



## NEW YORK ACCOMODATION COLLECTION LAW IS NOT VERY ACCOMODATING

On October 8, New York passed S.737A into law, "requiring debt collectors to inform debtors that written communications are available in large print format." The legislation becomes effective November 7, 2021. The law requires both creditors and debt collectors to disclose clearly and conspicuously in their initial communication that they can provide an alternative "reasonably accommodatable" format, including "large print, braille, audio compact disc, or other means." Creditors and debt collectors must include a business phone number for debtors to call where they can request the alternately formatted communication.

The law does not offer useful definitions or guidance on what will be deemed a reasonably accomodatable format in particular circumstances, or how accommodating the format must be. Can one reasonable alternative format suffice, or must more than one be provided? Must the format be reasonably tailored to each debtor's individual needs and circumstances, or can an array of options addressing most needs be provided? And what is "reasonable" in this context, practicably and commercially? Reliance upon compliance with Americans with Disabilities Act alone does not resolve many questions left unanswered by the bill.

If "large print" is selected, just how large is "large" enough? Previous versions of the bill offered additional clarity, indicating, for example, that "large" print would be 16-points in size or larger. (Publishing industry standards for "large print" are generally 14 to 18-point type.) What size now?

Creditors and debt collectors have little time to seek guidance or change operations. The quick passage and short implementation period reflect an unfortunate recent trend in legislation governing the financial services industry. Let our lawyers assist you with establishing a practicable compliance strategy pending further guidance. ☐

✧ *Mike Tomkies and Ben Hurford*

**DEALING WITH MULTISTATE DEBT COLLECTION COMPLIANCE?** We routinely advise on collection-related activities and the regulated activities of creditors, third party debt collectors, debt buyers and loan servicers. We also publish an easy-to-use reference that compiles state and federal laws governing debt collection practices. Our DEBT COLLECTION DIGEST is organized topically, includes the federal Fair Debt Collection Practices Act and Commentary for easy cross-reference, and covers ADAD and monitoring and recording statutes. **Contact us for details.**

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