

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

Wednesday, September 02, 2020  
3:30 pm – 4:30 pm

<b>Participants</b>
Amy Hennen
Angie Barnett
Aracely Panameño
Ashley Harrington
Christopher Dews
David Finkler
Delegate Joseline Pena-Melnyk
Helene Raynaud
Jane Santoni
Joy Sakamoto-Wengel
Kat Hyland
Lydie Glynn
Marceline White
Michele Honick
Nikki Thompson
Nino Li
Paul Bland
Pokuaa Owusu Acheaw
Reena Shah
Rory Murray
Sarah Coffey Frush
Steve Sakamoto-Wengel
Whitney Barkley
<b>Observers</b>
Diana Lynne Hsu, Maryland Hospital Association
Matthew Bohle, Rifkin Weiner Livingston

**Agenda**

1. Welcome - -Marceline (5 minutes)
2. Roll – Steve (3 minutes)
3. Review minutes from August 26 meeting- Steve (5 minutes)
4. Long term recommendations (Steve)
5. Advocacy updates (Marceline)
6. Debt collection Town Hall (Steve)
7. 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
2. New discussion items
  3. Set next meeting – 5 minutes

### **Discussions made by the participants**

- I. Meeting called to order at 3:33. Committee reviewed minutes from the last meeting. Joy Sakamoto-Wengel made a motion to accept the minutes at 3:35 PM, Helene Raynaud seconded the motion. The motion passed unanimously.
- II. Long term recommendations:
  - Steve: the Education Subcommittee’s recommendation is on building the hotline, but we don’t know what format it’s going to take. The Forms and Notices Subcommittee’s recommendations are mailing the postcards from the court (which includes also finding the best way to encourage the individuals who are sued to participate) and using focus groups to identify the best method, adopting plain language for court forms, legislation to ban real estate liens as a result of debt collections.
    - Court forms/Notices subcommittee (David and Aracely): the focus group was related to language choice, we wanted to make sure we had debtors taking actions but not necessarily scaring them in the same way in which debt collections scare them, i.e., using the most appropriate language. We wanted to also be mindful of language issues for people who are not English speakers (Steve: the postcards used in NY, both English and Spanish.)
    - Mediation/ADR/ODR/Support services (Amy): recommendations from the ADR mediation are a little vague. We’ve discussed the postcards, which is similar to the ones suggested by the Court forms/Notices subcommittee. We’ve also been talking about a law change to judicial proceedings to put into place a form that district judges could use in the review of the debt collection actions to ensure compliance with various laws that are already in place without necessarily the defendants having to raise those defenses. We also discussed ways to ensure that mediation is more widely used when appropriate and easier referral with the mediation center, but nothing on legislative changes.
    - Court Procedures/Access (Kat): we have three long-term recommendations at the beginning (tasks for us), first is to provide hardship and/or income-based repayment plans for civil judgments; the second is to limit body attachments; third is to lower the interest rate for government debts. We have three of the remaining ones that two are long-term and one is short-term that are not tasks to us: Introduce legislation to protect a portion of a consumer/debtor’s bank account from a property garnishment when a creditor serves a financial institution with a writ of garnishment for the funds held in the bank account. The amount proposed is two times the average rent for the state of Maryland, two thousand six hundred (average rent for 2020 is \$1,300); the second one is to add a member of the consumer protection community to the Maryland Rules Committee. This member could be from a nonprofit advocate, legal services attorney, or private attorney.

Numerous individuals from the Consumer Protection Committee would volunteer for this role (could be a short-term or long-term goal); the third is to allow electronic signatures to be accepted as originals in all Maryland courts.

