Every state has a general statute prohibiting deceptive and unfair marketplace conduct. This treatise adopts the typical term commonly used to refer to these statutes: UDAP (an acronym for Unfair and Deceptive Acts and Practices). UDAP statutes are treated in detail in NCLC’s *Unfair and Deceptive Acts and Practices*.103

UDAP statutes are important because they provide excellent remedies and apply to any kind of deceptive and unfair conduct. Thus, violations of a credit discrimination statute can also violate a state UDAP statute, providing treble damages and/or minimum statutory damages and a relatively long limitations periods in some states. However, where a consumer alleged credit discrimination on the basis of race as a violation of a state UDAP statute, but not as a violation of the Equal Credit Opportunity Act (ECOA) or Fair Housing Act (FHA), the claim was dismissed without prejudice.104 Credit discrimination on a basis not prohibited by a credit discrimination statute could still be an unfair practice under a state UDAP statute.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”) prohibits deceptive, unfair, and abusive acts or practices, creating a federal UDAP statute.105

**Footnotes**

