COVID-19 & Consumer Protections

The COVID-19 pandemic is creating upheaval in people’s lives, especially the most vulnerable, and NCLC is working with allies, government officials, and businesses, to help. This list of resources, which will be updated as new information is available, is a guide to help families navigate their financial lives during these turbulent times. It also includes best ways to connect with NCLC while our staff works from home to avoid community spread.

Advocacy Resources || Training & Conferences || Additional Resources for Advocates and Consumers

Resources

Advocacy

NCLC staff are working with allies, federal and state policymakers, and industry to push for relief for consumers facing financial distress in light of the coronavirus crisis.

General Consumer Protections

- Major Consumer Protections Announced in Response to COVID-19 (Federal and State), (continually updated)

Federal Relief

- Senate COVID-19 Stimulus Bill is a Start but Falls Far Short for Families, Students, and the Nation’s Most Vulnerable, March 26, 2020
- Group letter to federal agencies urging suspension of all non-COVID-19 rulemaking during the public health emergency, March 24, 2020
- Group letter to federal agencies requesting a 90-day tolling (extension) of public comment periods during the COVID-19 pandemic, March 20, 2020
- 63 Groups Call for Credit and Debt Protections to Address Financial Distress From COVID-19, March 22, 2020
- Group letter to Congress on financial stimulus recommendations for COVID-19 to provide substantial relief for workers, consumers, and small businesses, March 20, 2020

Autos

NCLC Recommendations

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

Bank and Prepaid Card Accounts, Bank Fees

State Relief

- States, including New York, have ordered or encouraged relief affecting overdraft, ATM and credit card late fees.
NCLC & Other Recommendations

- Banks and credit unions that offer safe checkless checking accounts that meet the Bank On National Account Standards (including no overdraft or NSF fees) and are likely open to people with blemished account screening histories can be found at the very bottom of this Bank On page.

Bankruptcy

- 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

- The U.S. Treasury Can and Should Ensure that Stimulus Payments Go for Families’ Food and Necessities, not to Debt Collectors, April 2020
- The federal banking agencies have issued guidance encouraging institutions to work with affected customers.

State & Local Relief

- Coronavirus Emergency: Why States Need to Act Now to Protect Families’ Stimulus Payments, April 2020
- Coronavirus Emergency: Preventing Garnishment of Stimulus Checks, April 2020

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

- 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.
- Non-essential Business Closure Orders – Entries track the impact of non-essential business closure orders on debt collection practices. Entries highlighted in green indicate debt collection agencies can continue to operate despite the closure of non-essential businesses. Entries highlighted in red indicate state actions that prohibit collection from operating under the order. The remainder do not explicitly reference collection agencies and are left to interpretation.
- 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.
• **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.

**NCLC Recommendations**

• **Coronavirus Emergency: Consumer Debt Collection Lawsuits – How States Can Help**, March 2020
• **What State and Federal Policymakers Can Do to Protect Public Health and Protect Consumers from Medical Debt**, March 2020

**Credit Reporting**

• **Credit Reports and the Covid-19 Crisis: What States Should Do to Help Consumers**, March 2020
• S. 3508 (Schatz, Brown), Disaster Protection For Workers’ Credit Act – NCLC (on behalf of its low-income clients) supports this bill which would establish a minimum 4-month moratorium on negative credit reporting to protect consumers’ credit records during the COVID-19 pandemic, and other consumer protections to help recovery after the pandemic. [NCLC press release](#).

**Criminal Justice**

**State Relief**

• **Coronavirus Emergency: Criminal Justice Debt – How States Can Help**, March 2020

**NCLC & Other Recommendations**

• [Group letter](#) urging free access to telephone and video conferencing (where available) for all those incarcerated in Massachusetts, given the suspension of personal visitation to prevent the spread of COVID-19, March 20, 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**

• 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
• [Group comments](#) to the U.S. Housing and Urban Development re: Mortgagee Letter 2020-04 and urgent steps needed to protect reverse mortgage borrowers during the COVID-19 public health crisis, March 24, 2020
• S. 3509 (Brown) To Protect American Families Facing Financial Hardship or Foreclosure Due
- For mortgage borrowers facing difficulties as a result of the pandemic, [Fannie Mae](https://www.fanniemae.com), [Freddie Mac](https://www.freddiemac.com), [FHA](https://www.fha.gov), [FHFA](https://www.fhfa.gov), and the [VA](https://www.va.gov) have issued guidance for borrowers and reminders to loan servicers about options available for borrowers in hardship.  