- Soft deadline and hard deadline of the recommendations (Reena): Tomorrow is the goal as we want this to work out in December, so the first review will be tomorrow but it doesn't need to be really detailed. We can get more details at the 10<sup>th</sup>, we can also think about what we can elevate in the next meeting on September 17<sup>th</sup>.
  - Amy: When I'm thinking about CARES Act funding money, whether or not the funding could potentially be used for a public awareness campaign to encourage people sued for consumer debts to show up in court.
  - Reena: I hope everyone has received the letter we sent to the Governor, our Attorney General sent it on behalf of our Task Force. In the letter, we have 4 categories to ask for the CARES Act funding: rental assistance, civil legal aid funding, funding for counseling, and another one is for public awareness. We have asked for 145 million and another additional 8 million. The Public Awareness Committee is listing the right places/communities for requesting this money (food stamp, grocery shopping, etc.). It will be really helpful if each committee can have a sense of what kind of information that needs to go out in the short term to help people with this money.
  - Aracely: Can we ask for special appropriations from the legislature?
    - Steve: it does not seem to be legislative interest in a Special Session before the end of the year. Another consideration is that the way Maryland's budget process works is that the Governor has to propose the budget, and the legislature can cut but they cannot add to it, but there are ways to work around that.
  - Whitney: CDC eviction moratorium, we should make sure people understand how the system can be used.
    - Marceline: Some of the legal service providers have information on their website: what the exceptions are and what the defenses are. The Housing Committee is also talking about that today.
    - Whitney: It's like the public awareness campaign telling people to go to court. The recommendation policy is an affirmative defense you have to raise. In addition to signing this form to your landlord, you have to go to court to raise it as a defense.
    - Steve: the executive orders do not apply to a tenant holding over cases.
    - Reena: can there be advocacy with the judiciary that could be done and raised by case by case.
    - Whitney Barkley: we cannot evict people who are in a health crisis. So it feels good to have CDC agreeing with our point on eviction cases.

### III. Advocacy Updates:

- Marceline: In late July, we sent letters to Governor Hogan asking for moratoria on debt collections, evictions, and financial assistance for rentals. As we know, since the letter

was sent from the Task Force, We've gotten no response from Governor Hogan, so the idea was to increase the demands of this moratoria. Kat did a good job developing a cover letter as well as very clear sets of questions referring back to the letter we sent earlier. As we had shared with everyone, with the goal is to support it we can move it to the next level. Given the CDC recommendation, will we want to modify our ask based on the new information? Did the people have the chance to read the advocacy letter, is there any comment on it? We can resend these notes out and it will be great for you guys to send us feedback from this committee so that we can move forward to the Policy/Equity Committee.

- Marceline (in the chat): The cover letter is suggested language for an email so Kat can post it but I am not sure it needs to be approved because it can be modified by whoever sends the template out
- Kat: Just to clarify, Marceline's link is to the cover letter. The word doc is the Template letter we are sending to advocates. For anyone who doesn't read it here, we'll send it with the updates to the eviction and debt collection sections as per everyone's suggestions.
- Kat: Just to clarify, you may send the body of the email to your colleagues, and before sending it, let me get the approval of it, and there is an actual template to advocate. We don't need feedback on the one that explains who we are, is the one names "the template of advocates" (the one people can plug into your own experience and you own name)
  - Amy: looks good.
  - Marceline will place the draft in the chat.
- Amy: one more thing is about the section of utility shut-off. The Public Service Commission prohibits utility shut off until October 1<sup>st</sup>, but that only applies to BGE and Pepco. It will probably expire on October 1<sup>st</sup>.
- Sarah: Regarding the debt collection moratoria, this can talk more broadly about debt collections, I'm trying to reconcile the more specific issue about active collections like the seizure of bank accounts v. going to court to get the judgment.
  - Kat: we have room for these improvements.

IV. Town Halls (Steve): we have been asked to a similar presentation on debt collections on 12/23, also one in English and one in Spanish, we can have two attorneys being the presenters. We are not sure who may be able to be the presenter in Spanish, please let us know. If you didn't get the chance to see Eviction Town Hall, it is posted on the AG website. We wish to hear comments, questions, and suggestions.

