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August 10, 2021

Acting Director David Uejio  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, DC 20552

**RE: Application of CFPB's Interim Final Rule to the New CDC Eviction Moratorium**

Dear Acting Director Uejio:

We are writing to urge the CFPB to amend the Interim Final Rule on Debt Collection Practices in Connection With the Global COVID-19 Pandemic ("IFR") to clarify that it applies to the current eviction moratorium. The IFR requires increased information for tenants about COVID-related protection from eviction, and clarifies that consumers have federal remedies against debt collectors involved in the eviction that fail to provide or misrepresent that information.

The IFR, which went into effect on May 3, 2021, is codified at 12 C.F.R. § 1006.9. Section 1006.6(b)(2) defines the term "CDC Order" to mean "the order issued by the Centers for Disease Control and Prevention titled Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 (86 FR 16731 (Mar. 31, 2021)), as extended by the Centers for Disease Control and Prevention." The prohibitions specified in § 1006.9(c) apply "during the effective period of the CDC Order."

On July 31, 2021, the CDC Order as defined by § 1006.9(b)(2) expired.<sup>1</sup> A separate order was issued by the CDC on August 3, 2021. Since the new order was not an extension of the previous order,<sup>2</sup> the IFR does not clearly apply to the new CDC eviction moratorium.

**Recommendation:** The CFPB should issue an amendment to the IFR to clarify that the definition of "CDC Order" in § 1006.9(b)(2) encompasses the new eviction moratorium.

The new eviction moratorium does not uniformly apply to the entire country. However, § 1006.9(c)(1) of the IFR already specifies that its requirements apply to consumers "to whom

the CDC Order reasonably might apply,” and the official interpretation clarifies that debt collectors can comply with the requirements of this regulation by “providing the disclosure to each consumer against whom the debt collector files an eviction action for non-payment of rent.”

Moreover, as stated in our previous comments about the IFR,<sup>3</sup> we support requiring § 1006.9(c)(1) disclosures for all tenants facing eviction for non-payment of rent. Making this disclosure mandatory would simplify application of the rule and avoid erroneously excluding some tenants who should have received the disclosure. At a minimum, there should be a presumption that the new eviction moratorium applies since an estimated 90 percent of tenants will be covered by the new moratorium.<sup>4</sup>

Thank you for your time and attention. We welcome the opportunity to discuss these ideas with the appropriate staff at the CFPB.

Sincerely,

April Kuehnhoff

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<sup>1</sup> Center for Disease Control and Prevention Department of Health and Human Services, Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of the Federal Regulations 70.2, Temporary Halt in Residential Evictions in Communities with Substantial or High Levels of Community Transmission of COVID-19 to Prevent the Further Spread of COVID-19 (Aug. 3, 2021), available at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/Signed-CDC-Eviction-Order.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Available at: [https://www.nclc.org/images/pdf/debt\\_collection/IFR\\_Comments\\_with\\_App\\_A.pdf](https://www.nclc.org/images/pdf/debt_collection/IFR_Comments_with_App_A.pdf).

<sup>4</sup> Glenn Thrush, “With the eviction moratorium back in place, the Biden administration is racing to distribute aid.” (N.Y. Times, Aug. 4, 2021) available at: <https://www.nytimes.com/2021/08/04/us/politics/biden-eviction-moratorium.html>.