**State & Local Relief**

- [COVID-19 Related State Foreclosure Moratoriums and Stays](https://www.hud.gov)  

**Racial Equity**

**NCLC & Other Recommendations**

- [NAACP: Ten Equity Implications of the COVID-19 Outbreak in the U.S.: the Imperative for Civil Rights Advocacy, Monitoring and Enforcement](https://www.naacp.org), March 2020

**Student Loans**

- H.R. (Pressley, Omar), [Student Debt Emergency Relief Act](https://www.congress.gov/bill/116th-congress/house-bill/1259) - NCLC supports this bill, which will provide immediate relief for workers and families crushed by record levels of student loan debt during the COVID-19 public health emergency.


**NCLC Recommendations**


**Utilities and Bridging the Digital Divide**

**Federal Relief**

- [FCC order](https://www.fcc.gov) 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  

**NCLC Recommendations**

- Access to the internet for emergency alerts, medical advice, arranging for delivery of supplies, and social contact is more important than ever in this emergency. NCLC is encouraging internet and broadband providers to lift data caps and increase data speed for low-income
consumers to help bridge the digital divide.

State & Local Relief

- **MA DPU opens investigation into post-moratorium credit & collection policies**, Mar. 31, 2020
- 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 **PA** requesting halt of door-to-door marketing by Competitive Energy Suppliers.

NCLC Recommendations

- **Press release: Covid-19 Crisis: Advocates Call for U.S. Governors to Take Immediate Action to Ensure Residents are Protected from Utility Shut Offs**, March 27, 2020

Training and Conferences at NCLC

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

- NCLC’s **Mortgage Conference** is scheduled for June 15-16 in Baltimore, Maryland, with an all-day pre-conference intensive on bankruptcy on June 14. We are monitoring the course of the coronavirus and are optimistic that we can go forward with this conference. In the meantime, people interested in attending should save the date.
- NCLC’s annual **Consumer Rights Litigation Conference** will be November 19-22 in Atlanta. Course proposals should be submitted by Tuesday, March 31 here.

Additional Resources

**Advocates**

The coronavirus crisis is likely to reduce families’ essential income, as businesses suspend or reduce operations. 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.

**Consumers**

- For consumers needing legal help, please visit NCLC’s website for a list of resources on how to get legal assistance.
- 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  

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**How the Lifeline Program Can Help Vulnerable Consumers Connect to Voice and Internet Service after a Natural Disaster**

March 2018

Print in PDF

The federal [Lifeline](#) program helps low-income households afford voice and broadband internet service. After Hurricane Katrina, Lifeline cell phone service helped economically fragile families displaced by natural disaster connect once again to the outside world to access disaster assistance, employers, family, and community to begin the process of rebuilding their lives. Immediately after a natural disaster, access to voice, texting, and internet service is critical to connect consumers to emergency services, shelter, and medical care. However, families with limited income who are displaced from their home or have otherwise lost access to their phone service may not have the discretionary income on hand to purchase essential voice and data service and a handset. Households that have experienced a dramatic loss of income may, for the first time, qualify for Lifeline service. The Lifeline program provides low-income households with a monthly $9.25 subsidy for voice and/or broadband service to help low-income households. This modest subsidy can go a long way.

