

42 shall recover under this subchapter and section 3612<sup>1</sup> of title 42, if such violation is based on the same transaction.

**(j) Discovery of creditor's granting standards**

Nothing in this subchapter shall be construed to prohibit the discovery of a creditor's credit granting standards under appropriate discovery procedures in the court or agency in which an action or proceeding is brought.

**(k) Notice to HUD of violations**

Whenever an agency referred to in paragraph (1), (2), or (3)<sup>1</sup> of section 1691c(a) of this title—

(1) has reason to believe, as a result of receiving a consumer complaint, conducting a consumer compliance examination, or otherwise, that a violation of this subchapter has occurred;

(2) has reason to believe that the alleged violation would be a violation of the Fair Housing Act [42 U.S.C. 3601 et seq.]; and

(3) does not refer the matter to the Attorney General pursuant to subsection (g) of this section,

the agency shall notify the Secretary of Housing and Urban Development of the violation, and shall notify the applicant that the Secretary of Housing and Urban Development has been notified of the alleged violation and that remedies for the violation may be available under the Fair Housing Act.

(Pub. L. 90-321, title VII, §706, as added Pub. L. 93-495, title V, §503, Oct. 28, 1974, 88 Stat. 1524; amended Pub. L. 94-239, §6, Mar. 23, 1976, 90 Stat. 253; Pub. L. 102-242, title II, §223(a)-(c), Dec. 19, 1991, 105 Stat. 2306; Pub. L. 111-203, title X, §1085(1), (5)-(7), July 21, 2010, 124 Stat. 2083, 2085.)

REFERENCES IN TEXT

Section 3612 of title 42, referred to in subsec. (i), which related to enforcement of the Fair Housing Act (42 U.S.C. 3601 et seq.) by private persons, was repealed by Pub. L. 100-430, §8(2), Sept. 13, 1988, 102 Stat. 1625. See section 3613 of Title 42, The Public Health and Welfare.

Paragraph (1), (2), or (3) of section 1691c(a) of this title, referred to in subsec. (k), probably means par. (1), (2), or (3) of section 1691c(a) of this title prior to repeal of pars. (1) and (2), enactment of new pars. (1) and (9), and redesignation of par. (3) as (2) by Pub. L. 111-203, title X, §1085(4)(A)(ii)-(vi), July 21, 2010, 124 Stat. 2084.

The Fair Housing Act, referred to in subsec. (k), is title VIII of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 81, which is classified principally to subchapter I (§3601 et seq.) of chapter 45 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

AMENDMENTS

2010—Subsec. (e). Pub. L. 111-203, §1085(5)(B), substituted “Bureau of Consumer Financial Protection” for “Federal Reserve System” in text.

Pub. L. 111-203, §1085(5)(A), which directed amendment of “subsection heading” by substituting “Bureau” for “Board” wherever appearing and “Bureau of Consumer Financial Protection” for “Federal Reserve System”, was executed by making the substitutions in heading that had been supplied editorially, to reflect the probable intent of Congress.

Pub. L. 111-203, §1085(1), substituted “Bureau” for “Board” wherever appearing.

Subsec. (f). Pub. L. 111-203, §1085(7), substituted “5 years after” for “two years from” wherever appearing.

Subsec. (g). Pub. L. 111-203, §1085(6), substituted “(9)” for “(3)”.

1991—Subsec. (g). Pub. L. 102-242, §223(a), inserted at end “Each agency referred to in paragraphs (1), (2), and (3) of section 1691c(a) of this title shall refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has engaged in a pattern or practice of discouraging or denying applications for credit in violation of section 1691(a) of this title. Each such agency may refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has violated section 1691(a) of this title.”

Subsec. (h). Pub. L. 102-242, §223(b), inserted “actual and punitive damages and” after “be appropriate, including”.

Subsec. (k). Pub. L. 102-242, §223(c), added subsec. (k). 1976—Subsec. (a). Pub. L. 94-239 substituted reference to member for reference to representative.

Subsec. (b). Pub. L. 94-239 inserted provisions exempting government or governmental subdivision or agency from requirements of this subchapter, incorporated provisions contained in former subsec. (c) relating to recovery in class actions and, as incorporated, raised the total amount of recovery under a class action from \$100,000 to \$500,000.

Subsec. (c). Pub. L. 94-239 redesignated subsec. (d) as (c) and specified United States district court or other court of competent jurisdiction as court in which to bring action, and substituted provisions authorizing such court to grant equitable and declaratory relief, for provisions authorizing civil actions for preventive relief. Provisions of former subsec. (c) were incorporated into present subsec. (b) and amended.

Subsec. (d). Pub. L. 94-239 redesignated subsec. (e) as (d) and made minor changes in phraseology. Former subsec. (d) redesignated (c) and amended.

