Advanced Notice of Proposed Rulemaking on the Fair Credit Reporting Act (Regulation V); Identity Theft and Coerced Debt

Comments

to the

Consumer Financial Protection Bureau

regarding

Docket No. CFPB-2024-0057

by

the National Consumer Law Center,
on behalf of its low-income clients

the Center for Survivor Agency and Justice,
in partnership with gender-based violence survivors and advocates

and

the National Coerced Debt Working Group,
a coalition of over 20 local, state, and national organizations

Filed on March 7, 2025

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Introduction and Executive Summary

The National Consumer Law Center (NCLC), on behalf of its low income clients; the Center for Survivor Agency and Justice (CSAJ), in partnership with survivors and advocates of gender based violence; and the National Coerced Debt Working Group (CDWG), composed of over 20 state, local, and national organizations including but not limited to Texas Appleseed, the Illinois Coalition Against Domestic Violence, CAMBA Legal, Bay Area Legal, The Legal Aid Society, Ascend Justice, One Justice, Freedom Network USA, Mid-Minnesota Legal Aid, and the Connecticut Coalition Against Domestic Violence; and the undersigned organizations are pleased to respond to the Consumer Financial Protection Bureau's Advance Notice of Proposed Rulemaking on the Fair Credit Reporting Act (Regulation V); Identity Theft and Coerced Debt (ANPRM).[1]

Economic abuse surfaces in the context of domestic violence, dating violence, and abuse in later life. It is behavior that is coercive, deceptive, or unreasonably controls a person's access to economic resources. Coerced debt is a prevalent form of economic abuse that inflicts long-term financial hardship on survivors,[2] creating barriers that impede physical safety as well. Coerced debt involves non-consensual credit-related transactions, including fraudulent debt and debt incurred through force, threat, or intimidation.

Although coerced debt was first utilized in the context of domestic violence, it also occurs in other coercive and abusive familial relationships, as described throughout this comment. The recommendations in this comment are rooted in the undersigned organizations' collective experiences in providing legal and social services to different victims of coerced debt: survivors of domestic violence, dating violence, sexual assault, trafficking, elder abuse, and foster youth. The populations served by the undersigned organizations are disproportionately from historically marginalized populations, such as immigrant and Limited English Proficiency (LEP) survivors;

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[1] *See* CFPB, Advance Notice of Proposed Rulemaking: Fair Credit Reporting Act (Regulation V); Identity Theft and Coerced Debt, 89 Fed. Reg. 100922 (December 13, 2024).

These comments were authored by and with contributions from the following attorneys, advocates, and researchers: Carla Sanchez-Adams (formerly of Texas RioGrande Legal Aid), Andrea Bopp Stark, Ariel Nelson, and Chi Chi Wu, NCLC; former NCLC attorney Nicole Cabañez; Erika Sussman, Mona Muro, and Sara Wee, CSAJ; Kari Rudd, Bay Area Legal; Ann Baddour and Briana Gordley, Texas Appleseed; Naomi Young, CAMBA, Inc.; Nia Crosley, Ascend Justice; Claire Mooney, The Legal Aid Society; Katie Gaughan-Palombi, Illinois Coalition Against Domestic Violence; Leigh Ferrin, One Justice; Emma Ecker, Freedom Network USA; Ron Elwood, Mid-Minnesota Legal Aid; and Liza Andrews, Connecticut Coalition Against Domestic Violence.

[2] Advocates interchangeably use the terms "survivor" and "victim" depending on the preference of the person who experienced the abuse. If a person continues to be victimized by the abuse, or the abuse is ongoing, the person most often identifies with the term "victim." If a person has escaped an abusive relationship and is free from ongoing abuse, the term "survivor" is more often preferred. We use the term "victim of coerced debt" throughout this petition for rulemaking and use the more general term "survivor" to refer to consumers who have experienced intimate partner violence, domestic violence, dating violence, or another form of family violence which can include elder abuse (also called abuse in later life) and child abuse.

LGBTQ+ survivors; justice-impacted survivors; Black, Indigenous, and People of Color (BIPOC); women; and people living in poverty, who face unique barriers in addressing coerced debt.

Coerced debt has severe negative consequences for all victims, including damaged credit scores, difficulty obtaining housing and employment, and reliance on predatory lending, trapping them in a cycle of debt and increasing their risk of violence. Rulemaking by the Consumer Financial Protection Bureau (CFPB) to address coerced debt under the Fair Credit Reporting Act (FCRA) is crucial for removing systemic barriers caused by coerced debt, offering victims of coerced debt a path to economic and physical safety. These comments address how:

- Coerced debt should not appear on consumer reports and should be treated as identity theft under the FCRA. Coerced debt does not accurately reflect the victim's creditworthiness and unfairly penalizes coerced debt victims for debts they did not willingly incur.

- Victims of coerced debt do not truly consent to the credit transaction. By incorporating “effective consent” into the definition of identity theft, someone who is forced, threatened, or intimidated into incurring debt would be able to access the same protections and remedies available to other identity theft victims.

- Victims of coerced debt are similar to victims of trafficking, who currently benefit from identity theft-like protections under the FCRA as a result of the Debt Bondage Repair Act. Many states are also recognizing the importance of protecting victims of coerced debt by providing a mechanism for coerced debt victims to stop collection of the coerced debt.

To prepare for drafting these comments, NCLC and CSAJ conducted a nationwide survey in January 2025, (the 2025 National Survey). Over 200 direct service providers responded to the survey, providing data regarding the specific barriers faced by victims of coerced debt when utilizing provisions of the Fair Credit Reporting Act to address the credit impact of coerced debt. As detailed throughout the comments, advocates responded that victims of coerced debt face significant barriers when attempting to dispute and block coerced debts under the FCRA's identity theft protections. These barriers include difficulties:

- Obtaining adequate documentation to support a claim for coerced debt, including difficulties obtaining a police report;

- Not having coerced debt blocked or deleted by CRAs because they believe the coerced debt victims obtained or benefitted from a coerced debt transaction simply by virtue of being in a relationship or sharing a household with the person who truly incurred that debt; and

- Obtaining relief without legal representation and difficulty accessing legal representation.

As a result, few victims of coerced debt are successful in blocking or removing coerced debt from their consumer report when utilizing the FCRA's existing protections.

To address these barriers, we make the following recommendations.[3] The CFPB should:

- Modify the definition of "identity theft" in Regulation V to include "without effective consent" to provide relief for victims of coerced debt and specify that consent is not effective if:
  - induced by force, threat, fraud, or coercion; or
  - given by an individual unable to contract by reason of incapacity or youth, unless consent is given by a person legally authorized to act on behalf of the individual and such action is not contrary to the best interests of the individual.
- Modify the definition of "identity theft report" to reflect the modified definition of "identity theft" and expand the types of documentation that will constitute an identity theft report. More specifically, the CFPB should:
  - Clarify that a FTC Identity theft report is an identity theft report, and it is not reasonable for a CRA to request additional information after the FTC identity theft report has been provided; and
  - Provide a method of self-attestation that should be considered as meeting the standard for an identity theft report without the need for a CRA to request additional information. We suggest that the CFPB create a form that could be utilized by a survivor or third parties such as:
    - A physician, physician assistant, psychiatrist, psychologist, social worker, nurse, therapist, or clinical professional counselor all of whom are licensed to practice in any state; or
    - A person who advises or provides services to persons regarding domestic violence, family violence, human trafficking, or abuse of children, the elderly, or dependent adults; or
    - A member of the clergy of a church, religious society, or denomination; or
    - A school teacher or administrator; or
    - An employer.

[3] Many of these recommendations are also found in the National Consumer Law Center and Center for Survivor Agency and Justice's Petition for Rulemaking to Amend Identity Theft Definitions in the Fair Credit Reporting Act (Regulation V) (August 5, 2024). Available at https://www.regulations.gov/document/CFPB-2024-0037-0001. Accessed February 28, 2025. Hereinafter referred to as the NCLC/CSAJ Petition.

- Clarify that no CRA, including specialty CRAs, can refuse to block information under 15 U.S.C. §1681c-2(c)(1)(C) if the consumer is a victim of coerced debt. The CFPB should specify in Regulation V that:

  - An identity theft victim is not involved in a transaction and has not obtained goods, services or money when effective consent is not present, such as when an application for credit is obtained through force, threat, or coercion; and

  - An identity theft victim who does not provide effective consent does not obtain goods, services, or money simply by virtue of residing in the same household as or being in a familial or intimate relationship with the thief.

- Require that the nationwide CRAs and tenant screening CRAs (or specialty CRAs) offer free annual reports in the most commonly spoken languages among consumers with Limited English Proficiency (LEP).

- Develop and issue model adverse action notices in the eight languages most frequently spoken by LEP individuals nationally to enable landlords, housing providers, and creditors to inform LEP consumers and prospective tenants of the reasons their applications for credit or housing were denied.

- Designate a mailing address to submit complaints.

Although there are additional barriers encountered by victims of coerced debt that may not be resolved by the recommendations in this comment, the most significant systemic barriers will be addressed. As a result, more victims of coerced debt will have the ability to remedy the negative consequences of coerced debt.

National Survey on Barriers to Disputing & Blocking Coerced Debt

There is a growing body of academic and practice-based research on the prevalence, impact, and unique legal and financial systemic barriers to addressing coerced debt referenced through these comments.[4] However, to fill gaps in the research and obtain information on the specific barriers faced by victims of coerced debt when trying to address the credit impact of the coerced debt utilizing FCRA protections, the CDWG conducted a national survey in January 2025.

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[4] For a compilation of available research, *see CSAJ Coerced Debt Factsheet*, Center for Survivor Agency and Justice (Updated January 2025). Available at https://docs.google.com/document/d/1SDw81qhP895soWAP7nDThcHbEp3LbCTXtk180dKLYVI/edit?usp=sharing. Accessed February 28, 2025.

The CDWG first assessed the landscape of available research responsive to the questions listed in the ANPRM.[5] Then, a selection of CDWG members co-led by CSAJ and NCLC[6] designed a brief survey (2025 National Coerced Debt Survey) where additional information was needed. The survey included:

- Nine questions about respondent demographics, populations served, and estimated caseloads of clients with coerced debt;
- Six questions on specific barriers to disputing and obtaining a block on coerced debt from credit reporting agencies;
- Two questions about state-specific coerced debt legislation; and
- A handful of free-form text boxes to add narrative responses specific to prevalence, impact, barriers, and unique populations.

Over a two-week period, we received 206 responses from 40 States and the District of Columbia.[7] The majority of respondents were family or domestic violence attorneys (20%), followed by consumer rights or anti-poverty attorneys (14%), program managers or supervisors (13%), and direct (non-lawyer) survivor/client advocates (10%). Most worked in direct advocacy or service organizations such as civil legal services (36%), domestic violence programs (30%), or dual domestic/sexual violence programs (13%). The vast majority of respondents worked with domestic or sexual violence survivors (86%) and of these, the top populations served were BIPOC survivors (52%), LEP survivors (52%), people with disabilities (46%), and immigrants (40%). The top races/ethnicities of survivors served were White/Caucasian (61%), Black/African American (56%), and Hispanic/Latinx (53%).

Combined, respondents estimated they served approximately 2,570 people per month in 2024, half of whom had coerced debt, for an estimated total of 8,000 – 14,640 coerced debt victims served in 2024. Importantly, 80% of respondents said "no one" or at most "a few" of these coerced debt victims were successful in disputing coerced debt with CRAs. Ninety-nine (99%) said "no one" or "a few" successfully obtained a block on their coerced debt.

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[5] *See* "*Landscape of available research per the ANPRM*," Center for Survivor Agency and Justice and National Consumer Law Center (January 2025). Available at https://csaj.org/wp-content/uploads/2025/02/CFPB-ANPR-Coerced-Debt-Explainer.pdf. Accessed March 5, 2025.

[6] The survey was co-designed by Sara Wee of the Center for Survivor Agency and Justice, Carla Sanchez-Adams and Andrea Bopp Stark of the National Consumer Law Center, Claire Mooney of the Legal Aid Society, Briana Gordley of Texas Appleseed, and numerous reviewer members of the CDWG.

[7] *National Survey on Barriers to Disputing & Blocking Coerced Debt*, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

Detailed findings about the barriers at play, including narratives about survivor and advocate experiences, are referenced throughout these comments. *See* the Appendix for data tables on respondent characteristics and key findings.[8]

1. Coerced debt is a form of economic abuse that causes rippling economic harms that hinder survivors' long-term financial security and physical safety.

1.1 Economic abuse is a systemic problem.

Within the context of an abusive relationship, abusive partners employ different tactics to control their partners— including physical, emotional, psychological, and economic abuse.[9] Economic abuse involves "behaviors that control a person's ability to acquire, use or maintain economic resources," thereby destabilizing that person's financial security and making them more vulnerable to physical violence.[10]

Financial insecurity is the greatest barrier to safety for survivors and the top reason reported for remaining in or returning to an abusive relationship.[11] The economic impacts of abuse are not limited to a discrete incident but are often compounded by financial systems that create an economic ripple effect over the course of a survivor's lifetime, creating profound, long-term

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[8] To filter and view data by geographic region and population served, *see* 2025 National Survey data file. Available at https://www.dropbox.com/scl/fi/q1v7dxj63km00hksb66xf/CDWG-CFPB-Coerced-Debt-Survey_PUBLIC-DASHBOARD.xlsm?rlkey=notkf980plzle7pdiwhi4ku56&e=1&dl=0. Accessed March 5, 2025.

[9] Economic abuse occurs within the context of domestic violence, dating violence, and elder abuse, but the same dynamic exists in other situations where coercive control is present. Some of these situations include labor trafficking, sex trafficking, and where individuals may rely on a caretaker or guardian.

[10] Adams, A.E. et al. *Development of the scale of economic abuse*, 14 VIOLENCE AGAINST WOMEN 563 (2008).

[11] *See* Hess, Cynthia and Del Rosario, Alona. *A Survey on the Impact of Intimate Partner Violence on Survivor's Education, Careers, and Economic Security*, at 8, (2018). Available at https://iwpr.org/dreams-deferred-a-survey-on-the-impact-of-intimate-partner-violence-on-survivors-education-careers-and-economic-security/. Accessed February 28, 2025. *See also* Durrence, Amy, Doyle, Kirkley, & Passi, Sonya. *Making Safety Affordable: Intimate Partner Violence is an Asset Building Issue*, at 11 (2020). Available at https://www.freefrom.org/wp-content/uploads/2021/06/Making-Safety-Affordable.pdf. Accessed February 28, 2025.

barriers to the survivor's safety.[12] "There is no safety without economic security."[13] For survivors of domestic violence, safety often hinges on access to economic resources.[14] The real costs of safety include: relocation, new housing, having to change jobs or find a flexible employer, transportation, child care,[15] seeking legal protection from an abusive partner, and legal representation. And although anyone can experience domestic violence, women living in poverty (with annual incomes of less than $25,000) are nearly twice as likely to experience domestic violence as those who are not.[16] Tellingly, domestic violence is the leading cause of homelessness for women and families in the U.S.[17]

Nearly all survivors of intimate partner violence (94-99%) report experiencing economic abuse.[18] Economic abuse is so prevalent that it has been recognized by federal law. The Violence Against Women Act Reauthorized in 2022 defined economic abuse in the context of domestic violence, dating violence, and abuse in later life as:

> "behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to--
>
> > (A) restrict a person's access to money, assets, credit, or financial information;
> > (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

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[12] Shoener, S.J. and Sussman, E.A. *Economic Ripple Effect of Intimate Partner Violence: Building Partnerships for Systems Change*, Domestic Violence Report, (August/September 2013). Available at https://csaj.org/wp-content/uploads/2021/10/Economic-Ripple-Effect-of-IPV-Building-Partnerships-for-Systemic-Change.pdf. Accessed February 27, 2025.

[13] Sussman, E.A. & Wee, S. *Accounting for Survivors' Economic Security Atlas: An Atlas for Direct Service Providers,* (2016) at mapbook 1. Available at https://csaj.org/wp-content/uploads/2021/10/Accounting-for-Survivors-Economic-Security-Atlas-Mapping-the-Terrain-.pdf. Accessed February 28, 2025.

[14] Id.

[15] Access to resources such as transportation and childcare are among survivors' highest priorities in seeking safety and are also the primary factors in deciding whether and when to leave an abusive relationship. *See* Anderson, D. K., & Saunders, D. G.. *Leaving an abusive partner: An empirical review of predictors, the process of leaving, and psychological well-being*. Trauma, Violence, & Abuse, 4(2), 163–191 (2003). Available at http://doi.org/10.1177/1524838002250769. Accessed February 27, 2025; Strube, M. J., & Barbour, L. S. *The decision to leave an abusive relationship: Economic dependence and psychological commitment*. Journal of Marriage and the Family, 45(4), 785–793 (1983). Available at http://doi.org/10.2307/351791. Accessed February 27, 2025.

[16] Id.

[17] *Domestic Violence and Homelessness*, ACLU Women's Rights Project. Available at https://www.aclu.org/sites/default/files/pdfs/dvhomelessness032106.pdf. Accessed February 28, 2025.

