Exhibit A

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CONSUMER DATA INDUSTRY ASSOCIATION,

Plaintiff,

v.

AARON FREY IN HIS CAPACITY AS ATTORNEY GENERAL OF THE STATE OF MAINE,

and

WILLIAM M. LUND IN HIS CAPACITY AS SUPERINTENDENT OF THE MAINE BUREAU OF CONSUMER CREDIT PROTECTION

Defendants.

Case No. 1:19-cv-00438-GZS

PROPOSED BRIEF OF *AMICUS CURIAE* NATIONAL CONSUMER LAW CENTER AND MAINE EQUAL JUSTICE IN SUPPORT OF DEFENDANTS' MOTION FOR JUDGMENT

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STATEMENT OF IDENTITY AND INTERESTS IN THE CASE

Amicus curiae National Consumer Law Center (NCLC) is a nonprofit organization that works for consumer justice and economic security for low income and other disadvantaged people, including older adults, in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. NCLC draws on over forty years of expertise regarding the Fair Credit Reporting Act (FCRA) and its protections for consumers. NCLC provides information, legal research, and policy analysis to Congress, state legislatures, administrative agencies, and courts. NCLC publishes Fair Credit Reporting (9^{th} ed. 2017), the definitive treatise on the FCRA. The Supreme Court of the United States has cited NCLC's treatises with approval.

Maine Equal Justice is a nonprofit civil legal services organization dedicated to working with and for people with low income seeking solutions to poverty through policy, education, and legal representation. Maine Equal Justice represents consumer's interests at the legislature, including by improving their rights in connection with the Maine Fair Debt Collections Practices Act and the Maine Fair Credit Reporting Act. Maine Equal Justice also represents the interests of victims of domestic violence and strongly advocated for the passage of the provisions of Maine law at issue in this case. Maine Equal Justice also represents consumers in debt collection actions. This case touches on a core feature of many consumer cases in which Maine Equal Justice is involved: the right not to be held responsible for the non-payment of debts one was coerced into entering.

STATEMENT OF AUTHORSHIP AND FINANCIAL CONTRIBUTIONS

Amicus curiae states that this brief was not authored in whole or in part by any party or its counsel, and that no person other than amici, its members, or its counsel contributed any money that was intended to fund the preparation and submission of this brief.

SUMMARY OF ARGUMENT

Contrary to the CDIA's belief, compliance with L.D. 748 and L.D. 110 will not undermine the accuracy, integrity, and reliability of consumer report information; indeed, the requirements of L.D. 748 and L.D. 110 will actually improve credit scores and accuracy.

Maine passed L.D. 748 to alleviate the damage to credit caused by economic abuse. Eliminating the reporting of these debts will not only set survivors on a path to economic stability, it will also more clearly depict the credit worthiness of a survivor. L.D. 748 does not contradict the federal FCRA, instead it supplements and streamlines procedures already available to survivors of economic abuse. Additionally, since Maine law prohibits collection of debts caused by economic abuse, prohibiting reporting of these debts reflects the credit status of these survivors more accurately, not less.

Medical debt is unique in that it is involuntary and complicated, yet it is also pervasive. Maine passed L.D. 110 in order to address medical debt in a way that reflects changes already agreed to by the nationwide CRAs or made by some sectors of the consumer reporting and credit scoring industry. The net effect is the removal of negative credit information when medical debt has been paid or settled in full and the appearance of positive credit data when medical debt is in repayment. This will in turn lead to higher credit scores that accurately reflect the financial status of a consumer.

ARGUMENT

I. <u>L.D. 748 Addresses the Serious Problem of Economic Abuse and Coerced Debt.</u>

A. The Origin of Coerced Debt and Credit Damage as a Method of Economic Abuse.

Abusive partners utilize different methods to control their victims[1] including physical, emotional, psychological and economic abuse. Economic abuse involves behaviors that control a person's ability to acquire, use, or maintain economic resources, therefore destabilizing that person's financial security. A.E. Adams et al., Development of the scale of economic abuse, 14 VIOLENCE AGAINST WOMEN 563 (2008). Economic abuse surfaces most in the context of intimate partner violence, though it can occur in other coercive and abusive familial relationships. Researchers estimate that between 94 and 99% of women seeking services for intimate partner violence have experienced economic abuse. *See id*.; J.L. Postmus et al., Understanding economic abuse in the lives of survivors, 27 J. OF INTERPERSONAL VIOLENCE 411 (2011).

