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***Testimony of Deborah Cuevas Hill
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***Before the Committee on the Judiciary & Public Safety
Council of the District of Columbia***

Performance Oversight Regarding the Office of the Attorney General

February 22, 2023

Legal Aid of the District of Columbia¹ submits the following testimony to highlight the important work of the Office of Attorney General's Office of Consumer Protection. The Office of Consumer Protection strives to make the District's consumer protection laws more robust, investigates consumer complaints and enforces the District's consumer laws. Legal Aid has witnessed firsthand this important work by working in partnership with the Office of Consumer Protection to advocate for enhanced consumer laws and by referring cases to the agency for investigation and enforcement.

Legal Aid's consumer law practice primarily focuses on foreclosure prevention and debt collection defense. In each of these areas, our attorneys represent consumers who are

¹ Legal Aid of the District of Columbia was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 90 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org.

victims of deceptive, abusive, and unethical business practices. Our collaboration with the Office of Consumer Protection has allowed our attorneys to better serve our clients.

Strengthening the Consumer Protection and Procedures Act ("CPPA")

The Consumer Protection Procedures Act ("CPPA") is a critical tool in Legal Aid's practice. The Office of Attorney General ("OAG") plays a vital role in enforcing the District's consumer protection laws, none more important than the CPPA. In the prior Council Period, the OAG introduced Bill 24-0658, the Consumer Protection Procedures Amendment Act of 2022, by which it sought important clarifications to the CPPA. Those clarifications included amendments to definitions governing what businesses and trade practices are covered under the CPPA.

After the Office of Consumer Protection reached out to stakeholders for feedback on the bill, Legal Aid recommended further changes to key definitions and collaborated with the office on those changes. Legal Aid submitted testimony supporting the bill on November 17, 2022.² OAG's oral testimony at a Council hearing endorsed Legal Aid's recommendations.

The Department of Licensing and Consumer Protection ("DLCP") shares CPPA enforcement authority with OAG. Bill 24-0658 did not advance to a vote in the last Council Period so that DLCP would have an opportunity to collaborate with OAG and other stakeholders on CPPA clarifications and on certain concerns it had about the bill's impact on its own authority. The Office of Consumer Protection accommodated DLCP's concerns and is now actively working in partnership with DLCP, the Department of Insurance, Securities and Banking ("DISB"), Legal Aid, and other stakeholders to develop a more comprehensive set of clarifications in a new bill to be introduced early in the current Council Period.

Throughout this process, the Office of Consumer Protection has demonstrated not only its strong support for robust consumer laws that are vital to keeping D.C. residents safe from unethical business practices, but also its willingness to partner with other District agencies and stakeholders who share that goal. Legal Aid looks forward to seeing the result of this continuing partnership to enhance consumer protections in the District.

Overhauling the District's Outdated Debt Collection Act

² Testimony of Jennifer Klein Joseph, Supervising Attorney, Consumer Law Unit and Thomas C. Papson, Volunteer Staff Attorney, Consumer Law Unit, Legal Aid of the District of Columbia; Before the Committee of the Whole Council of the District of Columbia, Public Hearing Regarding: Bill 24-0658 "Consumer Protection Procedures Amendment Act of 2022", November 17, 2022.

During the recently concluded Council Period, the Council enacted a far-reaching and comprehensive reform to DC's outdated Debt Collection Act. *Protecting Consumers From Unjust Debt Collection Practices Amendment Act of 2022*, DC Law 24-0154 (enacted Aug. 27, 2022) (applicable as of Jan. 1, 2023) (codified at DC Code § 28-3814). The successful enactment of that law followed years of failed attempts to advance earlier Debt Collection Act reform bills.

This long overdue reform finally happened because Attorney General Karl Racine, supported by the Office of Consumer Protection, and Council Chairman Phil Mendelson agreed that this reform was too important to be delayed any longer. After the bill's introduction, attorneys in the Office of Consumer Protection worked tirelessly with the Chairman's office and key stakeholders, including Legal Aid and Tzedek DC, to enhance and refine the provisions needed to bring the language of the original 1971 act into the 21st century. The result, in no small part due to the skill and expertise of those attorneys, was a law that has given District consumers what may be the most effective set of protections from unfair and abusive debt collection practices of any jurisdiction in the nation.

In this achievement, as with the office's ongoing efforts to clarify and enhance the CPPA, OAG's Office of Consumer Protection demonstrated both its commitment to effective consumer law reform and to effective working relationships with consumer stakeholders.

Consumer Complaints and Resources

The Office of Consumer Protection investigates complaints from consumers regarding potential violations of the District's consumer protection laws and files suits against businesses that violate these laws. Legal Aid's Consumer Law Unit frequently refers clients and other parties to the office's consumer protection hotline. We are regularly impressed with the promptness and care with which the office not only investigates complaints, but is often able to assist consumers in resolving their disputes with merchants without the need for legal action.

In addition, the Office of Consumer Protection's website contains an array of consumer information and resources designed to help DC consumers know their rights and avoid unfair and deceptive practices.

Conclusion

Legal Aid thanks the Office of Consumer Protection for working to strengthen the District's consumer laws, seeking input from stakeholders and working collaboratively to



improve these laws. Legal Aid looks forward to seeing the result of our continued partnership with this office.

We thank the Committee for the opportunity to submit this testimony.