

# COVID-19 & Consumer Protections

The COVID-19 pandemic created upheaval in people's lives, especially the most vulnerable, and NCLC worked with allies, government officials, and businesses, to help. This list of resources, updated as new information is available, is a guide to help families navigate their financial lives during turbulent times.

## General Consumer Protections

- Autos
- Banks and Prepaid Card Accounts
- Bankruptcy
- Credit and Debt
- Credit Reporting
- Criminal Justice
- Housing
  - Homeowner Assistance Fund
- Older Consumers
- Racial and Immigrant Equity
- Robocalls & Telemarketing
- Student Loans
- Utilities and Bridging the Digital Divide

## Training & Conferences

## Additional Resources

## Archived Letters, Statements, Briefs, etc.

## Stimulus Payments

- Joint Consumer and Banking Group Letter to Congress urging them to protect economic impact payments from garnishment, Mar. 8, 2021
- Joint Consumer and Banking Organization Letter to Congressional Leadership Urging Protection of New Stimulus Payments Against Garnishment, Feb. 23, 2021
- The EIP Stimulus Payment Prepaid Card: Not a Scam; How to Avoid Fees (sample card and mailer), January 2021
- NCLC FAQs on Stimulus Payments

## General Consumer Protections

- NCLC Welcomes CFPB Director Chopra and Describes Priorities, Oct. 5, 2021
- **Share your COVID-19 Financial Complaint**
- NCLC Major Consumer Protections Announced in Response to COVID-19 (Federal and State), August 2020
- Group letter to President Biden re: Consumer Protection Priorities for Next Covid Economic Recovery Package, February 1, 2021

## **Autos**

- State Protections Against Repossession
- Auto Finance and the Coronavirus Crisis: What States Should Do to Help, March 2020

## **Bank and Prepaid Card Accounts, Bank Fees**

- States, including New York, have ordered or encouraged relief affecting overdraft, ATM and credit card late fees.
- Banks and credit unions that offer safe checkless checking accounts that meet the Bank On National Account Standards (including no overdraft or NSF fees) can be opened online, and are available to people with blemished account screening histories, can be found at JoinBankOn.org.

## **Bankruptcy**

- Summary of Covid-19 Bankruptcy Relief Provisions, March 31, 2021
- Group letter urging Congress to adopt amendments to the Bankruptcy Code in response to the COVID-19 pandemic, March 24, 2020

## **Credit and Debt**

### **Federal Relief**

- Feed Families, Not Debt Collectors: Protect New Stimulus Payments and Child Tax Credits from Garnishment, March 2021
- A Free Stimulus to Support Struggling Families and the Economy: First Suspend, then Reform, Wage and Bank Account Garnishment, January 2021
- The federal banking agencies have issued guidance encouraging institutions to work with affected customers.
- Support debt collection provisions of HEROES Act to give small businesses, nonprofits and consumers a path to recovery
- The CFPB Must Issue Emergency Guidance on Debt Collection during the Pandemic, December 2020
- Wage Garnishment for Consumer Debts: Reforms Needed in the Current Crisis and Beyond, November 2020
- Remote Court Appearances in the Covid-19 Era: Protecting Consumers in Collection Lawsuits, June 2020

### **State & Local Relief**

NCLC is tracking state and local government responses to the coronavirus that are relevant to the collection of non-mortgage consumer debts, including:

- For state advocates working with their state legislators to protect people impacted by income losses due to COVID-19, NCLC's report may be of help. *No Fresh Start in 2019: How States Still Let Debt Collectors Push Families into Poverty* surveys all 50 states and has a number of charts and maps assessing the extent to which state laws protect basic income and assets needed for survival: wages, home, car, bank account, household goods.
- Issue Brief: Coronavirus Emergency: Consumer Debt Collection Lawsuits - How States Can Help, March 2020
- Covid-19 Related State Protections for Wages and Cash in Bank Accounts
- Sample letters urging a halt to bank account garnishments and/or debt collection from

