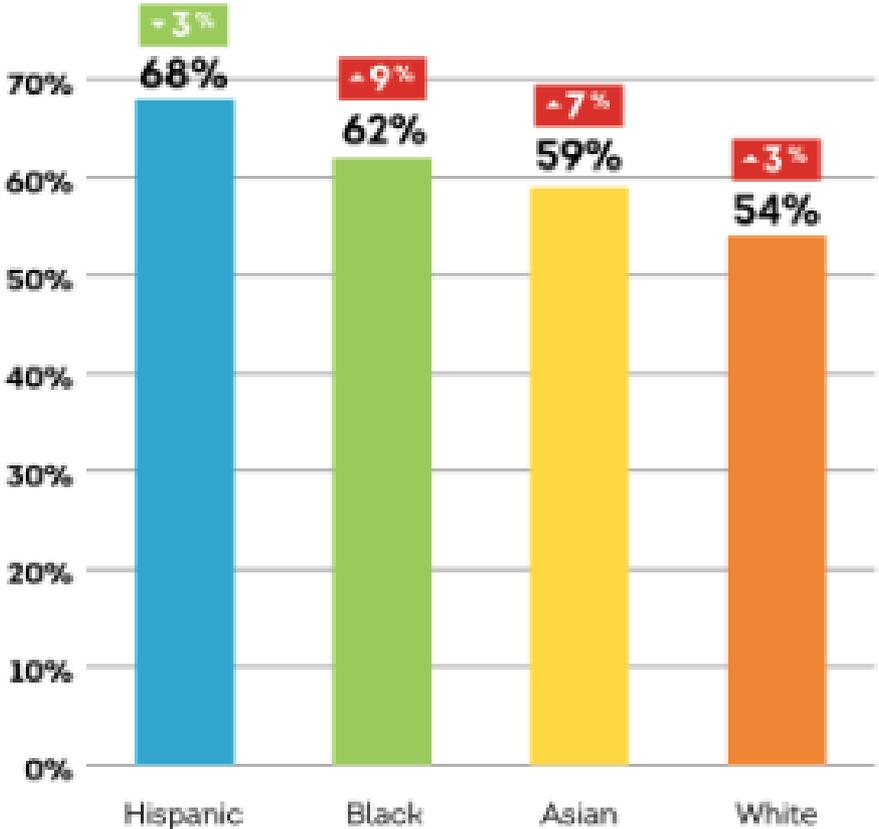
Overall

US 12,643,034



Financially Impacted by COVID-19 Pandemic

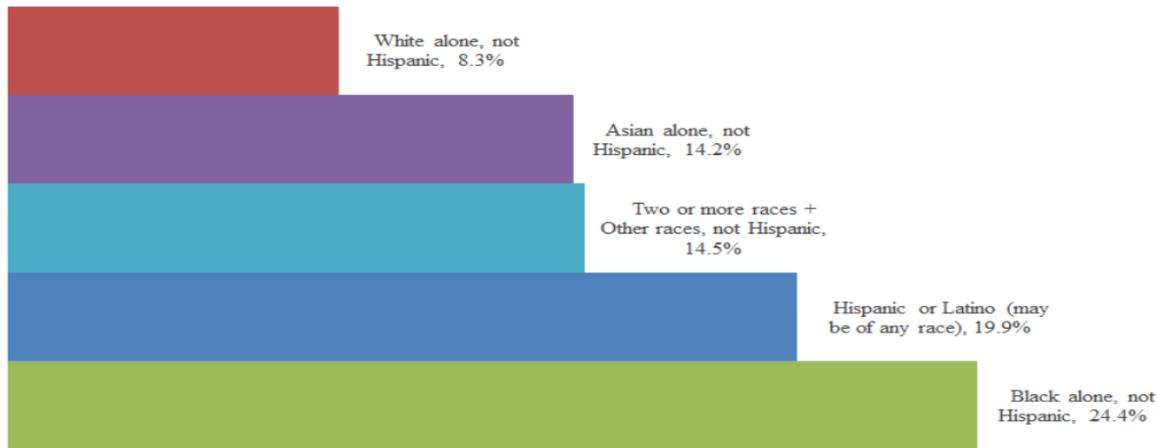
Figure 2. Segment perceived financial impact (by ethnicity).



Source: TransUnion, The COVID-19 Pandemic's Financial Impact on U.S. Consumers (Wave 11 Report) (2020)

Past Due Mortgage by Race & Ethnicity

Past Due Mortgage Payment by Race and Latinx Ethnicity:
December 21, 2020



Source: U.S. Census Bureau Household Pulse Survey

0.0% 5.0% 10.0% 15.0% 20.0% 25.0% 30.0%



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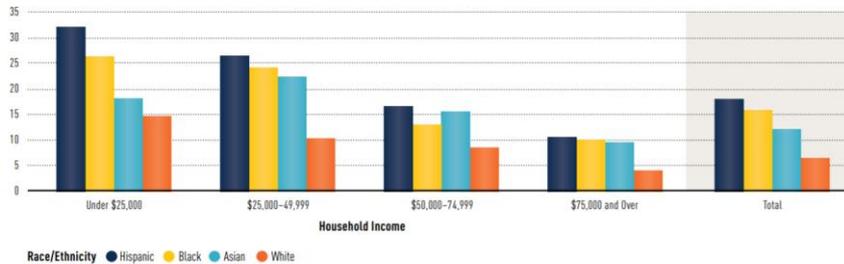


Housing Instability

FIGURE 3

Across Income Groups, Homeowners of Color Are More Likely than White Homeowners to Have Fallen Behind on Housing Payments During the Pandemic

Share of Homeowners Behind on Mortgage Payments as of September 2020 (Percent)



Notes: Homeowners behind on housing payments reported that they were not caught up at the time of survey. White, Black, and Asian households are non-Hispanic. Hispanic households may be of any race. Totals include owners that identify as other races or as multiracial.
Source: JCHS tabulations of US Census Bureau, Household Pulse Survey, Week 15.

THE STATE OF THE NATION'S HOUSING 2020

JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY

HARVARD GRADUATE SCHOOL OF DESIGN | HARVARD KENNEDY SCHOOL



A Looming Crisis: Black Communities at Greatest Risk of COVID-19 Foreclosure
July 2020

Foreclosure prevention measures, data collection, and reporting must be prioritized to stave off preventable foreclosures

Communities of color in the United States, especially Black and Latinx communities, are particularly hard hit by the COVID-19 pandemic, from higher rates of [illness](#) and [death](#) to greater rates of [unemployment](#), [mortgage default](#) and [eviction](#) risk. These challenges have exacerbated the loss of wealth due to predatory lending, foreclosure, and the economic crisis of the Great Recession a decade ago.

