

April 6, 2016

The Honorable Richard Cordray  
Consumer Financial Protection Bureau  
1700 G Street NW  
Washington, DC 20552

Re: Call for a strong CFPB payday lending rule

Dear Director Cordray:

West Virginia has a proud history of keeping payday lenders out of our communities. The signers of this letter respectfully urge the Consumer Financial Protection Bureau (CFPB) to put an end to car title and other forms of predatory high-cost lending once and for all. We are part of the 90 million Americans who are far better off without payday lending in their states.

The battle against predatory payday lending in West Virginia has been a huge success. In 2005, when Internet payday lending tried to take hold here, West Virginia fought back. Internet payday lenders were forced to cancel debts and provide cash refunds to borrowers. There were over 110 settlements (84 with lenders and 26 with collection agencies). The West Virginia Attorney General's Consumer Protection Division was able to obtain roughly \$1.34 million in cash refunds and \$1.11 million in cancelled debts, for a total settlements value of \$2.45 million.

We cannot go backwards in this fight. We urge you to set a high bar for the entire country and issue a rule that enhances, rather than diminishes, our existing protections. Like you, we appreciate that there is a tremendous amount at stake for low-income families and communities throughout the country.

West Virginia has one of the highest rates of poverty in the nation. Our citizens are easy targets of predatory lenders and can quickly fall into a cycle of debt. We are a small state with a large percent of our population living on our borders with five other states. It is important that our residents are protected both in and out of state.

Many in West Virginia live from paycheck to paycheck. The last thing we need here is a plague of predatory, high-cost, small-dollar loans to dig them into an even deeper hole — precisely what could result if the CFPB were to issue a weak payday lending rule.

A strong rule would, at a minimum:

- **Strengthen the enforceability of existing usury laws and other state consumer protections.** The CFPB rule should provide that a violation of state usury or other consumer protection laws is an unfair, deceptive and abusive act and practice (UDAAP).

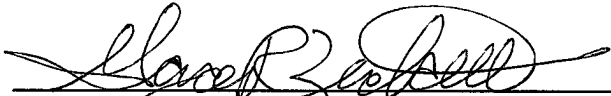
The rule should provide that payday loans are subject to the law of the state where the borrower resides. And it should establish that those who facilitate illegal loans, including through payment processing, lead generating, and advertising, are engaging in unfair, deceptive, and abusive practices.

- **Require a meaningful “ability to repay” standard without exceptions, and with no safe harbors or legal immunity for poorly underwritten loans.** The CFPB rule should include a strong “ability to repay” requirement for all loans, based on income and expenses. It should not provide any safe harbors. A weak rule, particularly one that allows lenders to make unaffordable loans or that includes a safe harbor, would give payday lenders unwarranted ammunition to knock down existing state protections, as they have been trying to do for years. Rather, the rule should provide that loans that do not meet a meaningful ability to repay standard are per se unfair.
- **Include enforceable protections against abuses by lead generators and other third-party marketing affiliates that sell people’s sensitive personal and financial information to payday lenders.** The sale of this information exposes people already in dire financial straits to risks of fraud and other exploitative business practices.
- **Affirm that state interest rate caps are *the most effective ways to protect people from payday and other predatory, high-cost loans.*** Although the CFPB may not set an interest rate cap, it is critical that states maintain their caps and other consumer protections against abusive high-cost lending.

West Virginia has shown that strong, enforceable prohibitions against payday lending constitute sound public policy and clearly benefit the public interest. Financially struggling West Virginia residents have found ways other than abusive, unfair, and predatory payday loans to address their financial needs. Payday lending would, as it has elsewhere where permitted, make these residents worse off, not better.


For these reasons, we urge you to issue a strong rule that in no way undermines West Virginia’s clear ban on payday lending, and that enhances West Virginia’s protections against abusive payday lending practices. Indeed, a strong rule will benefit people everywhere.