The most popular Lifeline product is a wireless voice and data bundle that could be helpful for those who are displaced immediately following a natural disaster. It is a wireless prepaid service that does not require a deposit or good credit score and does not have a monthly bill. The monthly $9.25 covers a set allotment of voice and/or data which is currently at least 750 minutes a month and/or 1GB of data (these amounts increase each year per the Lifeline [minimum standards](#)). These wireless Lifeline providers often provide the consumer with a free handset (not covered by the federal Lifeline subsidy). If extra voice or data is needed during the month, consumers can purchase additional voice or minutes from the particular Lifeline service provider. There are also Lifeline products that are more traditional, like wired local phone service to the home, where the $9.25 is a discount off the monthly bill. The Lifeline program was recently updated to include broadband service. The marketplace for wired internet broadband to the home is in the beginning stages, so voice and wireless voice/data bundles are the most common Lifeline services.
**Who Qualifies for Lifeline**

There are two ways to qualify for Lifeline. The easier and quicker way to establish eligibility is by providing proof of enrollment in Medicaid, SNAP (food stamps), SSI (Supplemental Security Income), Federal Public Housing Assistance, Veterans Pension/Survivor Benefits, or certain low-income Tribal benefits (Bureau of Indian Affairs General Assistance, Tribally-Administered Temporary Assistance for Needy Families, income based Head Start or the Food Distribution Program on Indian Reservations). Applicants will need to provide documentation, such as a benefits letter or card (e.g., SNAP card). Lifeline enrollment is becoming automated so that in some circumstances the Lifeline determination can be made instantaneously by checking the qualifying program databases to confirm participation in a qualifying program. The second way to qualify for Lifeline is to submit proof that the household income is at or below 135% of the federal poverty guidelines.

**Finding a Lifeline Service Provider**

Currently, in almost every state, consumers apply for Lifeline service through the carrier of their choice (see the companies near me tool to find a participating carrier and a description of the Lifeline service). Note that not all phone companies and broadband providers participate in the Lifeline program, only those approved by the state’s public utility commission or the Federal Communications Commission as an eligible telecommunications carrier (ETC). Lifeline households that are displaced by a natural disaster may find that they need to change Lifeline providers because they are now outside of the service area of their original provider. The Lifeline program allows consumers to change Lifeline providers for any reason. Use the company locator tool to find a new Lifeline provider. The new carrier can walk the household through the carrier change process.

**What Happens When a Consumer Applies for Lifeline**

When a consumer applies for Lifeline, there will be an immediate check to determine if the consumer’s household already has a Lifeline benefit. There will also be an immediate check of the consumer’s identity. The second step in the eligibility determination will be to verify that the consumer is either participating in a qualifying program or is income eligible.

Federal Lifeline program rules require that the Lifeline application collect specific information, such as the last four digits of the Social Security number. The information is required, so failure to fully complete the application will result in a denial of Lifeline benefits. The Lifeline benefit is a household benefit, so any adult in the household can be the applicant. The federal rules also require that the consumer provide specific certifications (for example, that they do not already have Lifeline service). See page 4 in the Lifeline application. This standardized Lifeline application form will be required by July 2018. Applicants will be given this form or, for a few more months, a form prepared by the company that looks very similar to the standard application form.

The Lifeline enrollment process will change over the next two years and the process will become more automated, quicker, and standardized so that it will be the same for everyone. NCLC will update this issue brief as the new National Eligibility Verifier process comes online. Consumers in Colorado, Mississippi, Montana, New Mexico, Utah, and Wyoming will be in the first wave of states migrating to the National Eligibility Verifier in 2018. In those states, to the extent possible, program eligibility will be automated and, instead of the Lifeline company making the eligibility determination, it will be the Universal Service Administrative Company (USAC) a not-for-profit organization that administers the Lifeline program for the Federal Communications Commission.
Important Program Rules

- **Federal rules limit the Lifeline benefit to one-per-household.** If the household is doubling-up with another family that has Lifeline service or in a transitional living arrangement with other households that are applying for Lifeline or have Lifeline service — common situations in natural disasters - the household will be asked to fill out an [additional worksheet](#) to demonstrate that their household is economically independent from the other Lifeline household(s) at that same address.