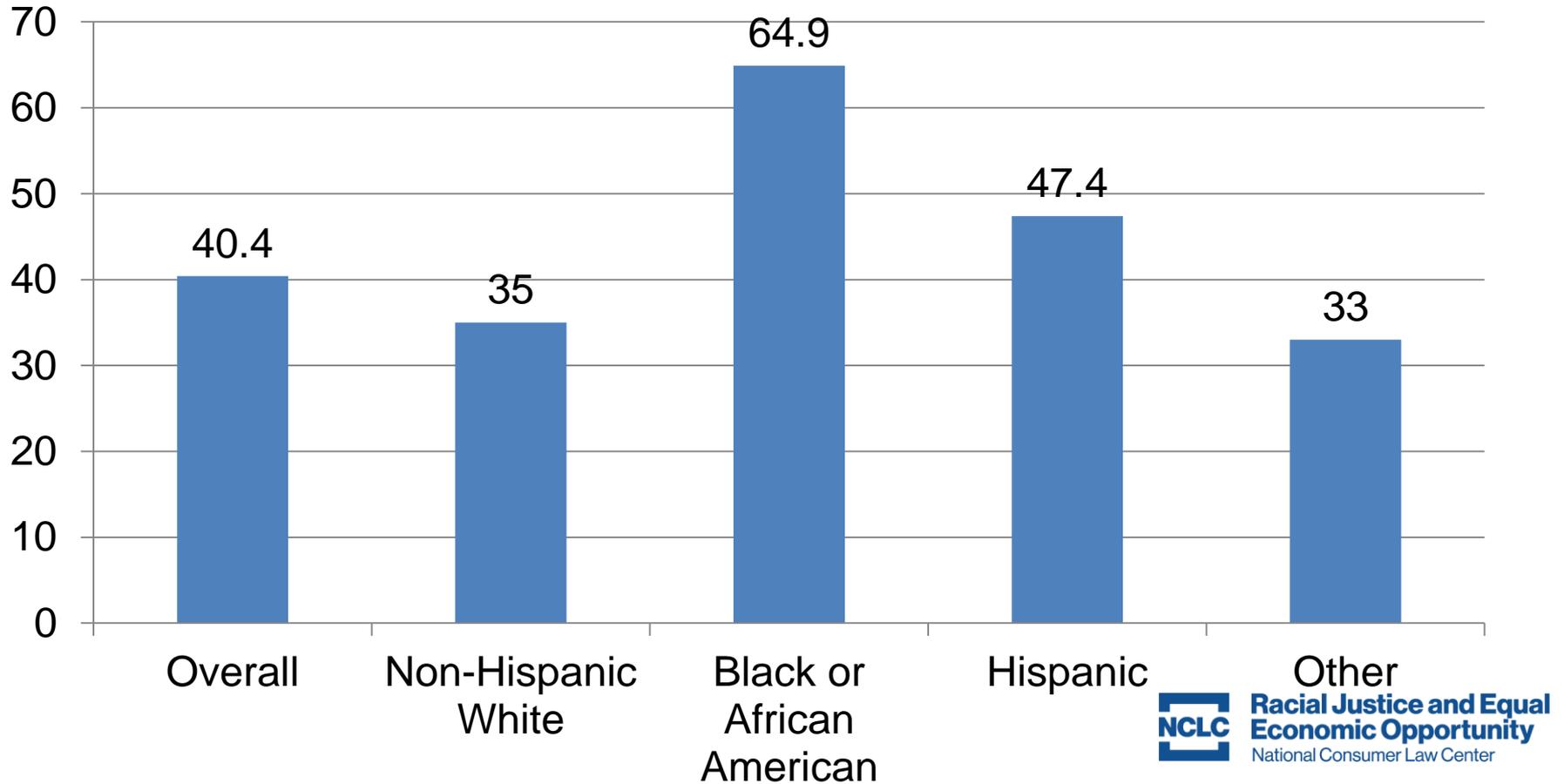
Early data indicate that disproportionately high percentages of African American and Latinx homeowners have faced economic hardship and sought assistance from their mortgage companies. Consistent with these developments and even more concerning, the U.S. Census Bureau's Household Pulse Survey, as discussed in the next section, shows that among households who have fallen behind on their mortgage payments **Black and Latinx households are much less likely than white homeowners in the same position to access potentially home-saving relief.**

This disparity is greatest for Black families. Black communities have yet to recover from the rampant foreclosure of the Great Recession. As of the first quarter of 2020, the Black homeownership rate is



Behind on a Bill

Had difficulty paying a bill or expense (percent)

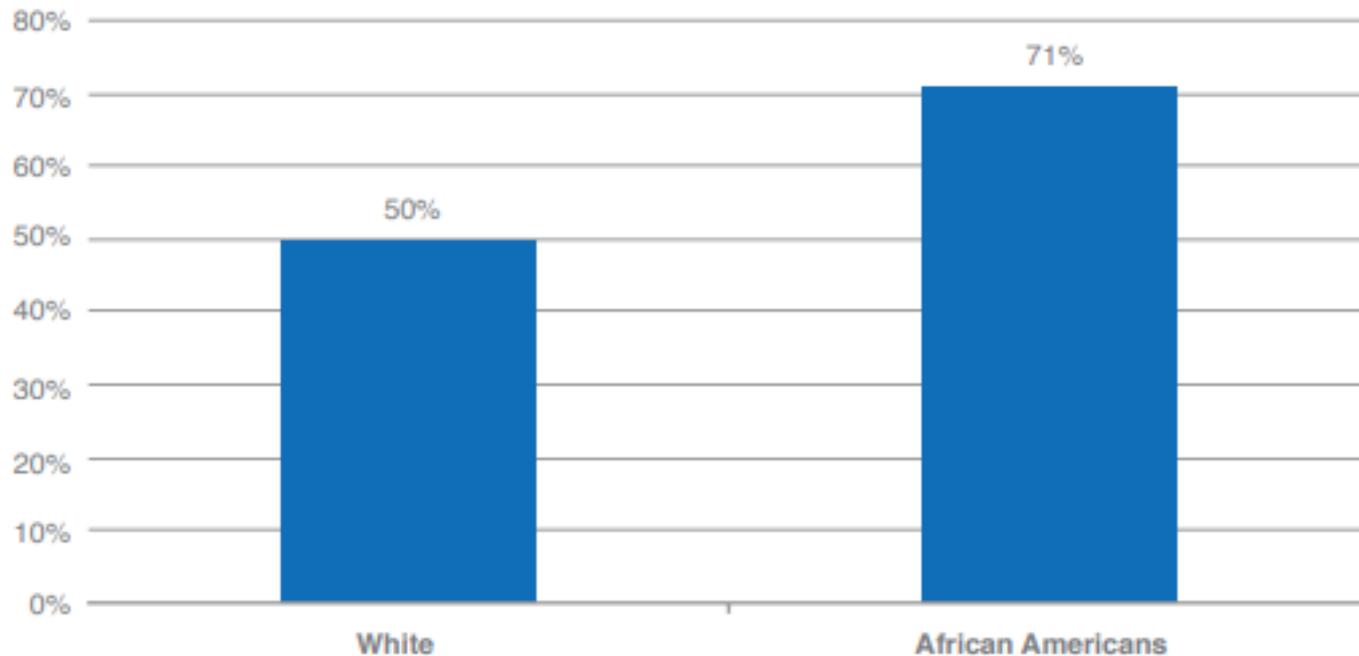


Source: CFPB, Insights from the Making Ends Meet Survey (2020)