[18] Adams, A.E. et al. *Development of the scale of economic abuse*, 14 VIOLENCE AGAINST WOMEN 563 (2008); Postmus, J.L. et al. *Understanding economic abuse in the lives of survivors*, 27 Journal of Interpersonal Violence 511 (2012); Adams, A.E. et al. *The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing of an Updated Measure of Economic Abuse in Intimate Relationships*. 10 Psychology of 3 (2019).

> (C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty."[19]

Economic abuse encompasses a variety of acts utilized by abusers to leverage the power and control they exert over a survivor and to exploit the survivor's financial status. This can take the form of limiting a survivor's access to employment, assets, income, joint bank accounts, or knowledge of household finances.[20]

1.2 Coerced debt is a form of economic abuse that damages survivors' credit records.

Though economic abuse spans a wide array of abusive behavior, damage to a survivor's credit record is one predominant tactic utilized by abusers. In a 2019 study, 46% of survivors reported that their credit report or score was hurt by the actions of an abusive partner.[21] Abusive partners exploit and/or damage a survivor's credit record through coerced debt.

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[19] 34 U.S.C.A. § 12291(a)(13).

[20] Littwin, Angela. *Coerced Debt: The Role of Consumer Credit in Domestic Violence*, 100 CAL. L. REV. 951, 981-982 (2012).

[21] Adams AE, Littwin, AK, Javorka, M. *The Frequency, Nature, and Effects of Coerced Debt Among a National Sample of Women Seeking Help for Intimate Partner Violence*. Violence Against Women. 2020 Sep;26(11):1324-1342. doi: 10.1177/1077801219841445. Epub 2019 Apr 22. PMID: 31007144. Available at https://pubmed.ncbi.nlm.nih.gov/31007144/. Accessed February 27, 2025.

Coerced debt refers to “all non-consensual, credit-related transactions that occur in a relationship where one person uses coercive control to dominate the other person.”[22] Coerced debt can take the form of fraudulent debt, incurred in the name of a survivor without their knowledge, and/or debt obtained through the abuser’s use of force, threat, and intimidation. Numerous studies show that half of all survivors of intimate partner violence report having coerced debt.[23] The 2025 National Coerced Debt Survey revealed a similar statistic— 200 direct service providers reported that approximately 47% of their clients had experienced coerced debt.[24]

Perpetrators of abuse use coerced debt to gain financial control over survivors’ current and future economic choices.[25] In addition to experiencing coerced debt, most survivors will experience reduced income and negative rental history from fleeing an abusive partner.[26] Loss of income and relocation costs impact a survivor’s ability to pay known coerced debt accounts. As a result, coerced debt compounds other financial hardships, creating long-term financial problems for survivors and limiting their options for safety.

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[22] Adams, Adrienne and Litwin, Angela. *Understanding Coerced Debt*. Available at https://csaj.org/wp-content/uploads/2022/10/CSAJ-CCD_Part-2_Understanding-Coerced-Debt.pdf. Accessed February 27, 2025.

[23] Adams, A.E. et al. *Development of the scale of economic abuse*, 14 Violence Against Women 563 (2008). Adams, Adrienne and Wee, Sara. “*Domestic Violence and Economic Well-being Study*,” (April 2021). Available at https://csaj.org/resource/domestic-violence-and-economic-well-being-study/. Accessed February 27, 2025. FreeFrom, *Survivors Know Best* (August 13, 2020). Available at https://www.freefrom.org/wp-content/uploads/2025/01/Survivors-Know-Best.pdf. Accessed March 5, 2025.

[24] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025. The group of respondents estimated they served 1,220 survivors with coerced debt each month in 2024.

[25] Littwin, Angela. *Coerced Debt: The Role of Consumer Credit in Domestic Violence*, 100 CAL. L. REV. 951, 981-982 (2012).

[26] Adams, Adrienne and Wee, Sara. “*Domestic Violence and Economic Well-being Study*,” (April 2021). Available at https://csaj.org/resource/domestic-violence-and-economic-well-being-study/. Accessed February 27, 2025.

Many survivors do not discover coerced debt accounts until after they have been placed for collection and their credit record has already been damaged.[27] For example, a 2020 survey of survivors reported that 2-in-3 survivors discovered coerced debt only after directly receiving a bill or after being contacted by a debt collector. [28] Another 25% of survivors say they found out about the debt by accidentally seeing or finding a bill or other mail, though it was not sent to them directly.[29]

By the time unpaid debts are discovered, survivors may already have consumer debt judgments that lead to wage garnishment and bank account restraint.[30] Because creditors, employers, and landlords routinely use credit reports and other consumer reports, survivors often face difficulties in obtaining housing, employment, utilities, and insurance.

1.3 Coerced debt impairs the ability of survivors to obtain housing and affordable credit.

As the CFPB knows, over 90 percent of landlords use credit history in screening tenants. [31] As a result, damage to credit reports and scores from coerced debt creates a significant barrier to safety for survivors. Even a relatively small amount of coerced debt can keep a domestic violence survivor out of safe and affordable housing— forcing a choice between staying in an abusive home or becoming homeless.

For example, a Bay Area Legal Aid client and her three children were living in a shelter with a secure address after fleeing her abusive husband. The abuser controlled their finances while they were together and did not make any payments on any of their debts. After escaping him, the survivor's poor credit history kept her and her children out of stable housing.

Even where government programs exist to aid survivors, damaged credit from coerced debt still poses a significant barrier. In New York City, survivors who are the recipients of government housing vouchers can still have their applications denied by landlords due to their credit, and

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[27] *Id.*

[28] Adams AE, Littwin AK, Javorka M. *The Frequency, Nature, and Effects of Coerced Debt Among a National Sample of Women Seeking Help for Intimate Partner Violence*. Violence Against Women. 2020 Sep;26(11):1324-1342. doi: 10.1177/1077801219841445. Epub 2019 Apr 22. PMID: 31007144. Available at https://pubmed.ncbi.nlm.nih.gov/31007144/. Accessed February 27, 2025.

[29] *Id.*

[30] Adams, Adrienne and Wee, Sara. "*Domestic Violence and Economic Well-being Study*," (April 2021). Available at https://csaj.org/resource/domestic-violence-and-economic-well-being-study/. Accessed February 27, 2025.

[31] TransUnion SmartMove, TransUnion Independent Landlord Survey Insights (Aug. 7, 2017). Available at www.mysmartmove.com/SmartMove/blog/landlord-rental-market-survey-insights-infographic.page. Accessed March 5, 2025. *See also* NCLC, *Digital Denials: How Abuse, Bias, and Lack of Transparency in Tenant Screening Harm Renters*, at 53-54 (Sept 2023) (survey of tenant advocates reporting use of credit information in screening for private housing, project-based and voucher subsidized housing). Available at https://www.nclc.org/wp-content/uploads/2023/09/202309_Report_Digital-Denials.pdf. Accessed March 5, 2025.

over two-thirds of domestic violence shelter residents require an extension past their maximum length of stay in shelter.[32]

Affordable housing providers in the San Francisco Bay Area also screen prospective tenants based on credit. In 2019, Bay Area Legal Aid reviewed tenant selection criteria from 90 affordable properties and found that most of the affordable housing providers applied criteria related to unsecured debts and payment histories. Such criteria included a maximum on the amount of defaulted debt an applicant can have, ranging from $1,000-$5,000; a percentage of accounts on a credit report that can be negative (33-35%); or a maximum number of negative accounts (5-7).[33]

Furthermore, survivors with coerced debt are often unable to obtain credit from traditional lenders. In a 2018 national study of 627 survivors in 13 states, almost half (49%) said their credit history kept them from getting things they needed or wanted, and almost 80% said their credit is never, rarely, or sometimes approved when checked for things like housing. [34] Many survivors also reported that they often or always have to pay a deposit to get utility service (46%) and pay high interest rates to borrow money (51%) because of their credit. [35]

As a result, some survivors are driven to borrow from predatory sources such as payday lenders or utilize other unsafe online lending products. These high-cost loans aggravate an already desperate financial situation, trapping survivors in insurmountable debt. This cascade of economic consequences deepens the financial hardships survivors face, exposing them to increased risk of violence.[36]

Coerced debt severely damages a survivor's credit and impedes a survivor's access to the economic resources needed to be safe. Rulemaking by the CFPB to address coerced debt under the Fair Credit Reporting Act is a critical step in removing the pernicious systemic barriers caused by the appearance of coerced debt on consumer reports, which would open opportunities for survivors to access economic and physical safety.

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[32] CAMBA Legal Services, Inc., Fordham Law School Feerick Center for Social Justice, & the Legal Aid Society, *Denied: How Economic Abuse Perpetuates Homelessness for Domestic Violence Survivors*, (September 2018). Available at https://www.fordham.edu/media/home/schools/school-of-law/pdfs/denied-accessible.pdf. Accessed February 27, 2025.

[33] Information on file with Bay Area Legal Aid.

[34] Adams, Adrienne and Wee, Sara. "*Domestic Violence and Economic Well-being Study*," (April 2021). Available at https://csaj.org/resource/domestic-violence-and-economic-well-being-study/. Accessed February 27, 2025.

[35] *Id.*

[36] Spearman KJ, Hardesty JL, Campbell J. *Post-separation abuse: A concept analysis.* J Adv Nurs. 2023 Apr;79(4):1225-1246. doi: 10.1111/jan.15310. Epub 2022 May 27. PMID: 35621362; PMCID: PMC9701248. Available at https://pubmed.ncbi.nlm.nih.gov/35621362/. Accessed February 27, 2025.

2. Coerced debt should not appear on consumer reports and should be treated as identity theft under the Fair Credit Reporting Act.

2.1 Coerced debt does not accurately reflect credit worthiness and should not appear on consumer reports.

The purpose of the Fair Credit Reporting Act (FCRA) is “to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information.”[37] Adopting changes to the definition of identity theft and identity theft report to encompass coerced debt will further the mission of the FCRA— to ensure that the consumer reporting system is “fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of [credit reporting] information.”[38]

Information regarding coerced debt is not predictive, nor should it be utilized to determine the creditworthiness of a victim of coerced debt. In fact, including coerced debt in a consumer report does just the opposite– it unfairly penalizes victims of coerced debt for debt that is not their own. The appearance of coerced debt on a consumer report is also inaccurate if the credit obligation cannot be attributed to the coerced debt victim.

As described in Section 1 above, coerced debt is obtained through fraud or through an abuser’s use of force, threat, and intimidation.

Coerced debt obtained <u>through fraud</u> that appears on a consumer report may be disputed and removed or blocked from a consumer report because it meets the current definition of identity theft under the FCRA.[39] Any information that appears on a report due to identity theft (fraud) should not appear on a consumer report because it is inaccurate, not predictive, and does not reflect the actual credit worthiness of the consumer.

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[37] 15 U.S.C. § 1681(b). *See also* S. Rep. No. 91-139 (1970); Hearings on H.R. 16340 Before the Subcomm. on Consumer Affairs of the H. Comm. on Banking & Currency, 91st Cong. (1970); Dea, FTC Informal Staff Opinion Letter (May 1, 1974).

[38] 15 U.S.C. § 1681(b).

[39] 15 U.S.C. § 1681a(q)(3); 12 C.F.R. § 1022.3 (i)(1).

Likewise, coerced debt obtained through the use of force, threat, or intimidation within the context of an abusive relationship should also be treated as identity theft under the FCRA. Victims of coerced debt do not provide effective consent to incur the debt. They are not willingly undertaking the credit obligation and cannot default on a credit obligation that is not truly their own. The coerced debt victim would not have otherwise obtained the credit or defaulted on the obligation but for the abuse. Because the debt is not a result of their own actions but rather a result of their partner's abusive actions, coerced debt is not predictive of a consumer's future behavior.

A recent study of 187 women going through a divorce in Texas supports the conclusion that coerced debt is not reflective of a survivor's creditworthiness.[40] The study examined the prevalence and impact of coerced debt, finding that 62% of the participants had coerced debt.[41] When debts flagged as coerced debt were removed from their credit reports, the majority of the participants' credit scores improved; for one-third of the participants, the credit scores improved by over 20 points, enough to lower the interest rate one would get on a mortgage.[42]

Furthermore, and as discussed in more detail in Section 2.2.2.2 below, some states provide relief from collection of coerced debt— whether incurred through fraud or force, threat, or intimidation. If a coerced debt is prohibited from being collected, then a coerced debt victim will have a greater ability to repay future credit and their debt-to-credit ratio will be lower. Conversely if the coerced debt continues to appear on the survivors' consumer report, then the information provides an inaccurate picture of the survivor's credit worthiness and therefore should not appear on the report. Accurate reports are not only supported by law and policy but, in the context of intimate partner violence, often serve as the difference between safety and vulnerability to violence.

2.2 Coerced debt should be treated as identity theft under the Fair Credit Reporting Act.

2.2.1 The CFPB has the authority to define identity theft under the Fair Credit Reporting Act and should include "effective consent" in the definition.

The FCRA defines identity theft as "a fraud committed using the identifying information of another person, subject to such further definition as the Bureau may prescribe, by regulation."[43] Regulation V states that "identity theft means a fraud committed or attempted using the

[40] Adams, A., Littwin, A., & Kennedy, A. *Addressing Coerced Debt in Divorce: A Discussion of Finding from the First In-Depth Study of Coerced Debt in Abusive Marriages*. Center for Survivor Agency & Justice (webinar) (2023). Available at https://csaj.org/resource/new-research-on-addressing-coerced-debt-in-divorce-findings-from-an-in-depth-study-of-coerced-debt/. Accessed February 27, 2025.

[41] *Id*.

[42] *Id.*

[43] 15 U.S.C. § 1681a(q)(3).

identifying information of another person without authority."[44] The FCRA does not define fraud, and different states have different interpretations of fraud. Although Regulation V includes the phrase "without authority," there is no further discussion on when authority is presumed to be given by a consumer.

As explained above in Section 2.1, coerced debt obtained through use of force, threat, or intimidation should be treated similarly as coerced debt obtained through fraud. Both types of coerced debt are committed using the identifying information of the survivor; the only difference is that in one instance the survivor has no knowledge of the credit transaction and in the other the survivor is forced/threatened/intimidated into the credit transaction. In neither case does the survivor truly consent to the debt, and in neither case does the credit transaction accurately reflect the credit worthiness of the survivor.

Because the CFPB has the authority to further define identity theft under the FCRA, we urge the Bureau to replace the phrase "without authority" and instead include the concept of "effective consent" to fully encompass the reality of coerced debt. We urge the CFPB to amend the definition of "identity theft" in Regulation V to the following:

> *(h)* ***Identity theft*** *means a fraud committed or attempted using the identifying information of another person without the effective consent of that person. Effective consent has not been provided if consent is:*
>
> > *(1) induced by force, threat, fraud, or coercion; or*
> >
> > *(2) given by an individual unable to contract by reason of incapacity or youth, unless consent is given by a person legally authorized to act on behalf of the individual and such action is not contrary to the best interests of the individual.*

Including the above proposed definition of identity theft will result in more accurate consumer reports and will enable victims of coerced debt to access the benefits of accurate reporting, including the ability to obtain credit and other economic resources. This will in turn help survivors move towards financial security and physical safety.

[44] 12 C.F.R. § 1022.3(h).

2.2.1.1 The concept of effective consent under Texas law supports amending the definition of identity theft.

"Effective consent" is a term of art that is often used in the context of crimes of fraud involving credit or debit card abuse and elderly financial abuse*.* Because many survivors have coerced debt in the form of credit card debt,[45] the concept of effective consent provides a beneficial and well-established framework.

As was referenced in the NCLC/CSAJ Petition for rulemaking,[46] the definition of identity theft in Texas includes the concept of effective consent.[47] The Texas model of integrating effective consent into the definition of identity theft has its roots in a much older law that used the same standard for the crime of credit and debit card abuse.[48] And the use of "effective consent" in the definition of credit and debit card abuse predates a 1973 law that codified the definition.[49] This long-standing law has proven effective in giving protection to people who do not provide effective consent because of force, threat, or fraud.[50] And, based on its tenure in the law, this standard has not had any unintended consequences. In fact, in addition to being adopted as part of the definition of identity theft in 2019, a similar standard was adopted for elder financial abuse in the Texas Penal Code in 2021.[51]

Though the definition of elder financial abuse in the Texas Penal Code does not include the term "effective consent," it includes the same concept. It states, "Financial exploitation may involve coercion, manipulation, threats, intimidation, misrepresentation, or the exerting of undue influence."[52] In describing the dynamics of elder abuse, which is comparable to other coercive and abusive relationships such as intimate partner violence, the bill analysis states:

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[45] The most common type of coerced debt held by survivors is credit card debt (49%), followed by auto loans (18%), personal loans (11%), student loans (5%), and utilities (3%). Adams, Adrienne and Wee, Sara. "*Domestic Violence and Economic Well-being Study*," (April 2021). Available at https://csaj.org/resource/domestic-violence-and-economic-well-being-study/. Accessed February 27, 2025.

[46] National Consumer Law Center and Center for Survivor Agency and Justice Petition for Rulemaking to Amend Identity Theft Definitions in the Fair Credit Reporting Act (Regulation V) (August 5, 2024). Available at https://www.regulations.gov/document/CFPB-2024-0037-0001. Accessed February 28, 2025.

[47] Texas Penal Code § 32.51; Texas Business and Commerce Code § 521.051.

