

FCC Confirms Mortgage Servicing Calls Require Consent Under TCPA

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The Federal Communications Commission (FCC) recently confirmed that mortgage servicers must obtain homeowners' prior express consent to make calls to wireless phone numbers regarding residential mortgage servicing using an automatic telephone dialing system under the Telephone Consumer Protection Act. [The FCC denied the Mortgage Bankers Association's petition](#) for an exemption for such mortgage servicing calls, finding the needs of mortgage servicers did not override those of consumers. In particular, the FCC noted that the calls described by Mortgage Bankers Association were neither time-sensitive, nor free-to-end-user. Accordingly, the FCC found mortgage servicers must first obtain consumer consent, which may be obtained when consumers provide their wireless phone number on a mortgage application. [As we reported earlier this year](#), the FCC separately released a report and order with limitations on the frequency of debt collection calls made to cell phone numbers to collect on debts owed to or guaranteed by the United States.

TIP: The FCC is continuing its focus on the TCPA and narrowly construing language in the statute and implementing regulations regarding exemptions.

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