advocates in California (includes sample order), Ohio, Texas

- Prohibition of Certain Collection Practices - Entries track practices in the collection of civil, non-mortgage debts by debt collectors or creditors that have been temporarily prohibited due to the coronavirus.
- Can Debt Collectors Work from Home? - Entries track orders and guidance related to whether debt collectors can work from home. Only highlights guidance that has been issued in relation to the coronavirus. Some jurisdictions may have had prior guidance.
- Bar on Collection of Debts Owed to State/Local Government - Entries track state and city temporary orders that have been enacted to bar the collection of debt owed to the government.
- Suspension of Certain Court Proceedings Related to Debt Collection - Entries include a non-comprehensive list of courts that have suspended certain judicial proceedings or activities related to the collection of civil, non-mortgage debts. For more about state court closures see the National Center for State Courts website.
- Calls to Action - Entries track calls to action from legislators, attorneys general, businesses, and advocates to state governments and industry leaders calling for collection moratoriums and other debt collection related consumer protections.
- Legislative Responses - Entries track legislation introduced at state and municipality level that includes prohibitions on certain debt collection practices. Entries track status of bills.
- Other Debt Collection Responses - Entries include responses by states that do not fall into one of the other categories, such as new legislation relating to debt collection during the coronavirus pandemic and recommendations for collection practices from state agencies.

## **Credit Reporting**

- The Credit Score Pandemic Paradox and Credit Invisibility, February 2021
- 2021 Credit & Consumer Reporting Priorities to Promote Economic Recovery, December 2020
- Salt in the Wound: How Eviction Records and Back Rent Haunt Tenant Screening Reports and Credit Scores, August 2020
- Enforcing the CARES Act Credit Reporting Protections, May 2020
- Protecting Credit Reports During the Covid-19 Crisis, April 2020
- Credit Reports and the Covid-19 Crisis: What States Should Do to Help Consumers, March 2020

## **Criminal Justice**

- Coronavirus Emergency: Criminal Justice Debt - How States Can Help, March 2020
- Fines and Fees Justice Center's COVID-19 Policy Recommendations urging state and local governments to make immediate changes to their criminal, traffic and municipal ordinance fines and fees policies to protect public health and ensure that fines and fees are not a barrier to people's basic needs throughout this emergency.

## **Housing**

### **Federal Relief**

- Joint Letter to HUD Requesting an Extension for Comments on FHA Defect Taxonomy for Servicing Loans, November 19, 2021
- Press Release: Important Investments in Homeownership and Families in Build Back Better, November 19, 2021
- Joint Letter to HUD Advocating for Clarity in the Foreclosure Timelines, November 5, 2021
- Group Letter to HUD re: Covid-19 Waterfall Drafting Table Comments, November 4, 2021