[48] Texas Penal Code § 32.31. The law states that credit or debit card abuse occurs if the card is "not used with the effective consent of the card holder."

[49] *See* SB 34, 63rd Texas Legislative Session at p. 99. Available at https://lrl.texas.gov/LASDOCS/63R/SB34/SB34_63R.pdf#page=744. Accessed February 28, 2025.

[50] Texas Penal Code § 1.07(a)(19)(A).

[51] Texas Penal Code § 32.55.

[52] Texas Penal Code § 32.55 (a)(3).

> Due to the complexities of elder financial exploitation, many of the victims are left without restitution or any other means of legal protection…H.B. 1156 amends the Penal Code to create the offense of financial abuse of an elderly individual for a person who knowingly engages in the wrongful taking, appropriation, obtaining, retention, or use of money or other property of an elderly person or for a person who knowingly assists in such conduct, by any means, including by exerting undue influence ..."[53]

Texas treatment of effective consent in all the aforementioned statutes serves to support the use of effective consent in the definition of identity theft as proposed above.

2.2.1.2 Changes to the FCRA made by the Debt Bondage Repair Act support expanding the definition of identity theft.

In 2022, the CFPB amended Regulation V to provide protections to consumers who are victims of human trafficking as required by the Debt Bondage Repair Act (DBRA).[54] The DBRA created a new remedy for addressing any adverse information that resulted from trafficking.[55] More specifically, the DBRA provides that a consumer reporting agency (CRA) "may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency."[56]

The rationale behind the DBRA amendment to the FCRA is that adverse information related to trafficking should not appear on a report because the information would not accurately reflect the true credit worthiness of a trafficking victim.[57] Victims should not be penalized due to transactions for which there was no effective consent because of the coercive control the trafficker exerts over the victim.[58]

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[53] Bill Analysis, HB 1156, May 17, 2021: https://capitol.texas.gov/tlodocs/87R/analysis/html/HB01156E.htm

[54] 12 C.F.R. § 1022.142.

[55] 15 U.S.C. § 1681c-3.

[56] 15 U.S.C. § 1681c-3(b); 12 C.F.R. § 1022.142(c).

[57] *See* 87 FR 37700 (Jun. 24, 2022) at 37701-37702. Available at https://www.federalregister.gov/documents/2022/06/24/2022-13671/prohibition-on-inclusion-of-adverse-information-in-consumer-reporting-in-cases-of-human-trafficking ("Adverse consumer report information resulting from having been trafficked can reduce the ability of victims to take basic steps to obtain housing and employment and to move toward greater financial stability and independence."). Accessed February 28, 2025. *See also* Publish Law 106-386, 114 Stat. 1464 and 18 U.S.C. 1589 through 1591, which prohibits "severe forms of trafficking in persons" including "sex trafficking of children or by force, fraud, or coercion of adults, as well as forced labor trafficking with respect to involuntary servitude, peonage, debt bondage, or slavery."

[58] *Id.*

Trafficking victims are now afforded relief from the reporting of any adverse information on their consumer reports that resulted from a severe form of trafficking in persons or sex trafficking.[59] Consumer reporting agencies are prohibited from furnishing any consumer report containing charges or debt attributed to the victim because of trafficking after the trafficking victim submits the proper documentation.[60] This prohibition recognizes that victims of trafficking take on debt under pressure from traffickers without their "effective consent." Because such debt is compelled, forced, coerced, involuntary, and induced by force, trafficking victims receive protections that allow them to avoid being penalized.

In the same way that trafficking victims incur debt that is compelled, forced, coerced, involuntary, and induced by force, victims of coerced debt incur debt due to force, threat, or intimidation (i.e. without effective consent). It follows that survivors of intimate partner violence who have experienced coerced debt should be afforded the same protections under the FCRA that were established to make trafficking victims whole and justifies amending the definition of identity theft as proposed above.

2.2.2 Amending the definition of ID theft under the Fair Credit Reporting Act would provide nationwide protection.

While some victims of coerced debt are protected by state law, as discussed in more detail below, adding "effective consent" to the definition of identity theft in Regulation V would enable all coerced debt victims across the nation access to the identity theft remedies under the FCRA. It would also provide coerced debt victims more access to relief without the need for legal counsel, as discussed in more detail in Section 3.1.3 below.

2.2.2.1 Impact of Texas ID theft law on coerced debt victims in Texas: all survivors of coerced debt are treated as ID theft victims.

In 2019 and again in 2021, Texas adopted important changes to state law to help victims of coerced debt access the same relief provided to other victims of identity theft.[61] In 2019, state law clarified that identity theft perpetrated through coercion is fraud.[62] In 2021, the civil law definition was updated to mirror the criminal definition of identity theft, giving victims of coerced debt access to the full range of identity theft protections under state law.[63] Because of the 2021 change, victims of coerced debt can obtain state civil identity theft remedies without needing a police report, which had historically proven to be a barrier for many survivors.[64]

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[59] 15 U.S.C. § 1681c-3(b).

[60] 15 U.S.C. § 1681c-3(b); 12 C.F.R. § 1022.142(c).

[61] *See* HB 2697, 2019 Leg., 85th Sess. (Tx. 2019) and HB 3529, 2021 Leg., 87th Sess. (2021).

[62] Texas Penal Code § 32.51.

[63] Texas Business and Commerce Code § 521.051.

[64] For a more detailed discussion, *see* Section 3.1.1.1, *infra.*

These changes in Texas law have proven to be beneficial to victims of coerced debt, removing some of the institutional barriers that many survivors of abuse face when trying to address coerced debt through existing identity theft remedies. The 2025 National Coerced Debt Survey found that, nationally, 16% of advocates indicated survivors had meaningful success receiving a block for coerced debts compared to 23% in Texas.[65]

Nonetheless, practitioners in Texas have found that legal counsel is often necessary to compel CRAs and creditors to provide the relief to which victims of identity theft are entitled, as discussed in more detail in Section 3.1.3.

2.2.2.2 The impact of coerced debt laws in other states: not all coerced debt victims are treated as ID theft victims, though coerced debt may be a defense to liability or collectability.

Over the past several years, states including Maine, California, Minnesota, and Connecticut have passed coerced debt legislation in a variety of forms.[66] This is a grouping of states with diverse political climates – legislators on both sides of the aisle have recognized the importance of protecting victims from coerced debt.

In 2019, Maine amended its Fair Credit Reporting Act, requiring CRAs to remove any information on a consumer's report attributable to economic abuse after a consumer provides certain documentation.[67] Simultaneously, Maine amended its Fair Debt Collection Practices Act, requiring that debt collection activities cease on any debt or portion of a debt resulting from economic abuse if the consumer provides certain documentation.[68] After these laws passed, the Consumer Data Industry Association filed suit challenging the credit reporting law, which is still pending. As a result, victims of economic abuse in Maine cannot yet utilize the credit reporting law, but they can dispute debts with debt collectors.

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[65] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

[66] N.Y.C. Admin. Code § 8-102; Me. Rev. Stat. Ann. tit. 10, § 1310-H and Me. Rev. Stat. Ann. tit. 32, § 11014; Cal. Civ. Code §§ 1798.97.1 to 1798.97.6; Minn. Stat. §§ 332.71 to 332.75; and Conn. Pub. Act 24-77 (2024) (to be codified).

[67] Me. Rev. Stat. Ann. tit. 10, § 1310-H, 2-A. *See also* Me. Rev. Stat. Ann. tit. 14, § 6001, 6(H) for a list of acceptable documentation which includes, but is not limited to: (1) a statement signed by a Maine-based sexual assault counselor or a victim witness advocate; (2) a statement signed by a health care provider, mental health care provider or law enforcement officer, including the license number of the health care provider, mental health care provider or law enforcement officer if licensed; (3) a copy of a protection from abuse complaint or a temporary order or final order of protection; (4) a copy of a protection from harassment complaint or a temporary order or final order of protection from harassment; (5) a copy of a police report prepared in response to an investigation of an incident of domestic violence, sexual assault or stalking; and (6) a copy of a criminal complaint, indictment or conviction for a domestic violence, sexual assault or stalking charge.

[68] Me. Rev. Stat. Ann. tit. 32, § 11014, 2-A. *See also* Me. Rev. Stat. Ann. tit. 14, § 6001, 6(H).

In 2022, the California legislature passed a coerced debt law to provide a defense and a remedy for victims of domestic violence, elder abuse, and exploited foster youth who have incurred unsecured debts as a result of "duress, intimidation, threat of force, force, fraud, or undue influence."[69] The coerced debt law protects victims of coerced debt that would otherwise not be covered by the California Identity Theft Act[70] because, for example, the ID theft act requires a showing that the debtor did not "use or possess" the goods or services obtained by the ID theft.[71] The 2022 coerced debt law lists the types of documents that qualify as "adequate documentation" to prove coerced debt, including an FTC Report.[72] This is critically important because not all victims have access to filing a police report, discussed in more detail in Section 3.1.1.2. After receiving such documentation, creditors must investigate a victim's coerced debt claim.[73]

In 2023, the Minnesota Legislature passed the Coerced Debt Act, which provides a judicial remedy and affirmative defense for victims of coerced debt.[74] The law prohibits a person from causing another person to incur coerced debt and makes the perpetrator liable to the creditor.[75] It defines "coerced debt" as debt "incurred through the use of the debtor's personal information without the debtor's knowledge, authorization, or consent; the use or threat of force, intimidation, undue influence, fraud, deception, coercion, or other similar means against the debtor; or economic abuse perpetrated against the debtor."[76] Under the law, a victim may seek and obtain a declaratory judgment that the debt is coerced debt and an injunction prohibiting the creditor from holding the victim liable for the coerced debt or enforcing a judgment related to the coerced debt.[77]

In 2024, Connecticut passed a law that makes someone who knowingly causes another individual to incur a coerced debt civilly liable for that debt and possibly liable for attorneys' fees.[78] It establishes a process by which a victim of coerced debt can notify the "claimant"

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[69] Cal. Civ. Code § 1798.97.1(d).

[70] Cal. Civ. Code. § 1798.92 *et. seq.*

[71] Cal. Civ. Code § 1798.92(d).

[72] Cal. Civ. Code § 1798.97.1(a). These documents include: (1) a police report; (2) a FTC identity theft report; (3) a court order relating to domestic violence, a dependent or ward of the juvenile court, or to elder or dependent adult abuse; and (4)(A) a sworn written certification from a qualified third-party professional based on information they received while acting in a professional capacity, signed by the qualified third-party professional and displaying the letterhead, address, and telephone number of the office, institution, center, or organization, that engages or employs the qualified third-party professional.

[73] Cal. Civ. Code § 1798.97.2.

[74] Minn. Stat. §§ 332.71 - 332.74

[75] Minn. Stat. § 332.72.

[76] Minn. Stat. § 332.71.

[77] Minn. Stat. § 332.74.

[78] *See* Conn. Pub. Act 24-77 (2024) (to be codified).

(creditor/debt collector) about the coerced debt, and the claimant must suspend collection of the debt until it can complete a review.[79] If the claimant determines in good faith that the debt was coerced, they must permanently cease collection and notify any CRA to which they previously reported information about the debt to delete such information.[80]

There are also efforts in other states to address coerced debt. Currently, Vermont,[81] Massachusetts,[82] Illinois,[83] Nevada,[84] Colorado,[85] and New York[86] have introduced legislation addressing coerced debt.

Despite changes in state law, victims of coerced debt continue to face resistance from CRAs and furnishers. CRAs refuse to block coerced debt found in survivors' consumer reports. Likewise, CRAs and furnishers have not uniformly responded to disputes for claims of coerced

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[79] *Id.*

[80] *Id.*

[81] Vermont House Bill H0385 (creates a framework for victims of coerced debt to dispute and cease collection of the coerced debt). Available at https://legislature.vermont.gov/Documents/2026/Docs/BILLS/H-0385/H-0385%20As%20Introduced.pdf. Accessed February 28, 2025.

[82] Massachusetts SD 1745 and HD2894 (addresses economic abuse by family members, household members, caretakers or anyone in a position of power, by providing protections and remedies for victims including cessation of collection efforts on coerced debt upon submission of certain documentation and specific civil legal remedies.) Available at https://malegislature.gov/Bills/194/SD1745. Accessed February 28, 2025.

[83] Illinois SB 2283 (protect debtors from coerced debt by mandating collection agencies to review and cease collection efforts upon receipt of sufficient evidence, and establishing clear procedures and liabilities for all parties involved). Available at https://www.ilga.gov/legislation/BillStatus.asp?DocNum=2283&GAID=18&DocTypeID=SB&SessionID=114&GA=104. Accessed February 28, 2025.

[84] Nevada BDR 52-599 (upon notification and certain documentation, requires creditors to cease collection of coerced debt and reporting agencies to investigate and remove the debt from the report.) Available at https://www.leg.state.nv.us/Session/83rd2025/BDR/BDR83_52-0599.pdf. Accessed February 28, 2025.

[85] Colorado HB25-1194 (requires a creditor, debt collector, or debt collection agency to cease collection of a debt if a consumer provides written notification that the debt is the result of economic abuse or coerced debt and provides a written statement of coerced debt and sufficient documentation.) Available at https://leg.colorado.gov/bills/hb25-1194#:~:text=Sections%202%20and%205%20of,result%20of%20economic%20abuse%20or Accessed February 28, 2025.

[86] New York: N.Y. Legis. S. S-1353, Reg. Sess. 2025-2026 https://www.nysenate.gov/legislation/bills/2025/S1353. Accessed February 28, 2025; *see also* N.Y. Legis. Assem. A-3038, Reg. Sess. 2025-2026. Available at https://www.nysenate.gov/legislation/bills/2025/A3038. Accessed February 28, 2025. These bills include procedures for survivors to dispute coerced debts with creditors to cease collection of coerced debts from survivors and stop reporting those debts to credit reporting agencies, a cause of action for survivors to seek a declaratory judgment against a creditor that a debt is coerced and the survivor is not liable for it, and a coerced debt defense in consumer credit actions.

debt under 15 U.S.C. § 1681i. As discussed in more detail in Sections 3.1.1 and 3.1.2 below, sometimes CRAs remove adverse information caused by coerced debt on a victim's consumer report, while other times, they verify the information and allow it to remain on the consumer report.

Amending the definition of identity theft under Regulation V would set a clear and consistent national standard. This would serve to ensure that all victims of coerced debt across the nation, no matter the state in which they reside, have access to the protections keeping coerced debt off their credit reports. This, in turn, will remove a significant barrier victims of coerced debt face in addressing the negative credit impact of coerced debt.

3. The proposed rulemaking would address current problems victims of coerced debt encounter with the consumer reporting system.

3.1 Coerced debt victims face significant barriers when attempting to block or remove coerced debt under the FCRA.

As previously discussed in this comment, only some victims of coerced debt can utilize the identity theft (ID theft) provisions of the FCRA. And even when coerced debt victims do utilize the FCRA ID theft provisions or dispute a debt under the FCRA's reinvestigation procedures,[87] CRAs and furnishers regularly refuse to accept the documentation provided by victims of coerced debt or disregard the disputes because they believe the coerced debt victims obtained or benefitted from a coerced debt transaction.

In the 2025 National Coerced Debt Survey, none of the respondents who worked with victims of coerced debt reported that the clients they worked with were always successful at disputing or blocking coerced debt using existing consumer reporting dispute systems and processes.[88] In fact, nearly all respondents (97-99%) said none of their clients were successful; at most, "a few" were successful in removing or blocking coerced debt.[89] And 15% of respondents said that consumer reporting agencies "often/always" refuse to block coerced debt from survivors' consumer reports, even for those who have submitted a police report—an especially onerous requirement not supported by law, as explained below.

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[87] *See* 15 U.S.C. § 1681i; 15 U.S.C. § 1681s-2b.

[88] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

[89] *Id.*

These survey results show that coerced debt victims face many barriers in addressing the negative credit impact of coerced debt. The two most common barriers identified by respondents were the complexity of the dispute process (79-83%) and difficulty gathering additional financial information (68%).[90]

3.1.1 Because victims of coerced debt encounter problems with documentation supporting an ID theft claim, the CFPB should amend the definition of "Identity Theft Report."

Even though Regulation V currently provides some guidance as to the types of documents that suffice as an identity theft report,[91] coerced debt victims still find that CRAs do not often accept the documents as proof of identity theft. As one respondent to the 2025 National Coerced Debt Survey explained:

> I am a survivor myself and attempted to block coerced debt on my report. I submitted police reports, divorce documents, and financial reports. The credit bureaus would add a note to the debt, but would not block it. My credit score that had always been in the 800s dipped into the 500s, because he stopped paying the mortgage on the house he got in the divorce and was supposed to finance, but never did… The system is broken and doesn't care about abuse survivors.[92]

3.1.1.1 Victims of coerced debt find that the documentation they provide as an "identity theft report" is not often accepted.

A consumer must submit a copy of an identity theft report to a consumer reporting agency to receive an identity theft block under the FCRA.[93] An "identity theft report" under the FCRA "has the meaning given that term by rule of the Bureau, and means, at a minimum, a report— (A) that alleges an identity theft; (B) that is a copy of an official, valid report filed by a consumer with an appropriate Federal, State, or local law enforcement agency, including the United States Postal Inspection Service, or such other government agency deemed appropriate by the Bureau; and (C) the filing of which subjects the person filing the report to criminal penalties relating to the filing of false information if, in fact, the information in the report is false."[94]

Regulation V modifies the statutory definition by including language that an identity theft report "may include additional information or documentation that an information furnisher or consumer

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[90] *Id.*

[91] *See* 12 C.F.R. §1022.3(i).