Contacted by a Collector

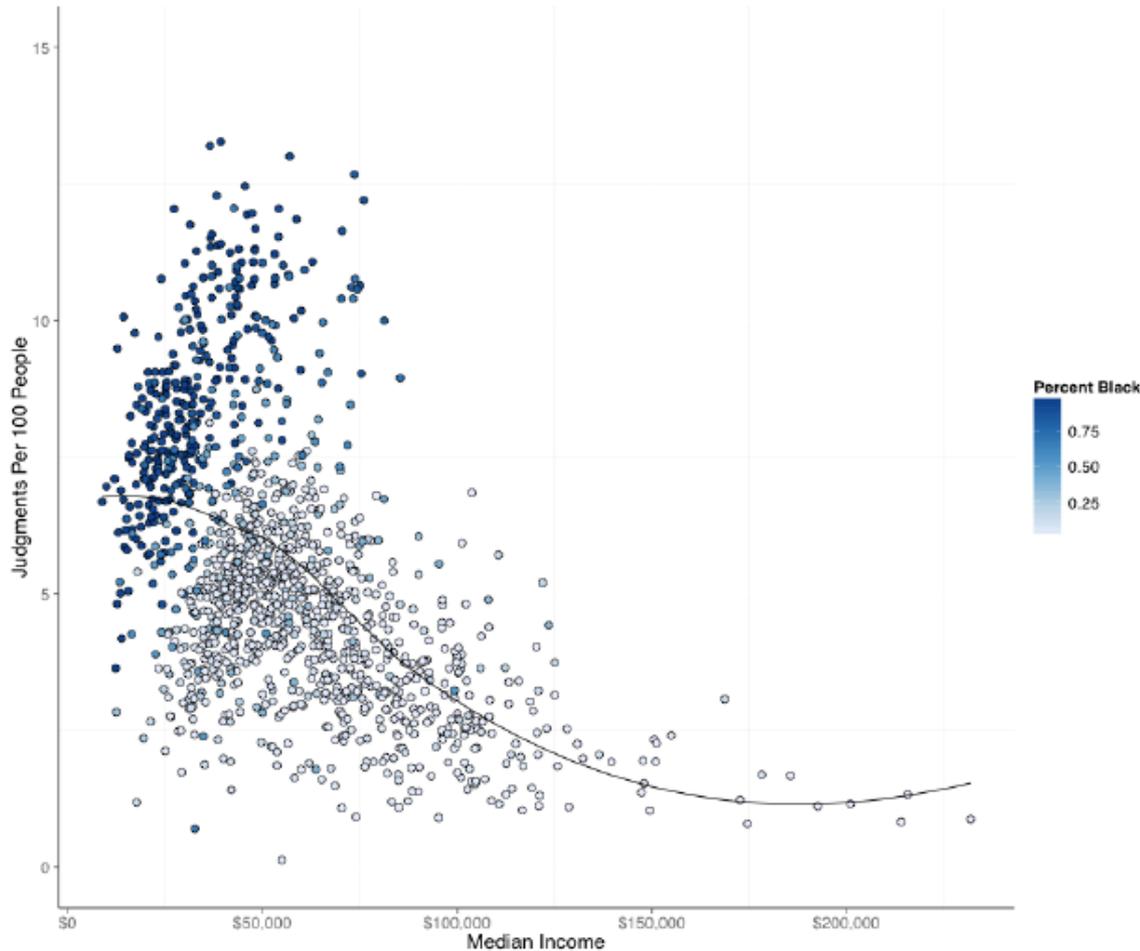
African Americans are more likely to be called by bill collectors

Yes responses to 'Have you ever been called by bill collectors when dealing with debt?'



Judgment in Collection Lawsuits

3.2.2. Analysis of Cook County, Illinois



Conclusion: In Chicago, St. Louis, and Newark the risk of judgment was **twice as high** in majority black census tracts as majority white census tracts.

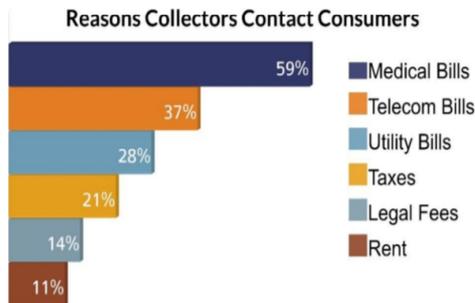
Student Loans/ Medical Debt



Medical Debt Collection

A strong rule from the Consumer Financial Protection Bureau (CFPB) is needed to protect consumers from abusive debt collection tactics, especially those carried out by collectors of medical debt—the leading source of debt borne by most consumers.

Medical debt is the top reason consumers are contacted by debt collectors. [According to the CFPB](#), 59% of consumers contacted about a debt reported receiving calls and letters regarding a medical debt in collections. Many consumers were contacted about more than one type of debt.



More Americans fear medical debt than serious illness. A survey by the [West Health Institute and NORC at the University of Chicago](#) found that 4 in 10 respondents fear the costs associated with a serious illness, more than those who say they fear a serious illness itself.

Medical debt collection blemishes the credit reports of one in five consumers.

INEQUITABLE JUDGMENTS

EXAMINING RACE AND FEDERAL STUDENT LOAN COLLECTION LAWSUITS



Debt Collection

The Color of Debt: Racial Disparity in Debt Collection Lawsuits

Recently, ProPublica published, *"The Color of Debt"*, a first-of-its-kind analysis that showed that debt collection lawsuits are far more common in black communities than white ones. This webinar will cover the details of ProPublica's analysis of court data, explore what trends emerged among the different types of companies filing suits over consumer debt, and discuss possible causes for the racial disparity in lawsuits.

Event Date	12-01-2015 20
Event End Date	12-01-2015 30



Past Imperfect: How Credit Scores and Other Analytics "Bake In" and Perpetuate Past Discrimination

May 2016

Credit reports and scores reflect stunning racial disparities. Credit reporting and credit scoring are supposed to be entirely objective, with no room for flawed tools such as human judgment (and the biases built into human minds). Yet for the past two decades, study after study has found that African American and Latino communities have lower credit scores as a group than whites (and Asians, when the data is available). For a list of studies, see page 5.



What States Can Do to Help Consumers Debt Collection



Debt collection affects 71 million U.S. consumers, with 1 in 3 Americans with a credit report having a debt in collections. This number rises to a staggering 45% of Americans living in predominantly non-white zip codes.



53% of consumers contacted by a creditor or debt collector report that the debt wasn't theirs, was a family member's or was the wrong amount.



63% of consumers contacted by a creditor or debt collector said they were contacted too often—1 in 3 said creditors or collectors tried to reach them at least 4 times a week.

State Reforms to Protect Consumers

States can enact a variety of legislative, regulatory, and court reforms to protect consumers with debts in collection.

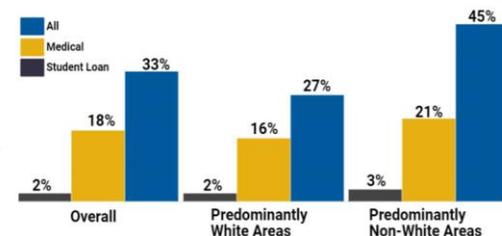


Racial Disparities in Consumer Debt Collection

A strong rule from the Consumer Financial Protection Bureau (CFPB) is needed to stop abusive debt collection tactics that harm consumers, especially people of color, who are disproportionately subject to debt collection.

Residents of predominantly non-White communities are more likely to have debt in collections. The Urban Institute found that 45% of borrowers in predominantly non-White areas had a debt in collections, compared to just 27% of borrowers in predominantly White areas. (See chart)

Percentage of People With Debt in Collections



ality

Energy, Utilities & Telecommunications



Racial Justice and Equal Economic Opportunity
National Consumer Law Center

BROADBAND SERVICE IS A RACIAL EQUITY PRIORITY

September 2020

Under normal circumstances broadband is the lifeline to economic opportunities, social engagement, and democratic participation in modern society. During the COVID-19 pandemic, broadband is essential to protect the health and well-being of members of a household and the public as well as key to a families' economic survival. Tragically, the racial disparities in broadband access have exacerbated the risk exposure of families of color during this historic public health crisis.

RACIAL DISPARITIES WITH BROADBAND SERVICE AND ECONOMIC CONSEQUENCES

The United States has work to do when it comes to digital equity. There are persistent racial disparities with access to broadband service due to cost. Over the past decade, [US Census data](#) shows that a greater percentage of African American, Latinx, Asian American and American Indian or Alaska Native households have consistently reported not having internet service at home because it was too expensive.¹

Helping Communities of Color Access Opportunity: An overview of the Lifeline program and current threats to its scope and purpose

Communities of color often face challenges connecting to and maintaining affordable broadband and voice service. The federal Lifeline program has been around since the mid-1980s. While it started as a low-income program to help households afford voice service, it has been expanded to include wireless voice and broadband Internet support. The program is available in every state and territory and has helped over 15 million households in 2016 with low-cost, and in some cases free voice (750 minutes a month) or voice and data services (for example, 3G and 1 GB/data in a wireless voice and data bundle). Now some of the most popular Lifeline products are under attack, particularly the universal availability of these low-cost/no-cost products. Hear from our panel of experts about the Lifeline program and how it works and what potential changes could emerge in the near future and what steps you can take to defend affordable access for low-income people.

