



The People of America Said No. CFPB Changed the Rules on Fair Lending Regardless.

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The Responsible AI Lab (RAIL) at the National Fair Housing Alliance (NFHA) analyzed public comments to the Consumer and Financial Protection Bureau's 2025 ECOA Regulation B Proposed Rule. Using four Large Language Models; Claude, Llama 4 Maverick, Gemma 3, and DeepSeek, RAIL extracted the topic and sentiment of 702 substantive comment letters, categorizing their position on three provisions of the proposed rule regarding Disparate Impact, Discouragement, and Special Purpose Credit Programs (SPCP's).

An overwhelming majority of the substantive comment letters, between 93-96%, opposed the 2025 proposed rule's changes to Disparate Impact, Discouragement, and SPCP's. Given the vast gulf in opinion between the submitted comments and the final rule, and the broad coalition of civil rights, consumer protection, industry organizations and individual commentors and policymakers that opposed the changes, we strongly urge the CFPB to delay the implementation date of the rule and to withdraw the rule. The harm that this rule would create on everyday people, including women, Black, Latino, Asian, and Native communities, families with children, rural residents, small businesses and more should stop it from ever seeing the light of day.

1. Analysis of Comment Letters Submitted in Response to ECOA Reg B RFI

The CFPB published the [final rule](#) amending Regulation B on April 22, 2026. The final rule removes recognition of disparate impact from Regulation B, expressly stating that the effects test doesn't apply; it significantly narrows the scope of the ban on discriminatory discouragement from applying for credit; and it tightens the conditions under which Special Purpose Credit Programs can be implemented, effectively eliminating creditors' ability to offer these programs.

To understand public sentiment about the proposed change prior to the final ECOA rule, the Responsible AI Lab at the National Fair Housing Alliance analyzed 64,502 [public comments on the proposed rule](#) submitted on or before December 2025. By the agency's own description, the commenters included: State Attorneys General; Members of Congress; consumer-advocate and

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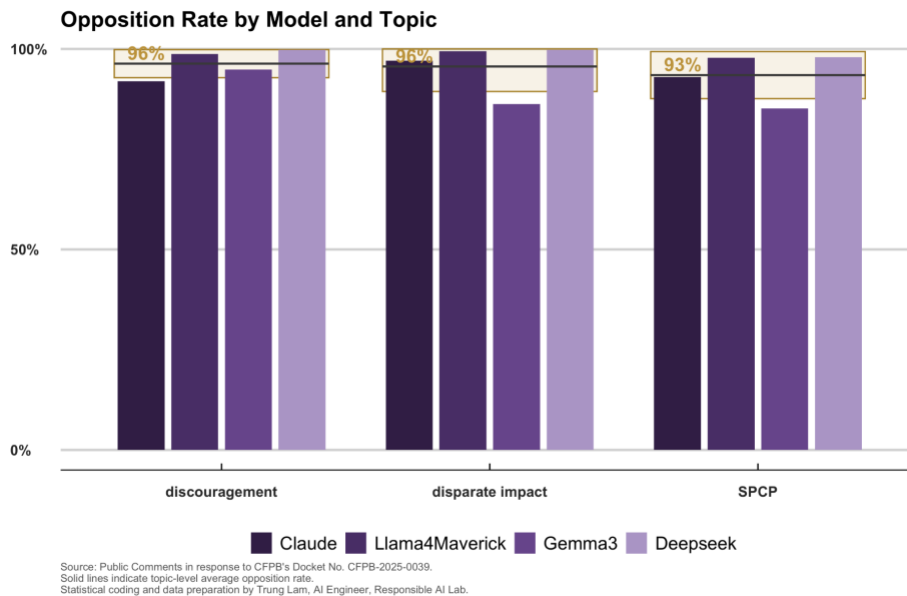
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civil-rights organizations; policy groups; industry groups including banks, mortgage brokers, and credit unions, and tens of thousands of individual commenters. Of these, 21,755 were duplicative, originating from the same template. We chose to focus on original comment letters, identifying 702 comment letters making substantive arguments regarding the rule change defined as those 250 or more words long. Our goal was to determine the proportion of comment letters supporting or opposing the rule’s changes to Disparate Impact, Discouragement, and Special Purpose Credit Programs.

Our analysis found that the 702 substantive comments overwhelmingly opposed all three proposed changes to the rule: **96% of submissions opposed the Disparate Impact proposal while 96% and 93% respectively opposed the Discouragement and the SPCP proposed changes.**



Within the body of comments opposing the provisions, there were also industry groups represented for example Mid-Size Bank Coalition of America⁴ and the Community Bankers Association of Illinois.⁵

2. Methods

⁴ [Mid-Size Bank Coalition of America Letter](#)

⁵ [Community Bankers Association of Illinois](#)

We used four large language models – Claude, Llama 4 Maverick, Gemma 3, and DeepSeek – to classify 702 substantive comments by topic and sentiment. We defined comment letters containing 250 words or more, which is about one page, as substantive comments in order to filter out brief statements and messages. The classification followed a two-step process: (1) **topic identification**, in which each model determined whether a comment addressed one of the three core provisions (Disparate Impact, Discouragement, or Special Purpose Credit Programs); and (2) **sentiment classification**, in which the model tagged the commenter's sentiment on any identified topic as either supportive or opposed. We reviewed a sample of results manually to confirm accuracy, then averaged across the four models to produce the opposition rate reported for each provision.

3. Recommendations

The final CFPB rule does not reflect the opinions of the vast majority of comments opposing the rule change. Therefore, we urge the CFPB to pause implementation of the rule considering this vast opposition.

The evidence from our analysis of the public comments submitted on the proposed rule compels the following response. Critically, these recommendations must be read alongside NFHA's active legal challenge: on May 27, 2026, NFHA, Rise Economy, BLDS LLC, and SolasAI filed suit in the U.S. District Court for the District of Columbia against the CFPB and Acting Director Russell Vought, seeking to enjoin the rule's effectiveness and ultimately vacate it and remand to the agency for further proceedings. The lawsuit alleges the rule is arbitrary, capricious, contrary to law, in excess of statutory authority, and issued outside the procedures Congress requires — including the agency's failure to properly consider and respond to the tens of thousands of comments opposing the rule. The following recommendations are fully consistent with, and in several instances parallel, the relief sought in that litigation.

1. **Court-Ordered Injunction and Vacatur.** NFHA has asked a federal court to vacate the rule. The overwhelming weight of public comment opposition — 96% against the removal of disparate impact liability, 96% against changes to discouragement protections, and 93% against the elimination of Special Purpose Credit Programs — establishes that the agency made clear errors in its factual findings and departed from decades of settled legal and regulatory precedent without adequate justification.
2. **Administrative Stay Pending Litigation.** Independent of the litigation, the CFPB should stay the July 21, 2026 effective date while the legal challenge is pending. Allowing a rule of this magnitude — one that dismantles 50 years of fair lending jurisprudence — to take effect before judicial review is complete would unnecessarily harm communities across the country. The agency's failure to make



a single material change in response to more than 64,500 comments is itself grounds for pause.

4. Conclusion

Discouragement protections, Special Purpose Credit Programs, and disparate-impact liability are central to how ECOA and Regulation B prevent unfair and discriminatory lending and enable people to fairly access safe and responsible lending opportunities. Narrowing all three provisions will perpetuate the very harms Congress enacted ECOA to prevent. We urge the CFPB to consider the devastating impact this political choice will have on consumers, especially people who are the most vulnerable to discrimination and to halt the rule before it takes effect.