While economic abuse spans a wide array of abusive behavior, damage to credit is one predominant tactic abusers use to exert control over survivors. This phenomenon has become increasingly prevalent, as consumer lending has permeated American life. A. Littwin, Coerced Debt: The role of consumer credit in domestic violence, 100 CALIF. L. REV. 954 (2012). This dynamic, as Professor Littwin succinctly notes, "makes the consumer credit system an unknowing party to domestic violence." *Id*.

Abusive partners destroy credit by fraudulently opening accounts in a survivor's name, lying about paying bills in a survivor's name, overcharging credit accounts, or coercing survivors to sign for loans, credit lines, or other expenses. This type of activity is known as "coerced debt," defined as "all non-consensual credit related transactions that occur in a violent relationship." *Id*.

[1] L.D. 748 refers to persons who have been victimized by economic abuse as "survivors of economic abuse." Advocates interchangeably use the terms "victim" and "survivor" depending on the preference of the person who experienced the abuse. If a person continues to be victimized by the abuse, or the abuse is ongoing, the person most often identifies with the term "victim." If a person has escaped an abusive relationship and is free from ongoing abuse, the term "survivor" is more often preferred. To mirror the language of L.D.748, amicus will use the term survivor.

at 954. Abusive partners utilize the consumer credit system to leave many survivors of domestic violence with hundreds or thousands of dollars of coerced debt.

Evidence of coerced debt has emerged in several existing studies. In a qualitative study of 187 women stalked by former intimate partners, 22.5% had abusive partners who exerted financial control over them, including opening credit cards in their names. M.P. Brewster, Power and control dynamics in prestalking and stalking situations, 18 J. OF FAM. VIOLENCE 207 (2003). In their research to develop the Scale of Economic Abuse (SEA), Adams and colleagues found that 39% of the 103 women who were interviewed and were seeking services for domestic violence had debt built under their name by their partners putting a car, apartment/house, or credit card in their name; 53% reported that their partner had used their checkbook, ATM card, or credit card without their permission and/or knowledge; and 68% reported that their partner had forced them to give him money or let him use their checkbook, ATM card, or credit card. A.E. Adams et al., Development of the scale of economic abuse, 14 VIOLENCE AGAINST WOMEN 563 (2008) The connection between abuse and debt is substantiated by findings from the 2007 Consumer Bankruptcy Project (CBP) showing that 17.8% of the 258 married and cohabitating female participants experienced intimate partner abuse in the year they filed for bankruptcy. This rate is much higher than the rates of abuse found in studies of the general population of women, which range from 1.5% to 9.8% in samples of women most comparable with that of the CBP, suggesting a strong connection between abuse and financial distress. A. Littwin, Coerced Debt: The role of consumer credit in domestic violence, 100 CALIF. L. REV. 954 (2012). As part of its report to the Maine Commission on Domestic and Sexual Abuse, the Maine Coalition to End Domestic Violence (MCEDV) asked survivors of domestic violence a series of questions related to economic abuse, including coerced debt. MCEDV found that 40% of the respondents indicated their partners falsely used their identity without their knowledge; 36% reported their identities were used to access credit or set up utilities; and 72% of the respondents said their partners often claimed they were paying bills when they were not. A Report on the Impact of Economic Abuse on Survivors of Domestic Violence in Maine, Presented to the Joint Standing Committee on Judiciary, February 7, 2019, p. 14 (Document 13-4, Exhibit D, p. 58). In fact, 57% of those surveyed reported that their abusive partners incurred debt using their name. *Id*.

In recognition of the dangers of economic abuse, Maine passed L.D. 748. The act delineates a three-pronged approach to bring relief to survivors of economic abuse and coerced debt. One provision in this act targets the reporting of debt or portions of debt that result from economic abuse to consumer reporting agencies. *See* 10 MRSA §1310-H(2-A). The importance of this relief cannot be understated to ensure that coerced debt does not prevent survivors from accessing important necessities of life.

B. The Reporting of Debt Resulting from Economic Abuse Has the Biggest Impact on the Ability of a Survivor to Obtain Much Needed Credit, Employment, or Housing.

Not only is economic abuse pervasive among survivors of domestic violence, but it has a long-lasting impact on whether a survivor will have access to credit, employment, or housing. Consumer reports are routinely used by creditors, potential employers, and landlords to make determinations about an applicant. The appearance of coerced debt and other detrimental information resulting from economic abuse negatively impacts a survivor's ability to obtain the credit, job, or housing. Additionally, survivors are often unable to obtain credit from traditional lenders and may be driven to borrowing from predatory sources such as payday lenders. These high-cost loans aggravate an already desperate financial situation, trapping survivors in insurmountable debt.