Presenters:

Kham Moua, Associate Director of Policy and Advocacy (OCA - Asian Pacific American Advocates)

Carmen Scurato, VP, Policy and General Counsel (National Hispanic Media Coalition)

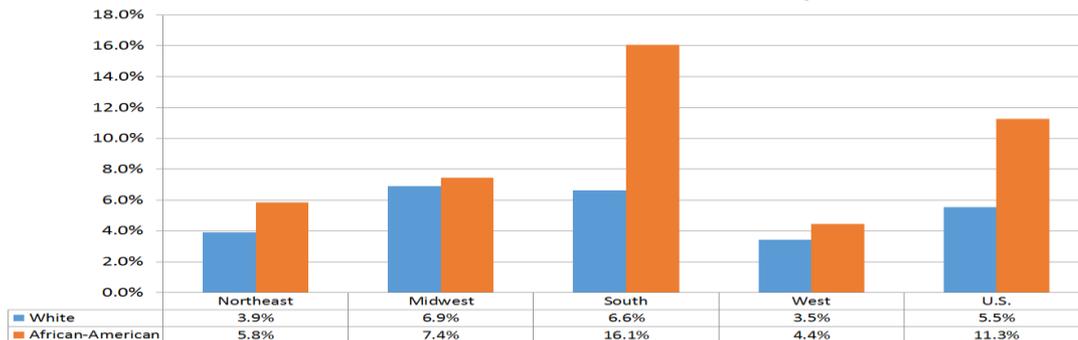
Cheryl Leanza, Policy Advisor (United Church of Christ OC Inc) and President (A Learned Hand, LLC)

Moderator: Olivia Wein, Staff Attorney (National Consumer Law Center)

The Role of Broadband in Rebuilding Wealth and Economic Opportunity in Communities of Color

Event Date	09-18-2014 2:00 pm
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2009 Electric Service Disconnection Rate by Race of Householder - <= 150% Poverty



Racial Justice and Equal Economic Opportunity
National Consumer Law Center

CONSUMER LAWS

Legal Tool Kit to Fight Predatory & Discriminatory Lending

- Equal Credit Opportunity Act
- Fair Housing Act
- Truth in Lending Act
- Unfair and Deceptive Acts and Practices (UDAP)
- Fair Debt Collections Practices Act



Equal Credit Opportunity Act

- ECOA prohibits discrimination on the basis of race, color, religion, national origin, sex, marital status, age, receipt of income from public benefits, or exercise of rights under consumer credit protection statutes
 - 15 U.S.C. §§1691 et seq.
- All aspects of the credit transaction from application to underwriting to servicing

Fair Housing Act

- FHA prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status, or disability in residential real-estate related loans
 - 42 U.S.C. §§ 3601 et seq.
- Bans discrimination in advertising regarding the sale or rental of a dwelling, including related to mortgage lending



Credit Discrimination Statutes

- ECOA and FHA prohibit discrimination that is intentional and overt
- Disparate treatment occurs when the creditor treats a consumer differently because of a protected characteristic
- Practice need not be motivated by prejudice or specific intent to harm a member of a protected group

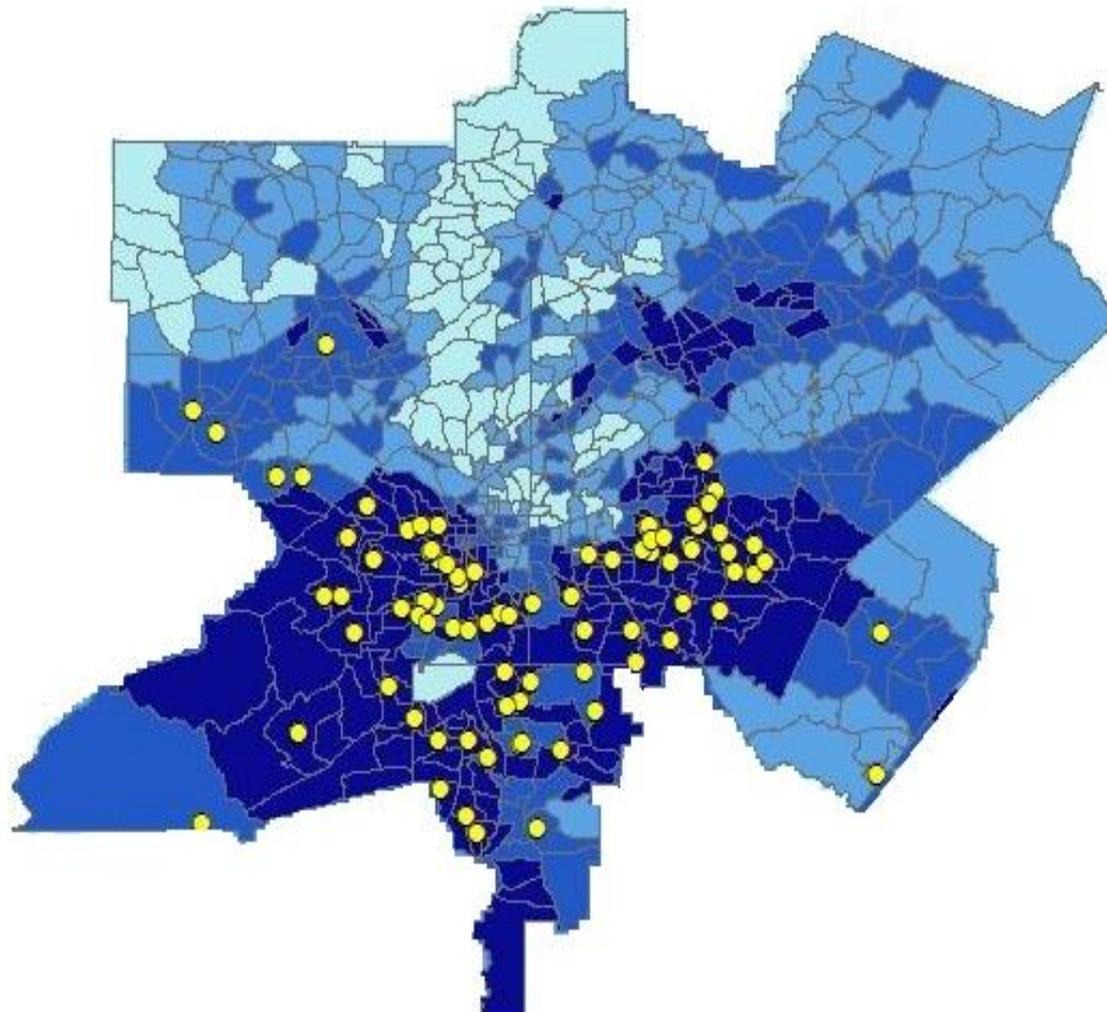
Credit Discrimination Statutes

- Also prohibit discrimination based upon disparate impact, which occurs when a lender's policy or practice is neutral on its face but adversely impacts a protected class
- Challenge a wide range of discriminatory practices
- Redlining, reverse redlining, predatory lenders, etc.
- Lenders, brokers, car dealers, etc.