- Lifeline consumers can switch Lifeline providers at any time. Consumers do not need a special reason to change Lifeline providers. The federal program rules make it easy for consumers to shop with their feet and change providers.

- Companies must de-enroll Lifeline subscribers if they do not use their Lifeline service within a 30-day period as the account will be considered inactive. Consumers who lose service due to inactivity can reapply for Lifeline service through the process previously described.

- Lifeline recipients must annually recertify eligibility for Lifeline service, but the FCC can waive this rule for areas recovering from a natural disaster. For example, after Hurricanes Irma and Maria, a wireless Lifeline provider [petitioned](#) the FCC for a temporary rule waiver regarding annual certification to avoid having to de-enroll Lifeline subscribers at a time when the damage from the hurricanes made it difficult for Lifeline subscribers to receive or respond to messages regarding annual recertification deadlines. A similar waiver was granted after the California wildfires. The California Public Utility Commission [requested](#) a temporary waiver of the annual recertification rule and the rule requiring de-enrolling Lifeline consumers if they did not use their service within a 30-day period for the 13 counties affected by the wildfires in October and December 2017.

For more information, contact National Consumer Law Center Staff Attorney Olivia Wein at owein@nclc.org or (202)452-6252.

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**Need Help with Debts?**

**Don’t get burned by scammers - know the facts about debt relief!**

March 2018

[Print in PDF](#)

Debt relief is the generic name for different ways you can manage your bills. This fact sheet covers different types of debt relief and what you should watch out for. Debt relief scammers often target people in financial distress, such as those affected by a natural disaster. So people looking for assistance after a hurricane, flood, or fire should be especially cautious about scams.

**DEBT SETTLEMENT**

Companies offering debt settlement tell you to pay them instead of your creditors. They promise that if you make payments to them instead. They will settle your debts for a smaller lump sum payment.
once you have saved enough money in a special account.

What you should know:

- Companies charge monthly fees for debt settlement plans, often for years.
- Debt collectors will keep calling you and may even sue you if you stop paying them.
- Your bills will keep growing with interest and late fees until there is a settlement (if there ever is one).
- If a debt settlement plan works, it can take years to complete, but many people drop out because they can’t afford it.
- There are no guarantees. Your creditors don’t have to agree to accept a smaller lump sum payment. and some will not even talk to debt settlement firms.

Debt settlement is unlikely to help you resolve your debts, and you may even end up owing more than when you started.

DEBT CONSOLIDATION

Some companies offer to help you combine all your old bills into one new, bigger loan. They say it’s easier to make one simple payment—to them.

What you should know:

- Debt consolidation doesn’t make your debt go away. It just changes who you pay.
- The new loan may include expensive fees.
- If they don’t give you a lower interest rate on the new loan, you could end up deeper in debt.

Before you sign up for debt consolidation, know your budget. Ask what the company will charge and what services it will provide. Ask for a copy of the loan agreement and take it to someone you trust before you sign.

DEBT MANAGEMENT PLANS

Debt management plans are offered by nonprofit organizations that will talk with your creditors and try to lower your interest rate, waive late fees, and arrange a single monthly payment that you make to the nonprofit. The nonprofit then distributes your money among your creditors.

What you should know:

- The nonprofit charges monthly fees, often for years. Some nonprofits make a lot of money from these fees.
- A debt management plan takes years to complete successfully.
- Many people drop out because they can’t afford the payments.
- Ultimately you will still pay off the full amount of your bills, just with less interest and fewer penalties.

Debt management plans are not right for everyone but, if you can afford them, they’re safer than debt settlement. Ask about the fees. Ask what happens to your bills if you drop out. Make sure that the group offering the debt management plan is a nonprofit —ask if they are a “501(c)(3).” Then ask around to see if the nonprofit is trustworthy, and read any reviews with the Better Business Bureau. Consider whether you can afford the fees and monthly payments.

NONPROFIT CREDIT COUNSELING
Some nonprofit organizations will help you work out your budget and give you financial advice.