[92] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

[93] 15 U.S.C. § 1681c-2(a)(2).

[94] 15 U.S.C. § 1681a(q)(3).

reporting agency reasonably requests for the purpose of determining the validity of the alleged identity theft…"[95] This allows CRAs and furnishers to use their discretion to determine what they believe is a "reasonable request" for additional documents and puts the burden on the victim to jump through multiple hoops in the hope of gaining relief. This discretion has created a significant barrier for victims of coerced debt in requesting a block or disputing the debt on their credit reports.

For example, CRAs regularly refuse to block information incurred by identity theft unless a consumer includes a police report with their request, even though the definition of identity theft report includes other types of documentation besides a police report. As the 2025 National Coerced Debt Survey highlights, over 80% of respondents said their clients often/always or sometimes are afraid to request a police report.[96] Yet many CRAs insist on a police report with very specific information, including an officer's signature.

One respondent wrote:

> Survivors who are uncomfortable filing a police report often have a much more difficult time obtaining blocking or even removing coerced debt from credit reports. We routinely assist clients with preparing an FTC Identity Theft report to include with their dispute/blocking demand but CRAs will routinely refuse to block with this identity theft report."

Another stated:

> We try to use the FTC Identity Theft report format rather than filing police reports. That should be sufficient, but credit reporting agencies are reluctant to treat the disputes as legitimate without the police report."[97]

This refusal to accept other documentation of identity theft, such as a Federal Trade Commission Identity Theft Report (FTC ID theft report),[98] may violate the FCRA. Note that the FTC has stated in the past that its Identity Theft Report could be used in place of a police report.[99] Yet CRAs and furnishers still persist in imposing this requirement on consumers.

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[95] 12 C.F.R. § 1022.3(i)(1)(iii).

[96] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed March 4, 2025.

[97] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed March 4, 2025.

[98] The Federal Trade Commission now utilizes the term "identity theft report," but the form used to be called an "identity theft affidavit." As a result, advocates and lawyers sometimes use the terms "FTC ID theft report" or "FTC ID theft affidavit" to describe the same form.

[99] Gressin, Seena. Fed. Trade Comm'n, Div. of Consumer & Bus. Education, Most ID Theft Victims Don't Need a Police Report (Apr. 27, 2017), *available at* https://www.militaryconsumer.gov/blog/most-id-theft-victims-dont-need-police-report ("In most cases, you can use your Identity Theft Report in place of a police report to clear your account and credit records of transactions that resulted from the identity theft.").

As one attorney shared:

> Despite what the law says they should do, the credit reporting agencies still largely rely on the furnishing creditor to give them the OK to delete/block accounts as identity theft transactions. My clients who are survivors are usually able to get the debts that have progressed to secondary collection (i.e. junk debt buyers) to cease collection if they avail themselves of the FTC identity theft affidavit process in disputing via the credit reporting agencies prior to when a collection lawsuit is filed. However, primary creditors are much less likely to accept these reports as legitimate and will thus verify the debts when the survivor disputes them to the credit reporting agencies.[100]

In the 2025 National Coerced Debt Survey, respondents working with victims of coerced debt reported that CRAs often refused documentation other than police reports but also sometimes refused to block coerced debt even with a police report:[101]

- In disputes, 20% said CRAs will not accept documentation of coerced debt from anyone other than police/law enforcement.
- In requesting to block coerced debt, 27% said CRAs refuse to block when a survivor only submitted an FTC Identity Theft Report and 24% when they only use a court order to support the request (e.g. divorce judgment/decree, debt collection suit order, ID theft order).
- At the same time, 14% still said CRAs refuse to block coerced debt even with a police report. As one consumer lawyer from the District of Columbia shared in the 2025 National Coerced Debt Survey:

  > [A] client's husband had forged her name on his student loan documents. She did not discover the loan and the forgery until their divorce proceedings. She filed a report with the police and the FTC, then submitted the reports to the credit reporting agencies, but they refused to block the student loan.[102]

We urge the CFPB to modify Regulation V to state that CRAs and furnishers cannot require only one type of law enforcement report, such as a police report, to the exclusion of other types of reports. The regulation should also explicitly state the types of documents that would be considered sufficient documentation.

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[100] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

[101] *Id.*

[102] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

Regulation V provides four examples of when it would or would not be reasonable to request additional information or documentation.[103] We urge the CFPB, either in these examples or in other regulatory text, to specifically state that a completed FTC ID theft report is per se sufficient documentation of identity theft and that it is not reasonable to demand a police report or other law enforcement report.

3.1.1.2 Survivors of coerced debt often face barriers in obtaining police reports.

It is not always possible for victims of coerced debt to file or obtain a police report. Survivors of domestic violence may attempt to file police reports and have their reports dismissed, their credibility questioned, and their safety put at risk.[104] Some survivors do not feel safe reporting identity theft to the police because they fear retaliation from their abuser. Some do not feel comfortable interacting with the police because of bad experiences in the past— either their own or involving people they know. A survey of National Domestic Violence Hotline callers showed that a majority of domestic violence survivors are afraid to report crimes due to concerns that the police will not help and may cause additional harm.[105] For respondents who did call the police about a crime, the majority believed they were discriminated against based on identifiers such as race, gender, income, or disability.[106]

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[103] *See* 12 C.F.R. §1022.3(i)(3).

[104] In a recent Texas study, less than half of divorcing women with coerced debt were willing to utilize consumer legal remedies to address coerced debt when the requirement of a police report was mentioned. *See* Adams, A., Littwin, A., & Kennedy, A. *Addressing Coerced Debt in Divorce: A Discussion of Finding from the First In-Depth Study of Coerced Debt in Abusive Marriages*. Center for Survivor Agency & Justice (webinar) (2023). Available at https://csaj.org/resource/new-research-on-addressing-coerced-debt-in-divorce-findings-from-an-in-depth-study-of-coerced-debt/. Accessed February 27, 2025.

[105] *See* Goodmark, Leigh. *Survivors of Domestic Violence Report Feeling Less Safe After Contacting Law Enforcement,* National Domestic Violence Hotline (2022). Available at https://www.thehotline.org/news/survivors-of-domestic-violence-report-feeling-less-safe-after-contacting-law-enforcement/. Accessed February 27, 2025. Survey respondents reported concerns that the police will not believe them or will blame them, arrest them as a “mutual aggressor,” report them to child protective services or to immigration authorities, or escalate the situation without providing meaningful protection.

[106] *Id.*

Communities of color are less likely to access law enforcement due to the disproportionately negative impact of the criminal justice system on their communities.[107] Similarly, immigrant survivors may be unwilling to seek a police report given fears of deportation or other risks to their immigration status.[108]

Attorneys from Bay Area Legal Aid (CA), Texas RioGrande Legal Aid (TX), and CAMBA Legal Services (NY) heard from victims of coerced debt who attempted to go through the required steps of filing a police report only to have the police refuse to take down the report or to take down incomplete or incorrect information.[109]

Many Texas advocates have found that some police departments refuse to accept an identity theft report for debts incurred within the context of an abusive intimate partner relationship. In fact, one former Texas RioGrande Legal Aid attorney representing a victim of coerced debt had to file a complaint on behalf of her client to the chief of police of El Paso. The survivor had attempted to file a police report on identity theft, but the responding police officer refused to take down the report; contacted the survivor's abuser even after she informed the officer that she feared for her safety and that of her daughter who had been sexually assaulted by the abuser; and accused the survivor of lying to the officer and threatened to charge her with perjury.

Before the passage of California's coerced debt law, an attorney with Bay Area Legal Aid met with a woman who had just left her abusive husband after he threatened her and the children with a firearm. While searching for a place to live, she checked her credit and discovered coerced debt. She had not been aware of some of the accounts, and there were others she

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[107] For example, Black survivors are more unlikely to call police due to fear of violence and also reported difficulty with law enforcement, courts and social services. Mitchell, Olivia. "*Domestic violence survivors from marginalized communities report more difficulty getting help, survey finds*," *(*February 24, 2022). Available at https://www.cleveland.com/news/2022/02/domestic-violence-survivors-from-marginalized-communities-report-more-difficulty-getting-help-survey-finds.html. Accessed February 28, 2025. *See also* Ghandnoosh, Nazgol & Barry, Celeste. *"One in Five: Racial Disparity in Imprisonment — Causes and Remedies,"* The Sentencing Project (Dec. 7, 2023). Available at https://www.sentencingproject.org/publications/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/. Accessed February 28, 2025; Nembhard, Susan & Robin, Lily. "*Racial and Ethnic Disparities throughout the Criminal Legal System*," Urban Institute (Aug. 2021). Available at https://www.urban.org/sites/default/files/publication/104687/racial-and-ethnic-disparities-throughout-the-criminal-legal-system.pdf. Accessed February 28, 2025.

[108] *See* "*New ACLU Report Shows Fear of Deportation is Deterring Immigrants from Reporting Crimes*," ACLU, (May 3, 2018). Available at https://www.aclu.org/press-releases/new-aclu-report-shows-fear-deportation-deterring-immigrants-reporting-crimes. Accessed February 28, 2025. Full report: "*ACLU, Freezing Out Justice: How immigration arrests at courthouses are undermining the justice system*," (May 3, 2018) available at https://www.aclu.org/publications/freezing-out-justice. Accessed February 28, 2025. *See also* Becerra, David, Wagaman, Alex A. et. al.. "*Policing immigrants: Fear of deportations and perceptions of law enforcement and criminal justice*." Available at https://socialwork.asu.edu/sites/default/files/2022-08/report-_policing_immigrants-_fear_of_deportation_and_perceptions_of_law_enforcement_and_criminal_justice-_reduced.pdf. Accessed February 28, 2025.

[109] These attorneys include the authors and contributors of these comments, who recount the examples in this section from their own experiences with clients.

previously knew about but over which she had no control. All accounts were opened by her ex-husband, and he would not let her keep a physical card or open any of the mail that came to the house. Therefore, she never saw the statements. Her abuser would hand her a credit card to use when she was going to buy groceries and then take it back after the shopping trip. After discovering that her abuser had stolen her identity and opened accounts in her name, the survivor tried to make a police report. The police would not process it online because she named a suspect. When she went in person, the officer refused to take her report because the suspect was her husband, and a spouse “cannot steal your identity.” Bay Area Legal Aid assisted her with submitting an FTC ID theft report, and after working with her on many, many rounds of disputes, she was finally able to get the accounts closed and removed from her credit.

In some jurisdictions, it may be logistically challenging to file a police report about identity theft, especially when the victim knows the person who used their identity without permission. For example, in San Francisco, victims of coerced debt have been told they can only file a report of identity theft in person, at a particular location. CAMBA Legal Services in New York City reports that the police have repeatedly required survivors to provide documentation of the alleged identity theft that is difficult or even impossible for the survivor to obtain, such as sworn affidavits from financial institutions and receipts from fraudulent transactions. The Legal Aid Society (NY) has worked with survivors in New York City who have struggled immensely to obtain a police report because they have been repeatedly instructed to go from one precinct to another due to jurisdictional issues, resulting in additional costs to the survivor such as time off work, childcare costs, and transportation. Each of these financial costs depletes survivors of resources, leaving them with fewer options for safety.

An even more challenging situation arises for victims of coerced debt who were forced to incur the debt through intimidation, threats, and/or violence.

Bay Area Legal Aid and Texas RioGrande Legal Aid have heard from domestic violence survivors who were forced to incur debt related to their abusers’ cars. Additionally, some survivors of domestic violence have reported to The Legal Aid Society that their abusers collaborated with creditors to force survivors to take on debt using threats and coercion.

In situations like these, where survivors knowingly—though unwillingly—signed contracts, survivors may not be able to file a police report for identity theft. Though state law may provide some relief and a victim of coerced debt could try to obtain a court order,[110] survivors of domestic violence may face barriers in accessing the courts or have experienced past negative interactions with the courts.[111]

3.1.1.3 The CFPB should expand the types of documents permitted to qualify as an identity theft report.

Just as the CFPB has the authority to further define "identity theft" to include the concept of "effective consent," the CFPB also has the authority to define what documents constitute an "identity theft report" under Regulation V.[112] To address the barriers experienced by coerced debt victims as described above, the CFPB should broaden the allowable categories of documentation that qualify as an "identity theft report" and provide specific examples.

In determining which types of documents should qualify as an identity theft report, the CFPB should take into consideration the unique safety needs of survivors of domestic violence and victims of coerced debt by extension. For example, a victim of coerced debt may still be in an abusive relationship because the impact of the coerced debt on the victim's credit record may impede the victim's ability to secure housing. Or the victim of coerced debt may be in transition or hiding their location from their abusive partner. They may have obtained a confidential address or changed their Social Security Number or name. These issues may be related to ongoing threats to their safety, the trauma associated with the abuse, evidence of their victimization that is available on the internet,[113] or stigma associated with their victimization.

The best, least restrictive, most confidential, and safest approach in determining what kinds of documents to allow to qualify as identity theft reports for victims of coerced debt is to allow survivors to provide self-attestation. A survivor's sworn statement should be sufficient to show that their debt was coerced and qualify as an identity theft report.

Regulation V provides examples of when it would or would not be reasonable to request additional information after a victim submits certain documentation and mentions that the Bureau's Identity Theft Affidavit and the Federal Trade Commissions' Identity Theft Report are

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[110] *See* Sections 2.2.2.1 and 2.2.2.2, *supra.*

[111] For example, in a national study during the height of COVID-19 in 2020, the vast majority of advocates reported multiple barriers to accessing justice for financial and safety matters: from operating hours, virtual options, not allowing advocate accompaniment, cases deemed non-emergent, no language access, inconsistent or inadequate policy response, inadequate notification by court systems, to being threatened with deportation or other legal action. *See Economic Impact of COVID on Domestic and Sexual Assault Survivors Survey: A Dashboard for the Anti-Violence Field* (August 15, 2020). Available at https://csaj.org/covid-19-data-dashboard/. Accessed February 28, 2025.

[112] 15 U.S.C. § 1681a(q)(3); 12 C.F.R. § 1022.3(i)(1).

[113] Survivors may change their names so that they are not recognized.

“valid and sufficient”; however, the Regulation does not explicitly state that these forms are per se sufficient documentation by themselves to constitute an Identity Theft Report.[114] As discussed in Section 2.2.1 above, this has caused significant burdens for victims of coerced debt.

As a result, the CFPB should specify in Regulation V that a FTC Identity theft report is an identity theft report, and it is not reasonable for a CRA to request additional information after the FTC identity theft report has been provided by an identity theft victim.

In addition, Regulation V refers to a “Bureau identity theft affidavit,” but it appears the CFPB has not issued such a document. We recommend that the CFPB develop such a form affidavit and state in Regulation V that it, along with the FTC’s identity theft report, constitutes a valid “identity theft report” without the need for a CRA to request additional information. We suggest that the CFPB’s form affidavit be created as a method of self-attestation to be utilized by a survivor or third parties such as:

- A physician, physician assistant, psychiatrist, psychologist, social worker, nurse, therapist, or clinical professional counselor all of whom are licensed to practice in any state; or
- A person who advises or provides services to persons regarding domestic violence, family violence, human trafficking, or abuse of children, the elderly, or dependent adults; or
- A member of the clergy of a church, religious society, or denomination; or
- A school teacher or administrator; or
- An employer.

Because coerced debt victims face so many obstacles related to identity theft reports, they will greatly benefit from these proposed changes.

[114] 12 C.F.R. § 1022.3(i)(3)(ii). (“A consumer might provide a law enforcement report similar to the report in Paragraph (i)(1) of this section but certain important information such as the consumer's date of birth or Social Security number may be missing because the consumer chose not to provide it. The information furnisher or consumer reporting agency could accept this report, but it would be reasonable to require that the consumer provide the missing information. The Bureau's Identity Theft Affidavit is available on the Bureau's Web site (consumerfinance.gov/learnmore/). The version of this form developed by the Federal Trade Commission, available on the FTC's Web site (ftc.gov/idtheft), remains valid and sufficient for this purpose.”).

3.1.2 Victims of coerced debt do not receive a benefit from the debt, and the CFPB should provide clarity about when a consumer reporting agency can decline a request to block information that resulted from identity theft.

If a consumer seeks to receive a block related to identity theft under the FCRA, the consumer must include a statement that the information they request to be blocked is not information relating to any transaction by the consumer.[115] Additionally, a consumer reporting agency may decline a request to block any information resulting from identity theft if the consumer "obtained" possession of goods, services, or money as a result of the blocked transaction or transactions.[116]

Both provisions could be used by CRA to deny much-needed relief to victims of coerced debt. A CRA could argue that a victim of coerced debt was "involved" in a transaction because they were forced, threatened, or coerced into the transaction by their abusive partner. Similarly, a CRA could argue that a victim of coerced debt "obtained" possession of goods, services, or money by virtue of being in the same household as the abuser, even where the victim of coerced debt may not have benefited from the transaction and may have even been denied access to the good, service, or money.

