

A WOMAN'S CREDIT RIGHTS

By Attorney Michael H. Wald

Imagine working full-time for twenty years and paying the household bills for a family of four? After that wouldn't it be an insult to have a creditor tell you that you don't exist as far as he is concerned? Well it happened frequently to women before 1974.

The Equal Credit Opportunity Act (ECOA) passed by Congress in 1974 and amended in 1976 seeks to address this problem. A creditor may evaluate the type of job you have, but he may not refuse to extend you credit if he would have given credit to a man doing the same job.

Significantly, under the ECOA, marital status cannot be a factor in a creditor's decision to make a loan or issue a credit card or charge account. A single or divorced woman cannot be required to show more credit references than a married person. A married person cannot be viewed as a better risk or more stable than a single or divorced person.

Before the act a married couple who wanted to establish credit under both names could not do so, even when both had incomes to contribute. Now, a couple can get credit histories under each name. If two names appear on a loan or application, both names get credited for paying off the bills.

The Act also helps to establish good credit while married in case of divorce or death of a spouse, even if you are not working while married. You can now have your own credit history to get the credit card you need. To develop your own credit history, insist that accounts are listed in both names.

There are legal steps to take if you feel you've been denied credit on the basis of sex or marital status. A first step is to write to the store's credit manager or the bank's top officials, telling them you believe your application for credit has been denied on a basis prohibited under federal law. Keep a copy of anything you send, and send the letter by certified mail with a return receipt requested.

If this does not bring a satisfactory response there are 12 federal agencies which have the authority to enforce the ECOA, with the Federal Trade Commission being the driving force behind

them. The credit application that you filled out should have listed the federal agency which regulates your particular creditor -- they are required to give that information. If they do not, then you can write to: Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20560. If it was a federal bank that denied you credit, you can write to the Office of Saver and Consumer Affairs, Federal Reserve Board, Washington, D.C. 20551. If these are not the correct agencies for you to contact, they will direct you in the proper direction.

Remember women do have the right to be their own person, whether happily married or happily single.

My thanks to Kathryn Watts, a student in my law class at the University of Texas at Dallas, who assisted in preparation of this column.

Copyright (c) 1987 by M. Wald & Co.