

Dec. 9, 2021

The Honorable Rohit Chopra
Director
Consumer Financial Protection Bureau
1700 G Street, N.W.
Washington, D.C. 20552

Re: LEP Access to Online Complaint System

Director Chopra,

We, the undersigned civil rights, consumer, and housing organizations, write to urge the Consumer Financial Protection Bureau (CFPB) to address an equal access issue raised by advocates in communities across the United States and in Puerto Rico regarding the CFPB's online complaint system.

The CFPB complaint system does not allow for complaints from limited-English proficient (LEP) consumers to be submitted in-language online, creating barriers to equitable access for the many LEP consumers needing the Bureau's assistance and impeding the CFPB's ability to carry out its fair lending and consumer protection obligations effectively. Disparate treatment regarding the complaint process prevents effective enforcement of CFPB regulations within Latinx and other communities with LEP consumers, making it easier for abuses and legal violations to remain unaddressed in the communities with great need of the Bureau's assistance. As the Bureau noted in its 2017 report on serving LEP consumers, "The effective integration of LEP consumers into the financial marketplace has the potential to create positive benefits for consumers and the financial services industry alike."¹

We urgently request that you provide access to the online complaint system in Spanish and other languages commonly spoken by LEP individuals across the country. While phone access is of great value to many LEP consumers, it is insufficient. Adding online access would provide the possibility for greater use and for an unmediated opportunity to describe the challenges faced by LEP consumers. This, in turn, would improve the complaint system as a tool by which the CFPB can identify both individual institutions that may be violating various laws and regulations and systemic problems requiring comprehensive solutions. Addressing this matter is of particular importance right now because of the scale of challenges faced by homeowners exiting forbearances and seeking alternative payment arrangements with their mortgage servicers.

According to the 2017 American Community Survey, approximately 25.9 million individuals, roughly 9% of the U.S. population, are considered LEP. Approximately 83% of all LEP residents speak one of eight languages: Spanish, Chinese, Vietnamese, Korean, Tagalog, Russian, Arabic, and Haitian Creole. About 64% of the LEP population speaks Spanish.

¹ Consumer Financial Protection Bureau, [Spotlight on Serving Limited English Proficient Consumers: Language Access in the Consumer Financial Marketplace](#) 6 (Nov. 2017).

Families of color, including LEP individuals, continue to face barriers to access in the mortgage and credit markets, as well as a lack of adequate oversight and enforcement to protect their rights in the financial marketplace.²

Practices such as formal and informal redlining prevented many Latinx households from purchasing a home during the last century.³ This trend continues through the present day: Latinx households are denied mortgages at a rate much higher than white Americans.⁴ Through limited access to credit, many Latinx households and other LEP applicants, have been unable to gain access to homeownership and the wealth-building opportunity it provides.⁵ Even when credit is available, many homeowners in these same communities end up paying more for their mortgage loans. To appropriately respond to this legacy of discrimination against Latinx and LEP households and enforce consumer protections, the CFPB must ensure that its core services, such as the online complaint system, are fully accessible.

Homeownership represents a substantial source of generational wealth – especially for Latinx and LEP households. Home equity represents 67% of the net worth of Latinx households compared to 41% for white households—higher than any other community of color in the country.⁶ With such a large amount of wealth tied to homeownership, the loss of a home through unscrupulous market actors or by inadequate mortgage servicing in the face of economic hardship means that Latinx families not only potentially face homelessness, but also face the loss of their primary source of accumulated family wealth. To promote economic and family stability and to preserve home equity, the Bureau’s oversight work through its complaint database must be fully accessible to LEP borrowers.

Without in-language, online complaint access for LEP borrowers who speak Spanish, the Bureau’s ability to provide proper oversight of practices in Puerto Rico is compromised. In the last four years, Puerto Rico’s foreclosure crisis has worsened. Between 2017 and June 2021, 14,622 families have lost their homes. In the first half of 2021, at least 875 new foreclosure proceedings have begun in the local courts—this during a period in which most foreclosures across the nation were halted. With several natural disasters as contributing factors, there is an increased need to hold financial institutions accountable for violations of consumers’ rights.

² Drew Desilver & Kristen Bialik, [Black and Hispanics Face Extra Challenges in Getting Home Loans, Pew Research Center \(January 10, 2017\)](#).

³ Bruce Mitchel & Juan Franco, [HOLC “Redlining” Maps: The Persistent Structure of Segregation and Economic Inequality, National Community Reinvestment Coalition, \(March 20, 2018\)](#).

⁴ For example, a recent analysis conducted by the Markup and the Associated Press found that Hispanic applicants for mortgages were 40% more likely to be denied than similarly situated white applicants. Emmanuel Martinez & Lauren Kirschner, [The Secret Bias Hidden in Mortgage-Approval Algorithms](#), The Markup and AP (August 25, 2021).