Bay Area Legal Aid, CA regularly hears from domestic violence and elder abuse survivors who face pushback from financial institutions when they try to dispute debt that abusers incurred in their names. Advocates have seen creditors deny fraud disputes and verify debts to the CRAs because the consumer shared an address with the abuser, assuming from this fact that the survivor actually received account statements and must have been aware of the unauthorized charges or accounts opened in their name. Similarly, one respondent to the 2025 National Coerced Debt Survey shared that a "client who was in a same-sex marriage was denied in a credit reporting dispute, despite the existence of a police report, inconsistent contact information, and affidavit from abuser regarding the coerced debt, based on the fact the original credit card application contained the same address as client."[117]

Attorneys from Bay Area Legal Aid and Texas RioGrande Legal Aid have also seen creditors deny disputes and verify debts based on account activity, claiming that the disputed charges are consistent with the survivor's own account activity. It is consistent with economic abuse that an abuser would make charges at the same store as the survivor or that the abuser would live at the same address as the survivor. Yet these are common reasons CRAs and furnishers disregard a coerced debt victim's identity theft claim.

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[115] 15 U.S.C. § 1681c-2(a)(4).

[116] 15 U.S.C. § 1681c-2(c)(1)(C).

[117] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

One Bay Area Legal Aid client had tried calling her bank when she first learned that her credit card balance was much higher than it should have been. When the customer service person described some of the charges, the client wondered aloud if her boyfriend had used her card. Because the likely suspect for the unauthorized charges was the client's boyfriend, the customer service person did not open a dispute for her. Later, in litigating the ensuing collection case—where the client asserted a defense of identity theft and economic abuse—lawyers for the bank pointed to this phone call to argue that the client had accepted responsibility for her abusive partner's charges.

Many clients of Texas RioGrande Legal Aid (TRLA) had similar stories. One TRLA client had to resort to litigation to resolve a dispute on a coerced debt account with Wells Fargo because they kept insisting she opened the credit account she was disputing. The credit card account was linked to a joint bank account the survivor and her abusive husband shared. In reality, the survivor never had access to the joint bank account except for when her abusive husband allowed her possession of the debit card. She would only be allowed to use the debit card for a limited time and purpose, and then she had to return the card to him. The only reason the joint account was also in her name was because she was the sole income earner and he forced her to have her paychecks deposited into that account for his sole control. Wells Fargo maintained that because her name was on the joint bank account as well as the linked credit card account she must have obtained goods and services and benefited from the transactions.

A victim of coerced debt should not be considered to have benefited from that debt simply by virtue of being in a relationship or sharing a household with the person who truly incurred that debt. Abusers typically are in control of the finances in the household, as illustrated in the stories above. Likewise, they often control the goods and services that come into the household— often carefully controlling when a survivor can use money to carry out discrete errands, such as when a client's ex-husband gave her a credit card to go grocery shopping and then immediately took it back after she returned from the store.[118]

Regulation V should be modified to prevent consumer reporting agencies from ignoring or delaying investigation of disputes by coerced debt victims simply on the basis that they lived with or were in a relationship with their abuser. The CFPB should specify in Regulation V that:

- An identity theft victim is not involved in a transaction and has not obtained goods, services or money when effective consent is not present, such as when an application for credit is obtained through force, threat, or coercion; and

- An identity theft victim who does not provide effective consent does not obtain goods, services, or money simply by virtue of residing in the same household as or being in a familiar or intimate relationship with the thief.

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[118] Both Bay Area Legal Aid and Texas RioGrande Legal Aid attorneys had clients with this fact pattern.

3.1.3 Victims of coerced debt often need legal representation to obtain relief under the FCRA, which is difficult for them to obtain.

Because of the barriers mentioned in Sections 3.1.1 and 3.1.2, victims of coerced debt often need legal representation to obtain relief under the FCRA. Yet the amendments proposed in these comments and by the petition for rulemaking would address many of the challenges faced by victims of coerced debt in requesting a block and disputing coerced debt.

The more streamlined and simpler the process to dispute and challenge coerced debt, the more victims it will reach. And when more coerced debt victims obtain the relief they deserve under the law, then more coerced debt victims will succeed in navigating the systems that rely on credit histories and scores— such as renting an apartment, obtaining affordable insurance, and finding a job.

Because victims of coerced debt in Texas were often unable to obtain relief from coerced debt on their own, the Texas Coalition on Coerced Debt launched a pilot, currently on-going, to help survivors navigate the myriad of challenges associated with disputing and resolving coerced debt. The pilot has attempted to connect victims of coerced debt with pro bono counsel to help assist with disputing and addressing coerced debt. Preliminary findings indicate that the process of recruiting pro bono attorneys and connecting survivors with legal support is more difficult than expected. Some of the difficulties are related to conflicts of interest on the part of pro bono attorneys who represent financial institutions; other difficulties relate to the complexities faced by survivors of trauma as they navigate the recovery process.

This effort to equip survivors with legal advocacy is incredibly important. However, if the CFPB undertook rulemaking under Regulation V and made the changes proposed in these comments, coerced debt victims would gain clarity in the legal rights and protections available to them. The process to address coerced debt under the FCRA would also be simplified, enhancing access to justice for coerced debt victims and making legal representation less necessary.

3.2 Victims of coerced debt cannot rely on other federal statutes to address the credit impact of coerced debt.

Victims of coerced debt cannot rely on other federal statutes like the Fair Credit Billing Act (FCBA) or the Fair Debt Collection Practices Act (FDCPA) to address the credit impact of coerced debt. Although these statutes may provide some protection for victims of coerced debt,[119] including provisions related to the reporting of the coerced debt by the furnisher, both the FCBA and the FDCPA have short deadlines for consumers to exercise their rights. These deadlines generally run from the date the creditor or debt collector/debt buyer sends a statement or notice to the consumer.

The same coercive, controlling, and abusive behavior that leads to coerced debt often prevents victims of coerced debt from exercising consumer rights under federal statutes because they do not receive or do not have access to the statement or collection notice that triggers the timeframe in which the coerced debt victim must exercise their rights under the FCBA or FDCPA.

As discussed throughout this comment,[120] abusers often control a survivor's access to the mail. In cases of fraud, 62% of survivors report that they first learned about the coerced debt when they received bills or notices from debt collectors.[121] At this point, the debt is delinquent, and it is unlikely the survivor would have received a statement from an original creditor. And even when a survivor does see a statement from an original creditor or a collection notice from a debt buyer or debt collector, promptly disputing a coerced debt or unauthorized transaction may place the survivor at risk. If an abuser has access to account information, then the abuser may retaliate against the survivor.

An attorney from Bay Area Legal Aid recalls when her client described how she would listen through the wall as her abuser impersonated her on the phone, speaking to creditors. However, the survivor could not safely contact the creditors to report the fraud until years later, after escaping the abusive relationship. Another Bay Area Legal Aid client—a survivor of elder abuse—did not receive any statements for years because the abuser set up paperless billing to go to the abuser's email address. When the client did finally get copies of statements, the creditor claimed that she'd missed her deadline to dispute the fraudulent amounts.

A survivor should be able to dispute coerced debt when it is safe to do so— and the identity theft and reinvestigation provisions of the FCRA allow a survivor to choose when to request a

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[119] A victim of coerced debt can dispute coerced credit card debt under the Fair Credit Billing Act or the general unauthorized use provision of the Truth in Lending Act. Under the Fair Credit Billing Act, a consumer may dispute "an unauthorized extension of credit not made to the consumer or to a person who has actual, implied, or apparent authority to use the consumer's credit card or open-end credit plan." 15 U.S.C. § 1666(b)(1); Reg. Z § 1026.13(a)(1). Under the general unauthorized use provision of the Truth in Lending Act, a consumer may dispute "the use of the credit card by a person other than the cardholder who does not have actual, implied, or apparent authority for such use and from which the cardholder received no benefit."15 U.S.C. § 1602(p).

[120] *See* Sections 1.2 and 3.1.2, *supra.* for more information regarding prevalence and impact.

[121] Adams AE, Littwin, AK, Javorka, M. *The Frequency, Nature, and Effects of Coerced Debt Among a National Sample of Women Seeking Help for Intimate Partner Violence*. Violence Against Women. 2020 Sep;26(11):1324-1342. doi: 10.1177/1077801219841445. Epub 2019 Apr 22. PMID: 31007144. Available at https://pubmed.ncbi.nlm.nih.gov/31007144/. Accessed February 27, 2025.

block or dispute information that appears on their credit report. A coerced debt victim does not lose their right under the FCRA to request a block or dispute coerced debt based on when a billing statement or collection notice is first sent. As a result, coerced debt victims would benefit greatly from rulemaking under Regulation V to expand the definition of identity theft.

4. Historically marginalized populations are disproportionately impacted by coerced debt and would benefit from a rule expanding the definition of ID theft and ID theft report.

The populations served by the undersigned organizations often hold multiple marginalized identities and experience intersecting harms resulting from poverty, abuse, and discrimination by the systems they must turn to for help. Damaged credit histories resulting from coerced debt can trap people in poverty, causing disparate harm for marginalized communities who are already economically vulnerable.

Coerced debt can be difficult to identify and even harder to address. For survivors from marginalized communities, economic and social barriers exacerbate the existing problems with the consumer reporting system described in Section 3 above.

4.1 Immigrant and Limited English Proficiency (LEP) survivors face unique barriers to addressing coerced debt through the FCRA.

Immigrant survivors unfamiliar with or uninitiated to the U.S. credit system and survivors who have limited English proficiency (LEP) face unique barriers to addressing coerced debt. For example, 48% of survivors who experienced coerced debt reported not having access to important financial information.[122] Even when immigrant and LEP survivors do obtain access to important financial information, they may not be in a language the survivor understands. In the 2025 National Coerced Debt Survey, 40% said language access was a barrier to disputing or blocking coerced debt.[123]

For a victim of coerced debt to discover and address the negative credit impact of coerced debt, they need to first obtain a consumer report. Immigrant survivors have trouble accessing consumer reports online for a variety of reasons: lack of a Social Security Number (SSN), common last names, or multiple changes in mailing address.

If an Immigrant survivor does not have a Social Security Number (SSN), they will face barriers in accessing their consumer reports. Even though financial institutions open credit lines using an

[122] Littwin, Angela. Coerced Debt: The Role of Consumer Credit in Domestic Violence, 100 CALIF. LAW REVIEW 951, 954 (2012).

[123] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

Individual Taxpayer Identification Number (ITIN),[124] survivors with ITINs are unable to request their credit reports online through the centralized source that the FCRA requires the nationwide CRAs to maintain, despite the fact that an ITIN has the same number of digits as a SSN.[125] ITIN holders wishing to check their credit reports must go through the lengthy process of requesting their reports via mail with each credit bureau separately.[126] And each nationwide CRA may have their own identification requirements to verify consumer identity.

In our experience, many ITIN holders receive vague notices in response to their requests for a credit report.[127] The response letter will say the consumer either does not have a credit file with the nationwide CRA or they submitted insufficient identification. These are two very different things, and an immigrant survivor's response hinges on which of these is true— whether they have no file or whether they just cannot access it because they don't have sufficient ID. We have seen immigrant consumers receive this notice even when they use a secured credit card or other credit-building financial product, indicating that they should have a credit file.[128]

We also frequently hear of mixed files between family members with ITINs, suggesting that name and address play an outsized role in matching data to consumer identifying information within the nationwide CRAs' matching systems.[129] As one consumer rights attorney from Massachusetts shared, "[m]any clients from immigrant communities are unable to request their reports online because their names seem to be entered incorrectly within CRA databases… and it is often difficult to receive mail because many are in the process of moving." We suspect that both these issues are due to dysfunctional internal systems within the CRAs and an inability for the systems to read ITINs in the same way as SSNs.

Even when an immigrant or LEP survivor can get a consumer report, two of the three nationwide CRAs, Experian and TransUnion, do not offer credit reports in any language besides

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[124] ITINs are issued to U.S. residents without SSNs to allow them to pay state and federal taxes. For a more in-depth discussion of the challenges posed to immigrants who may have a credit history with an ITIN but face a difficulty in obtaining a credit report. *S*ee Catholic Legal Immigration Network, P*ublic Charge Inadmissibility: Credit Reports and Credit Scores* (June 2020). Available at https://www.cliniclegal.org/resources/ground-inadmissibility-and-deportability/public-charge/public-charge-inadmissibility. Accessed February 28, 2025.

[125] Annual Credit Report.com, Frequently asked questions, Available at https://www.annualcreditreport.com/generalQuestions.action. ("We believe your Social Security Number is the most secure number to use, so our site accepts only that number. However, since the ITIN has a similar format, you can use your ITIN if you submit your request to one of the three nationwide consumer credit reporting companies by mail.") Accessed February 28, 2025.

[126] *Id*.

[127] Cabañez, Nicole. *Cracking the Code: Understanding and Overcoming Language Barriers in Consumer Finance,* NCLC (September 2024). Available at https://www.nclc.org/wp-content/uploads/2024/09/202409_Report_Cracking-the-Code-Understanding-and-Overcoming-Language-Barriers-in-Consumer-Finance.pdf. Accessed March 1, 2025.

[128] *Id*.

[129] *Id*.

English. Equifax, the only nationwide CRA that offers translated reports, now offers consumer reports in English and Spanish.[130] As one Massachusetts consumer attorney shared:

> I work with South Asian immigrant survivors, many [of whom] speak limited English, so their advocate has to walk them through every step of the process. This takes a long time, and... sometimes we are not allowed to be on the phone or at the bank with them to translate. Survivors often do not understand the legal system enough to feel confident answering questions...they don't know the answers to the security questions to even get a copy of their credit report.[131]

Language barriers present serious barriers to immigrant survivors' economic safety. Yet Experian and TransUnion flatly refused to offer any translated consumer reports even after advocates directly called on them to do so at the height of the pandemic, when immigrants comprised a large share of essential workers and were bearing the brunt of the financial and human consequences of the COVID-19 pandemic.[132]

Language barriers in consumer reporting are perhaps most salient in the rental housing context, where they can exacerbate existing barriers.[133] Housing is a core necessity, and affordable housing for low-income renters is at an all-time low supply.[134] Housing is especially critical for a survivor leaving an abusive partner, and a lack of language access in tenant screening reports can increase vulnerabilities in obtaining and maintaining safe and sustainable rental housing. Without translated documents, LEP survivors who do not have access to qualified interpreters may not have a meaningful opportunity to understand why a housing provider denied their rental application or if the basis of the denial was accurate. Critical documents that should be translated include the required adverse action notice disclosing that a denial is based in part on information in a consumer report and the consumer report itself.

In April 2023, NCLC conducted a survey of attorneys, advocates, and counselors who assist renters. An overwhelming majority of respondents (79%) answered that they had not observed

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[130] Equifax offers credit Reports in Spanish online and by mail. *See* https://www.equifax.com/personal/education/credit/report/articles/-/learn/free-equifax-credit-report-spanish/. Accessed March 6, 2025.

[131] National Survey on Barriers to Disputing & Blocking Coerced Debt, Coerced Debt Working Group (2025). Available at https://csaj.org/resource/2-barriers-to-disputing-blocking-coerced-debt-survey-data/. Accessed February 28, 2025.

[132] Letter to Chi Chi Wu from the Consumer Data Industry Association (CDIA), (October 29, 2020). Available at https://www.nclc.org/resources/letter-to-chi-chi-wu-from-the-consumer-dataindustry-association-cdia/. Accessed February 27, 2025.

[133] *Id.*

[134] Bahney, Anna. "*The US housing market is short 6.5 million homes*," CNN.com (March 8, 2023). Available at https://www.cnn.com/2023/03/08/homes/housing-shortage/index.html. Accessed February 27, 2025.

private landlords offering language assistance to prospective tenants.[135] This figure was lower but still quite high (55%) for subsidized housing providers that have a duty under Title VI to provide meaningful language access.[136] Mandatory translated adverse action notices and consumer file disclosures would better arm LEP survivors when navigating the often confusing and stressful process of looking for a new home for their families. It would improve LEP survivors' ability to identify and remove coerced debt or correct other errors that frequently appear in tenant screening reports and can make housing inaccessible.

In rulemaking under Regulation V, the CFPB should require that the nationwide CRAs and tenant screening CRAs (or specialty CRAs) offer free annual reports in the most commonly spoken languages among consumers with LEP.[137] The CFPB has broad authority to implement this requirement—requiring language access promotes "the purposes and objectives of [the FCRA],"[138] and meets "the needs of commerce … in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this subchapter."[139]

Providing English-only consumer reports compromises the confidentiality of those reports, because LEP survivors are forced to rely on third parties to translate the reports. It also leads to an unfair likelihood that the information contained in the report will be misunderstood by the survivor and can be expected to lead to higher rates of long-term unresolved consumer reporting errors and reporting inaccuracies among LEP victims of coerced debt.

The FCRA requires that every consumer reporting agency "clearly and accurately disclose to the consumer" the contents of that consumer's file at the time they make the request.[140] Consumer reports, and any disclosure for that matter, cannot be considered "clear" if one in every 12 consumers will be categorically and predictably unable to understand those disclosures.

