

ATTORNEY GENERAL'S ACCESS TO JUSTICE TASK FORCE
CONSUMER PROTECTION COMMITTEE

Wednesday, July 15th
3:30 pm – 5:00 pm

The Names of the Participants

Amy Hennen
Angie Barnett
Aracely Panameño
Charles Sydnor
Christine Hines
Christopher Dews
David Finkler
David Schlee
Toby Guerin
Helen Raynaud
Ingmar Goldson
Jane Santoni
Joseline Pena-Melnyk
Kat Hyland
Lydie Glynn
Marceline White
Markisha Dobson
Arzhang Navai
Pokuua Owusu Acheaw
Robin McKinney
Steve Sakamoto-Wengel
Sarah Frush
WhitneyBarkley.
Joy Sakamoto-Wengel
Phillip Robinson

Agenda

1. Welcome - -Marceline (5 minutes)
2. Roll – Steve (5 minutes)
3. Review minutes from July 8 meeting- Marceline (10 minutes)
4. Subcommittee Reports 30 minutes
 - a. Consumer Education - Robin
 - b. Mediation/ADR/ODR/Support services - Amy
 - c. Court forms/Notices - Aracely
 - d. Court procedures/Access - Kat
2. New discussion items
 - a. Extension of Executive and Administrative Orders – Steve/Marceline (30 minutes)
 - a. Additional items

2. Set next meeting – 5 minutes

Actions & Tasks (Overview)

Meeting called to order at 3:35. Committee reviewed minutes from the last meeting. Robin McKinney made a motion to accept the minutes at 3:37, Lydie Glynn seconded the motion. The motion passed unanimously.

Exchanging ideas and progress of all subcommittees.

Discussion made by the participants

I. Subcommittees:

- Consumer Education: (Robin): for the last meeting, we were really focusing on 3 core pieces: what consumers should do if they have bills they are unable to pay when they are sued over a debt; debt collectors who are still collecting debts and who are currently not allowed to collect; and avoiding debt relief scams. For each of those topic areas, we talked about what resources are available and what are short-term and long-term solutions. There are lots of resources on debt collection included in the notes. If there are something you don't see in the minutes, feel free to add them in.
 - Couple of headlines we want to share:
 - For this group to consider calling on the Governor to extend the order past August 1st to suspend debt collection, as many of us still see significant issues, those are having major income issues (due to unemployment.) This is one of the things these people have asked for this group.
 - The other part is the 'HOPE'-type hotline focusing on the foreclosure issues. We are talking about the need for a similar type of hotline around debt collection and urgent financial issues. There are lots people who are desperate for phone assistance and really need that navigation support, and thus we had some ideas on the scope and criteria, especially something focuses narrowly on debt collection but gets broader over time. We think it's important to have a funding component to that, who in the past has provided resources to groups that receives referral.
 - The other big follow-up item is on what other committees in the broader task force are doing. There is an Outreach Committee and a Housing Committee. We will be connecting with them on the outreach and housing issues to make sure that we are not working at cross-purposes.
 - The last follow-up item is that we are collecting resources already existing and offer to set up a micro-site if too complicated to do through state agencies or AG, we can host it quickly so that we can point consumers to a page who can get that information in one place.
 - Highlight some complaints that came up:
 - CPD had mostly price gouging complaints and landlord/tenant issues (might be addressed by the Housing Committee), many of which are emergencies. And you can also see which counties the complaints were coming from in the memo.