Survivors of domestic violence are apt to stay in abusive relationships if ending the relationship would result in poverty or homelessness, and if children are involved, survivors are even more prone to stay in an abusive relationship in order to shield their children from economic instability. As a result, perpetrators use the damage to credit they inflict to gain further financial control over survivors' current and future economic choices. Littwin, A. (2012). Coerced Debt: The role of consumer credit in domestic violence. California Law Review, 100(4), 951.

The record of Maine residents testifying on behalf of L.D. 748 is replete with examples of economic abuse destroying a survivor's credit record. See Document 13-4. For example, Ms. Rachel Glaser states that prior to the economic abuse she experienced, she had a credit score in the 700's. Document 13-4, Exhibit D, p.15. She was employed, had a 401k policy, a life insurance policy, and almost $100,000 in equity. *Id*. In addition to committing severe acts of physical abuse, Ms. Glaser's abuser made unauthorized purchases on her bank card and coerced her to take out more debt in her name to pay for expenses he had accrued. *Id*. Consequently, the home she owned was foreclosed and her credit score "plummeted to the 400's." *Id*. The credit impact of the abuse is clear.

Christie Davis explains how coerced debt hurt her credit. Document 13-4, p. 13. She was forced to transfer the balance of her abusive husband's debt onto two paid-off credit cards that were solely in her name; this maxed out the limits on those cards to a total of $18,000. *Id*. Without her knowledge, her husband also took out a $12,000 loan that was never used for household expenses. *Id*. The payments on that loan "drastically affected" the household budget and "adversely affected" her credit score. *Id*.

Attorney Nicole Golden-Bouchard from Pine Tree Legal Assistance writes that she routinely sees abusers put household bills in the name of domestic violence survivors, default on the accounts, and, "tell the victim they can't leave because no one will rent to them or give them an account for light or heat because their credit is destroyed." Document 13-4, Exhibit D, p. 21-22. The threat of homelessness[2] is not an idle threat; approximately 22%-55% of women experience homelessness as a result of domestic violence, with approximately 38% of all domestic violence survivors becoming homeless at some point in their lives. Domestic Violence and Homelessness Statistics, FAM. & YOUTH SERVICES BUREAU (2016), https://www.acf.hhs.gov/fysb/resource/dv-homelessness-stats-2016.

Ms. Golden-Bouchard also provided a textbook example of economic abuse:

> "One particular survivor comes to mind when I think of such abuse… a husband and wife had been married for decades and the wife suffered at the hands of the husband's abuse for nearly that entire time. After a particularly brutal sexual assault, the wife decided she could no longer stay. However, having no job, no money, and no prospects of making any, she felt utterly confined. She knew the abuser put the bills in her name, as her credit was originally better than his. She also knew he would stop paying them once she left. Still, the abuse had become too horrific and she felt she had to leave." Document 13-4, Exhibit D, p. 21-22.

Ms. Golden-Bouchard concludes this story explaining that after separating from her abuser, the survivor discovered the abuser stopped paying bills; had applied for credit cards online without her knowledge, accumulating tens of thousands of dollars of debt in her name; and, while he paid some of these accounts, defaulted on others. *Id*. The survivor then continued to experience the trauma of this abuse every time she received a letter or a call from a creditor or debt collector.[3]

[2] Among mothers with children experiencing homelessness, more than 80% had previously experienced domestic violence. Y. Aratani, Homeless Children and Youth, Causes and Consequences, NAT'L CTR. FOR CHILD. IN POVERTY (2009).

[3] L.D. 748 also targets debt collection activity. *See* 32 MRSA §11014, sub-§2-A.

The stories of these Maine residents testifying on behalf of L.D. 748 demonstrate the debilitating effect economic abuse and coerced debt has on credit. They illustrate the necessity of deleting data on a credit report caused by economic abuse in order to prevent the harms caused by the damage to credit. L.D. 748 provides this relief by implementing a mechanism for which survivors of economic abuse can correct their credit reports.

C. Even When Other Legal Remedies Exist, L.D. 748 Provides a Streamlined Process for Survivors of Economic Abuse to Address Credit Damage.