The CFPB should also develop and issue model adverse action notices in the eight languages most frequently spoken by LEP individuals nationally to enable landlords, housing providers, and creditors to inform LEP consumers and prospective tenants of the reasons their

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[135] National Consumer Law Center, Comments on Tenant Screening Request for Information by FTC and CFPB, 76-77 (May 30, 2023). Available at https://www.nclc.org/wp-content/uploads/2023/05/NCLC-Comments-to-FTC-CFPB-screening-RFI-no-appendices-Chi-Chi-Wu.pdf. Accessed February 28, 2025.

[136] *Id.*

[137] National Consumer Law Center, Petition for Rulemaking at CFPB Regarding Debt Collector Furnishing, Language Access, Credit Reporting Ombudsperson Office, (March 3, 2023). Available at https://www.nclc.org/wp-content/uploads/2023/03/Petition-to-CFPB-re-debt-collection-furnishing-LEP-Ombuds.pdf. Accessed February 28, 2025.

[138] 15 U.S.C. § 1681s(e).

[139] 15 U.S.C. § 1681(b).

[140] 15 U.S.C. §1681(g)(a).

applications for credit or housing were denied. Again, for LEP victims of coerced debt, an adverse action may have resulted from information appearing on a report that is attributable to coerced debt. If the coerced debt victim is unable to read a notice of why they were denied much needed housing and obtain a report to discover if coerced debt appears, then they will be unable to address the negative impact of coerced debt.

4.2 Transgender survivors face unique barriers to addressing coerced debt under the FCRA.

Transgender individuals face unique barriers to identifying or addressing coerced debt when their identifying documents are inconsistent with the records of financial institutions.[141] For many transgender and gender nonbinary people, a legal name change may result in multiple credit histories under multiple names or an erasure of years of credit history.[142]

A transgender individual may be prevented from accessing a consumer report or information about a coerced debt account because the name/gender marker of the individual is not consistent with the records of the financial institution for the owner of that account. The CRA or furnisher is unable to verify that the transgender individual is the person named on the account, and therefore, the transgender individual may be denied access to a consumer report or information from a furnisher.

Even if a transgender individual successfully obtains a report, they often find that the information contained in the report is confusing or inaccurate. Transgender victims of coerced debt are not always sure if inaccurate information on their consumer report is the result of a mixed file[143] or if the information they believe is inaccurate is due to coerced debt or other identity theft. A credit history with a "dead name" also effectively "outs" a transgender or nonbinary individual to potential creditors, landlords, and employers, and may expose them to discrimination.[144]

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[141] Gruberg, Sharita, Mahowald, Lindsay & Halpin, John. *The State of the LGBTQ Community in 2020*, Center For American Progress (Oct. 6, 2020). Available at https://www.americanprogress.org/article/state-lgbtq-community-2020/ (finding that 19% of LGBTQ respondents to the Center for American Progress survey reported avoiding services to avoid discrimination, and that the majority of transgender–including non-binary, gender-nonconforming, and gender queer people–had difficulty obtaining accurate identifying documents within the past year). Accessed February 28, 2025.

[142] Equality California, the Center for LGBTQ Economic Advancement & Research (CLEAR), the National Consumer Law Center, *et.al. Group Letter Urging Credit Bureaus to Fix Credit Reporting Problems for Transgender and Nonbinary* Customers (Feb. 24, 2022). Available at https://www.nclc.org/resources/group-letter-urging-credit-bureaus-to-fix-credit-reporting-problems-for-transgender-and-nonbinary-customers/. Accessed March 4, 2025.

[143] When a transgender survivor changes their name, a CRA could have included information belonging to another individual with the same or similar name on the report of the survivor.

[144] Henry, Daja E. *Credit hurdles for transgender and nonbinary people could be cleared under proposed bill*, 19th News (Jul. 2023). Available at https://19thnews.org/2023/07/credit-hurdles-transgender-nonbinary-fetterman-smith-bill/. Accessed February 28, 2025.

One former Texas RioGrande Legal Aid attorney had a client who was in the middle of a name and gender marker change. He was a former foster youth and had discovered several accounts on his credit report from before he was 18 and while in foster care. The accounts did not belong to him, and he never had known about their existence. However, the information on the credit report had the client's previous name and previous identity as a female. The client and the attorney experienced tremendous difficulties trying to address the information resulting from identity theft and were never able to fully resolve the inaccuracies.

If a victim of coerced debt cannot get access to a consumer report or the report itself is confusing, then they will be unable to identify the coerced debt. Furthermore, if the victim of coerced debt is a transgender individual, a name or gender marker change will increase the difficulties in accessing a report. As a result, transgender survivors will be unable to employ the protections of the FCRA to address the negative credit impact of coerced debt.

4.3 Justice-impacted survivors experience unique barriers to addressing coerced debt under the FCRA.

According to a 2017-2018 survey of women incarcerated at an Illinois state prison, 99% of the women incarcerated have experienced physical, emotional or sexual abuse in their lives.[145] A 2014 Survey[146] of women incarcerated by the Texas Department of Criminal Justice found that:

- 52% reported that their total household income, before taxes, immediately before entering TDCJ was less than $10,000 per year.
- 55% reported having been diagnosed with a mental illness.
- 58% reported having been sexually abused or assaulted as a child. 68% of these women were first abused when they were 10 years old or younger, with 31% being abused for the first time when they were 5 years old or younger.
- 82% reported having experienced domestic violence or dating abuse.
- 25% reported having been forced to exchange sex for money, food, or basic needs before entering TDCJ.
- 12% reported having spent time in the foster care system.
- 81% reported having children.

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[145] Fedock, Gina. *Findings from a survey of incarcerated women at Logan Correctional Facility* (University of Chicago, School of Social Service Administration, in partnership with the Women's Justice Institute, 2018).

[146] Texas Center for Justice and Equity Findings from Survey of Incarcerated Women (2014). Available at https://texascje.org/findings-survey-incarcerated-women. Accessed February 28, 2025.

And the conditions imposed by incarceration itself—including the limited and highly regulated contact with the outside world—compound vulnerabilities for incarcerated people, making them prime targets for financial exploitation. For instance, without access to the open internet, incarcerated people can't closely monitor their checking and savings accounts for fraudulent charges[147] or easily review and dispute errors in their credit reports; and they cannot receive calls from financial institutions to notify them of identity theft.[148] As previously mentioned in this comment, the delayed discovery of coerced debt and the appearance of coerced debt on a consumer report can have long-term negative consequences.

Being largely cut off from the outside world can also force incarcerated people into circumstances that heighten the risk of certain consumer abuses. For example, to manage pre-existing debts, many incarcerated people "identity share," or provide sensitive personal information to someone outside of the correctional facility.[149] This practice can lead to fraud if the arrangement becomes abusive. Incarceration itself also puts people at risk; correctional facility employees have abused their access to confidential records to steal incarcerated people's identities.[150]

If a coerced debt victim is incarcerated, then they will likely not have access to their identifying documents or account information. Oftentimes, an abusive partner has possession of the survivor's important financial and identifying documents while the survivor is incarcerated. Consequently, when survivors leave incarceration, they find themselves victims of coerced debt, as abusers open new accounts in the survivor's name without their consent, fraudulently withdraw funds from the survivor's bank account, and apply for and use credit cards without authorization while the survivor is incarcerated. Systemic barriers prevent incarcerated survivors from being able to file police reports for coerced debt.

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[147] Some states further restrict incarcerated people's access to outside bank accounts, further limiting their capacity to monitor and control their own finances. *See, e.g.*, N.Y. Dep't. Corr. & Comm'y Supervision, Directive 2798, Inmate Accounts (Nov. 29, 2017) (prohibiting incarcerated people from opening outside accounts, requiring that they close or transfer control of existing checking accounts, and restricting access to other outside accounts already in existence).

[148] *See* CFPB Report, J*ustice Involved Individuals and the Consumer Financial Marketplace*, at p.25-26 (January 2022). Available at https://files.consumerfinance.gov/f/documents/cfpb_jic_report_2022-01.pdf. Accessed February 28, 2025. *See also Robbed Behind Bars: Identity Theft Committed Against Incarcerated Victims*, National Consumer Law Center (January 2025). Available at https://www.nclc.org/wp-content/uploads/2025/01/202501_Issue-Brief_Robbed-Behind-Bars_-Identity-Theft-Committed-Against-Incarcerated-Victims.pdf. Accessed February 28, 2025; *Captive Concerns: Incarcerated People Face Obstacles to Reporting Consumer Abuses*, National Consumer Law Center (July 2024), at 1. Available at https://www.nclc.org/wp-content/uploads/2024/07/FINAL_Captive-Concerns-Issue-Brief.pdf. Accessed February 28, 2025.

[149] *Id*.

[150] *See e.g. Robbed Behind Bars: Identity Theft Committed Against Incarcerated Victims*, National Consumer Law Center (January 2025). Available at https://www.nclc.org/wp-content/uploads/2025/01/202501_Issue-Brief_Robbed-Behind-Bars_-Identity-Theft-Committed-Against-Incarcerated-Victims.pdf. Accessed February 28, 2025.

Additionally, even if a survivor does manage to discover coerced debt while incarcerated, addressing the coerced debt (i.e., obtaining a consumer report, filing an identity theft report, and submitting a request to block or dispute) is especially challenging. Most incarcerated individuals lack access to the open internet.[151] Those who do have internet access typically can only visit a small number of whitelisted webpages, which do not necessarily include the CRAs' or federal agencies' websites, preventing incarcerated people from submitting a fillable form online. While some federal agencies provide phone numbers for complaints, jails and prisons limit and restrict phone access by imposing time limits on calls and designated calling hours, prohibiting incoming calls, and requiring pre-approval of contacts and numbers. Correctional facilities also generally block toll-free numbers. Calls can also be prohibitively expensive,[152] especially because incarcerated people are disproportionately low-income and—if they are paid at all for their work—make abysmal wages (often "pennies per hour").[153] Given the extensive limits on the internet and phone calls, incarcerated people often have only one option to submit a complaint without help from an outside advocate or loved one: postal mail. Yet some federal agencies do not make it clear, or fail to state in a prominent, easily findable place, that consumers can mail in their complaints.[154]

By expanding the types of documentation that constitute an identity theft report to include forms

[151] *Id*.

[152] Although the cost of phone and video calls remains prohibitively expensive for many, calls are becoming more affordable nationwide, thanks to passage of the Martha Wright-Reed Just and Reasonable Communications Act in 2023 and FCC rulemaking. Press Release, Fed. Commc'ns Comm'n, FCC Caps Exorbitant Phone & Video Call Rates for Incarcerated Persons & Their Families (July 18, 2024). Available at https://docs.fcc.gov/public/attachments/DOC-404087A1.pdf (adopting per-minute rate caps for phone calls, setting interim per-minute rate caps for video communications, prohibiting site commissions, and barring fees separate from the rate). Accessed February 28, 2025. *See also* Gibson, Kate. "*It may soon cost a buck instead of $12 to make a call from prison, FCC says*," CBS News (June 26, 2024). Available at https://www.cbsnews.com/news/fcc-prison-phone-calls-rates/. Accessed February 28, 2025. Some states and local governments have also made phone calls free. Burness, Alex. "*Massachusetts Is Making Communications Free for Incarcerated People*," Bolts (Aug. 4, 2023). Available at https://boltsmag.org/massachusetts-prison-jail-phone-calls/. Accessed February 28, 2025.

[153] Sawyer, Wendy. "H*ow much do incarcerated people earn in each state?*" Prison Pol'y Initiative Blog (Apr. 17, 2010). Available at https://www.prisonpolicy.org/blog/2017/04/10/wages/. Accessed February 28, 2025.

[154] One exception to this is the FCC, which, in its consumer guide on Incarcerated People's Communications Services, states that people can file complaints by mail and provides a mailing address. Incarcerated People's Communications Services, Fed. Commc'ns Comm'n, https://www.fcc.gov/incarcerated-peoples_communications_services. Accessed February 28, 2025. In contrast, the main CFPB webpage that explains how to submit complaints guides consumers to an online form and notes that, "If you can't submit online . . . , you can submit over the phone." Submit a complaint about a financial product or service, Consumer Fin. Protection Bureau, https://www.consumerfinance.gov/complaint/. Accessed February 28, 2025. The webpage does not list mail as an option or provide an address. *Id*. Even if you click on "Contact Us" at the very bottom of the main CFPB website (consumerfinance.gov), you will not be able to find a mailing address for complaints. Have questions? Start here., Consumer Fin. Protection Bureau, https://www.consumerfinance.gov/about-us/contact-us/. Accessed February 28, 2025.

of self-attestation beyond the FTC identity theft report, the CFPB would remove one barrier incarcerated individuals encounter when requesting a block or disputing information resulting from identity theft. Additionally, because the CFPB does not currently have a mailing address to submit complaints, the CFPB should designate a mailing address to submit complaints.

4.4 BIPOC survivors and women in general already face systemic barriers that pose a hurdle to addressing coerced debt under the FCRA.

Racial disparities regarding "credit worthiness" in the U.S. stem from a long history of discrimination[155] and persist through structural inequalities like mass incarceration[156] and modern-day redlining.[157] Young people in majority Black and Hispanic communities are far more likely to begin their lives with lower credit scores than young people in majority white neighborhoods.[158] Without access to wealth-building forms of credit like mortgages and student loans with favorable interest rates, opportunities to build or rebuild credit are limited.[159] For decades, Black and Latino consumers as a group have consistently had lower credit scores than white or Asian consumers as a group.[160] Black and Latino consumers are also more likely to lack a reported credit history and are, therefore, less likely to access credit marketplaces with "invisible" credit.[161]

Communities of color are also more likely to live in poverty. The median wealth of Black families is only 15% of the median wealth of white families.[162] According to a 2023 FDIC survey, Black and Hispanic households are about five times more likely, and American Indian and Alaskan

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[155] *See, e.g.,* Rothstein, Richard. *The Color of Law* (2017).

[156] See, e.g., García-Pérez, Mónica, Gaither, Sarah, and Darity Jr., William. Baltimore Study: Credit Scores (March 2020). Available at https://equitablegrowth.org/working-papers/baltimore-study-credit-scores/ (finding that, out of a sample of 51 families, a history of incarceration had a heavy impact on the credit scores of the incarcerated individuals and their family members). Accessed February 28, 2025.

[157] See, e.g., *Maps: Persistent Redlining of New York Neighborhoods of Color*. New Economy Project (2019). Available at https://www.neweconomynyc.org/resource/maps-persistent-redlining-in-new-york-neighborhoods-of-color/. Accessed February 28, 2025.

[158] Garon, Thea. *Young Adults' Credit Trajectories Vary Widely by Race and Ethnicity*, Urban Wire (2022). Available at https://www.urban.org/urban-wire/young-adults-credit-trajectories-vary-widely-race-and-ethnicity. Accessed February 28, 2025.

[159] *Id*.

[160] *Past Imperfect: How Credit Scores "Bake In" and Perpetuate Past Discrimination*, National Consumer Law Center, (February 2024). Available at https://www.nclc.org/wp-content/uploads/2016/05/20240227_Issue-Brief_Past-Imperfect.pdf. Accessed February 28, 2025.

[161] The CFPB Office of Research, Data Point: Credit Invisibles (2015). Available at https://files.consumerfinance.gov/f/201505_cfpb_data-point-credit-invisibles.pdf. Accessed February 28, 2025.

[162] Board of Governors of the Federal Reserve System, Greater Wealth, Greater Uncertainty: Changes in Racial Inequality in the Survey of Consumer Finances (October 18, 2023). Available at https://www.federalreserve.gov/econres/notes/feds-notes/greater-wealth-greater-uncertainty-changes-in-racial-inequality-in-the-survey-of-consumer-finances-20231018.html. Accessed February 28, 2025.

Native households over 6 times more likely, than white households to be unbanked, meaning that nobody in the household has any bank account.[163] The number one reason provided to the FDIC survey of unbanked or underbanked households for not holding a bank account is that the family does not have enough money to maintain the minimum balance requirement.[164]

Just 50 years after Congress granted women the right to apply for credit in their own name,[165] women are still more likely than men to live in poverty[166] and to lead single-parent households.[167] Households with a single parent are over 12 times more likely to be unbanked than households with married partners.[168] And the gender pay gap has plateaued in recent years with, on average, white women earning only 82 cents for every dollar earned by a white man.[169] The greatest pay disparity exists for Black and Latina women, earning 70 cents and 65 cents, respectively, for every dollar earned by a white man.[170]

Given all these economic realities, BIPOC and women victims of coerced debt already face obstacles to achieving economic stability and safety, notwithstanding the additional challenges faced by coerced debt victims in interacting with the consumer reporting system, as identified in Section 3. However, by implementing the proposed amendments identified in this comment, the most pervasive barriers experienced by coerced debt victims in utilizing the FCRA to address coerced debt will be removed. As a result, BIPOC and women victims of coerced debt will benefit from having these changes and be in a better position to achieve economic stability.

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[163] Federal Deposit Insurance Corporation, 2023 FDIC National Survey of Unbanked and Underbanked Households (2023). Available at https://www.fdic.gov/household-survey/2023-fdic-national-survey-unbanked-and-underbanked-households-executive-summary. Accessed February 28, 2025.

[164] *Id.*

[165] *See* The Equal Credit Opportunity Act, 15 U.S.C. 1691 (1974).

