



## PRESS RELEASE

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### **Attorney General Frosh Urges CFPB to Protect Consumers from Credit Discrimination**

**BALTIMORE, MD (September 5, 2018)** – Maryland Attorney General Brian E. Frosh today joined a coalition of 14 attorneys general urging the Consumer Financial Protection Bureau (CFPB) and Acting Director Mick Mulvaney to continue protecting the rights of consumers against credit discrimination under the Equal Credit Opportunity Act (ECOA). The Attorneys General share authority with the CFPB to enforce regulations about the ECOA and lead antidiscrimination efforts in their own states. As such, they are advising that the CFPB continue enforcing the ECOA, including its provision for disparate impact liability.

“Ability to gain access to and establish consumer credit is one of the driving forces behind economic growth and stability,” said Attorney General Frosh. “My office is committed to protecting consumers from discrimination under the provisions of ECOA.”

The ECOA is the principle federal antidiscrimination law for all forms of credit except home mortgage lending. It prohibits creditors from discriminating against consumers on the basis of race, color, religion, national origin, sex, marital status, and age. The ECOA also protects people from discriminatory intent and unconscious prejudices that do not mention race, color, religion, national origin, sex, marital status, or age, but still have a discriminatory effect that prevents equality of opportunity. The CFPB is charged with oversight and enforcement of federal laws relevant to nondiscriminatory lending and credit practices, which includes interpreting the ECOA.

The Supreme Court’s 2015 ruling in *Inclusive Communities* dictated that the text of the ECOA provides for disparate impact liability, and numerous courts have continued to recognize disparate impact claims under the ECOA. In their letter, the Attorneys General say they “will not hesitate to uphold the law if CFPB acts in manner contrary to law with respect to interpreting ECOA.”

Attorney General Frosh is joined in sending this letter by the Attorneys General of California, Illinois, Maine, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, and Washington, DC.