While there are remedies to correct negative marks from unauthorized or even coerced debt under the federal FCRA, pursuing these remedies often takes the help of an experienced advocate and can take an inordinate amount of time. Frank D'Alessandro, the Litigation and Policy Director of Maine Equal Justice notes that, "even in the best of circumstances, repairing one's credit can take years. For many survivors struggling with the impact of domestic violence, this process can be even more difficult." (Document 13-4, Exhibit D, p. 31).

Although there are no existing studies or case law examining the difficulty survivors of economic abuse encounter in removing or resolving negative data in their credit reports resulting from economic abuse, information of identity theft victims attempting to do the same is available. Comparison of identity theft victims to survivors of economic abuse is important, as one component of coerced debt includes fraud or identity theft, *i.e.*, when an abuser uses the name of a victim to take out credit and incur debt without her knowledge or consent.

Resolving identity theft in the credit reporting context can take months or more, especially when the thief has opened a new account in the victim's name. Erika Harrell, Victims of Identity Theft, U.S. DEP'T OF JUST. 25 (2014), https://www.bjs.gov. Even after victims have discovered the identity theft, they must wait weeks and months to receive information about their accounts from the consumer reporting agencies (CRAs), a protracted process that hinders remedial action and perpetuates the harm as the victims are forced to deal with disbelieving debt collectors, creditors, and CRAs. Resolving identity theft requires that consumers spend time contacting and re-contacting creditors, public officials, and CRAs, closing and opening new accounts, and even fending off debt collectors and civil suits. Even after making all this effort, identity theft victims often experience great difficulty in cleaning up their credit records. Frequently, the victim must live with the consequences of identity theft for months or years. *See* National Consumer Law Center, Automated Injustice Redux (2019), https://www.nclc.org/images/pdf/credit_reports/automated-injustice-redux.pdf (inability of consumers, including identity theft victims, to correct inaccurate information on credit reports). When CRAs are ineffective in keeping corrected information in the file and incorrect information from repeatedly reappearing in the file, the consumer's frustration and injury goes on for years. See, e.g., *Drew v. Experian*, 690 F.3d 1100 (9th Cir. 2012).

L.D. 748 streamlines and supplements the process by which survivors of economic abuse can obtain relief from credit damage. Specifically, a survivor can dispute coerced debt and other debt resulting from economic abuse directly to the CRA and have these debts removed from their reports. 10 MRSA §1310-H (2-A). The statute provides guidance on what documents a survivor can include in their dispute to the CRAs to prove economic abuse. *See* 14 MRSA §6001(6)(H)[4].

[4] Acceptable documentation includes, but is not limited to:

(1) A statement signed by a Maine-based sexual assault counselor as defined in Title 16, section 53-A, subsection 1, paragraph B, an advocate as defined in Title 16, section 53-B, subsection 1, paragraph A or a victim witness advocate as defined in Title 16, section 53-C, subsection 1, paragraph C;

(2) A statement signed by a health care provider, mental health care provider or law enforcement officer, including the license number of the health care provider, mental health care provider or law enforcement officer if licensed;

(3) A copy of a protection from abuse complaint or a temporary order or final order of protection;

(4) A copy of a protection from harassment complaint or a temporary order or final order of protection from harassment;

The CRAs do not have to be experts in understanding economic abuse. If survivors include with their dispute to the CRAs any of the documents outlined in 14 MRSA §6001(6)(H), then the CRAs must remove the debt or portion of the debt from the survivor's credit report. 10 MRSA §1310-H(2-A).

The Consumer Data Industry Association (CDIA) states in its complaint that removing the debt or portions of debt resulting from economic abuse requires the CDIA's member CRAs to, "adjudicate the legal effect of a contract…. effectively putting an end-run around the parties' legal rights and the legal system." However, the statute does not require a CRA to determine contract validity or contract liability; it merely requires the CRAs to remove the appearance of the debt or portion of a debt on a survivor's report. The CRA's are not required to determine whether the survivor *owes* the debt but rather, are solely required to remove the entry regarding that specific debt from the survivor's credit report. Simply removing the entry does not mean the underlying debt is somehow waived or discharged. It just means it is not being reported on the credit report. This is already what CRAs are required to do under the Fair Credit Reporting Act's identity theft block and reinvestigation provisions. See 15 U.S.C. §§1681c-2, 1681i. Even when an account has been blocked or removed pursuant to a dispute, creditors and debt collectors continue to pursue collection of the underlying debt, including filing suit to collect on the account. Therefore, the CRA in no way needs to "adjudicate" the legal validity of the contract or debt.

