

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

Wednesday, August 26, 2020
3:30 pm – 5:00 pm

PARTICIPANTS
Amy Hennen
Anthony Davis
Ashley Harrington
Charles Sydnor
Christine Hines
David Finkler
David Schlee
Delegate Joseline Pena-Melnyk
Eric Friedman
Helene Raynaud
Jane Santoni
Joy Sakamoto-Wengel
Kat Hyland
Marceline White
Michele Honick
Nino Li
Pokuaa Owusu Acheaw
Rory Murray
Sarah Coffey Frush
Steve Sakamoto-Wengel
Toby Guerin
GUESTS
Franklyn Baker, CEO of United Way of Central Maryland
Keisha Benjamin, Director of Operations, 2-1-1 Maryland
Martina Martin, Senior VP & Chief Operating Officer, United Way of Central Maryland
Karen Anderson-Scott, Co-chair Outreach Committee
Sandy Monck, Chief Impact Officer, United Way of Central Maryland
OBSERVERS
Diana Lynne Hsu, Maryland Hospital Association
Matthew Bohle, Rifkin, Weiner

Agenda

1. Welcome - -Marceline (5 minutes)
2. Roll – Steve (3 minutes)

3. Review minutes from August 19 meeting- Steve (5 minutes)
4. 211 Hotline – Franklyn Baker, United Way of Central Maryland, Co-chair Public Outreach Committee (30 minutes)
5. Long term recommendations form (Steve)
6. Advocacy updates (Marceline)
7. Debt collection Town Hall? (Steve)
8. Subcommittee Reports 20 minutes
 - a. Consumer Education - Robin
 - b. Mediation/ADR/ODR/Support services - Amy
 - c. Court forms/Notices - Aracely
 - d. Court procedures/Access – Kat
 - e. Liaison report - Michele
9. New discussion items
10. Set next meeting – 5 minutes

Actions & Tasks (Overview)

Meeting called to order at 3:34. Committee reviewed minutes from the last meeting. Introduce the 2-1-1 Hotline – Franklyn Baker, United Way of Central Maryland, Co-chair. Introduce the long term recommendations form. Discuss the advocacy updates. Exchange ideas on all the sub-committees.

Discussions made by the participants

1. 2-1-1 Maryland:
 - Franklyn: one of the viable options for us to support individuals suffering from COVID-19 during this time is to utilize the 2-1-1 platform, I have two of my key leaders who have history on 2-1-1. Martina can give you the backdrop and Sandy can provide information on what we are doing on 2-1-1 and its benefits.
 - Steve (providing a general context): we've been looking at doing a separate HOPE style hotline for debt collection issues. Franklyn suggested in one of the Policy & Equity Committee meetings that we might be able to use the existing structure of the 2-1-1 network to perform the function we've been looking for. So we are having him describe what 2-1-1 does and is capable of doing.
 - Martina: 211 is really designed to be 3 things: a simple click link, 24/7 in 180 languages. The people on the other end are not call operators but they are trained to ask the next questions. When people are presenting a situation or problem, there are often underlying issues. When people in crisis and are facing emergencies, like being evicted from their home, it's hard for them to listen. So a big thing for their specialists to do is to de-escalate emotions and get people calmed down so they can have a conversation. Second is the parameter of needs, we are tracking what people are calling, texting about, signing on about, and we are looking at trends, as one parameter can be used for another parameter. The third one is the partner and crisis disaster response. When the 9-1-1 and 3-1-1 system can get overwhelmed, there is a great partnership between 2-1-1 and 3-1-1 and 9-1-1 to

make sure the entities get the right calls. 2010, by the bipartisan effort, 2-1-1 became the law in Maryland and one of the things the law currently says if there is a public entity of the state of Maryland that hopes to provide a hotline or a number, it should consult 2-1-1 to seek help. When someone is in crisis, can a person remember a 10-digit number? 2-1-1 is easy to remember just like 9-1-1 and 3-1-1. We also have a wide range of partnerships, Department of Human Resources and Department of Health and Department of Housing and Community Development, particularly during mortgage foreclosure. We probably could have told you a year and half before mortgage foreclosure was a big issue in this country that it would be by nature of kinds of calls we were beginning to get in 2-1-1. The parameter of needs: how we make decisions and how we work together are fundamental parts of 2-1-1.