**What you should know:**
- Nonprofits may charge a small fee for credit counseling services.
- Some nonprofits recommend debt management plans (discussed previously).
- Starting with a nonprofit credit counselor for free (or low cost) financial advice can be a great way to start working on your debt.

**BANKRUPTCY**

Bankruptcy is a way to eliminate or manage your debts through the courts. There are two kinds:

- **Chapter 7** forgives most debts and stops collection actions instantly. Most consumers get to keep the things they own, though occasionally they have to give up some things to repay creditors.
- **Chapter 13** includes a plan to repay creditors a portion of what is owed. It takes 3 to 5 years to complete, though consumers are protected from collection during that time.

**What you should know:**
- The court charges a filing fee and you usually need a lawyer, which can be expensive.
- If you do not complete a Chapter 13 bankruptcy, you will still owe what has not been paid during the case.
- Student loan debts are usually not forgiven in bankruptcy.
- Bankruptcy won’t make your home mortgage or auto loan go away if you want to keep the property, but you can use Chapter 13 to get out of default.

Bankruptcy is a good option for some people. You may want to talk to a nonprofit credit counselor first. Most bankruptcy attorneys will meet with you free the first time. Bankruptcy petition preparers (nonlawyer typing services) cannot legally represent you in a bankruptcy or give you legal advice. To find a bankruptcy lawyer, visit the National Association of Consumer Bankruptcy Attorneys website and click on “Find an Attorney” (see top toolbar) at: [https://www.nacba.org](https://www.nacba.org).

**SELF HELP**

You may be able to get the help you need by talking to your creditors directly instead of hiring someone else to do this for you.

**What you should know:**
- If you have medical debt, nonprofit hospitals are required to have financial assistance plans. Ask if your doctor has financial assistance and if you qualify.
- Explain why you’re having trouble paying and ask if they will accept less, waive old fees, lower your interest rate, or give you an affordable payment plan.
- State and federal laws protect some types of income from debt collectors. Tell your creditor if your only source of income is government benefits, such as Social Security. The creditor may voluntarily stop collections.
- If job loss, illness, injury, death of a family member, divorce, or other hardship prevented you from paying your debts, creditors may delay collection, accept a lower amount, or offer more affordable payment options.

Talking to creditors can be scary, but it is worth trying before considering other, more expensive
DEBT RELIEF ON THE INTERNET AND FROM TELEMARKETERS

Lots of places advertise that they can help you with your debts. But some of their offers are too good to be true. Instead, they might be out to take your money and leave you in deeper trouble.

What you should know:

- Some ads on the internet are outright scams.
- Some websites offering help may not be who they say they are. Instead, some of them are a type of business called a “lead generator.”
- Lead generators collect your information and sell it to other companies—so you don’t know who will end up with it, whether they’re trustworthy, or what they’re really offering.
- They make money off you but don’t give you anything in return.

It’s OK to search for help on the Internet, but be careful. If you find an organization you like, check them out before you sign up. Search for complaints. Ask to see their contract and promises on paper before you sign anything. And never give anyone your bank account number, credit card number, or social security number unless you’re 100% sure it’s safe.

Follow the same precautions with telemarketers who offer debt relief. Many debt relief scams rely primarily on telemarketing to draw people in.

STUDENT LOAN DEBT RELIEF

Some companies promise to lower your student loan payments or enroll you in a forgiveness program. These companies promise that if you sign up with them, they can help you solve your student loan problems. These companies use a one-size fits all approach and often charge exorbitant amounts of money for programs that federal student loan borrowers can already access for free.