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(5) A copy of a police report prepared in response to an investigation of an incident of domestic violence, sexual assault or stalking; and

(6) A copy of a criminal complaint, indictment or conviction for a domestic violence, sexual assault or stalking charge.

Furthermore, as part of L.D. 748, Maine's debt collection statute was amended to prevent any collection of debts caused by economic abuse by debt collectors. See 32 MRSA §11014(2-A). If a survivor provides a debt collector the same type of documentation it provided to the CRAs under 14 MRSA §6001(6)(H), then the debt collector must cease collection of the debt or any disputed portion of the debt- including reporting the debt to any CRA. 32 MRSA §11014(2-A); 32 MRSA §11013 (2)(H). Therefore, under these provisions, there is no legal right a debt collector would have to report a debt caused by economic abuse that a CRA would prevent by complying with L.D. 748.

CDIA also argues in its complaint that removing the debt or portions of debt resulting from economic abuse requires the CDIA's member CRAs to reject accurate credit information. This, they argue, will impede the CRAs' ability to report accurate and predictive data relied on by their customers credit underwriting or other legitimate purposes. However, the opposite is true. When debts are not collectable as determined by Maine state law and other federal statutes[5], a survivor has the right to withhold payment. When debts are not collectable, there is no claim to a survivor's money or assets. As a result, these uncollectable debts should not factor into a creditor's assessment of credit worthiness. Therefore, by complying with LD 748 and removing the data caused by economic abuse, CRAs will ensure that their reports will more accurately show the credit picture of a survivor.

II. L.D. 748 Addresses the Problem of Medical Debt in Consumer Reports.

A. Medical Debt Is Pervasive and Often Inaccurate.

[5] Some of these remedies under federal law include provisions for unauthorized use of credit cards under the Fair Credit Billing Act, 15 U.S.C. § 1666 *et seq.*, unauthorized electronic transfers of bank funds under the Electronic Funds Transfer Act, 15 U.S.C. Sec. 1693, *et. seq.*, protections from unlawful debt collection under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692- 1692p, and rights to dispute incorrect credit information under the Fair Credit Reporting Act, 15 U.S.C. § 1681.

Medical debt is very different from other types of consumer debt. Medical bills result from services that are frequently involuntary, unplanned, and unpredictable, and for which price quotes are rarely provided. However, medical debt still factors into credit scores and credit decisions. In fact, medical debt represents an enormous portion of the debt collection entries that appear on credit reports. The CFPB found that medical debt collection entries account for over half (52.1%) of all entries by debt collectors on credit reports. Consumer Credit Reports: A Study of Medical and Non-Medical Collections, CONSUMER FIN. PROTECTION BUREAU (2014), www.consumerfinance.gov. Additionally, nearly one in five credit reports contain a medical debt item. *Id.*

The accuracy of medical debt accounts on consumer reports is also questionable. Medical debt accounts are often riddled with problems such as billing errors and disputes with insurers over liability for accounts. Mark Rukavina, Medical Debt and its Relevance When Assessing Creditworthiness, 46 SUFFOLK U. L. R. 967 (2014). Over 99% of medical debts are reported by debt collectors, not healthcare providers. Data Point: Medical Debt and Credit Scores, CONSUMER FIN. PROTECTION BUREAU (2014), www.consumerfinance.gov.

In response to problems such as these and many others, a multistate group of Attorneys General investigated the three nationwide CRAs - Experian, Equifax and TransUnion. The investigation resulted in a settlement agreement between a group of 31 Attorneys General and the three nationwide CRAs. Among other protections, the settlement agreement prohibits the three nationwide CRAs from reporting medical debt that is not yet 180 days delinquent, and requires removal or suppression of medical debt paid by insurance companies. (Assurance of Voluntary Compliance/Assurance of Voluntary Discontinuance, In the Matter of Equifax Info. Servs. L.L.C., Experian Info. Sols., Inc., and TransUnion L.L.C., § IV (E)(3)(a) (May 20, 2015), https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/Consumer-Protection/2015-05-20-CRAs-AVC.aspx).

B. Medical Debt Reporting Harms Consumers, Even Though It Is Not Predictive or At Best Is Less Predictive of Credit Worthiness.

