

VERSION 1.0

Response Guidance

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Consumer Financial
Protection Bureau

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Overview

This guidance supplements the Company Portal Manual, providing recommendations for documenting and responding to your consumers' complaints based on our best practice observations. Both general response guidance as well as product-specific guidance are included. This guidance will be updated as new products are added and as we note additional best practices.

This guidance was created to be a helpful resource for companies. As always, you, the Portal User, determine how best to respond to your consumers and what information is needed to respond to their concerns.

1. General Response Guidance

The following guidance applies to all products and response types:

- When referencing past responses, attach the past response.
- If there is litigation or bankruptcy referenced in the response, include a docket number or case information and attach the court decision, proof of settlement or consent judgment, notice of intent to file bankruptcy, or mandatory arbitration.
- If complaint was submitted by a third party, attach a valid third party authorization.

2. Product Specific Response Guidance

2.1 Credit Card

Account closings:

- Adverse Action notice including the reasons for the adverse action *
- Date the account was closed
- Date the notice was sent to the customer
- Whether notice sent by postal mail or electronically
 - If sent by postal mail, the address to which the statement (or notification, as applicable) was sent

Advertisement and solicitations:

- Relevant advertisement *

Billing statements:

- Billing statement(s), if not provided by the consumer with complaint *
- Whether billing statements sent by postal mail or electronically
 - If sent by postal mail, the address to which the statements were sent during the period of the dispute
 - If electronic only, consumer's agreement to receive billing statements only electronically *

* Include as attachment(s) to the response

Billing disputes:

- Billing statement(s) containing the disputed transactions, if not provided by the consumer *
- Summary outlining review of the consumers claim
- Supporting documentation received during any investigation *
- Date billing dispute was communicated to the bank by consumer
- Method of receipt of billing dispute (phone, online, postal mail, etc.)
- Date disposition was communicated to the consumer
- Notice to the consumer advising of disposition *

Collection practices:

- If the account has been sent to external or internal collections, the date(s) the account was with internal/external collections
- If sent to external collections, provide the name of external company

Credit determination:

- If credit was denied:
 - Adverse Action notice *
 - Date notice was sent to the consumer
 - Whether notice sent by postal mail or electronically
 - If sent by postal mail, the address to which the statement (or notification, as applicable) was sent
 - Reasons for the adverse action
- If credit was granted under terms other than requested, notice to consumer outlining the terms offered *

* Include as attachment(s) to the response

Credit reporting:

- Summary of how the account is currently being reported (including Metro II code) and the date that the account was reported with that status
 - If the account has reported different statuses within the past 60 days (other than continued delinquency), the other statuses and the dates reported
- Billing statements or other documentation that supports the reporting of the account *
- If the complaint is about account reporting after accepting forbearance/deferment, workout, or other repayment agreement:
 - Agreement that states how the account will be reported *
 - Status of repayment plan (not completed and date of non-completion, completed and date of completion, in process)

Delinquent accounts:

- Summary of what action/inaction resulted in the account becoming delinquent
- Statement which reflects the delinquent action (i.e., a missed payment) *

Fees:

- Statement showing the fee *
- If the fee has been reversed, statement confirming the fee reversal *
- Statement of fees, or the section of the contract outlining applicable fees for the account in question *

Forbearance:

- Forbearance agreement or call logs/notes detailing the forbearance offered/explained *
- Date forbearance to begin
- Date forbearance to end
- Details about how credit will be reported to credit reporting companies.

Identity theft / fraud / embezzlement:

- If the issue related to an application for credit, signed application, if available *
- Summary of your investigation into the consumers concerns and your disposition of the issue

* Include as attachment(s) to the response

Rewards:

- If the card is not being used as intended, an official company statement or evidence * that the account is not being used as intended
- Summary of the rewards program related to the consumers account and any disposition of the consumer's issue

Workout plans:

- Workout agreement *
- Date workout begins
- Date workout ends
- Payment amount
- Payment due date
- Date plan was communicated to the consumer

Verifying consumer's verbal enrollment (to products such as add-on products):

- Reasonable documentation that can validate the claim of consumer's agreement (audio file, transcript, etc.) *

