

# Regulation F: A 6 Month Check-Up

New debt collection regulations interpreting the Fair Debt Collection Practices Act, Regulation F - <https://www.consumerfinance.gov/rules-policy/regulations/1006/>, took effect on November 30, 2021.

This survey asks about how debt collection practices have changed and how your consumer clients have been affected. It has four sections: (1) Questions about you and your practice, (2) Questions about debt collection communications, (3) Questions about debt collection disclosures, and (4) Additional thoughts about Regulation F.

The survey has 26 questions, and you can skip questions for which you do not have an answer. The full survey should take about 10-15 minutes to fill out.

The results of this survey will be used in our debt collection advocacy. The National Association of Consumer Advocates (NACA) and National Consumer Law Center (NCLC) will not identify survey respondents by name when discussing survey results.

**\* Required**

### Questions about You and Your Practice

This information is for our internal purposes at NACA and NCLC only.

Survey results will not be linked to the respondent by name.

1. 1.) Your Name: \*

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2. 2.) Your Email Address: \*

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3. 3.) Name of Your Employer / Firm: \*

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## 4. 4.) Primary State Where You Work:

*Mark only one oval.*

- Alabama
- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
- Georgia
- Hawaii
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada

- New Hampshire
- New Jersey
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

5. 5.) How do you interact with consumers with debts in collection? [check all that apply]

*Check all that apply.*

- I represent consumers sued in collection lawsuits.
- I represent consumers in bankruptcy.
- I represent consumers suing debt collectors under the Fair Debt Collection Practices Act (FDCPA).
- I provide consumers with credit counseling services.
- I help consumers dispute debts on their credit reports.
- I answer questions through a legal hotline providing advice to consumers with debts in collection.
- I am a government attorney and enforce state or federal laws governing debt collectors.
- Other: \_\_\_\_\_

6. 6.) (A) Have you ever filed a complaint or a counterclaim against a debt collector alleging a violation of Regulation F?

*Mark only one oval.*

- Yes
- No
- Other: \_\_\_\_\_

7. 6.) (B) Have you filed a complaint with the CFPB about debt collector conduct that violates Regulation F?

*Mark only one oval.*

- Yes
- No
- Other: \_\_\_\_\_

Questions about Debt Collection Communications

Please answer each of the following questions based on your observations made while working with consumers.

You can skip any questions where you do not have an answer.

8. 7.) Regulation F generally limits debt collection calls to 7 calls in a 7 day period per account in collection (<https://www.consumerfinance.gov/rules-policy/regulations/1006/14/#b-2-i-A>). In your experience, since November 30, 2021, are debt collectors generally:

*Mark only one oval.*

- Complying with call limits.
- Calling more frequently than the regulations allow.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

9. 8.) Regulation F generally limits debt collectors to one conversation in a 7 day period for each account in collection (<https://www.consumerfinance.gov/rules-policy/regulations/1006/14/#b-2-i-B>). In your experience, since November 30, 2021, are debt collectors generally:

*Mark only one oval.*

- Complying with conversation limits.
- Having conversations more frequently than the regulations allow.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

10. 9.) Regulation F created a definition for “limited content messages,” which can be left for consumers as voicemail messages (<https://www.consumerfinance.gov/rules-policy/regulations/1006/2/#j>). Here is an example of a limited content message: “This is Robin Smith calling from ABC Inc. Please contact me or Jim Johnson at 1-800-555-1212.” In your experience, since November 30, 2021, are debt collectors that leave voicemail messages generally:

*Mark only one oval.*

- Leaving “limited content messages.”
- Leaving voicemail messages that do not qualify as limited content messages.
- I don’t know / not applicable to my practice.
- Other: \_\_\_\_\_

11. 10.) Regulation F generally permits debt collectors to send email messages to consumers (<https://www.consumerfinance.gov/rules-policy/regulations/1006/6/#e>). In your experience, how does the frequency of collection emails sent by debt collectors after November 30, 2021 compare to the frequency before November 30, 2021:

*Mark only one oval.*

- Debt collectors email consumers more frequently now than they did before November 30, 2021.
- Debt collectors email consumers less frequently now than they did before November 30, 2021.
- Debt collectors email consumers with about the same frequency before and after November 30, 2021.
- I don’t know / not applicable to my practice.
- Other: \_\_\_\_\_

12. 11.) Regulation F generally permits debt collectors to send text messages to consumers (<https://www.consumerfinance.gov/rules-policy/regulations/1006/6/#e>). In your experience, how does the frequency of collection text messages sent by debt collectors after November 30, 2021 compare to the frequency before November 30, 2021:

*Mark only one oval.*

- Debt collectors text consumers more frequently now than they did before November 30, 2021.
- Debt collectors text consumers less frequently now than they did before November 30, 2021.
- Debt collectors text consumers with about the same frequency before and after November 30, 2021.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

13. 12.) Regulation F permits debt collectors to use social media in certain ways (<https://www.consumerfinance.gov/rules-policy/regulations/1006/18/#18-d-Interp-1>) and prohibits other uses (<https://www.consumerfinance.gov/rules-policy/regulations/1006/22/#f-4>). Please check the box for any social media collection practices that consumers have reported to you since November 30, 2021: [check all that apply]

*Check all that apply.*

- Debt collector sent the consumer a private direct message via a social media platform.
- Debt collector asked to join the consumer's social media network.
- Debt collector posted a collection communication on consumer's social media in a way that was visible to the public or to the consumer's social media network (e.g. posting to a Facebook Timeline or Twitter Feed).
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

14. 13.) Since November 30, 2021, have your clients described any third-party disclosures where the debt collector communicated information about the debt to someone other than the consumer?

