

Introduction to *Consumer Credit and the Law*, 2025–2026 Edition

This annual edition of *Consumer Credit and the Law*, by Dee Pridgen and Jolina Cuaresma, is a thoroughly updated treatise covering all aspects of consumer credit regulation. Included in this release are substantial revisions and additions to reflect the latest caselaw and statutory developments. Updates and revisions have been made through the following chapters:

Highlights

- Trump Administration’s 2025 De-Regulation Program (Chapter 1, Appendix 1C and Appendix 1D)
- Dismantling of the Consumer Financial Protection Board in 2025 (Chapter 1, Appendix 1D)
- Trump Administration August 7, 2025 Executive Order to Prohibit De-Banking based on Political Bias (Chapter 1, Appendix 1G)
- Consumer Financial Protection Board withdraws or rescinds several Advisory Opinions, Guidance and Rules (Chapter 1, Appendix 1D and Section 2:7)
- U.S. District Court for Eastern District of Texas vacates Consumer Financial Protection Bureau’s Prohibition on Creditors and Consumer Reporting Agencies Concerning Medical Information and holds similar state laws are pre-empted under Fair Credit Reporting Act (§ 2:7)
- Fifth Circuit Stays enforcement of Small Business Lending Rule amendment to Regulation B to implement changes to the Equal Credit Opportunity Act (ECOA) made by section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) – Stay not opposed by Consumer Financial Protection Board, which is reconsidering the stayed rule (§ 3:1).
- Executive Order No. 14281 directs federal regulators to not prioritize disparate-impact liability in policies – attacking an often-used criteria under Equal Credit Opportunity Act (§ 3:3).

- Seventh Circuit holds that Regulation B’s prohibition on discouraging prospective mortgage applicants is consistent with the text and purpose of the ECOA (§ 3:4)
- End of *Chevron Doctrine* deference to federal regulatory agencies – *Loper Bright Enterprises v. Raimondo* (§ 1:1 and § 4:4).
- Consumer Financial Protection Board will not prioritize enforcement efforts under Regulation Z of the Truth in Lending Act in 2025 (§ 4:4).
- FTC’s Rule on Unfair or Deceptive Fees, 16 C.F.R. Part 464, prohibits bait-and-switch pricing and other tactics used to obscure and misrepresent total prices and fees for live-event tickets and short-term lodging (Chapter 7, Appendix 7A, and § 7:9)
- Consumer Financial Protection Bureau agrees to stay of Credit Card Late Fee Rule (§ 8:18)
- Consumer Financial Protection Bureau adopts and then abandons prohibition on waivers of consumer protection laws in contracts (§ 10:2)
- Fair Debt Collection Practices Act violation dismissed and affirmed by Sixth Circuit – lack of standing but also failure to tie harm to alleged violation – *Lawless v. T. Financial Services Inc.* (§ 12:32)
- Eighth Circuit vacates FTC Negative Option Rule (§ 14:1)
- Consumer Financial Protection Board rescinds May 2022 interpretative rule advising States that could enforce all enumerated laws enforced by the Consumer Financial Protection Board. (§ 15:2)
- U.S. District Court permits Consumer Financial Protection Bureau to withdraw amicus brief supporting plaintiff’s consumer rights (amicus brief based on a withdrawn advisory opinion) but refuses not to consider the amicus brief in a decision - *Salom et al. v. Nationstar Mortgage LLC* (§ 1:1)
- Office of Comptroller of Currency confirms that national banks and federal savings associations may buy and sell assets held in custody at the customer’s direction and are permitted to outsource to third parties bank-permissible crypto-asset activities, including custody and execution services, subject to appropriate third-party risk management practices (Chapter 1, Appendix 1F)