

# 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*, Unites 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

- Group comments to the CFPB re: Language Access Issues in Request for Information on the Equal Credit Opportunity Act and Regulation B, Dec. 1, 2020
- Group letter to CFPB urging improved language access protections in upcoming debt collection rulemaking, Nov. 30, 2020
- 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. Response from Consumer Data Industry Association (credit bureau trade group), Oct. 29, 2020. Response from Equifax, Oct. 30, 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 Project to the California Dept. of Business Oversight on the proposed rulemaking implementation of AB 1284 for Property Assessed Clean Energy \(PACE\) loans](#), Jan. 5, 2018

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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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