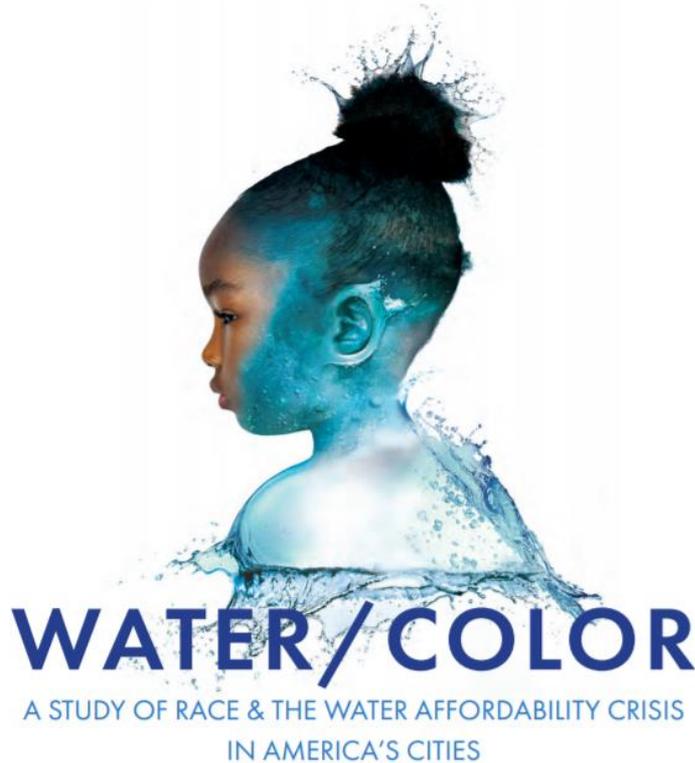


**Racial Justice and Equal
Economic Opportunity**
National Consumer Law Center

Harbour Properties as of June 2016 in Six-County Atlanta Metro Area and Percent African American by Census Tract



Credit Discrimination Statutes



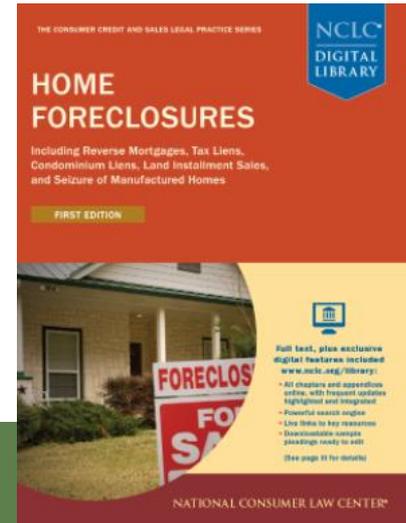
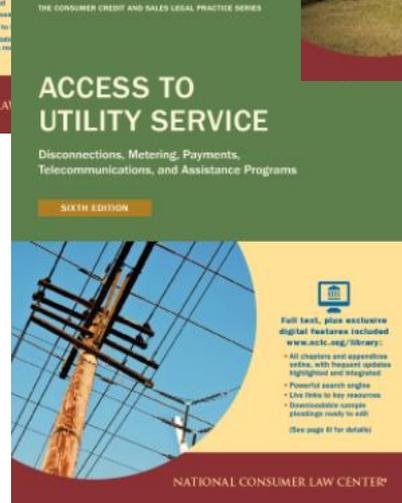
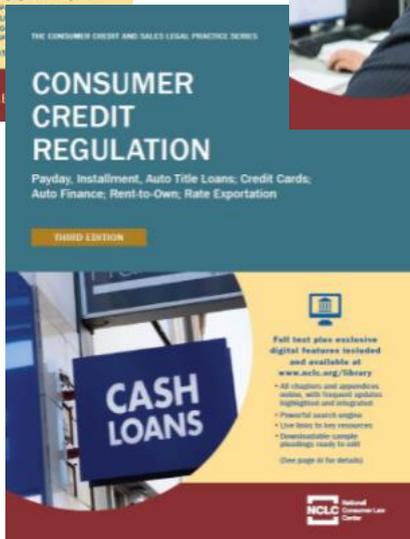
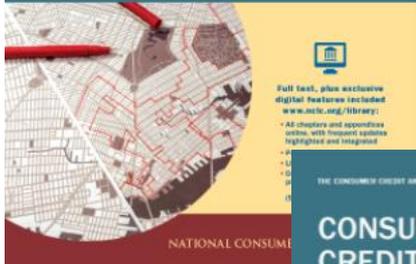
HOME > News > [LDF Files Lawsuit Against the City ...](#)

Read a PDF of our statement [here](#).

The NAACP Legal Defense and Educational Fund, Inc. (LDF) has filed a class action lawsuit today in the Northern District of Ohio against the City of Cleveland on behalf of the city's Black residents who are disproportionately affected by the city water department's practices. The lawsuit, which brings claims under the Fair Housing Act, the Due Process and Equal Protection Clauses of the 14th Amendment, the Ohio Constitution, and the Ohio Civil Rights Act, challenges Cleveland Water's racially discriminatory and unfair policies that not only leave Black residents without the basic necessity of water, but can also lead to the loss of their homes. This is the first Fair Housing Act lawsuit to challenge a city's practice of placing liens on residents' properties due to overdue water bills.



Resources



Using Equity to Confront and Correct Individual and Systemic Racism

*To do justice, judges must do what is fair,
not what is merely legal*

Ben Carter
Kentucky Equal Justice Center
ben@kyequaljustice.org
kyequaljustice.org
@notbencarter on Twitter



“If something can’t be fixed, what can we build instead?”



“If something can’t be fixed, what can we build instead?”

In Ohio, Republican gerrymanders won Republicans 75 percent of the state’s 16 seats in Congress in November while Republicans won just 52 percent of the popular vote.

In Wisconsin, Republicans won only 46 percent of the statewide vote. But — incredibly — the effectiveness of their gerrymanders translated 46 percent of the statewide vote into 63 percent of the seats in the Wisconsin Assembly. That’s how powerful gerrymandering can be. Now, after losing every major statewide race this

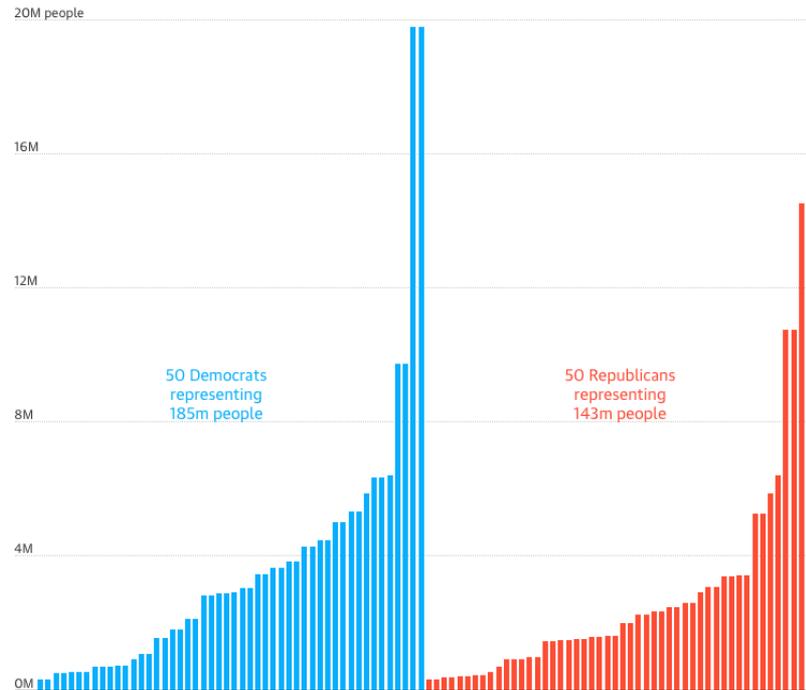


“If something can’t be fixed, what can we build instead?”