- Coalition Letter Urging CFPB to Extend Pre-Foreclosure Protections Into 2022, October 13, 2021
- Group Letter Urging HUD, VA, and USDA to Extend the Deadline for Borrowers to Start COVID-related Forbearance Plans, September 23, 2021
- Group Letter to FHFA Urging Requirement for GSEs to Immediately Address Post-forbearance Escrow Shortages, August 27, 2021
- Group Comments to FHA re: Comments to Mortgagee Letter 2021-18, August 20, 2021
- Group Letter Supporting H.R. 4791, the Protecting Renters from Evictions Act of 2021, July 30, 2021
- Sample Request for Information on Escrow Accounts (PDF)
- Letter to Federal Agencies Regarding Supervision and Enforcement Over Mortgage Servicers, June 8, 2021
- Group Letter to FHFA, Fannie Mae, and Freddie Mac on Reducing Modification Interest Rates for Borrowers with Equity, June 3, 2021
- Press release: Advocates Applaud HUD's Actions to Protect Vulnerable Widows and Widowers and Prevent Avoidable Foreclosures, May 12, 2021
- Comments on the CFPB's Proposed Rule to Protect Homeowners Impacted by the Covid-19 Emergency, May 10, 2021
- Press release: CFPB Will Hold Debt Collectors Accountable to Tenants for Illegal Evictions, April 19, 2021
- Using the Homeowner Assistance Fund to Prevent Reverse Mortgage Foreclosures: What Treasury and the States Can Do, April 2021
- Group Letter to HUD re: Mortgagee Letter 2021-05, March 18, 2021
- Homeowner Assistance Fund Overview and FAQs, March 17, 2021
- Americans for Financial Reform Coalition Recommendations on Housing Assistance Fund Implementation, March 17, 2021
- Joint Letter to CFPB Proposing a Framework for Streamlined Modifications, March 12, 2021. Exhibit A. Exhibit B.
- Coalition letter to FTC and CFPB Urging Action on Eviction and Foreclosure Moratorium, March 3, 2021
- Civil Rights, Consumer and Industry Coalition Letter to Congressional Leadership Supporting Inclusion of Homeowner Relief in the Covid-19 Stimulus Relief Package, February 8, 2021
- Group Letter to CFPB Urging Prevention of Covid-19 Related Foreclosures, January 28, 2021
- Homeowners Need a Homeowner Assistance Fund and Additional Relief to Prevent a Coming Foreclosure Crisis, January 2021
- Group Letter to President-Elect Biden Asking for Expansion of Homeowner Relief in Covid Stimulus Package, January 16, 2021
- How to Get Help with Your Mortgage During COVID-19, July 9, 2020 Spanish, Korean, Chinese, Vietnamese, and Bangla
- NCLC issue brief: A Looming Crisis: Black Communities at Greatest Risk of Covid-19 Foreclosure, July 2020
- ***NCLC sponsored a series of free webinars for advocates in May 2020. Listen to archived webinars and access materials:***
  - COVID-19 and Mortgage Relief for Homeowners: CARES Act Protections, May 7, 2020. Webinar recording and materials.** This webinar will provide an overview of the forbearance and post-forbearance options for federally-backed mortgages, including an explanation of what the CARES Act requires and a discussion of the servicing policies of Fannie Mae, Freddie Mac, FHA, VA, and USDA (Andrea Bopp Stark- NCLC, Sarah Bolling Mancini-NCLC)
  - Forbearance Options and CARES Act Requirements, May 14, 2020. Webinar recording and materials.** In this session, we will go into more depth about the language of the CARES

Act and the ways different government entities are implementing its requirements. We will also touch on how servicers are handling forbearance requests, and strategies to deal with servicer noncompliance. (Tara Twomey-NCLC, Steve Sharpe-NCLC, John Rao-NCLC).

**Reverse Mortgage Foreclosure Issues in the Covid-19 Pandemic, May 21, 2020.**

**Webinar recording and materials.** This webinar will discuss the home-saving options for reverse mortgage borrowers and non-borrowing spouses, including specific updates about Covid-19 related protections. (Sarah Bolling Mancini-NCLC, Odette Williamson, NCLC)

**An Introduction to CARES Post-Forbearance Options, May 28, 2020. Webinar**

**recording and materials.** This session will provide an introduction to post-forbearance options for borrowers obtaining mortgage relief under the CARES Act. The program will review options available through FHA and the GSEs based on the most recent guidance and information available. (Tara Twomey - NCLC, Andrea Bopp Stark - NCLC, Geoff Walsh - NCLC).

- Video Explainer: Coronavirus Crisis: What Consumers Need to Know About Mortgage Relief, April 29, 2020
- Mortgage Relief for Homeowners Affected by COVID-19, April 27, 2020; related chart.
- Coronavirus Pandemic Prompts Temporary Relief in Reverse Mortgage Foreclosures, April 27, 2020
- Appraisal Changes for Government-Backed Mortgages:
  - Fannie Mae, Freddie Mac, FHA, and VA to allow appraisals without interior inspections
  - The Appraisal Institute and the Appraisal Foundation have extensive information on how COVID-19 is affecting appraisers
  - The USDA has waived or relaxed certain parts of the application process for Single-Family Housing Direct Loans, including site assessments, and has extended the time period that certificates of eligibility are valid
- For mortgage borrowers facing difficulties as a result of the pandemic, Fannie Mae, Freddie Mac, FHA, FHFA, and the VA have issued guidance for borrowers and reminders to loan servicers about options available for borrowers in hardship.
- HUD issued a foreclosure and eviction moratorium for all FHA-insured Single Family mortgages for 60 days, effective March 18, 2020.

