



Chairman Phil Mendelson

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency with respect to the need to amend section 28-3814 of the District of Columbia Official Code to include all consumer debt under the District's collection law, to prohibit deceptive behavior from debt collectors, including threatening to accuse people of fraud, threatening to sell or assign consumer debt such that the consumer would lose defense to a claim, or disclosing or threatening to disclose consumer debt information without acknowledging such debt is in dispute or in a way that would harm the consumer's reputation for creditworthiness, to prohibit debt collectors from making more than 3 phone calls to a consumer in 7 days, to prohibit the communication of consumer indebtedness to employers, except when such indebtedness is guaranteed by the employer, the employer requests the loan, or the information is an attachment to an execution or judgment allowed by law, to prohibit debt collectors from communicating an individual's indebtedness to family, friends, or neighbors, except through proper legal processes, to require debt collectors to have complete documentation related to the consumer debt being collected, to require debt collectors who enter into a payment schedule or settlement to provide a written copy of the schedule or agreement, to implement specific requirements for a debt collector when initiating a cause of action against a consumer for consumer debt, to allow for the awarding of damages and other fees to a consumer when a debt buyer or debt collector violates this section, to establish specific requirements for the awarding of attorneys' fees when the plaintiff is the prevailing party, to establish specific requirements for courts to issue bench warrants for civil arrest for failure to appear in debt-collection cases, to prohibit the imprisonment or jailing of any consumer for failure to pay consumer debt, and to establish debt-collection protections during a public health emergency declared by the Mayor.

45 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
46 resolution may be cited as “Protecting Consumers from Unjust Debt Collection Practices  
47 Emergency Declaration Resolution of 2022.”

48 Sec. 2. (a) The purpose of the underlying emergency measure is to expand the definition  
49 of debt so the protections afforded by law apply to all consumer debt, prohibit excessive  
50 communications from debt collectors, prohibit the use of deceptive and abusive behaviors by  
51 debt collectors, place a reasonable cap on attorney’s fees paid by individual consumers, require  
52 debt collectors to verify a defendant’s address for service of process, provide procedural  
53 protections against arrest and imprisonment, and require separate and additional procedures for  
54 debt buyers, and provide for a private cause of action by consumers against debt buyers.

55 (b) The Protecting Consumers from Unjust Debt Collection Practices Temporary  
56 Amendment Act of 2021 will expire on June 9, 2022. A permanent bill, the Protecting  
57 Consumers from Unjust Debt Collection Practices Amendment Act of 2022 (Bill 24-357), was  
58 introduced on July 12, 2021. The Committee of the Whole marked up Bill 24-357 on March 15,  
59 2022, and the Council approved Bill 24-357 on first reading on May 3, 2022. Bill 24-357 will  
60 take effect on January 1, 2023. An emergency enactment is necessary now to prevent a gap in the  
61 law.

62 Sec. 3. The Council of the District of Columbia determines that the circumstances in  
63 section 2 constitute emergency circumstances, making it necessary that the “Protecting  
64 Consumers from Unjust Debt Collection Practices Emergency Amendment Act of 2022” be  
65 adopted after a single reading.

66 Sec. 4. This resolution shall take effect immediately.