- Reena: we talked about it, we discussed if we should have it in the evening, as more people can come.
- Aracely: can we partner with one of the local television stations, I have experiences with having national Town Halls partnered with them, we had 500,000 eyeballs.
  - We will reach out to the Public Awareness Committee.
  - Reena: you can make sure the date that works for you all next week?

V. Subcommittee:

- Consumer Education – no updates so far

- Mediation/ADR/ODR/Support services – Amy: no updates so far.
- Court forms/Notices – Aracely: we are still looking at the microsite template and the postcard draft based on the NY postcard. Edit the forms and provide recommendations for the Task Force, we are meeting tomorrow and we still have to get to the concrete recommendations on forms. But we have not made any recommendations for specific changes to the forms.
- Court procedures/Access – Kat: no updates so far
- Liaison report – Michele:
  - Steve: One of the items that were discussed this morning in the Public Awareness meeting is the point of entry and resources we should have people referred, and discussion of using both self-help center and 211, and whether there should be something more specialized because we want to avoid things like having to do with intake and getting information from callers and then referring them to the organizations to repeat doing the intake. There is also a request for referral organizations for data and clients who have been served in the past.
  - Reena: we should make sure that the existing resources are suitable for the situation we are in right now.
  - Sarah: I'm not sure where we stand on the hotline concept. I think for this we have to deepen the level of services you will be providing, instead of creating a separate number.
    - Steve: we have seen the presentation about 211 and about the self-help center, we need to make a determination as to whether we would prefer to use them or to set up something new. We've not reached a conclusion yet.
    - Marceline: if someone is calling 211 in order to triage someone appropriately (getting the right kind of service they would need), you have to do a pretty detailed intake form, and when you get the warm handoff, the person has to do another detailed intake form which can be really redundant. So would that be more effective to have a hotline that focuses on debt collection to better triage and gets people to the right place quicker? We will also make sure what the funding and resources will be needed.
    - Reena: There will be continued conversation in the Equity Committee and the Public Awareness Committee. We can work with the existing program to then create a separate and specialized program that can be unique to the questions we want to address right now and can be also used in the future.
    - Amy: I think these are the two initial places (the self-help center and 211) where the consumer might do. They can provide regular training to identify and refer to each clients' problems. I have watched the funding for foreclosure slowly dried out over the last five years, and the use of whole hotline and the promotion for foreclosure, if we can create a separate hotline, it may end up the same, slowly goes away after the pandemic is ever lifted; but if we tab it into the existing system, we can at least decrease the likelihood of that.

VI. Rules Committee recommendation: Kat: As I mentioned before, we are drafting the letter to the Maryland Rules Committee to add a member of the consumer protection community to the Maryland Rules Committee. It seems that the approach is to send the letter to the existing

committee and/or to the Chief Judge Barbera. We want to know if we have permission to say we are from this committee to do this or it's individual.

- Reena: is this a letter to find out information or recommending anything?
- Kat: advocate/recommending to the Rules Committee, we want to write to the Chief Judge Barbera to open the doorway of the conversation and see what the steps are
- Amy: Debra Gardner has testified to the Rules Committee about the post-judgment form the courts are creating now. She said it's important to have a consumer protection attorney appointed to the Rules Committee because there are collection attorneys and representatives of banks, but no one is advocating for consumer rights in the post-judgment committee. Chief Judge Barbera agreed with that.
- Reena: if it will be on behalf of the Task Force, it will be a higher level and will go through all the co-chairs. What is the time frame?
  - Kat: We have the letter drafted. There is no deadline, it's just the longer we wait, the harder for us to enhance our access to the decision-makers during the pandemic.
  - Reena: if the letter can be approved from this committee anytime, I will try to move it forward and will bring it up to the general meeting.

VII. Motion to adjourn the meeting at 4:32, seconded by Lydie Glynn, The motion passed unanimously.