- Keisha: last year, we had over 400,000 calls that were taken, we've seen a large jump in the call number happening since COVID-19 hit in March until now. On average we receive more than 40,000 calls a month across the state. A lot of needs that are coming through the hotline from callers seeking rental assistance, shelter resources, and food resources. We also saw large call numbers from seniors throughout the state, and we do have a partnership with the Maryland Department on Aging to provide caregivers with needs related to food or housing.
 - Delegate Joseline Pena Melnyk (Questions): How many Spanish speakers do you get; have you seen the number gone up since COVID-19? How many Spanish speaking workers you have, If you have the data.
 - Keisha: We do have Spanish callers calling in, about 5% of all the callers. We are partnering with Centro Sol to help improve our capacity of providing support for Spanish callers. We also have made some changes to better support that population coming in. For the Spanish speaking staff, we have 5 in total across all of the centers, but we are soon to bring additional on board in the next few weeks. The large number of the Spanish callers are coming from the central MD area.
 - Joseline Pena Melnyk: a follow up question, I had a domestic violence case, I ended up translating for the caller. Can you tell me is there any way to improve that or how many shifts you have to ensure you have enough Spanish staff, so that we can send that to the community.
 - Keisha: If there is someone who is Spanish speaking and a specialist is not available, all of the centers are using a language line as a tool to help the caller receive the info in the language they understand.
 - Delegate Joseline Pena Melnyk: In 2010, the Latino population made up to 10 % of the population, that number has gone up for sure, so I hope you can hire more Spanish speakers and other languages as well.
 - Marceline White (question): we were interested in the idea of possibly working with 2-1-1 to develop a hotline for debt collections. Can you walk us through the process when you take up a new subject area? (issues, training, organizations, and timeline)

- Sandy: we have around 21-23 partnerships right now. We work closely with whoever can provide the service and connect to a service provider, but when we partnered with the state H1N1 hotline, they provided the training for our call specialists. In other instances, when COVID-19 really put a spotlight on 2-1-1, all the different needs related to food, so we partnered with DoorDash and had the ability to identify the seniors who were at home and unable to get food. So we also set up our own services, my background is mental health and homelessness services, so we can see the trends across the state. And we knew from 2-1-1 that housing was going to be the next biggest issue behind food, so we set up plenty of services to help address this early on: e.g., we set up an emergency fund with case management. When they are calling to ask help with their rental, we can provide not only the financial services but also provide case management with the crisis budgeting. We have the training on crisis budgeting: telling the people what to pay and when to pay. We also partner with Baltimore City on relocation. If families are not able to prevent their eviction and have to ultimately change housing, we will help them relocate by using housing navigators to secure that housing, we have partnerships with lots of landlords (and rental fees, moving expenses, and extra). We also partnered with pro bono counseling projects. What's this COVID-19 been doing to people's mental health, when the caller is dialing into 2-1-1, they might present as they are having these issues. But after the conversation, the specialist can identify what service this person specifically needs. So we can provide services in multiple ways. All of that is done on an individual basis.
 - Steve: Warm handoffs is something we've been concerned about, when someone is calling for a debt issue, instead of telling them what number you should call, could they be directly transferred to that entity as part of the service
 - Martina: we will also ask people who are calling where they heard about 2-1-1, this will help our campaign on promoting this resource and reach people. What communication method is most important to you
- Sarah Coffey Frush: What interaction is there between 211 and HOPE Hotline and the Judiciary's Self-Help Centers phone and chat services. Are those given as referrals or is there any direct transfer/warm hand-off?
 - Sandy: It depends on what the caller wants. If the caller refers to that number, we will do that as well. But we can warm transfer the call to anybody. There might be a relationship between the call specialists and the organization, but there is not a formal agreement on this.
 - Franklyn: there are over 650 different resources that call specialists have available. We do what's needed.
- Sarah Coffey Frush: I guess another question is how "to do" lists are provided to 211 callers. For example, if you give a caller 4 different places to contact do callers just write that down, are the referrals texted? emailed?