In Ohio, Republican gerrymanders won Republicans 75 percent of the state’s 16
;2 percent of the

Currently Democratic senators represent 42m more people than Republican senators - but the senate is split 50-50.

How many people each US senators represented in 2021



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Assembly. That’s how
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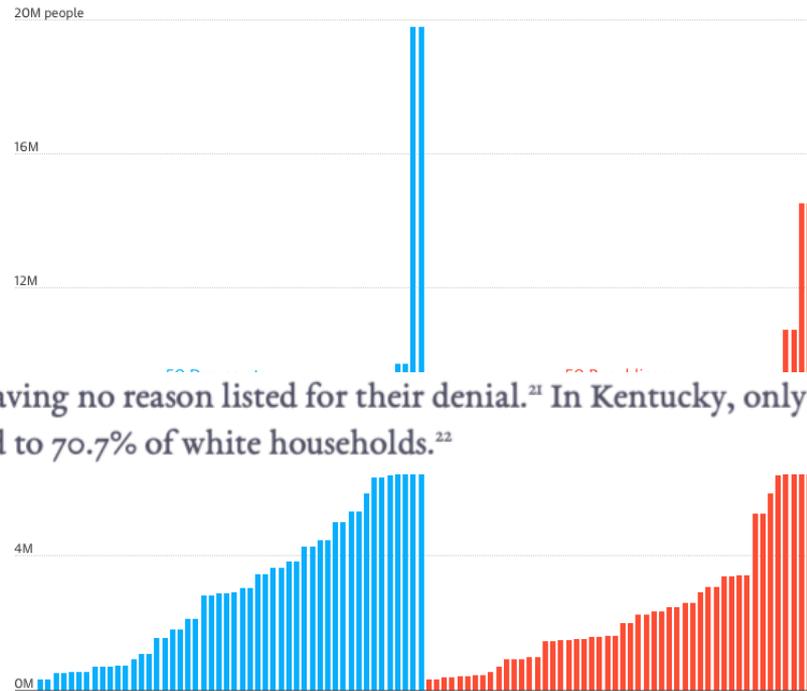


“If something can’t be fixed, what can we build instead?”

In Ohio, Republican gerrymanders won Republicans 75 percent of the state’s 16

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How many people each US senators represented in 2021



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of these Black applicants having no reason listed for their denial.²¹ In Kentucky, only 36.5% of Black households own their homes compared to 70.7% of white households.²²



“If something c

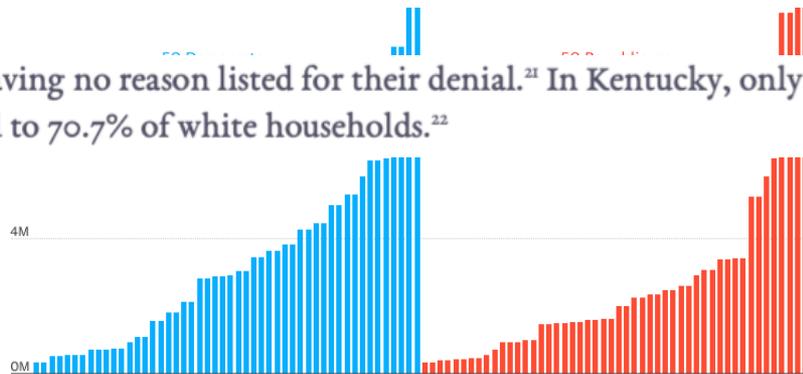
In Ohio

Currently Democratic senators represent 42m more people than Republican senators - but the senate is split 50-50.



Texas House Democrats departing a bus at Dulles International Airport outside Washington after fleeing Texas in an effort to block the voting restrictions bill. Kenny Holston for The New York Times

of these Black applicants having no reason listed for their denial.²¹ In Kentucky, only 36.5% of Black households own their homes compared to 70.7% of white households.²²



“If so

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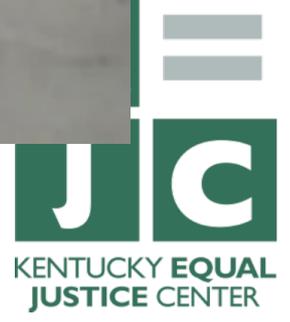


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“If something can’t be fixed, what can we build instead?”



2 extremely obvious insights after 15 years of practicing law

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(through two housing crises)

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- 1) If someone is likely to need help with a legal problem, we should provide them the information they need to find that help and, ideally, knock on their door (literally and metaphorically)
- 2)

2 extremely obvious insights after 15 years of practicing law (through two housing crises)

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2 extremely obvious insights after 15 years of practicing law (through two housing crises)

- 1) If someone is likely to need help with a legal problem, we should provide them the information they need to find that help and, ideally, knock on their door (literally and metaphorically).
- 2) We should ask people who want to be judges better questions *before* they become judges.

Get curious
about

Equity

Get curious (real curious)
about

Equity

equitable standing

equitable waste

unclean hands

Equity

Equity requires a court to “balance hardships that the parties, other affected persons, and the public would face under various possible outcomes.”
Handbook of Modern Equity, de Funiak, William Q., 42–46 (2d ed. 1956)

Equity

“Foreclosure is peculiarly an equitable action, and the court may entertain such questions as are necessary to be determined in order that *complete justice may be done.*” *Morgera v. Chiappardi*, 813 A.2d 89, 98 (Conn. App. 2003).

Equity

“Where the Plaintiff’s conduct is inequitable, a court may withhold foreclosure on equitable considerations and principles.”

Morgera v. Chiappardi, 813 A.2d 89, 91
(Conn. App. 2003).

Equity

equitable waste

“...wanton and unconscientious abuse of his rights, ruinous to the interests of other parties.”

Landers v. Landers, 151 S.W. 386, 391
(Ky.App. 1912).

Equity is the full story.

Equity allows us to bring into many types of cases—eviction, foreclosure, debt collection, auto fraud, etc.—all of the sociological, psychological, economic data that supports what we know, qualitatively and quantitatively, to be true. Powerful people and corporations target people of color, particularly Black people, for unequal and unfair treatment. This unfair treatment, predictably leads to results like evictions and foreclosures at grossly disproportionate rates, due in part to a disturbing history of segregation, redlining, restrictive covenants, and starving Black communities of opportunity to build wealth.

Equity is the full story.

Who are the parties? What have they done to resolve this matter? What are the parties' incentives in this case?

Will we inflict damage on innocent third parties? Does the benefit to the winning party impose an outsized burden on the losing party?

What is the business model of the business? Does the business have clean hands?

Who has more money? Sophistication? Privilege? What historical or cultural facts have created the power dynamic between the parties?

Equity is the full story.

