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MEMORANDUM

May 7, 2019

To Our Clients and Friends

Re: CFPB Proposed Rulemaking to Implement the FDPCA

The Consumer Financial Protection Bureau has issued a notice of proposed rulemaking to prescribe rules governing the activities of debt collectors under the Fair Debt Collection Practices Act. The proposed rule establishes limits on certain means of communication with debtors and clarifies which means of communication are lawful, clarifies requirements for certain debt collection disclosures, and prohibits certain actions by debt collectors related to time-barred debts and credit reporting.

The proposed rule:

- Prohibits debt collectors from contacting a debtor by telephone more than seven times per week, and requires debt collectors to wait at least a week to call the debtor after a telephone conversation
- Clarifies which communication technologies such as voicemails, e-mails, and text messages debt collectors may use and permits debtors to unsubscribe from such methods
- Requires debt collectors to send a disclosure to debtors containing certain information about the debt and consumer protections, such as including an itemization of the debt and a plain language explanation of how to respond to a collection attempt
- Prohibits debt collectors from suing or threatening to sue to collect debts if the debt collectors know or should know that the relevant statute of limitations has expired
- Forbids debt collectors from providing information about debts to credit reporting agencies unless the consumer had been previously contacted about the debts

Comments are due 90 days after publication in the *Federal Register*.

If you have any questions, please call Gilbert Schwartz, Robert Ballen, Heidi Wicker, or Victor Razon at (202) 776-0700.