[166] *See* Semega, Jessica. *Payday, Poverty, and Women*, United States Census Bureau (2019). Available at https://www.census.gov/library/stories/2019/09/payday-poverty-and-women.html (reporting that, in 2018, the federal poverty rate for women was 12.9% while the poverty rate for men was 10.6%). Accessed February 28, 2025. *See also* Bleweis, Sara, Boesch, Diana, & Cawthorne Gaines, Alexandra. *The Basic Facts About Women in Poverty*, Ctr. For American Progress (2020). Available at https://www.americanprogress.org/article/basic-facts-women-poverty/. Accessed February 28, 2025.

[167] In the U.S., among adults between the ages 35 and 39, 9% of women live as single parents compared to 2% of men. Kramer, Stephanie. *U.S. has World's Highest Rate of Children Living in Single Parent Households*, Pew Res. CTR, (2019). Available at https://www.pewresearch.org/short-reads/2019/12/12/u-s-children-more-likely-than-children-in-other-countries-to-live-withjust-one-parent/#:~:text=Women%20ages%2035%20to%2059,religious%20group%20around%20the%20world. Accessed February 28, 2025.

[168] *Id.*

[169] *See* Kochhar, Rakesh. T*he Enduring Grip of the Gender Pay Gap*, Pew Res. CTR. (2023). Available at https://www.pewresearch.org/socialtrends/2023/03/01/the-enduring-grip-of-the-gender-pay-gap/ (reporting that, on average, for every dollar earned by a white man, white women earn 82 cents, Black women earn an average of 70 cents, and Hispanic women earn 65 cents). Accessed February 28, 2025.

[170] *Id.* The gender wage gap increases as women age.

5. Responses to Questions Posed in the ANPRM

Question 1. What information exists regarding the prevalence and extent of harms to victims of economic abuse, particularly coerced debt? How does the consumer reporting system, including provisions relating to identity theft, currently contribute to or reduce those harms?

See Sections 1, 3, and 4 of this comment for responsive information as to the prevalence and extent of harm to victims of economic abuse and coerced debt. *See* Section 3 for responsive information as to how the consumer reporting system contributes to those harms and how it could reduce those harms. *See* also data from the 2025 National Coerced Debt Survey in the Appendix.

Question 2. To what extent do protections under the FCRA or other Federal or State laws exist for victims of economic abuse with respect to consumer reporting information? What barriers exist that may prevent survivors of economic abuse from availing themselves of existing protections?

See Sections 2.2.2.1 and 2.2.2.2 for information regarding state laws that exist for victims of economic abuse with respect to consumer reporting information. *See* Sections 2 and 3 for information regarding the FCRA and other federal laws. *See* Sections 2, 3, and 4 for information on barriers preventing survivors of economic abuse from availing themselves of existing protections.

Question 3. Does coerced debt reflect the survivor's credit risk independent of the abuser? Why or why not?

Generally coerced debt is not indicative of credit risk as outlined in Section 2.1 above.

A former Texas RioGrande Legal Aid attorney who represented victims of coerced debt for over a decade noted that almost all the clients she assisted in disputing coerced debt only had adverse account information related to the coerced debt. This was in part because most of her clients were new Americans and had no or very little credit history before the abusive relationship and had built positive credit history apart from their abuser after separation. Of those clients who were not immigrants and had a longer credit history before the abusive relationship, very few had any other negative credit information.

As previously mentioned, coerced debt is more reflective of the behaviors of abusive partners and the failures of the consumer reporting system than the financial behavior of victimized survivors. The prevalence of economic abuse and coerced debt, its damage to survivor credit scores (with indicators that credit scores improve significantly when coerced debts are removed), and the prolific barriers faced by coerced debt victims when addressing the negative impact of coerced debt point to a need to remove coerced debt from credit reports. Systemic problems require systemic solutions. We caution against harmful, individualistic narratives, norms, or realities rather than system reforms.

Question 4. What are the costs and benefits of the proposed amendment outlined by the petition for rulemaking?

See Sections 1-6 for responsive information as to the benefits of the proposed amendment outlined in the petition for rulemaking.

We cannot speculate as to the cost to consumer reporting agencies and furnishers of the proposed amendment outlined by the petition for rulemaking. However, we believe the benefits will far exceed any cost. The consumer reporting industry is just that— an industry that profits from compiling consumer data and selling that information.

But the devastating impact of coerced debt on individual lives because of coerced debt cannot be overstated. One study found that 50% of survivors of domestic violence have debt loads up to $20,000, 23% have debt loads over $20,000, and 26% don't know the exact amount.[171] Another study revealed that survivors are burdened with an average of $15,936 of coerced debt each year.[172]

Additionally, 50% of survivors say the impact of coerced debt on their credit history "keeps me from being able to get things that I need or want, such as housing, utilities, a vehicle, phone service, or employment."[173] Survivors with coerced debt report low credit approval, having to pay higher deposits or interest rates, and, as a result, high levels of financial stress and worry, with a rating of 7 and 8 points on a 10-point scale.[174]

The proposed amendments will certainly alleviate the undue cost burden and credit impact survivors face due to coerced debt.

Question 5. The petition defines "coerced debt" as "all non-consensual, credit-related transactions that occur in a relationship where one person uses coercive control to dominate the other person." What alternatives to that language should the CFPB consider?

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[171] Adams, Adrienne and Wee, Sara. "*Domestic Violence and Economic Well-being Study*," (April 2021). Available at https://csaj.org/resource/domestic-violence-and-economic-well-being-study/. Accessed February 27, 2025.

[172] FreeFrom, *Survivors Know Best* (August 13, 2020). Available at https://www.freefrom.org/wp-content/uploads/2025/01/Survivors-Know-Best.pdf. Accessed March 5, 2025.

[173] Adams, Adrienne and Wee, Sara. "*Domestic Violence and Economic Well-being Study*," (April 2021). Available at https://csaj.org/resource/domestic-violence-and-economic-well-being-study/. Accessed February 27, 2025.

[174] *Id.*

The definition in the petition for rulemaking reflects academic research. The CFPB could also consider language from the definitions adopted by various state coerced debt laws. *See* Section 2.2.2.2.

Question 6. Comments to the petition identify survivors of intimate partner violence, domestic abuse, and gender-based violence as groups that would benefit from explicit inclusion of coerced debt as a form of identity theft. Commenters noted specific vulnerabilities for older Americans, children in foster care, and survivors of color.

a. What barriers do these groups face as a result of coerced debt?

See Sections 1, 2.2.2.1, 2.2.2.2, 3, and 4 for responsive information.

Older survivors and survivors with disabilities face heightened risks of coerced debt and are also in need of protections that respond to the unique form of identity theft that they face. For example, as part of the 2025 National Survey, one consumer attorney from Washington State shared: "I have one client whose issue was complicated by adult-onset dementia and who made payments to a third party who was an unbonded contractor as a result of high-pressure sales techniques. When she attempted to get a remedy through state agencies, she hit a roadblock because of the complicated nesting of unincorporated associations by the identity theft gang and the contractor they were working with."

Survivors with disabilities may have limited or no capacity to engage in the rigorous self-advocacy necessary to pursue financial or legal relief.

Foster youth may need to rely on a parent, guardian, "next of kin," or "next friend" to assist in any legal advocacy/legal proceeding should court orders be required to show coercion, or in a worst-case scenario, if the consumer reporting agencies do not accept any dispute or request to block based on coercion.

b. How would the proposed amendments outlined in the petition for rulemaking reduce those barriers?

See Sections 2, 3, and 4 for responsive information. *See also* the answers provided in this Section.

c. Are there other populations who experience problems with coerced debt and whose experiences should be considered in the proposed rulemaking?

See Section 4 for responsive information as well as the answers provided in this Section.

d. How would the proposed amendments outlined in the petition for rulemaking address the needs of these other populations?

See Section 4 for responsive information. More specifically, the proposed amendments in the petition for rulemaking and those identified in this comment will remove the most common barriers experienced by victims of coerced debt in Section 3.

Question 7. Should the CFPB propose the amendments outlined by the petition for rulemaking? What alternatives should the CFPB consider? For instance:

Yes, the CFPB should propose the amendments outlined by the petition for rulemaking as well as the other recommendations made in this comment.

a. What documentation should a person be required to produce to show that their debt was coerced?

Self-attestation would remove the most significant barriers victims of coerced debt face in obtaining documentation, as discussed in Section 3.1.1 and Section 4.3. A survivor's sworn statement should be sufficient to show that their debt was coerced.

The CFPB should also clarify that a FTC identity theft report is sufficient documentation as referenced in Section 3.1.1.3.

Additionally, the CFPB could create a sample attestation form that can be used by third parties such as:

- A physician, physician assistant, psychiatrist, psychologist, social worker, nurse, therapist, or clinical professional counselor all of whom are licensed to practice in any state; or
- A person who advises or provides services to persons regarding domestic violence, family violence, human trafficking, or abuse of children, the elderly, or dependent adults; or
- A member of the clergy of a church, religious society, or denomination; or
- A school teacher or administrator; or
- An employer.

In considering which documents will suffice to show that a debt was coerced, the CFPB should also review the concerns NCLC, CSAJ, and others identified in their comments to the CFPB under the rulemaking for the Debt Bondage Repair Act.[175]

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[175] NCLC, *et.al*. *Comments to CFPB on Proposed Rule to Protect Traffcking Survivors*, (May 9, 2022). Available at https://www.nclc.org/wp-content/uploads/2022/09/FCRA_trafficking_comment.pdf. Accessed February 28, 2025.

b. What self-attestation mechanisms could be considered for meeting the standard for an identity theft report?

- A survivor's sworn statement.
- A FTC identity theft report.
- A CFPB attestation form that can be used by a survivor or third parties such as:
  - A physician, physician assistant, psychiatrist, psychologist, social worker, nurse, therapist, or clinical professional counselor all of whom are licensed to practice in any state; or
  - A person who advises or provides services to persons regarding domestic violence, family violence, human trafficking, or abuse of children, the elderly, or dependent adults; or
  - A member of the clergy of a church, religious society, or denomination; or
  - A school teacher or administrator; or
  - An employer.

In considering which self-attestation mechanisms could be considered for meeting the standard for an identity theft report, the CFPB should also review the concerns NCLC, CSAJ, and others identified in their comments to the CFPB under the rulemaking for the Debt Bondage Repair Act.[176] *See also* Section 3.1.1.3.

c. Are there circumstances that should give rise to a presumption of coercion?

To ensure that coerced debt relief is accessible to survivors who are unable to obtain documentary support (due to economic barriers, language barriers, or fear of the additional harms that might result), a survivor's sworn statement should be sufficient to give rise to a presumption of coercion.

However, a presumption of coercion should also apply if a consumer provides a statement describing how the debt was incurred within the context of a coercive relationship and provides documentary support of a coercive relationship. Some examples of documentary support include:

[176] NCLC, *et.al*. *Comments to CFPB on Proposed Rule to Protect Traffcking Survivors*, (May 9, 2022). Available at https://www.nclc.org/wp-content/uploads/2022/09/FCRA_trafficking_comment.pdf. Accessed February 28, 2025.

- A statement by a physician, physician assistant, psychiatrist, psychologist, social worker, nurse, therapist, or clinical professional counselor all of whom are licensed to practice in any state;
- A statement by a person who advises or provides services to persons regarding domestic violence, family violence, human trafficking, or abuse of children, the elderly, or dependent adults;
- A statement by a member of the clergy of a church, religious society, or denomination;
- A statement by a school teacher or administrator;
- A statement by an employer;
- Past contemporaneous statements evidencing coercion (e.g. a journal, letters);
- A civil or criminal protective order based on family/domestic/dating violence, stalking, or sexual assault; or
- Any court document with a finding of domestic violence, domestic abuse, family violence, elder abuse, child abuse, or any other similar term as adopted by state law.

d. Should the CFPB propose general protections related to coerced debt, specific protections for survivors of domestic or intimate partner violence, or a combination?

The CFPB should propose general protections related to coerced debt, as it not only impacts survivors of domestic/intimate partner violence.

6. Conclusion

Rulemaking by the CFPB to address coerced debt under the Fair Credit Reporting Act is a critical step in addressing the long-term harm caused by the appearance of coerced debt on consumer reports, which would open opportunities for survivors to access economic and physical safety.

The populations served by our programs would benefit from the proposed amendments to modify the definition of identity theft under Regulation V to include “without effective consent,” and to allow survivors to utilize the block of information to remove coerced debt from their credit reports. Without the ability to block information stemming from coerced debt from their credit reports, survivors suffer damaged credit and the attendant housing and economic insecurity that can trap them in poverty and unsafe living situations. The impact of this crisis has a disproportionate harm on already vulnerable communities, and the amendments would have a transformative impact for the populations we serve.

We appreciate the CFPB's continued engagement in protecting consumers.

We encourage the CFPB to exercise its clearly delineated rulemaking authority to alleviate the burdens facing victims of coerced debt. The CFPB should:

- Modify the definition of “identity theft” in Regulation V to include “without effective consent” to provide relief for victims of coerced debt and specify that consent is not effective if:
  - induced by force, threat, fraud, or coercion; or
  - given by an individual unable to contract by reason of incapacity or youth, unless consent is given by a person legally authorized to act on behalf of the individual and such action is not contrary to the best interests of the individual.
- Modify the definition of “identity theft report” to reflect the modified definition of “identity theft” and expand the types of documentation that will constitute an identity theft report. More specifically, the CFPB should:
  - Clarify that an FTC Identity theft report is an identity theft report, and it is not reasonable for a CRA to request additional information after the FTC identity theft report has been provided; and
  - Provide a method of self-attestation that should be considered as meeting the standard for an identity theft report without the need for a CRA to request additional information. We suggest that the CFPB create a form that could be utilized by a survivor or third parties such as:
    - A physician, physician assistant, psychiatrist, psychologist, social worker, nurse, therapist, or clinical professional counselor all of whom are licensed to practice in any state; or
    - A person who advises or provides services to persons regarding domestic violence, family violence, human trafficking, or abuse of children, the elderly, or dependent adults; or
    - A member of the clergy of a church, religious society, or denomination; or
    - A school teacher or administrator; or
    - An employer.
- Clarify that no CRA, including specialty CRAs, can refuse to block information under 15 U.S.C. §1681c-2(c)(1)(C) if the consumer is a victim of coerced debt. The CFPB should specify in Regulation V that:

  - An identity theft victim is not involved in a transaction and has not obtained goods, services or money when effective consent is not present, such as when an application for credit is obtained through force, threat, or coercion; and

  - An identity theft victim who does not provide effective consent does not obtain goods, services, or money simply by virtue of residing in the same household as or being in a familial or intimate relationship with the thief.

- Require that the nationwide CRAs and tenant screening CRAs (or specialty CRAs) offer free annual reports in the most commonly spoken languages among consumers with Limited English Proficiency (LEP).

- Develop and issue model adverse action notices in the eight languages most frequently spoken by LEP individuals nationally to enable landlords, housing providers, and creditors to inform LEP consumers and prospective tenants of the reasons their applications for credit or housing were denied.

- Designate a mailing address to submit complaints.

We welcome questions on this matter, directed to Carla Sanchez-Adams at csanchezadams@nclc.org or Erika Sussman at Erika@csaj.org. Thank you for your consideration.