* Include as attachment(s) to the response

2.2 Bank Account or Service

Account closures

- Any contract or agreement on which you rely for your response to the consumer *
- Any correspondence used to communicate the closure, if not initiated by account holder *
- Account statements for the time period in question *

Account fees or penalties

- Any contract or agreement on which you rely for your response to the consumer *
- Applicable fee schedule
- Related notices and/or disclosures provided to the consumer *
- Account statements for the time period in question *

Advertisements or marketing for a CD, checking, or savings account

- Related advertisements or marketing materials *

Electronic transaction:

- Any contract or agreement on which you rely for your response to the consumer *
- Account statements for the time period in question *
- Correspondence between the consumer and the bank about the transaction in question, the investigation, and its resolution *

Overdraft / NSF charge:

- Any contract or agreement on which you rely for your response to the consumer *
- Applicable fee schedule
- Related notices and/or disclosures provided to the consumer *
- Account statements for the time period in question *

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Stop payment request

- Any contract or agreement on which you rely for your response to the consumer *
- Stop payment request/authorization *
- Related notices and/or disclosures provided to the consumer *

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2.3 Consumer Loan

Consumer loan includes student loans, unsecured personal lines of credit, etc.

Application of payments:

- Any contract or agreement on which you rely for your response to the consumer *
- Payment history *
- Account statements for the time period in question, if relevant *

Fees or late charges:

- Any contract or agreement on which you rely for your response to the consumer *
- Applicable fee schedule *
- Related notices and/or disclosures provided to the consumer *
- Account statements for the time period in question *

Repayment options:

- Loan agreement and other documents signed at settlement *
- Any other contract or agreement on which you rely for your response to the consumer *
- Related notices and/or disclosures provided to the consumer, including at the time of consummation *
- Information about the options available to the consumer for repayment, if applicable *
- Contact information for the relevant bank representative
- Payment history, if relevant to the complaint *

Unlawful discrimination alleged:

- Company policy or procedures *
- Correspondence between the consumer and the company *
- Application or agreement *

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2.4 Mortgage

Application / origination

- Application *
- Initial disclosures required under TILA and RESPA *
- Application dates
- Rate lock agreement *
- GFE – initial AND all revised GFEs * (Explanation of all changed circumstances)
- HUD-1 *
- ECOA notices *
- Statement whether HARP or standard refinance
- Date and amount of loan application charge

Credit decision / underwriting

- Adverse Action notice provided to consumer *
- If notice does not contain specific denial reasons, list of specific denial reasons

Escrow

- Initial escrow account statement *
- Escrow statement/analysis *
- If account created after origination, documentation to support initiation of escrow *
- If forced place insurance:
 - Documentation to support initiation of forced placed insurance *
 - Communication to consumer about initiation of forced place insurance *

Foreclosure

- Full loan history *
- Trial loan modifications, permanent loan modifications, refi's, forbearance plans, other payment agreements *
- Original loan documents *
- Evidence supporting consumer was informed of all available workout options

* Include as attachment(s) to the response

Information reported to credit reporting company

- Evidence to support what was reported to credit reporting company *
- If adjustments to credit report result, evidence of submission of adjustment to credit reporting company *

Insurance

- Evidence to support force placement of homeowners insurance *
- Notifications to consumer informing homeowners insurance policy not in place *
- Escrow analysis and statements evidencing homeowners insurance payment disbursements *

Loan modifications

- Full loan history *
- Trial loan modifications, permanent loan modifications, refi's, forbearance plans, other payment agreements *
- Original loan documents *
- Evidence supporting consumer was informed of all available workout options
- Current status of loan/foreclosure process
- Foreclosure sale date (if scheduled)
- Statement whether modification is HAMP or proprietary
- Statement whether HARP or standard refinance
- Loan modification application *
- Denial notice *
- Investor criteria for denial
- List of workout options that have been reviewed
- TPP agreement *

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Payments

- Full loan history *
- Note or explanation of how payments are to be applied, especially if loan is simple interest *
- Payment history *
- Mortgage note *
- Explanation of codes on payment history or escrow statements
- ARM disclosure showing adjustment period *
- Transfer of servicing notices *

PMI

- Initial PMI disclosure and amortization schedule *
- Annual PMI disclosures *
- Evidence to support LTV calculation
- Evidence of investor's LTV requirements for cancellation of PMI

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