The CFPB found that the presence of medical debt on a credit report unfairly penalizes a consumer's credit score, resulting in a credit score that is typically lower by ten points than it should be. Data Point: Medical Debt and Credit Scores, CONSUMER FIN. PROTECTION BUREAU (2014) , available at www.consumerfinance.gov.. For consumers who have a paid-off medical collection item, their scores are up to twenty-two points lower than they should be. *Id*. This can set families on a path to financial hardship that can last for years.

The CFPB further noted that "[c]redit scoring models which differentiate medical collections from other collections are likely to more accurately reflect the actual creditworthiness of consumers." Consumer Credit Reports: A Study of Medical and Non-Medical Collections 51-52, CONSUMER FIN. PROTECTION BUREAU (2014), www.consumerfinance.gov. In response, FICO modified its latest scoring model, FICO 9, so it does not consider paid collection items (both medical and non-medical). Understanding FICO Scores, FICO 8 (2016). Consumers whose only negative item is unpaid medical debt can expect their score to increase up to twenty-five points. Tara Seigel Bernard, Credit Scores Could Rise with FICO's New Model, N.Y. Times, Aug. 7, 2014, at B3. VantageScore had already made a similar change to its scoring system in March 2013. Kevin Wack, Credit Scoring Model Bucks the Industry Line on Paid Debts, Am. Banker, Mar. 11, 2013. (VantageScore removing paid collection accounts from its latest scoring model). However, not all creditors use these scoring models. Mortgage industry giants Fannie Mae and Freddie Mac currently do not use these models. They currently use an older FICO model, which leave consumers with lower credit scores. Tara Seigel Bernard, Credit Scores Could Rise with FICO's New Model, N.Y. Times, Aug. 7, 2014, at B3.

C. L.D. 110 Brings Relief to the Problems of Medical Debt Reporting by Implementing Already Existing Practices.

As mentioned previously, the nationwide CRAs already wait 180 days to report medical debt pursuant to the National Consumer Assistance Plan and the New York State settlement. Thus, L.D. 110 merely codifies this practice under Maine state law – *a practice that the nationwide CRAs already agreed to and have implemented*. 10 MRSA §1310-H(4)(A). Contrary to CDIA's argument, this provision in no way impedes the CRAs' ability to report accurate and predictive data because the CRAs have already agreed to refrain from reporting this very data.

In response to the data provided by the CFPB, and to remedy the disparity between credit scoring models, L.D. 110 prohibits the reporting of any medical debt that has been paid or settled in full. 10 MRSA §1310-H(4)(B). CRAs must either remove or suppress this data from a consumer's credit report once provided with documentation from either the consumer, the creditor, or the debt collector. *Id.* The multistate Attorney General settlement already provides for the removal of medical debts paid by an insurance company. LD 110 only extends this provision in a more logical and holistic manner; it requires removal of any medical debt that has been paid or settled in full, regardless of whether paid by an insurance company or the consumer. 10 MRSA §1310-H(4)(B).

L.D. 110 also requires that any regular, scheduled, periodic payments being made on medical debt be reported in the same manner as debt related to a consumer credit transaction, e.g., credit card, mortgage or student loan account. 10 MRSA §1310-H(4)(C). This provision does not impose any requirements that the FCRA does not already require. Under the FCRA, numerous courts have held that information can be inaccurate if it is technically correct, but misleading or if it omits material information. *See, e.g.*, Saunders v. Branch Bank & Trust Co., 526 F.3d 142, 148 (4th Cir. 2008); *see generally* National Consumer Law Center, Fair Credit Reporting, § 4.2.4 (9th ed. 2017). Thus, it is not sufficient for a creditor to only report the existence of a debt; if the consumer is making regular repayments towards the debt, those payments should be reported. Though debt collection items on a credit report do not include reporting of regular periodic payments, the absence of periodic payment reporting for debt collection items is not mandated by the FCRA, and indeed might constitute a violation of the FCRA by omitting material information about a debt. L.D. 110 therefore addresses and prevents any of these possible discrepancies.

CONCLUSION

Compliance with L.D. 748 and L.D. 110 will not undermine the accuracy, integrity, and reliability of consumer report information. In fact, the requirements of L.D. 748 and L.D. 110 will improve credit scores and accuracy. Furthermore, instead of explicitly contradicting federal law, as the CDIA argues, L.D. 748 and L.D. 110 supplement already existing provisions of federal law or codify existing practices agreed to by the credit reporting industry.

DATED: April 24, 2020

Respectfully submitted,

__/s/ Andrea Bopp-Stark_______
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

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