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April 5, 2020

The Hon. Phil Mendelson
The Hon. Charles Allen
The Hon. Anita Bonds
The Hon. Mary M. Cheh
The Hon. Vincent C. Gray
The Hon. David Grosso
The Hon. Kenyan McDuffie
The Hon. Brianne K. Nadeau
The Hon. Elissa Silverman
The Hon. Brandon T. Todd
The Hon. Robert White, Jr.
The Hon. Trayon White, Sr.
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Via email

RE: *Recommended Provisions for the COVID-19 Response Supplemental Emergency Amendment Act of 2020*

Dear Chairman Mendelson and Fellow Members of the Council of the District of Columbia:

As leading organizations that advocate for the interests of the District of Columbia's seniors, Legal Counsel for the Elderly (LCE) and the AARP District of Columbia State Office (AARP DC) write to urge the Council to adopt critical provisions in the COVID-19 Response Supplemental Emergency Amendment Act of 2020.

LCE and AARP DC are concerned that the current pandemic will have devastating effects on District residents—particularly seniors and others uniquely vulnerable—long after the pandemic is contained. We want to highlight our support of the four urgently needed protection measures below, which we believe are crucial in helping our most vulnerable residents during this crisis.

1) **Protecting stimulus payments from seizure by creditors.**

The Council should ensure that to the maximum extent permitted by federal law, the funds received by District residents via the federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) stimulus payments are protected from attachment or seizure by creditors. These relief payments must be available for residents who have a need for basic life necessities, including food, medicine, and personal care items.



2) **Preserve homeownership.**

The Council should protect homeowners from losing their homes due to the pandemic. The federal government, through the CARES Act, has already provided a moratorium on initiating and conducting foreclosure for those federally-backed mortgages within its purview. The Council should extend that same moratorium to all homeowners—including those subject to foreclosure based on the inability to pay condominium or homeowner association fees—during the emergency period and in the immediate months following.

An across-the-board moratorium would address the current disparity between the level of protection for those who happen to own subject to federally-backed mortgages, and all others. It would also recognize the harm of foreclosure and threatened foreclosure on the mental and physical health and stability of District homeowners. Broad protection will also alleviate the risk that homeowners will fall prey to scams that target distressed homeowners.

The Council should also strengthen and streamline the protections for residents in the current bill's section on mortgage relief deferment by aligning those provisions with those of the CARES Act. In particular, the CARES Act enables borrowers with federally-backed loans to request forbearance relief in an efficient and streamlined manner, without allowing servicers to impose burdensome documentation requirements. The Council should ensure that any deferment program for non-federal loans is as readily accessible as the CARES Act program.

3) **Protecting consumers from debt collection and adverse credit reporting.**

The Council should protect District residents from enduring debt collection or debt collection litigation during the COVID-19 emergency. With the tide of defaults facing residents, this is a pressing issue of racial and economic justice. Without intervention, residents in this emergency period facing major reduction or total loss of income, combined with continued bills, risk suffering long-term financial harm through the debt collections process.

We support the debt collection provisions included in the April 2, 2020 draft bill. We urge the Council to also address credit impairment arising from the public health emergency. No resident should be denied future access to rental housing, a loan, or a job due to adverse credit reporting stemming from hardships arising from the COVID-19 pandemic.

4) **Protecting tenants from eviction.**

We support the efforts that the Council has already made to protect tenants from eviction as reflected in Section 209 (Eviction Clarification) of the April 2, 2020 draft bill and in previous emergency legislation. We urge the Council to similarly mirror the CARES Act when enacting tenant protections. Currently, the April 2, 2020 draft bill calls for a prohibition from the Court to issue summons. We suggest that there should be a 120-day moratorium before Landlords could file any eviction actions. Additionally, a 30-day notice should be provided to the tenant after the 120-day period runs. This should apply to all properties and not just those federally-backed.

We know that tenants will face even more challenges in the months ahead, as low-wage workers face fewer hours, reduced income, and layoffs. The Council should consider additional economic relief for low-income District residents, including increasing Emergency Rental Assistance Program (ERAP) funding for tenants who fall behind on their rent.

We greatly appreciate your consideration of these proposals.

Sincerely,

Legal Counsel for the Elderly

Rhonda Cunningham Holmes, Esq.
Executive Director

**AARP District of Columbia State
Office**

Louis Davis, Jr.
State Director