- We also reached to the Commissioner of Financial Regulation Office. They were able to share the trends around the number of complaints they've received for debt collection. So you can see that this year has a decrease over the last couple years and then there was a big spike: 2020 – 127- 24.5% increase (year over year) (35 of these were received from March 13, 2020 - June).
 - CFR's website has lots of really good information about guidance for garnishment, depository and non-depository institutions, and COVID-19 financial relief guidance.
 - We have really good base of resources and information, but it's really important to figure out how to get them together into one place (easy to understand for consumers as they don't have to go to 50 different places to connect all the resources.)
- ADR/ Mediation Subcommittee meeting (Amy): David Schlee and I were on a call with Judge Cooper this week, it looks that Baltimore city is potentially going to resume the affidavit judgment docket around mid-August. There are only 10% of affidavit judgment defendants at Baltimore City showing up. We talked about issues with child care, transportation, etc. As Robin's been thinking about (letter that is about to go out), we spoke that rather than thinking variety of ADR options, what this committee might do is to send the letter to Hogan requesting to postpone debt collections until the end of pandemic and have the statute of limitation showed when is necessary to preserve the rights of plaintiffs as well as the defendants who face financial issues. if mediation is going to be something courts want to consider, it must be optional and there must be interpreters. But it's important to note that generally the population of mediators does not reflect the population of defendants, so it can be tricky when mediators engage with the folks. We also talked about perspective of resolution check list, which is conceivably not a role of mediator; in Baltimore city in tax sale cases judges have a check list that they go through to make sure each of the requirements and various processes are followed. This is something that could potentially be done in the Baltimore City before some sort of dispute resolution person reviewing cases and before cases got to a judge.
- Court Form Notice Subcommittee (David): We met on Tuesday. For the first half of the meeting we went over the topics such that courts are doing more access to the resource (for instance internet access). Also Steve is going to get copy of notice that is going out in some jurisdictions. We also welcomed a member working at CCCSMD to our committee, she explained a little bit on her work. We are going to hear some perspectives from those (volunteers) who work with debtors.
 - Steve: Marceline had circulated the documents including what happened in the states. One of things was raised by Del Stewart was a lot that has been passed in Colorado, which would give judgment debtors a COVID-19 defense and limit the ability to collect under this situation.
 - Jane: there recently have been a series of really bad debt collection opinions at court of special appeals that we may need a look at (as to how to define debt and what constitutes debt collections), we may be need a appellate fix or legislative fix. MD's debt collection's statute has really been a problem for the people we are trying to help.
 - Steve: please circulate copies of these things to me or Nino.

- Del Pena-Melnyk: We had a call with our Chair last week on medical debt collection. We are having a hearing at the Fall, we recommenced Steve and your office to be part of the panel. More broadly, we will be having two bills, one is about economic matters and the other about health care.
- Court Procedures/Access (Kat): we met this morning, we covered David Schlee's perspective and updated Amy's conversation with judge Cooper. Judge Cooper is trying to do 30 virtual hearings for emergency eviction cases. But they have zero percent turnout from tenants and minimum turnout from attorneys so the judge was really disappointed in that. This led us to a conversation about consumer access issues Robin discussed in the memo. What happens when we actually have these procedures passed and have a consumer education problem. We talked about how court technology would really be a barrier and this barrier will really hit us when consumers' only solution is to have a personal contact with the creditor. We have 3 main areas under this: 1. Can we modernize the electronic signature in MD to make them consistent with federal law; 2. We are looking at if there can be a website for consumers to fill out their notice of intention to defend and how this could be linked to the MD courts website and sent to the appropriate jurisdiction to remove that barrier to access; 3. We have the lots of questions on the courts' electronic filing system (MDEC), as how COVID has potentially delayed MDEC in these counties, what expectation we have for the original contractors orchestrating the system, how many of our changes have to do with MDEC as related to implement the court procedures and access. So we have a general request on the update of MDEC. Marceline gave us really good updates on mediation procedures, getting more info on what forms of mediation we actually need. We are interested in having more information on different forms of mediation that could be used in courts. We also discussed issues included in our last memo, having a good legislative section for attachment, landlord-tenant issues, and legislative and long-term solutions to that. We also talked about the emergency reforms in Colorado and we have question how we can codify payment plans under MD laws. We also looked at potential rules changes and realized that we are unfamiliar with the process as how to get rules changes before the Rules Committee.
 - Questions (Sarah): whether the courts are trying to introduce the online dispute resolution as kind of a fix here. The MDEC is run through Tyler Technologies, which requires a program called Modria, which is their online dispute platform. But they have that platform ready for MDEC, so I'm wondering if it's going to be helpful for us to be prepared or know if they are going to introduce something like Modria platform. I'm just concerned that MDEC is kind of behind the ball. I wish to know if the courts will go into that direction and if so I want us to be ready for it.
 - Kat: that is really good advice, especially knowing there is a platform under construction, do you know who oversees the implementation of the MDEC roll out and what performances measures are set for schedule?
 - Judge Morrissey's office.
 - Steve: Maybe administrative office of the courts.
 - Marceline: we've reached out some judges about mediation and different process of it, so we can reach out to Judge Morrissey as part of that conversation to see what's been contemplating.

- Marceline: NCLC's recommendations are really good, but we have to make sure they can be implemented in the right way.
- Kat: equity to access technology.
 - Marceline: we need to consider special services for the higher risk populations.