## State & Local Relief

- COVID-19 Related State Foreclosure Moratoriums and Stays
- Massachusetts Stakeholder Sign-on Letter Commenting on the Draft HAF Implementation Plan for the State, July 30, 2021
- Building a California Seawall against the Tsunami of Debt Collection Caused by COVID-19: Mortgage Relief, November 2020
- Coronavirus Emergency: Mortgage Relief for Consumers - How States Can Help, October 2020

## Homeowner Assistance Fund Advocacy

- **Federal**
  - Homeowner Assistance Fund Overview and FAQs
  - IRS Guidance Stating that HAF Assistance is Not Taxable Income
  - **Foreclosure Pause Pending HAF Application**
    - FHFA announcement, Apr. 6, 2022: Servicers required “to suspend foreclosure activities for up to 60 days if the servicer has been notified that a borrower has applied for assistance under the Department of the Treasury’s Homeowner Assistance Fund (HAF).”

- Fannie Mae Lender Letter 2021-02: servicer must delay foreclosure process for up to 60 days if receives notification from a HAF program that the borrower has applied for HAF.
  - Freddie Mac Bulletin 2022-8: Servicers must suspend all foreclosure actions for up to 60 days if servicer has been notified that the borrower has applied for HAF
  - FHFA FAQ: Mortgagee may place foreclosure on hold if the FHA (search term “HAF”), VA, and USDA: Servicers are strongly encouraged to suspend foreclosure actions whenever the servicer receives notice from the state HAF program that a borrower has applied or been approved for HAF assistance.
  - Group Comments to Treasury on HAF: Guidance on Participant Compliance and Reporting Responsibilities, April 14, 2022
  - Homeowner Assistance Funds and Reverse Mortgages FAQs, March 2022
  - Coalition Letter to CFPB Seeking Foreclosure Pause for HAF Applicants, January 21, 2022
  - Coalition Letter to Federal Housing Agencies Seeking Foreclosure Pause for HAF Applicants, January 21, 2022
  - Coalition Letter to Treasury Secretary Yellen Urging Improvement to Staffing, Transparency & Data Collection for the Homeowner Assistance Fund, September 17, 2021
  - Why Title Reviews Should Not Create Unnecessary Barriers to HAF Assistance, August 2021
  - Why Homeowner Assistance Funds Should be Accessible to Homeowners in Bankruptcy, July 2021
  - Federal Income Tax Consequences of Receiving Assistance from a State Homeowner Assistance Fund Program, July 2021
  - Homeowner Assistance Fund Model Plan: Planning and Administration
  - Homeowner Assistance Fund Model Plan Program Design Templates
  - Housing Assistance Fund Common Application Form Template
  - Using the Homeowner Assistance Fund to Prevent Reverse Mortgage Foreclosures, April 2021
  - Recommendations by the AFR for Treasury Department Implementation of the Homeowner Assistance Fund, March 17, 2021
- **State**
    - NCLC Model Language to Protect Homeowners Applying for HAF Funds, February 2022
    - Amendment to VT Supreme Court Administrative Order No. 49, February 22, 2022, Extended to August 31, 2022.
    - D.C. Foreclosure Moratorium & Stay of Foreclosure Pending HAF Application, February 18, 2022, Extended to June 30, 2022.
    - Maryland’s Homeowner Assistance Fund: FAQs For Mortgage Servicers, February 7, 2022
    - Maryland Commissioner of Financial Regulation issued Industry Advisory Regulatory Guidance, December 27, 2021
    - NJ Notice to the Bar and Public, December 8, 2021, Pro se packets now available from Court.
    - MA HAF Collaboration Agreement, November 15, 2021

