

**Response of Commissioner J. Thomas Rosch
to the Concurring Statement of Commissioner Ramirez,
in which Chairman Leibowitz and Commissioner Brill Join**

**Final Rule: Mortgage Acts and Practices – Advertising
July 19, 2011**

I agree with the concurring statement of Commissioner Ramirez concerning the Mortgage Acts and Practices – Advertising Rule to the extent it reiterates the assertions of the Statement of Basis and Purpose that the “net impression” of an advertisement is a touchstone of FTC deception analysis regardless of the language or combination of languages. It is also axiomatic that government and industry need to be vigilant that all consumers, regardless of what language they speak, are not victims of unfair and deceptive practices.

However, insofar as the concurring statement suggests that the Consumer Financial Protection Bureau should require that mortgage disclosure documents be provided to non-English speaking consumers in their native language, I disagree. There is no basis for making any recommendation to “go beyond” the MAP Rule or Section 5 as respects requirements that lenders furnish “non-English speakers” with disclosures that are not in English. *See* Concurring Statement at 3. Specifically, Census Bureau data showing that nearly 20 percent of people in the United States in 2007 “reported speaking a language other than English at home” (*id.* at 1) does not suggest that they could not read or understand English. Indeed, so far as the rulemaking record for the MAP Rule is concerned, it is my understanding that a majority of the comments received favored making disclosures only in English. Thus, there is currently no basis for the federal government to burden this industry with disclosure requirements that would oblige the industry to make disclosures in a language other than English except when the “net impression” left by not doing so would violate Section 5.