Respectfully,



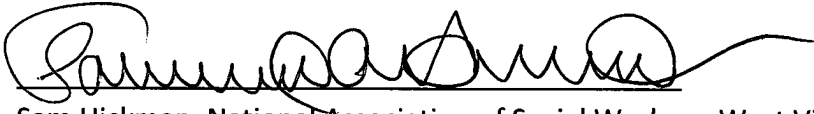
---

Gary Zuckett, West Virginia Citizen Action Group



---

Stephen Smith, West Virginia Healthy Kids and Families Coalition



---

Sam Hickman, National Association of Social Workers, West Virginia



---

Rev. James Patterson, Partnership for African American Churches



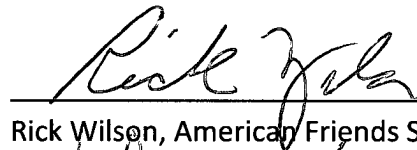
---

Ted Boettner, West Virginia Center on Budget and Policy



---

Ellen Allen, West Virginia Covenant House



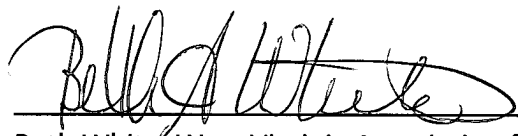
---

Rick Wilson, American Friends Service Committee

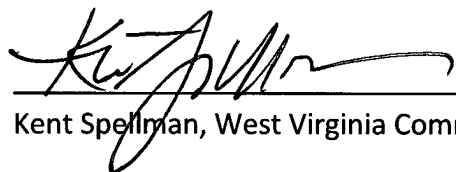


---

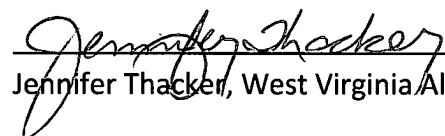
David McMahon, Mountain State Justice



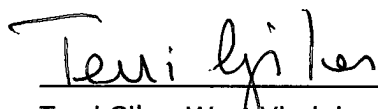
Beth White, West Virginia Association for Justice



Kent Spellman, West Virginia Community Development HUB



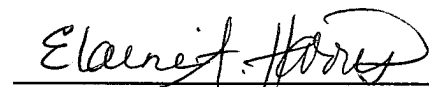
Jennifer Thacker, West Virginia Alliance for Sustainable Families



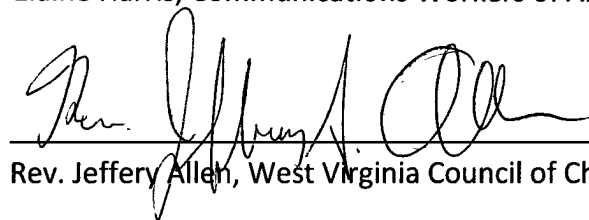
Terri Giles, West Virginians for Affordable Health Care



David Efav, West Virginia State Building and Construction Trades Council



Elaine Harris, Communications Workers of America – West Virginia



Rev. Jeffery Allen, West Virginia Council of Churches

First name	Last name	City	State	Comments
Julie	Archer	Sumerco	WV	
Ciera	Pennington	Charleston	WV	
James	Dixon	Terra Alta	WV	Squeeze then like they have been squeezing the public for so man years. The rules should be so tough that most of them go out of business.
Elizabeth	Scott	Winfiled	WV	The very people who use payday lending are ones who need protection. Please issue a strong rule!!
Thomas	Bouldin	Alderson	WV	
Linda	Frame	Charleston	WV	
Art	Glick	Renick	WV	
Mary	L.	Charleston	WV	
Damon	Mills	Huntington	WV	
Dan	Taylor	BROOKLYN	WV	
Patricia	Steertz	PINE GROVE	WV	
Carey Jo	Grace	Charleston	WV	
Rick	Mitchell	HUNTINGTON	WV	
Ferold	Torchenot	Columbia	WV	
Conni	Gratop Lewis	Charleston	WV	
Emily	Sarkees	Morgantown	WV	
Seth	DiStefano	Huttonsville	WV	
jim	shreves	pullman	WV	
Sam	Stetson	CHARLESTON	WV	
Barbara	Steinke	Charleston	WV	
Cynthia	Keely	Charleston	WV	Payday lenders pray on the poor and uneducated in the state who are desperate to make ends meet. However, their unsavory practices put these same people further in dept and lead them to file bankruptcy.
Conni	McGraw Morris	SAINT ALBANS	WV	
Shannon	Holliday	Shepherdstown	WV	
tara	martinez	Charleston	WV	
Josh	Mallet	Charleston	WV	
norman	steenstra	Charleston	WV	
Autumn	Long	Wallace	WV	
Betty	Rivard	Duck	WV	
Anne	Chopyak	Buckhannon	WV	
Crystal	Rhodes	Morgantown	WV	
Jacqueline	Stalnaker	Phillippi	WV	

Cristal	Moore	Davis	WV
Petra	Miller	Lost Creek	WV
Tom	VanDyke	Hedgesville	WV
Mary A	Borchers	Romney	WV
William	Davenport	Huntington	WV
Anna	Smucker	Bridgeport	WV
Anne	Fishkin	South Charleston	WV
Raj	Pongsugree	Charleston	WV
Caroline	Keicher	Morgantown	WV
Darlene	Jenkins	Pleasanton	CA
Lynn	Yellott	Shepherdstown	WV
Michael	McLeod	FAIRMONT	WV
Catherine	Lambeau	Huntington	WV
Beverly	Steenstra	Charleston	WV
George	Little	Frankford	WV
susan	vanmeter	Paw Paw	WV
Vivian	Stockman	Huntington	WV
Thomas	Pendleton	South Charleston	WV
George	Walberg	Fayetteville	WV
Eve	Firor	Franklin WV	WV
Lida	Shepherd	Charleston	WV
Rachel	Barnes	Lost Creek	WV
Michael	Donahue	Harpers Ferry	WV
Cathy	Kunkel	Charleston	WV
Thomas G	Wilson	Big Chimney	WV
Judy	Hunter	Huntington	WV
Pamela	Rhule	Buffalo WV	WV
Gisela	Wykle	FRANKFORD	WV
Kirk	Bottner	Shepherdstown	WV
Tom	Fisher	Charleston	WV
Dean	Hartley	Elm Grove	WV
Sandra	Swisher	MINERAL WELLS	WV
Robert	Gall	Wheeling	WV
Frank	Jernejcic	MORGANTOWN	WV

