

Bureau of Consumer Financial Protection
1700 G Street NW
Washington, D.C. 20552



April 27, 2020

Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Dear Chairman Pai:

I am writing in regard to a petition submitted by the American Bankers Association (ABA) and other trade associations, and supported in part by the National Consumer Law Center (NCLC) and other consumer advocacy organizations, to allow financial institutions to make certain automated calls to alert their customers to certain relief options related to the COVID-19 pandemic without violating the Telephone Consumer Protection Act (TCPA). Several members of my staff spoke with Kristi Thompson from the FCC's Enforcement Bureau, and Kurt Schroeder and Kristi Thornton from the FCC's Consumer and Governmental Affairs Bureau about this topic on April 22, 2020.

As the country continues to experience the impact of the COVID-19 pandemic, the Consumer Financial Protection Bureau (Bureau) continues to execute its important mission protecting consumers through education, regulation, supervision, and enforcement. First and foremost, when it comes to education, the Bureau is actively working to provide consumers with timely, accurate information regarding the relief options available to them in the consumer financial marketplace. Due to swift government action such as through the CARES Act, these relief options have evolved and may continue to evolve as the pandemic progresses. Consistent with the guidance from government entities, consumers are approaching their financial services entities, particularly mortgage servicers and banks, in record number. The record number includes borrowers experiencing financial hardships and seeking immediate relief, as well as consumers who have questions and want to ensure they understand their options.

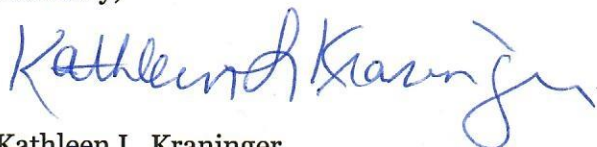
consumerfinance.gov

While consumers continue to confront various challenging circumstances, the Bureau has sought every avenue through stakeholders and fellow agencies to increase consumer awareness of the various relief options that may be available to them, including those available due to government actions and those made available by their financial institutions. Despite our best efforts, we know we have not reached all consumers who need and would benefit from available assistance. Allowing financial institutions to make automated calls is one more way to maximize the outreach to ensure consumers receive important and timely information.

A limited number of automated calls from financial institutions to their customers alerting them to offers of forbearance; payment deferrals; fee waivers; extension or relaxation of repayment terms; loan modifications; and other programs, relief and resources relating to loans secured by homes or vehicles is an important avenue to ensuring that consumers know the various options that may be available to them. Financial institutions engaging in this activity remain subject to other existing legal requirements with respect to communications with consumers, such as the Bureau's mortgage servicing rules¹ and the Dodd-Frank Act's prohibition on unfair, deceptive, or abusive acts or practices.²

Thank you for your consideration. Please feel free to contact me or have your staff contact Cheryl Parker Rose, Assistant Director, Office of Intergovernmental Affairs, should you have any questions about the content of this letter or need further assistance. Ms. Parker Rose can be reached at (202) 384-4367 or via email: Cheryl.Rose@cfpb.gov.

Sincerely,



Kathleen L. Kraninger
Director

cc: Marlene Dortch, Secretary, Federal Communications Commission

¹ See, e.g., Regulation X, 12 CFR 1024.39(a) (requiring certain servicers to establish or make good faith efforts to establish live contact with certain delinquent mortgage borrowers no later than the 36th day of a borrower's delinquency and again no later than 36 days after each payment due date so long as the borrower remains delinquent).

² See Pub. L. No. 111-203, Tit. X, sec. 1031(a), 124 Stat. 1376, 2005 (2010) (codified at 12 U.S.C. 5531(a)).