Subsec. (e). Pub. L. 94-239 redesignated subsec. (f) as (e) and inserted reference to officially promulgated rule, regulation, or interpretation and provisions relating to approval and interpretations by an official or employee of the Federal Reserve System duly authorized by the Board. Former subsec. (e) redesignated (d) and amended.

Subsec. (f). Pub. L. 94-239 redesignated subsec. (g) as (f) and inserted provisions which substituted a two year limitation for one year limitation and provisions extending time in which to bring action under enumerated conditions. Former subsec. (f) redesignated (e) and amended.

Subsecs. (g) to (j). Pub. L. 94-239 added subsecs. (g) to (j). Former subsec. (g) redesignated (f) and amended.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-239 effective Mar. 23, 1976, see section 708 of Pub. L. 90-321, set out as an Effective Date note under section 1691 of this title.

**§ 1691f. Annual reports to Congress; contents**

Each year, the Bureau and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this subchapter, including such recommendations as the Bureau and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Bureau shall include its assessment of the extent to which compliance with the requirements of this subchapter is being achieved, and a summary of

<sup>1</sup> See References in Text note below.

the enforcement actions taken by each of the agencies assigned administrative enforcement responsibilities under section 1691c of this title.

(Pub. L. 90-321, title VII, §707, as added Pub. L. 94-239, §7, Mar. 23, 1976, 90 Stat. 255; amended Pub. L. 96-221, title VI, §610(c), Mar. 31, 1980, 94 Stat. 174; Pub. L. 111-203, title X, §1085(1), July 21, 2010, 124 Stat. 2083.)

#### AMENDMENTS

2010—Pub. L. 111-203 substituted “Bureau” for “Board” wherever appearing.

1980—Pub. L. 96-221 substituted “Each year” for “Not later than February 1 of each year after 1976”.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-221 effective on expiration of two years and six months after Mar. 31, 1980, with all regulations, forms, and clauses required to be prescribed to be promulgated at least one year prior to such effective date, and allowing any creditor to comply with any amendments, in accordance with the regulations, forms, and clauses prescribed by the Board prior to such effective date, see section 625 of Pub. L. 96-221, set out as a note under section 1602 of this title.

#### EFFECTIVE DATE

Section effective Mar. 23, 1976, see section 708 of Pub. L. 90-321, set out as a note under section 1691 of this title.

### SUBCHAPTER V—DEBT COLLECTION PRACTICES

#### § 1692. Congressional findings and declaration of purpose

##### (a) Abusive practices

There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.

##### (b) Inadequacy of laws

Existing laws and procedures for redressing these injuries are inadequate to protect consumers.

##### (c) Available non-abusive collection methods

Means other than misrepresentation or other abusive debt collection practices are available for the effective collection of debts.

##### (d) Interstate commerce

Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.

##### (e) Purposes

It is the purpose of this subchapter to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors

who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.

(Pub. L. 90-321, title VIII, §802, as added Pub. L. 95-109, Sept. 20, 1977, 91 Stat. 874.)

#### EFFECTIVE DATE

Pub. L. 90-321, title VIII, §819, formerly §818, as added Pub. L. 95-109, Sept. 20, 1977, 91 Stat. 883, §818; renumbered §819, Pub. L. 109-351, title VIII, §801(a)(1), Oct. 13, 2006, 120 Stat. 2004, provided that: “This title [enacting this subchapter] takes effect upon the expiration of six months after the date of its enactment [Sept. 20, 1977], but section 809 [section 1692g of this title] shall apply only with respect to debts for which the initial attempt to collect occurs after such effective date.”

#### SHORT TITLE

This subchapter known as the “Fair Debt Collection Practices Act”, see Short Title note set out under section 1601 of this title.

#### § 1692a. Definitions

As used in this subchapter—

(1) The term “Bureau” means the Bureau of Consumer Financial Protection.

(2) The term “communication” means the conveying of information regarding a debt directly or indirectly to any person through any medium.

(3) The term “consumer” means any natural person obligated or allegedly obligated to pay any debt.

(4) The term “creditor” means any person who offers or extends credit creating a debt or to whom a debt is owed, but such term does not include any person to the extent that he receives an assignment or transfer of a debt in default solely for the purpose of facilitating collection of such debt for another.

(5) The term “debt” means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

(6) The term “debt collector” means any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Notwithstanding the exclusion provided by clause (F) of the last sentence of this paragraph, the term includes any creditor who, in the process of collecting his own debts, uses any name other than his own which would indicate that a third person is collecting or attempting to collect such debts. For the purpose of section 1692f(6) of this title, such term also includes any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the enforcement of security interests. The term does not include—

(A) any officer or employee of a creditor while, in the name of the creditor, collecting debts for such creditor;