Law

Equity

UNIVERSITY
of LOUISVILLE

LAW



UNIVERSITY
of LOUISVILLE

LAW

& EQUITY



Lawyers

Lawyers

Equityers

Get curious
about

Equity

Get curious (real curious)
about

Equity

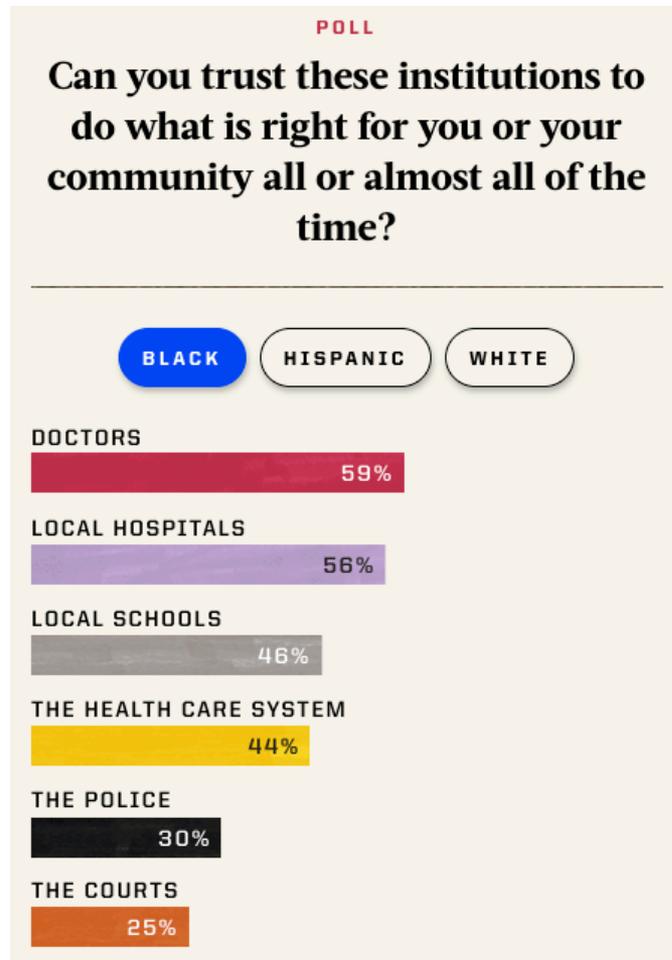
Our clients need you to create a place for fairness in our legal system.

Our clients need you to create a place for fairness in our legal system.

Courts need you to create a place for fairness in our legal system.

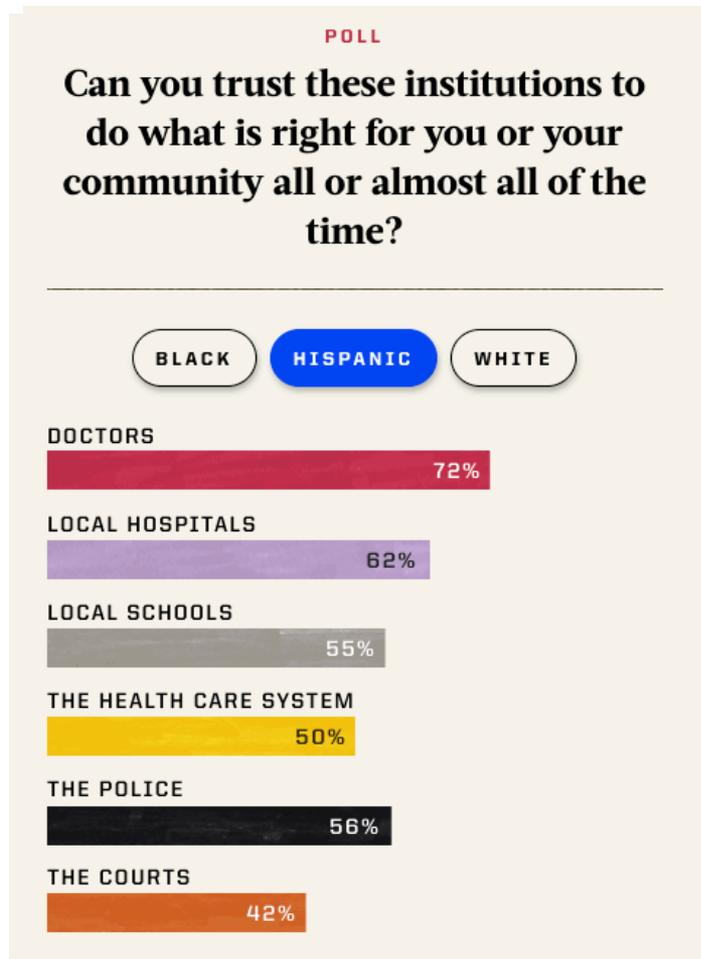
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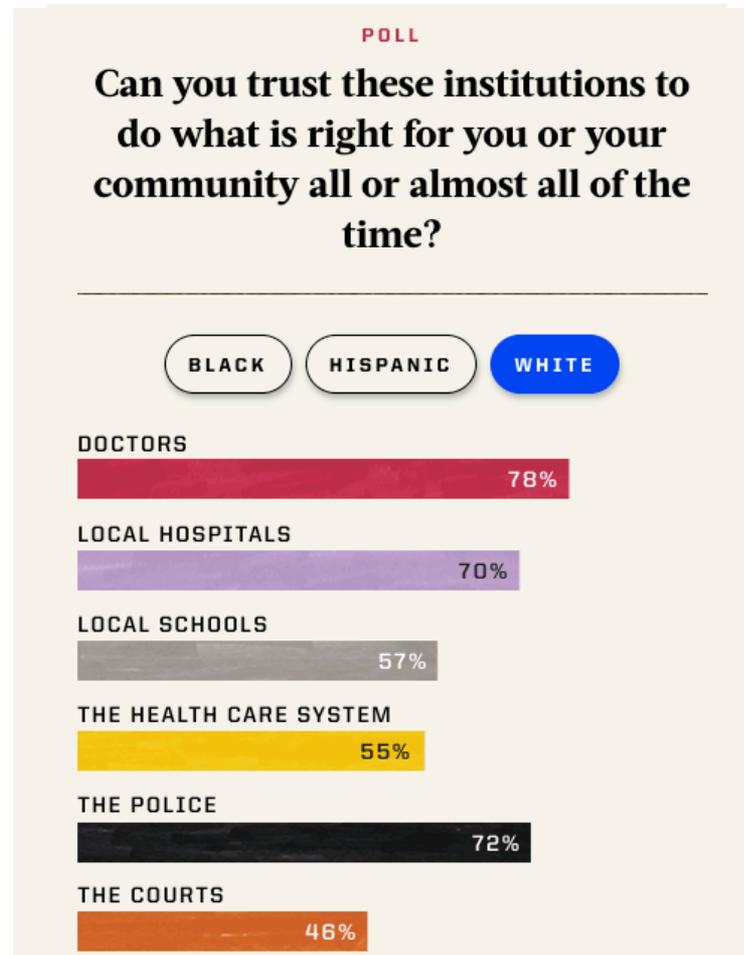
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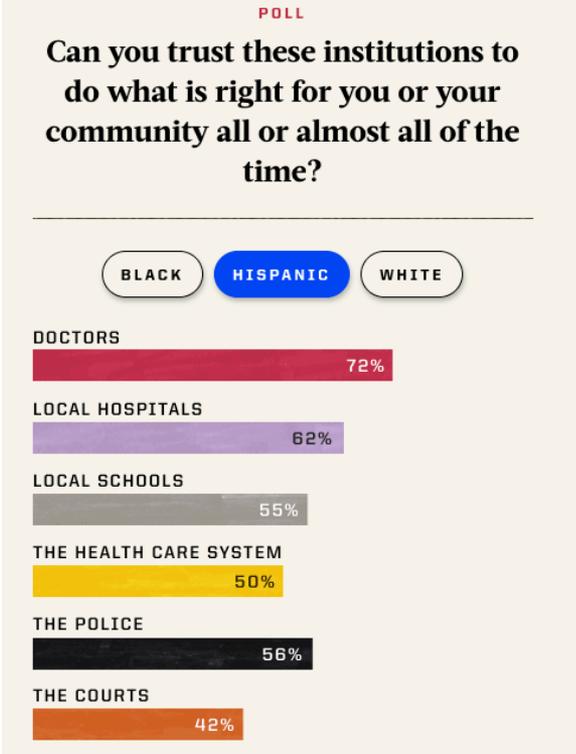
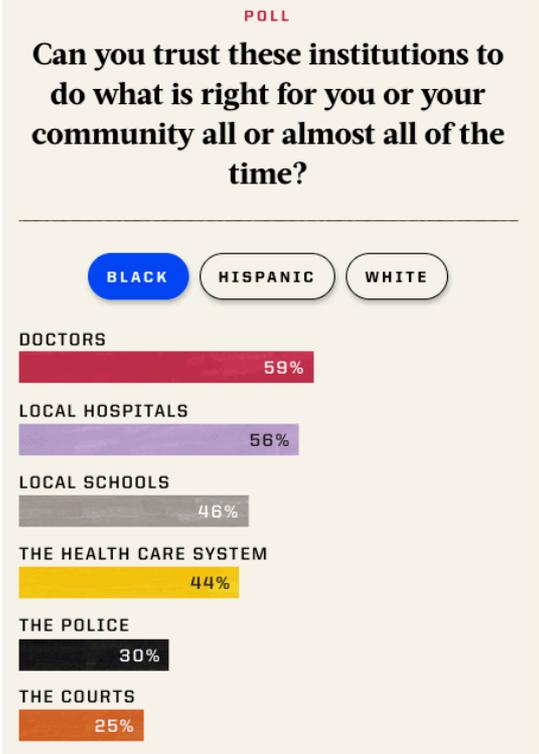
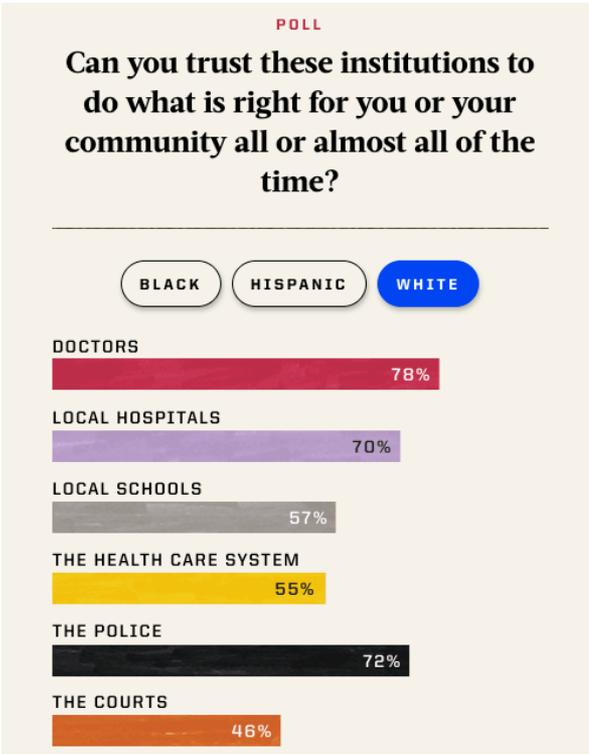
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Courts need you to create a place for fairness in our legal system.