II. New Discussion Items

- Steve: the pause on debt collection and landlord-tenant cases is a very helpful thing, but we don't think things have changed that much at this point for the pause to be lifted, so we were thinking about making recommendations to the task force itself to reach out to the Governor or the Chief Judge on extending the moratorium on debt collection cases.
 - David Schlee (from the debt collector's perspective): right now there are not lots of collections going on.
 - Marceline: Do other people agree with putting forward a recommendation to extend moratoria make sense?
 - Whitney: I definitely think so, and I just want to make a point on landlord-tenant issues. Under Cares (Act), certain landlords can request a forbearance from their loan servicer of up to 180 days and can ask for another 180 days, so that forbearance should be extended to tenants.
 - Philip: What outreach is being made to landlords to help them exercise their rights to seek for forbearance.
 - Steve: there is a separate housing committee looking at that
 - Jane: is it possible to send a copy of the Cares Act (just that portion that addresses the landlords' ability to have their forbearance up to 180 days)
 - *Cares Act: "Borrowers who affirm they are experiencing a COVID-19 related hardship can request a forbearance from their loan servicer of up to 180 days, which can be extended for an additional period of up to 180 days."*
 - Amy: the potential struggles is that there are only 35ish (1/3) percent of the rental properties having those mortgages, most of them have hard money lenders or other kinds of lending options. But it's certainly a larger percent of homeowners are covered under that.
 - Philip: I just want to encourage the Housing Committee, someone does outreach on that could provide some indirect assistance to that 30 percent of landlords.
- Marceline: just to let people know, the policy and equity committee which involves all the committees' co-chairs will be on this Friday, so the housing co-chairs will be on the meeting, we can definitely coordinate with committees and be sure raising these issues.
- Whitney: do we know how is the Cares Act money to be used (for utility relief)?
 - Marceline: there is a fairly robust campaign to press Governor Hogan to release more Cares Act funding for direct financial assistance to tenants (30 million so far, and 150 million to go). I cannot speak for the housing

committee, but there are some advocates for that are part of the Housing Committee. Time and money is what the folks need, and for this committee we can recommend the time extension.

- Robin: I would like to make an official motion that we ask the governor for the extension on debt collection, i.e., moratoria.
 - Amy seconded
 - Steve: proposing an amendment, not just to the governor but to the courts as well.
 - The amendment passed unanimously.
- Marceline: suggesting debt hotlines, as people need one place to go for resource.
 - Steve: this is definitely one of Education Subcommittee's recommendations, because the questions are funding and who would operate it.
 - Helene Raynaud: I think we also have to decide what type of service would be provided.

The HOPE hotline is connecting consumers to a certified housing counselor. So is it a full service or is it just a directional line? They can be very different.
 - Sarah: you can have a whole spectrum of services involved: financial counseling, legal advice, etc. it could be centralized and not just a hand-out phone numbers, so that people can easily get the help they need.
 - Marceline: the hotlines exist just for housing counseling right now and they are talking about trying to extend to tenants in addition. I do agree with Sarah, it's better to do a spectrum of services, a warm hand-off to identify an appropriate assistance for them if they are not qualified for certain service (funding can be an issue).
 - Steve: Can the Cares Act funding be used for that purpose.
 - Whitney: I don't have the criteria in front of me right now, but the criteria is super broad, so I think you can justify doing nearly everything still securely within its mandate.
 - Steve: Not ask for volunteers, as we have a number of orgs in this committee, if they could possibly get funding to provide that service, this is something we could think about.
 - Marceline: just some of that service or piece of that service.
 - Helene: not familiar with hotline service, but we are happy to be involved.
- Consistency of protocols and info being shared is one thing, and data collection to measure the effectiveness of the works being done is another, and funding as well, need unified platform. Phones and hotlines can be great option to connect a number of people; there are also a group of people who are experiencing interruption in their mobile phone services.
- Marceline: is there a general agreement on having hotlines?
 - Helene: I want to understand the complexity of it. As there may be challenges on funding. And how to gather the list of providers and

types of services they are providing. Microsite can be another option too.

- Steve: it cannot be a short-term solution, as a hotline cannot be done overnight, if we got funding to do it, it's a big step.

III. Steve & Marceline: This time next week works for everyone? – yes. Marceline: will be bring these issues to the meeting on Friday with other co-chairs. Steve and Marceline thanked everyone for their time and helpful ideas.

IV. Meeting was adjourned at 4:31.

V. Records in the Chat

[4:07 PM] Sarah Coffey Frush (Guest)

Here's the MODRIA site: <https://www.tylertech.com/products/modria>

[4:08 PM] Unknown User removed Guest from the meeting.

[4:16 PM] Robin McKinney CASH (Guest)

Do we need an official motion or action from this group to recommend that we ask the Governor for an extension to the debt collection moratoria?

[4:17 PM] Sakamoto-Wengel, Steve (Guest)

That would be helpful

[4:18 PM] Unknown User removed Guest from the meeting.

[4:24 PM] Whitney Barkley

Here's the criteria:

[4:24 PM] Whitney Barkley

The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

[4:30 PM] Sarah Coffey Frush (Guest)

Integrate into the HOPE hotline?