A useful way to approach this treatise and a credit discrimination case in general is to determine if a case involves the general prohibition against discrimination or whether it involves a specific ECOA requirement. Each type of case will require practitioners to focus on different chapters of this treatise. In both types of cases, however, practitioners are advised always to consult Chapter 2 [1], infra (scope) and Chapter 11 [2], infra (private remedies and litigation strategies).

A case involving the general prohibition against discrimination will require practitioners to prove their case under either a disparate treatment or a disparate impact theory. The practitioner will need to focus on Chapter 3 [3], infra (prohibited bases) and Chapter 4 [4], infra (disparate treatment and disparate impact). Chapter 7 [5], infra (redlining) and Chapter 8 [6], infra (reverse redlining) may also need to be consulted if a particular community or geographic neighborhood is excluded or targeted.

The ECOA has a number of specific rules concerning a variety of topics, such as requests for information on a prohibited basis, co-signer requirements, and notification requirements. The chapters that describe these requirements are Chapters 5 [7], 6 [8], and 9 [9], infra (discrimination at various stages of a credit transaction) and Chapter 10 [10], infra (notification requirements).

Source: National Consumer Law Center, Credit Discrimination [8th ed.], updated at www.nclc.org/library
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