- Sandy: Most of our call specialists are social workers, many of them are licensed social workers. They will walk someone through, each process and if they have multiple resources, they will prioritize each resource. Just as each person is unique, so is the call. The call is very customized depending on what that caller needs. We will also provide a call-back reminder when information becomes available. If they want more information back later we can provide that in the text format if they are willing to provide their number. Everything is voluntary and confidential.
 - Sarah Coffey Frush: what the average call length? – 10 mins.
 - But the length of talk time has gone up since the last recession in 2008. Normally 3-5 minutes but longer in the past 10 years.
 - Martina: we also want to address the rumor controlled information. Recently, we took a Spanish speaking caller and our Spanish speaker was on the other line, the woman had a job ended due to COVID-19, she was afraid that if she went ahead and applied for benefits she would lose her status. That's what people have told her. Our specialist called the state office and confirmed that was not the case, she was actually encouraged to apply for the benefit. She came back on the line with the interpreter and explained to that caller. Rumor control and accuracy are important components of 2-1-1.
 - Helene: Is there an annual survey updated so that you will have a fresh database?
 - Keisha: I can provide that information related to your organization.
2. Minutes from the last meeting. Committee reviewed minutes from the last meeting, Joy Sakamoto-Wengel made a motion to accept the minutes at 4:06 PM, Helene seconded the motion. The motion passed unanimously.
 3. Steve: Long term recommendations we would like to include in the final report: mediation requirement, postcard notification of the courts. I also distributed an example that put together on how to complete the form. If your subcommittee has come up some long term recommendations, please put those together in the form.
 - a. Timeline: They hope to get the report out in early December, so it has to be written in November, and for the October meeting, we would have to determine what these recommendations are. There are lots of layers of approval that's why the timeline is so short. So we really want some recommendations for next week.
 - i. Marceline: For subcommittees that meet next week, this (policy recommendations) should be on your agenda.
 - b. Sarah: who are we trying to convince with such report,
 - i. Steve: several bodies, one of them is the General Assembly, like the legislative recommendations in the report. Some recommendations may require actions from the Courts & Rules Committee.
 4. Advocacy updates (Marceline): To move forward the actions on the letters sent to the Governor and the Chief Judge.
 - a. Joseline Pena Melnyk: the speaker did meet with the Judge and engaged the conversation in light of the lack of extension.

- b. Kat has drafted a template, something for different organizations to start with. Tomorrow, Friday, we will go over the template letter. Once we've reviewed it, we will send out next Monday and get feedback before next Wednesday.
- 5. Steve: The Housing Committee and the Outreach Committee are putting together a town hall meeting on YouTube on housing and eviction issues; if that works out, I'm thinking about doing something similar on debt collection issues. Karen will talk about the plans for the town hall.
 - a. Karen Anderson-Scott: the Town Hall is 2-3 PM on Monday. This will cover eviction issues. The Attorney General is going to address the audiences at the beginning; questions will be monitored; MSBA will be using their platform, so people can submit their questions in the chat. We planned a series of town halls and are looking at starting at 09/23 to have town halls going forward to address all the substantive committees. What we need from you all is subject matter experts. We will leave you all to present the content and what we will do is to find an appropriate platform and market the events to targeted audiences. We are planning to follow up Monday's town hall. We're aiming to have an event presented in Spanish for Spanish speakers.
 - b. Delegate Joseline Pena Melnyk: what about having an interpreter simultaneously?
 - i. Karen: we don't have money to pay for interpreters.
 - c. Delegate Joseline Pena Melnyk: What about getting resources for free? like Casa?
 - i. Karen: We have someone in the Housing Committee who can speak Spanish and will present in Spanish. Will contact Delegate Joseline Pena Melnyk for more resources.
 - ii. Michele: Is it going to be recorded? Will people be able to submit questions ahead of time or only by the live chat?
 - 1. Karen: People will be able to submit questions in the chat
- 6. Subcommittees:
 - a. Consumer Education – Joy: the past week we did not have a meeting. we are working on the first draft of the microsite and should have the first draft close to completion but the end of the week and hopefully ready to be sent to members at the beginning of next week (which is this week) and ready to be uploaded by the end of next week (which is this week).
 - b. Mediation/ADR/ODR/Support services – Amy: we met last week, and started to formalize some of our recommendations for the report, I sent out the checklist that that has been contemplated, I just got feedback from Steve, but if anyone wants to take a quick look at that, that will be great.
 - c. Court forms/Notices – Steve: they are also working on a Microsite, it will pick up where the education consumer subcommittee left off: what you do after you've been sued. They have also worked on recommendations that Judge Scurti has mentioned in NY: when landlords sue tenants for eviction they have to give a postcard to the clerk offices, including the time, date of the notice, importance to show up, and the number you can call for more information.
 - d. Court procedures/Access – Kat:

- i. How to protect money in bank accounts from garnishment once the courts open back up. In the current process, the burden is on the debtor to go to the court and put it into a form to unfreeze bank accounts that have been garnished by creditors. Our concern is that with the rise of cases and the lack of income due to the economic issues people are facing, new garnishments are going to come in and take money from people's bank accounts, and the individuals will not have the access to the courts because of their sensitive conditions. We don't want the consumer to bear the burden. We want to push for an executive order to have certain amounts of individuals' bank accounts automatically protected from garnishment. Our proposal to the general committee is to construct an executive order and have the committee support to introduce this to the Governor's office for approval.
 1. We are discussing what that amount should be: as the statewide median rent is \$1,357 for 2020, we want to double that: decided it should be 2 months' rent (\$2,600).
 - a. Jane's question: is there a reason why it's not the full amount to be exempted. Ask that the amount should be higher.
 - b. It is from the Governor or the Chief Judge?
 - i. Steve; There was an issue when we were looking at the CARES Act funding, the Governor by executive order during the emergency has the power to suspend operation of statute. But he cannot create a new law by executive order.
 - ii. David Schlee: I think this is a legislative issue. As the \$6,000 is part of the code, I don't think the governor can change that without legislative force. The people who are fighting the most are the bankers and the banks themselves. What you have proposed will put lots of obligations on the banks regarding garnishment.
 - c. Amy: whether the bank is responding or reviewing to requests on garnishments, they will charge a fee on that. Now they are not allowed to charge that fee. It will be a potential issue if the banks are able to charge that fee, there is going to be additional labor involved as they certainly want to charge that.
 - d. Jane: The banks don't like extra work even when taking money from their accounts, despite the fact that there is a legal exemption.
 - e. David: the law itself allows garnishment, and to change it to automatic garnishment you have to change the law itself.
 - ii. Rules Committee Changes: need consumer protection advocacy. (the Post-Judgment committee also needs consumer protection advocates.)

1. E-signature Rules – Phillip is working on this
 2. Need for a rep on the Committee
 3. Is the composition of the Rules Committee in the state constitution? Kat will research this.
- iii. We need further discussion on Amici Briefs in support of anti-consumer judicial decisions from COSA – we are making a recommendation to the Committee.
 - iv. Only MDEC-filing jurisdictions allow you to submit copy or digital signatures. We had a call with the Rules Committee and are working on the MDEC signature issue and will have an update for next time.
 - v. Open MDEC records to the public: Kat will contact the AOC communications office regarding access to MDEC records.
 - vi. We are contacting colleagues for updates on the court problems and COVID risks we discussed: No Legal Aid update meetings; Baltimore County Circuit Courts had masks and required people to sit 6-feet apart
 - vii. Everyone will continue to collect stories on access issues consumers are facing in different jurisdictions. Lydie could survey the AG's office; AG's office should publish their complaints online.
 - viii. Transparency in Consumer Complaints – we are making a recommendation to publish consumer complaints online, similar to CFPB.
 - ix. We are working on an update re: texting pilot program.
- e. Liaison report – Michele: the upcoming Town hall, they encourage people to participate and promote to their individual contacts.
7. Amy: next Tuesday will be the first day affidavit judgements resume in Baltimore City.
 8. Amy made a Motion to adjourn, Joy and Joseline both seconded. the motion passed unanimously.