

8 Days Remain to Prepare for "Regulation F": KD's Countdown to Compliance Continues

It is now 8 days until "Regulation F" of the Fair Debt Collection Practices Act ("FDCPA") takes effect on November 30. Today, our alert focuses on Validation Requirements, to consider in your preparations.

8 Days Left

Validation Requirements—Optional Disclosures

KD's countdown to Regulation F continues today by exploring language options debt collectors can utilize in validation notices, within the requirements of Reg F and the safe harbor of the Model Validation Notice.

Spanish-language translation disclosures: A debt collector can include either or both of the following disclosures regarding a consumer's ability to request a Spanish-language translation of a validation notice:

- A debt collector may include supplemental information in Spanish, that specifies how a consumer may request a Spanish-language validation notice. The statement, "Póngase en contacto con nosotros para solicitar una copia de este formulario en español" (which means "Contact us to request a copy of this form in Spanish"), is a phrase that can be used when providing this optional disclosure.
- In the consumer-response information required, the statement "Quiero este formulario en español" (which means "I want this form in Spanish"), can be used next to a prompt.

A debt collector who includes in the validation information either or both of the optional disclosures, and who thereafter receives a request from the consumer for a Spanish-language validation notice, must provide the consumer a validation notice completely and accurately translated into Spanish.

Translation into other languages: A debt collector may send a consumer a validation notice completely and accurately translated into any language if the debt collector:

- Sends the consumer an English-language validation notice in the same communication as the translated validation notice; or
- Previously provided the consumer an English-language validation notice, in which case the debt collector need not send the consumer an English-language validation notice in the same communication, as the translated validation notice.

Note: A debt collector may use translations found on the CFPB's website, or may choose another accurate translation.

Alternative Names: A debt collector can include the Merchant brand, Affinity brand, or Facility name, if any, associated with the debt.

- Merchant brand: Assume that a debt collector is attempting to collect a consumer's credit card debt. The credit card was issued by ABC Bank and was co-branded XYZ Store. "XYZ Store" is the merchant brand.
- Affinity brand: Assume that a debt collector is attempting to collect a consumer's credit card debt. The credit card was issued by ABC Bank, and the logo for the College of Columbia appears on the credit card. "College of Columbia" is the affinity brand.
- Facility name: Assume that a debt collector is attempting to collect a consumer's medical debt. The medical debt relates to a treatment that the consumer received at ABC Hospital. "ABC Hospital" is the facility name.

Electronic Validation Notice: If a debt collector delivers a validation notice electronically, a debt collector may, at its option, format the validation notice as follows:

- Prompts-any prompt may be displayed electronically as a fillable field.
- Hyperlinks-hyperlinks may be embedded that, when clicked:
 - Connect a consumer to the debt collector's website;
 - Connect a consumer to the Bureau's debt collection website; or
 - Permit a consumer to respond to the dispute and original-creditor information prompts

Kaufman Dolowich & Voluck's Consumer Financial Services Group is here to assist in your collection preparations to comply with Regulation F. We can also answer other compliance questions you may have.