Sincerely,

Angela Littwin
Ascend Justice
Bay Area Legal Aid
California Partnership to End Domestic Violence
CAMBA Legal Services
CT Coalition Against Domestic Violence
FinAbility
Freedom Network USA
FreeFrom
Her Justice
Illinois Coalition Against Domestic Violence
Iowa Coalition Against Domestic Violence
Just Solutions
Katharine & George Alexander Community Law Center (KGACLC)
Katie VonDeLinde, MSW, LCSW
Legal Aid Society
Legal Aid Society of San Diego
Legal Services Advocacy Project/Mid-Minnesota Legal Aid
Maryland Network Against Domestic Violence

OneJustice
Pennsylvania Coalition Against Domestic Violence
Texas Appleseed
The Center for Survivor Agency and Justice, in partnership with survivors and advocates across the nation
The National Consumer Law Center, on behalf of its low-income clients
The National Domestic Violence Hotline
The Network: Advocating Against Domestic Violence
Tzedek DC
Urban Resource Institute
Vermont Network Against Domestic and Sexual Violence
Women Employed

Appendix. Data Tables, National Survey on Barriers to Disputing & Blocking Coerced Debt

Table 1. Respondent Role

How would you best describe your role?	#	%
Family or Domestic Violence Attorney	41	20%
Consumer Rights or Anti-Poverty Lawyer	29	14%
Program manager or supervisor	27	13%
Survivor/client advocate	21	10%
Other (please specify)	17	8%
Legal advocate	15	7%
Housing or shelter advocate	13	6%
Other advocate, social worker or Case manager	13	6%
Director, Executive Director, or CEO	11	5%
Policy specialist or legislative advocate	6	3%
Economic advocate	5	2%
Counselor / Therapist	3	1%
Educator / Trainer	2	1%
System, court-based, or specifically-appointed advocate	1	0%
Health or medical professional	1	0%
Immigration Attorney	1	0%
Grand Total	**206**	**100.00%**

Table 2. Respondent Organizational Affiliation

What best describes the type of organization you work for?	#	%
Civil legal services / legal aid	75	36%
Domestic violence program (shelter and/or non-residential)	61	30%
Dual domestic/sexual violence program	27	13%
Private Practice/Law Firm	9	4%
Other (please specify)	7	3%
State domestic violence coalition	6	3%
State DUAL domestic/sexual violence coalition	5	2%
Sexual assault program	2	1%
N/A or not affiliated with an organization	2	1%
State advocacy organization (not DV/SA-specific)	2	1%
Human, labor, and/or sex trafficking program	2	1%
National advocacy organization (not DV/SA-specific)	2	1%
Law school clinic	1	0%
Immigration advocacy/law program	1	0%
Other community based advocacy program (not DV/SA-	1	0%

specific)		
Tribal domestic violence/sexual assault coalition	1	0%
Tribal government/program	1	0%
National gender-based violence organization	1	0%
Grand Total	**206**	**100.00%**

Table 3. Respondent State by Region

In what State/Territory are you located?	#	%
Midwest	**52**	**25.24%**
Illinois	19	9.22%
Indiana	11	5.34%
Minnesota	5	2.43%
Iowa	4	1.94%
North Dakota	4	1.94%
Michigan	3	1.46%
Missouri	3	1.46%
Nebraska	1	0.49%
Wisconsin	1	0.49%
Ohio	1	0.49%
South Dakota		0.00%
Kansas		0.00%
Northeast	**46**	**22.33%**
New York	16	7.77%
Maine	14	6.80%
Massachusetts	7	3.40%
Vermont	4	1.94%
Pennsylvania	3	1.46%
Rhode Island	1	0.49%
New Hampshire	1	0.49%
Connecticut		0.00%
South	**55**	**26.70%**
Texas	16	7.77%
North Carolina	6	2.91%
Florida	6	2.91%
Tennessee	5	2.43%
West Virginia	5	2.43%
Georgia	3	1.46%
District of Columbia	3	1.46%
Kentucky	3	1.46%
Maryland	3	1.46%

Virginia	2	0.97%
South Carolina	1	0.49%
Louisiana	1	0.49%
Arkansas	1	0.49%
Oklahoma		0.00%
Mississippi		0.00%
Alabama		0.00%
Delaware		0.00%
West	**53**	**25.73%**
California	22	10.68%
Arizona	8	3.88%
Oregon	6	2.91%
Nevada	4	1.94%
Washington	4	1.94%
Colorado	3	1.46%
Alaska	2	0.97%
Montana	2	0.97%
Utah	1	0.49%
New Mexico	1	0.49%
Wyoming		0.00%
Idaho		0.00%
Hawaii		0.00%
Grand Total	**206**	**100.00%**

Table 4. Demographics of Populations Served

In the past year, people I worked with who had coerced debt identified as..	#	%
Domestic Violence Survivor	177	86%
Sexual Assault Survivor	105	51%
Black, Indigenous, People of Color (BIPOC)	116	57%
Limited English Proficient	113	55%
People with Disabilities	105	51%
d/Deaf	26	13%
Children (<18)	37	18%
Foster Youth	14	7%
Older Adults (>65)	90	44%
Lesbian, Gay, Bisexual	89	43%
Immigrant, Refugee, Asylum Seeker	91	44%
Transgender, Gender non-Conforming (TGnC)	53	26%

Rural	76	37%
Other	11	5%
N/A - I don't provide direct advocacy / services	14	7%

*Note: Total more than 100% because respondents could select more than one field.

Table 5. Race/Ethnicity of Populations Served

Values	#	%
Native Hawaiian / Pacific Islander	12	6%
East or Central Asian	30	15%
Native American / Indigenous / Alaska Native	34	17%
South or Southeast Asian	42	21%
African or Afro-Caribbean	44	22%
Middle Eastern / North African	44	22%
Hispanic / Latinx	121	59%
Black / African American	127	62%
White / Anglo-American / Caucasian	143	70%
I don’t know/unsure	24	12%
Other	1	0%

*Note: Total more than 100% because respondents could select more than one field.

Table 6. Success Rate of Disputes and Requests to Block Coerced Debt

Have any survivors you worked with successfully disputed coerced debt with credit reporting agencies? Or successfully disputed coerced debt with credit reporting agencies?

	Disputing		Obtaining a Block	
	#	%	#	%
No one, ever	60	51.28%	73	69.52%
One or two	34	29.06%	21	20.00%
A few	20	17.09%	10	9.52%
Many or most	3	2.56%	1	0.95%
Everyone, always		0.00%		0.00%
Grand Total	117	100.00%	105	100.00%

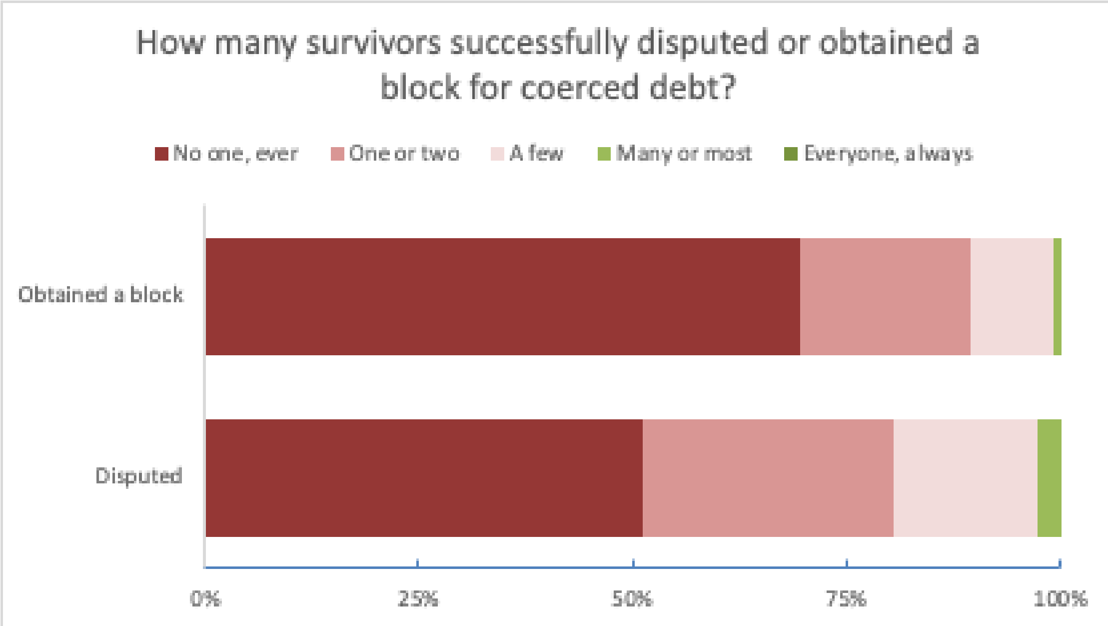

Table 7. Frequency of Barriers BEFORE Disputing Coerced Debt
How often do survivors you work with face the following barriers before disputing coerced debt with credit reporting agencies?

Barrier	Rarely/Never #	Rarely/Never %	Sometimes #	Sometimes %	Often/Always #	Often/Always %	Total #
The complexity of the dispute process while navigating multiple other safety needs and service systems (like housing)	5	3.55%	24	17.02%	112	79.43%	141
Fear of obtaining a police report to dispute coerced debt	23	16.79%	56	40.88%	58	42.34%	137
Difficulty gathering additional financial information to dispute coerced debt	10	7.14%	34	24.29%	96	68.57%	140
Difficulty understanding a credit report(s)	13	9.22%	47	33.33%	81	57.45%	141
Difficulty obtaining a credit report(s)	29	20.86%	81	58.27%	29	20.86%	139

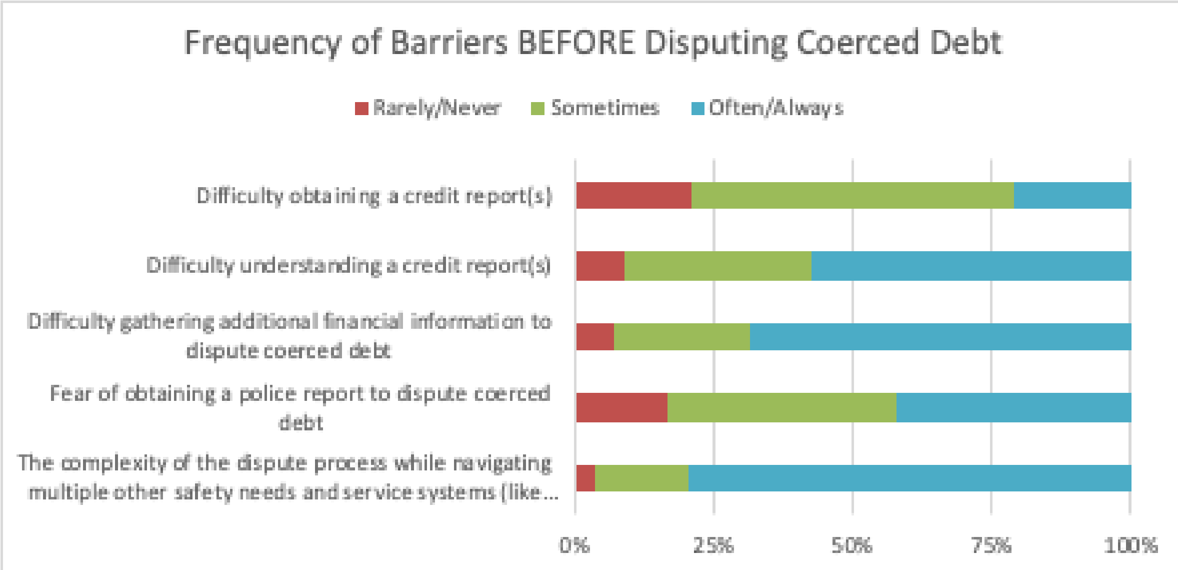

Table 8. Frequency of Barriers AFTER Disputing Coerced Debt

How often do survivors you work with face the following barriers after disputing coerced debt with credit reporting agencies?

	Rarely/Never		Sometimes		Often/Always		Total
Barrier	**#**	**%**	**#**	**%**	**#**	**%**	**#**
Survivors do not have the resources, knowledge, or time to start a legal proceeding if the credit reporting agencies do not remove the coerced debt.	10	5.65%	19	10.73%	148	83.62 %	177
Credit reporting agencies remove some of the disputed coerced debt, but not all	16	9.14%	110	62.86%	49	28.00 %	175
Credit reporting agencies report the coerced debt as disputed, but do not remove the coerced debt from the credit report	28	16.67%	78	46.43%	62	36.90 %	168
Credit reporting agencies will not accept documentation of coerced debt from anyone other than police/law enforcement	28	16.77%	104	62.28%	35	20.96 %	167
Survivors do not receive a response to their disputes in language(s) they speak, read, or understand	49	28.00%	110	62.86%	16	9.14%	175
Survivors do not receive a response to their disputes in a	21	12.00%	115	65.71%	39	22.29 %	175

timely manner							
Survivors do not receive a response to their disputes	48	27.43%	106	60.57%	21	12.00%	175

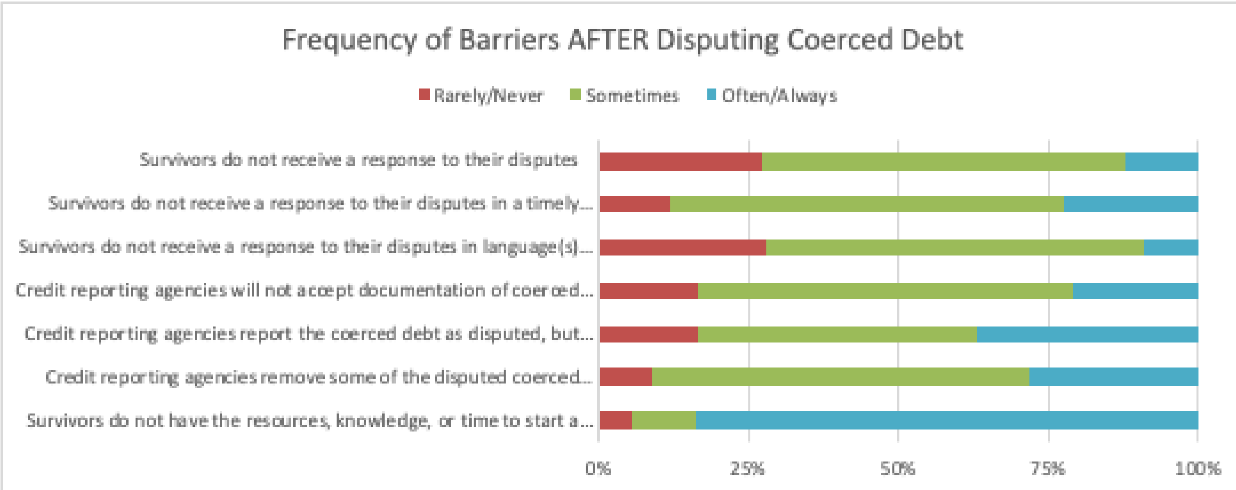

Table 9. Frequency of Barriers When Requesting a Block on Coerced Debt

What barriers do survivors experience when requesting a block to prevent coerced debt from appearing on their credit report?

Row Labels	Rarely/Never #	Rarely/Never %	Sometimes #	Sometimes %	Often/Always #	Often/Always %	Total #
Credit reporting agencies block some of the coerced debt but not all	21	21.65%	57	58.76%	19	19.59%	97
Credit reporting agencies refuse to block coerced debt when a survivor only uses a court order to support the request (e.g. divorce judgment/decree, debt collection suit order, ID theft order)	27	27.84%	46	47.42%	24	24.74%	97
Credit reporting agencies refuse to block coerced debt when a survivor only submitted an FTC Identity Theft Report	14	14.58%	56	58.33%	26	27.08%	96
Credit reporting agencies refuse to block coerced debt even with a police report	27	26.21%	62	60.19%	14	13.59%	103
Credit reporting agencies refuse to block coerced debt without providing an	14	13.73%	55	53.92%	33	32.35%	102

explanation							
Survivors never receive a response to their request to block coerced debt	21	20.59%	63	61.76%	18	17.65 %	102

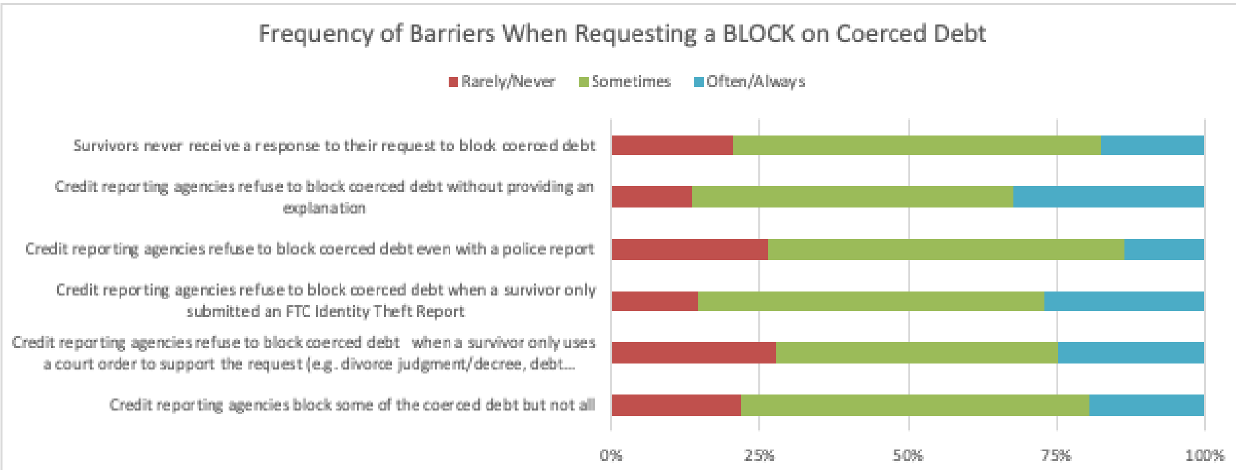

Table 10. Role of Barriers in Accessing Existing Coerced Debt Protections

Beyond the particulars of the dispute process, to what extent do the following safety, service, and systemic barriers play a role in preventing survivors from availing themselves of existing protections?

	No role		Some role		Major role		Total
Row Labels	**#**	**%**	**#**	**%**	**#**	**%**	**#**
Negative treatment or predatory practices by creditors and debt collectors, regardless of the dispute or its outcomes	9	6.82%	56	42.42%	67	50.76%	132
The risk of other systems consequences if survivors challenge coerced debt (i.e. public benefits, child welfare, immigration status, or child custody/divorce case)	17	12.69%	55	41.04%	62	46.27%	134
No or insufficient language access	17	12.69%	67	50.00%	50	37.31%	134
The risk of further abuse or harassment from abusive partners or harm doers if survivors attempt to dispute coerced debt	6	4.44%	45	33.33%	84	62.22%	135
There is limited or no specific	5	3.70%	38	28.15%	92	68.15%	135

legal protection available for survivors with coerced debt							
Survivors do not trust the legal system	3	2.24%	52	38.81%	79	58.96%	134
Survivors cannot access or afford legal or other assistance	1	0.72%	18	13.04%	119	86.23%	138
Survivors do not know about or understand legal protection or relief available	3	2.17%	17	12.32%	118	85.51%	138