⁵ Edward Golding, et al., [Is Limited English Proficiency a Barrier to Homeownership?, Urban Institute \(March 26, 2018\)](#).

⁶ Michael Neal & Alanna McCargo, [How Economic Crises and Sudden Disasters Increase Racial Disparities in Homeownership](#), Urban Institute (June 2020), at 9.

Several additional factors in Puerto Rico underscore the necessity for providing equal online access to the complaint process for Spanish-speaking individuals, including the heightened participation of foreign companies and speculators in the mortgage market, the impact of abuses and hardships on historically vulnerable populations, such as women and older persons, the failure of the local government to receive and process complaints against financial institutions, and a broad housing crisis on the island.

We applaud the work the CFPB has already done to increase equity in its programs and materials. We again acknowledge that in-language oral interpretation services are available through CFPB's phone complaint line. However, permitting LEP individuals to submit complaints only by phone lowers the rate at which LEP individuals report complaints. Advocates in Puerto Rico have identified a sustained preference to connect with assistance using online tools, instead of by phone.

A lack of online access to the complaint system for LEP consumers also means that any data and conclusions drawn from a demographic analysis of complaint data is skewed. Utilizing this distorted data could potentially result in the CFPB and other governmental institutions failing to address the needs of LEP households, leaving them with less protection as the economy continues to react to the COVID-19 pandemic and numerous climate change-driven disasters. As the Bureau noted in its own recent report on mortgage servicing, access for LEP consumers relates to fair lending risk.⁷

We ask that the CFPB:

- Make available a Spanish version of the complaint form. In particular, the “Submit a Complaint” [webpage](#) should be available in translation, as well as the pages linked to that page for the “Start your Complaint” submission process. Further, these pages should direct consumers to the Bureau’s [Spanish language subsite](#), which contains many helpful materials and should be expanded to contain more information about mortgage servicing and loss mitigation. In addition, the Bureau should explore options for making the online complaint portal available in other languages.
- Collaborate with stakeholders who work in LEP communities, including in Puerto Rico, to raise awareness about the right to submit complaints to the CFPB. Additional work should be done to highlight the availability of this service when consumers face problems in connection with natural disasters, as these times present particular consumer protection risks to affected populations. Such a collaboration would make it more likely that complaints reach the Bureau, offering an opportunity for more prompt review and resolution.

⁷ Consumer Financial Protection Bureau, [Mortgage Servicing COVID-19 Pandemic Response Metrics: Observations from Data Reported by Sixteen Servicers](#) (Aug. 2021) at 26.

While we recognize that providing online access to the complaint portal for LEP consumers may present some administrative challenges to CFPB staff, the situation for borrowers across the country has rarely been so perilous. The pandemic has hit hardest in the same communities facing its greatest economic challenges.

By quickly implementing these measures, we hope that the CFPB can continue to be a model of effective and equitable consumer interaction and serve as an example for lenders as they seek to increase the accessibility of their products and services. By ensuring that Latinx and other LEP communities can fully access the same complaint reporting options as their counterparts who are proficient in English, the Bureau can provide these households with a better chance to avail themselves of our nation's consumer protection and fair lending laws and to address some of the significant abuses they face.

Thank you again for your attention to this matter,

Ayuda Legal Puerto Rico

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

National Low Income Housing Coalition

Americans for Financial Reform Education Fund

Autistic Self Advocacy Network

CAARMA Consumer Advocates Against Reverse Mortgage Abuse

California Low-Income Consumer Coalition (CLICC)

Center for Responsible Lending

Coalición de Coaliciones Pro Personas sin Hogar de PR, Inc.

Community Legal Services of Philadelphia

Community Organizing and Family Issues/POWER-PAC IL

Consumer Action

Consumer Federation of America

Empire Justice Center

Esperanza Para la Vejez, Inc.

Greater Boston Legal Services, on behalf of its low-income clients

Hispanic Federation

Instituto de Educacion Practica (Puerto Rico Bar Association)

Integrated Community Solutions, Inc

Legal Services of New Jersey

Massachusetts Communities Action Network

MICAH- Metropolitan Interfaith Council on Affordable Housing

NAACP

National Association for Latino Community Asset Builders

National Association of Consumer Advocates

National CAPACD- National Coalition for
Asian Pacific American Community
Development

National Coalition For The Homeless

National Community Stabilization Trust

National Council of Asian Pacific
Americans (NCAPA)

National Fair Housing Alliance

National Housing Law Project

National Housing Resource Center

National Urban League

New Jersey Citizen Action

Oficina del Procurador de Personas de Edad
Avanzada

Pennsylvania Utility Law Project

Pontifical Catholic University of Puerto
Rico's Legal Aid Clinic

PR Civil Rights Commission

Public Counsel

Public Good Law Center

Public Justice

Servicios Legales Comunitarios, Inc.

Servicios Legales de Puerto Rico

TURN The Utility Reform Network

UnidosUS

Vermont Legal Aid

Virginia Citizens Consumer Council