Please keep and promote strong regulations to control predatory payday lending.

Payday lenders should be reclassified so their lending services are subject to TILA and UDAP regulations.

Payday lending should be criminal

T C	McCarthy Jr	Wheeling	WV	
Marsha	Starr	Hamlin	WV	
Carl	Hostler	Scott Depot	WV	Remember when interest in excess of 12% was a federal crime?
Michael	Burke	Martinsburg	WV	
Jed	Nolan	Athens	WV	
Rosemary	Lockhart	Elkview	WV	
bernard	demartini	shepherdstown	WV	
Yvette	Jones	Charleston	WV	
David	Sturm	FAIRMONT	WV	
Gary	DeLuke	Montgomery	WV	
Chet	Dowell	MOUNT ZION	WV	
Carole	Williams	Fairmont	WV	
Edgar	Grillo	Martinsburg	WV	
Dean	Dye	Keyser	WV	
Benjamin	Sheridan	St Albans	WV	Predatory lending is wrong. Why do we want to allow it in any form?!
BETH	CUMBERLIDGE	AKRON	Ohio	
G. Paul	Richter	Buckhannon	WV	
Sara	Wilts	Bruceon Mills	WV	
Becky	Park	Charleston	WV	Payday lending destroys an adult's ability to take care of their family. Please take us forward in this fight!
Christophe	Kimes	CHARLESTON	WV	
JANE	davies	Charleston	WV	
Elizabeth	Chaparro	MOUNT ROYAL	WV	
Gary	Zuckett	Charleston	WV	Don't let predatory lenders get away with it!
Debbie	Royalty	Charles Town	WV	
Charles	Yeargan	BECKLEY	WV	
Katey	Lauer	Fayetteville	WV	
Kristin	Loken	Falling Waters	WV	
Stephen	Wellons	CHARLESTON	WV	
Michael	Carney	Runnemedede	NJ	
Dorris	Headden	MARTINSBURG	WV	
Sean	O'Leary	Charleston	WV	
Patti	Miller	BERKELEY SPRING	WV	
Maggie	Louden	Hedgesville	WV	

Steve	Broadwater Jr	Fayetteville	WV	
Mark	Connelly	Huntington	WV	
Sally	Roberts	CHARLESTON	WV	
Amy	Humphrey	Lesage	WV	
Mary	Sullivan	Charleston	WV	
Marc	Harshman	Wheeling	WV	
Hilry	Gordon	WALLACE	WV	
Paulette	jones	Kenma	WV	PLEASE VOTE AGAINST OAY DAY LENDING!
Marianne	Hughes	NEW MARTINSVII	WV	
Brian	ODonnell	Wheeling	WV	
Terry	Pickett	Bellmead	WV	Please don't harm WV any more than we already are!
Chuck	Wyrostok	Spencer	WV	
Jonathan	Lynch	Morgantown	WV	
Steven	Kaz	St Albans	WV	
Franklin	Young	Ripley	WV	Many in West Virginia live from paycheck to paycheck. The last thing we need here is a plague of predatory, high-cost, small-dollar loans to dig them into an even deeper hole precisely what could result if the CFPB were to issue a weak payday lending rule.
Laura	Davidson	Charleston	WV	
Eric	Hopkins	Morgantown	WV	Do not allow payday lenders to victimize those who can least afford their predatory practices.
Stephanie	Somers	CHARLES TOWN	WV	
Nancy	Chalhoub	St. Albans	WV	
Nancy	Hill	Charleston	WV	
Gayle	Becker	Falling Waters	WV	
Brian	Cottrill	Winfield	WV	
Norman	Googel	Sumerco	WV	The CFPB must enact a rule that protects consumers everywhere from the scourge of payday lending. However, states should not be prevented from banning payday lending altogether as we have done in WV. It may be true that persons need access to short term loans. However, payday lending is not the answer; it only causes financial ruin to consumers who are already facing dire circumstances.
Sue	Thorn	WHEELING	WV	
George	Boggs	Chesterland	WV	
Daniel	Chiotos	Charleston	WV	
Kim	Alderman	Cabin Creek	WV	
Carrie	Kline	Elkins	WV	
Mary	Hogue	Elizabeth	WV	