equitable standing

equitable waste

unclean hands

Equity

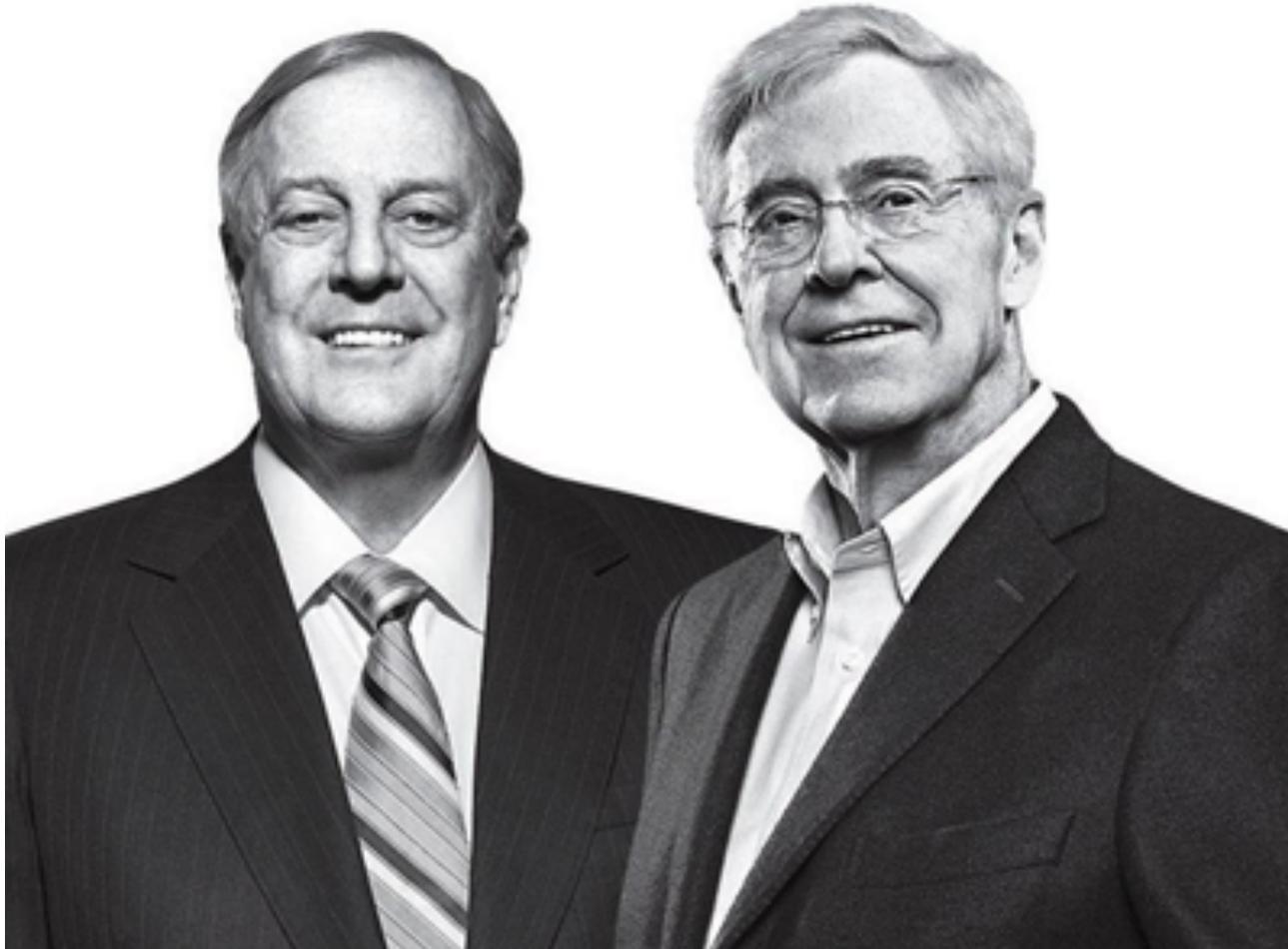
Let's ask people who want to be judges better questions.

Let's ask people who want to be judges better questions.

We should insist that individuals aspiring to be judges answer questions³³ about their approaches to, for example:

- incorporating equitable principles into their jurisprudence;
- explaining their understanding and experience of systemic racism;
- articulating how equitable³⁴ principles and their understanding of systemic racism might affect the way they run their courtrooms, award default judgments (including post-judgment interest), expunge (either upon motion or sua sponte) an eviction from a homeowner's record, or allow landlords to evict people who cannot pay rent.

Let's ask people who want to be judges better questions.



Let's ask people who want to be judges better questions.

Local judicial races are:

-  important
-  local (winnable)
-  low-information
-  no longer constrained by “judicial ethics”

Let's ask people who want to be judges better questions.

A judicial survey about equity and racism and their effects on a candidate's worldview and court administration would serve two purposes:

-  provide information in low-information races
-  educate candidates about equity and the community's expectation that they will incorporate equitable principles into all aspects of their work