## **Older Consumers**

- Using the Homeowner Assistance Fund to Prevent Reverse Mortgage Foreclosures: What Treasury and the States Can Do, April 2021
- Group Letter to the FHA addressing COVID-related issues for HECM (reverse mortgage)

borrowers and spouses, Oct. 13, 2020

- Federal, State and Private Protections for Older Consumers Impacted by the COVID-19 Pandemic, April 2020

## Racial and Immigrant Equity

- NCLC issue brief: A Looming Crisis: Black Communities at Greatest Risk of Covid-19 Foreclosure, July 2020
- Leadership Conference on Civil and Human Rights Civil rights urging Congress to enact health and economic policies to protect low- and middle-income households, (especially households of color), April 16, 2020
- Immigrant Workers' Rights and COVID-19 — A Resource for Workers and Their Advocates (National Immigration Law Center, National Employment Law Project, and the Occupational Safety and Health Law Project)

## Robocalls & Telemarketing

- NCLC & American Bankers' Association *Ex-Parte* joint comments to the FCC requesting quick action to interpret the TCPA's emergency exception to apply to automated calls from creditors during the COVID-19 emergency when informing consumers of forbearance and payment deferral options for loans secured by homes and vehicles, April 23, 2020
- Group Ex Parte Comments to the FCC supporting the American Banker Asso. and other lenders petition on pandemic calls during declared national emergency, limited numbers of automated calls from the described institutions to alert their customers to the callers' offers of the specified kinds of relief related to the COVID-19 pandemic, April 9, 2020; Related press release

## Student Loans

### NCLC Litigation

- *Barber, Jenkins et al vs Devos and U.S. Department of Education*, Case 1:20-cv-01137, May 7, 2020. Amended Complaint and Press Release. **Share your story if you have had wages garnished in 2020 for a student loan.** NCLC and Student Defense, with support of the Student Borrower Protection Center, filed an emergency APA lawsuit in the D.C. District Court against the U.S. Department of Education seeking to stop its garnishment of wages from defaulted student loan borrowers and to force the agency to immediately comply with Sec. 3513 (e) of the CARES Act that mandates that all such collections be ceased until at least next September. A motion for injunctive relief class certification has also been filed.

### Federal Policy

- NCLC attorney Persis SiChing Yu testimony Before the U.S. Senate Committee on Banking, Housing, and Urban Affairs Subcommittee on Economic Policy re: "Protecting Student Loan Borrowers and the Economy in Upcoming Transitions," July 27, 2021
- Group Letter to President Biden urging immediate action to extend the current pause on student loan payments, June 24, 2021

### NCLC Articles, Briefs, Fact Sheets, Reports, Videos & Webinars

- Press release: CRL and NCLC Research Reveals Two-Thirds of Navient Borrowers Making Voluntary Loan Payments During COVID Student Loan Pause Are Underwater, Aug. 12, 2021
- Borrowing From Our Future: The Case for Cancelling Student Debt, Aug. 10, 2020

- Video Explainer: What the CARES Act Means for Repayment of Federal Student Loans, April 21, 2020
- Coronavirus Crisis: What Borrowers Need to Know About Student Loan Relief, April 2020
- What the CARES Act Means for Repayment of Federal Student Loans, March 28, 2020
- Student Loan Cancellation is a Critical COVID-19 Equity Issue, March 23, 2020

## **Utilities and Bridging the Digital Divide**

### **Federal Relief**

- Press release: Federal Emergency Broadband Benefit (EBB) Program to Launch Wednesday, May 11, 2021
- NCLC and NRDC Letter to U.S. Dept. of Health and Human Services re: Implementation of the Low-Income Drinking Water and Wastewater Emergency Assistance Program (Consolidated Appropriations Act, 2021), February 10, 2021
- NCLC & United Church of Christ, OC, Inc. Comments to the FCC re: Emergency Broadband Connectivity Fund Assistance, January 25, 2021
- FCC order that no current Lifeline customer lose their service during this crisis and preserves Lifeline service for existing customers by waiving certain rules that are popular reasons for loss of Lifeline service, March 30, 2020