*Mark only one oval.*

- Yes
- No
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

15. 14.) Regulation F requires electronic messages to include a reasonable and simple opt-out method (<https://www.consumerfinance.gov/rules-policy/regulations/1006/6/#e>). In your experience, since November 30, 2021, are debt collectors that send electronic messages generally:

*Mark only one oval.*

- Including an opt-out method.
- Omitting an opt-out method.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_



16. 15.) Separate from a cease communication request, Regulation F requires debt collectors to stop communicating with a consumer through any communications method specified by the consumer (<https://www.consumerfinance.gov/rules-policy/regulations/1006/14/#h>). For example, a debt collector must stop calling a consumer who says “please stop calling” - and such requests can be made orally or in writing. In your experience, since November 30, 2021, are debt collectors generally:

*Mark only one oval.*

- Complying with requests to stop using a particular type of communication.
- Not complying with requests to stop using a particular type of communication.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

17. 16.) Since November 30, 2021, have you observed any new debt collection communication practices that are harmful or beneficial to consumers? If so, please describe.

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18. 17.) Please add any other observations about debt collection communications since November 30, 2021 that you would like to share.

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Questions about Debt Collection Disclosures

Please answer each of the following questions based on your observations made while working with consumers.

You can skip any questions where you do not have an answer.

19. 18.) Regulation F prohibits collectors from suing or threatening to sue consumers to collect time-barred debts (<https://www.consumerfinance.gov/rules-policy/regulations/1006/26/#b>). Please check the box for any time-barred debt collection practices that you have observed or consumers have reported to you since November 30, 2021: [check all that apply]

*Check all that apply.*

- None.
- Suing on time-barred debt.
- Threatening to sue on a time-barred debt.
- Collecting on a time-barred debt without disclosing that it is time-barred.
- Disclosing that the debt is time-barred.
- Disclosing that the debt is time-barred and that it may be possible to revive the statute of limitations through partial payment or acknowledgment.
- Filing a time-barred proof of claim in bankruptcy.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

20. 19.) Regulation F prohibits parking debts on credit reports without providing notice to the consumer about the alleged debt (<https://www.consumerfinance.gov/rules-policy/regulations/1006/30/#a>). Please check the box for any credit reporting practices by debt collectors that consumers have reported to you since November 30, 2021: [check all that apply]

*Check all that apply.*

- Reporting alleged debts to consumer reporting agencies after November 30, 2021 without providing notice to consumers.
- Where debts were originally parked on credit reports prior to November 30, 2021, re-furnishing debts to consumer reporting agencies after November 30, 2021 without providing notice to consumers.
- Providing notice to the consumer about the alleged debt as required by Regulation F.
- Claiming that it provided notice before credit reporting in compliance with Regulation F, but the consumer never received the notice.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

21. 20.) Regulation F provides regulations about the electronic delivery of required consumer disclosures (<https://www.consumerfinance.gov/rules-policy/regulations/1006/42/>) and oral delivery of the model validation notice (<https://www.consumerfinance.gov/rules-policy/regulations/1006/34/#a-1-ii>). Please check the box for any method that debt collectors have used to deliver a validation notice since November 30, 2021: [check all that apply]

*Check all that apply.*

- Orally communicating the validation information to the consumer in the initial communication.
- Emailing the validation notice to the consumer with the validation information in the body of the email.
- Emailing the validation notice to the consumer as an attachment to an email to the consumer.
- Emailing the consumer a hyperlink to the validation notice.
- Texting the consumer a hyperlink to the validation notice.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

22. 21.) Regulation F contains a model validation notice (<https://www.consumerfinance.gov/rules-policy/regulations/1006/b/>). Since November 30, 2021, are debt collectors generally using the model validation notice (or something very similar)?

*Mark only one oval.*

- Yes
- No
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

23. 22.) Regulation F contains two optional Spanish-language disclosures (<https://www.consumerfinance.gov/rules-policy/regulations/1006/34/#d-3-vi>). Since November 30, 2021, are debt collectors generally including these disclosures in their validation notice to consumers?

*Mark only one oval.*

- Yes
- No
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

24. 23.) How does consumer understanding of validation notices received since November 30, 2021 compare to consumer understanding of validation notices received prior to November 30, 2021?

*Mark only one oval.*

- Consumers generally understand validation notices sent after November 30, 2021 better than the notices sent before that date.
- Consumers generally understood validation notices sent before November 30, 2021 better than the notices sent after that date.
- Consumer comprehension is about the same.
- I don't know / not applicable to my practice.
- Other: \_\_\_\_\_

25. 24.) Since November 30, 2021, have you observed any new debt collection disclosure practices that are harmful for or beneficial to consumers? If so, please describe.

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26. 25.) Please add any other observations about debt collection disclosures since November 30, 2021 that you would like to share.

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**Additional Thoughts about Regulation F**

27. 26.) Is there anything else that you would like to share about Regulation F? We welcome thoughts, stories, and observations from your practice.

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Wrap-  
Up  
and  
Next  
Steps

Thank you for taking the time to fill out this survey!

We appreciate your time and will follow-up with a copy of NCLC's 14 page Key Takeaways from New Federal Debt Collection Regulations as a thank you gift.

You may also receive a follow-up message inviting you to have a one-on-one conversation about your observations.

If you know other people who have valuable insights to share, please share the survey link with them.

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