### **State & Local Relief**

- Press Release: Advocates Praise California Public Utility Commission's Unanimous Vote to Pass Utility Shut-Off Protections for Residents, June 12, 2020
- Comments on behalf of the Mass. Union of Public Housing Tenants and the Mass. Energy Directors Association, urging the Department of Public Utilities to create new post-moratorium consumer protections for utility credit and collections, April 10, 2020
- MA DPU opens investigation into post-moratorium credit & collection policies, Mar. 31, 2020; additional Massachusetts moratorium order through April 1, 2021.
- NCLC filed formal requests with utility regulators to impose a moratorium on all utility shut-offs during the COVID-19 crisis in California (moratorium imposed) and Massachusetts (moratorium imposed). For a regularly updated list of moratoriums and other state responses, please see the National Association of Regulatory Utility Commissioners website.
- MA (and MA update), PA, and IL (electricity and gas) requesting halt of door-to-door marketing by Competitive Energy Suppliers.

### **NCLC Articles, Briefs, Fact Sheets, Reports, Videos & Webinars**

- Issue Brief: Massachusetts Residential Utility Customers Still Owe Nearly \$100M More in Arrears than at the Start of the Pandemic, February 2022
- Utility Help in Massachusetts, January 2022
- Report: More Can and Must Be Done to Prevent Utility Consumers from Losing Service Due to Mounting COVID-Driven Arrearages in Massachusetts and Other States, November 2021
- Implementing a Roadmap to Utility Service as a Human Right, April 2021
- NCLC and NRDC Fact Sheet on Recent Federal Covid-19 Relief Funding to Help Consumers with Water and Sewer Bills, April 5, 2021
- A Guide for Advocates to Recent Federal Covid-19 Relief to Help Consumers Pay for Essential Energy, Water, and Broadband Service, March 2021
- Essential Utility Services During the Covid-19 Pandemic and Beyond: a Roadmap to Utility Service as a Human Right, March 2021
- Congress Must Act: Millions of Families Are at Risk of Losing Utility Service During the



Covid-19 Crisis, February 2021

- Report: COVID-Driven Utility Arrearages: Implications for Policy in Massachusetts and the Nation, February 2021
- Energy, Water, and Communications Priorities for COVID Relief & Biden's First 100 Days, December 2020
- Innovative State Actions on Residential Utility Bill Payment Protections During Covid-19 & Beyond, September 2020
- Skyrocketing Utility Arrears during the Covid-19 Crisis: The Need for Substantial Federal Support, April 2020
- The Need for Utility Reporting of Key Credit and Collections Data Now and After the Covid-19 Crisis, April 2020
- Coronavirus Crisis: How States Can Help Consumers Maintain Essential Utility Services, March 2020
- COVID-19 Pandemic Requires Federal, State and Municipal Action to Stop Involuntary Utility, Water, and Telecommunications Shut-offs, March 2020

## Training and Conferences at NCLC

All information will be updated on our Conferences or Webinars pages.

## Additional Resources

### Consumers

- For consumers needing legal help, please visit NCLC's website for a list of resources on how to get legal assistance.
- NCLC's Covid-19 Publications.
- NCLC's free articles on **Consumer Debt Advice**.
- ***Surviving Debt: Expert Advice For Getting Out of Financial Trouble*** As many Americans grapple with the fallout from this unprecedented crisis, NCLC's 50th anniversary edition of *Surviving Debt* is an invaluable resource for consumers and consumer advocates. **We have made the digital edition of *Surviving Debt* free to all during the COVID-19 crisis.** Read and download, print, or email content on debt issues. Print books are also available with bulk discounts at NCLC's Digital Library bookstore.
- The National Digital Inclusion Alliance website includes a list of free and low-cost broadband internet plans.
- Consumer Financial Protection Bureau (CFPB): Protecting Your Finances During the Coronavirus Pandemic.
- CFPB: How to stop automatic payments from your bank or credit union account
- Tips from the Federal Trade Commission for avoiding scams related to COVID-19.