What you should know:

- Many of the programs promised are already available to federal borrowers for free from the U.S. Department of Education. Learn more at: https://studentaid.ed.gov.
- Federal student loan borrowers can find out who to contact about their student loans through the U.S. Department of Education at: https://www.nslds.ed.gov.
- Many debt relief companies have you send your monthly loan payments to them. They then keep a portion of the payment for themselves.
- Some scammers use a government seal, your school, or your loan balance to make you think they are legitimate. The U.S. Department of Education’s Office of Federal Student Aid offers tips to avoid scams at: https://studentaid.ed.gov/sa/repay-loans/avoiding-loan-scams

Sometimes people need help dealing with their student loans. Borrowers looking to lower their monthly payments should contact their servicers. Borrowers in default may benefit from legal assistance to find out how to get back on track. Borrowers can find referrals for legal assistance at: http://www.studentloanborrowerassistance.org/resources/referral-resource/legal-resources

ADDITIONAL RESOURCE

- NCLC’s Guide to Surviving Debt
  Precise, practical, and hard-hitting advice from the nation’s consumer law experts on how to
manage financial difficulty.

Michigan Foreclosure Prevention Project

Mortgage Servicing Litigation Guide

by the National Consumer Law Center©

A. Checklists and Charts

1. Checklist for Tracking Compliance with the RESPA Loss Mitigation Rules (MS Word)
2. Checklist for reviewing RESPA Loss Mitigation Notices to Borrowers (PDF)
3. Mortgage Servicing Claims Chart (PDF)
4. Call Log for Pending Loss Mitigation Application (MS Word)

B. Sample Qualified Written Requests

1. Sample RFI About a Loss Mitigation Application (MS Word)
2. Sample RFI to Obtain Identity of Mortgage Owner (PDF)
3. Sample NOE and RFI for a Client Who has Filed for Bankruptcy (MS Word)
4. Sample NOE for Dual Tracking Violations (PDF)
5. Sample Second NOE (Jeff Golant) (PDF)

C. Sample Complaints

1. Complaint regarding loss mitigation; failure to get to complete app, timely evaluate – Mary and Steve Client (MS Word)
2. Complaint regarding failure to respond to a QWR/identify holder of a loan – Bonnie Walters (MS Word)
3. Complaint regarding failure to timely credit payments, send monthly statements, respond to NOE re payment application -Jane and John Doe (MS Word)
4. Complaint raising RESPA claims on behalf of a successor in interest – Complaint in Frank v. JP Morgan Chase (PDF)
5. Complaint regarding failure to correct an error – Renfroe v. Nationstar (PDF)
6. Complaint regarding failure to respond to a QWR identifying loan mod error – Sutton v. Citi (PDF)
7. Complaint regarding failure to respond to a QWR and FCRA Claims -White v. Green Tree (PDF)
8. Complaint regarding payment application and QWR – Hastings v. Ocwen (PDF)

D. Legal Authority and Argument

1. Brief on RESPA Damages Issues (MS Word)
2. Brief on Negligent Servicing (MS Word)
3. Brief regarding dual tracking/complete application – Alexander v. Driscoll (PDF)
5. Making the Most of NOEs and RFIs (PDF)
6. Stopping Foreclosures with the RESPA Servicing Rules (PDF)
7. Servicing Transfers During Loss Mitigation (PDF)
8. Payment Application Issues (PDF)

E. Sample Discovery Requests

1. Interrogatories in a case involving failure to respond to a QWR asking for identity of the loan holder (MS Word)
2. Requests for Production in a case involving failure to respond to a QWR asking for identity of the loan holder (MS Word)
3. Requests for Admission in a case involving failure to respond to a QWR asking for identity of the loan holder (MS Word)
4. Interrogatories in a case involving payment application issues (MS Word)
5. Requests for Production in a case involving payment application issues (MS Word)
6. Requests for Admission in a case involving payment application issues (MS Word)

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**Carol’s Story**

**How Project Stay Connected and NCLC Helped Keep the Lights and Heat On**

The odds were stacked against Carol D. As a low-income, disabled, elderly widow living in an all-electric home, Carol thought that with all the personal and financial hardships she was facing, her utility company would surely help when she fell behind on her electric bill. Instead, the Billerica, Massachusetts resident found herself in court for utility bills she could not afford to pay. National Grid had sent Carol a letter about its arrearage management program (AMP) – a financial assistance program for low-income customers with overdue utility bills. Yet, Carol set aside the letter because she simply did not understand the complicated language.

In her own words: “I just glanced at the first letter and didn’t take the time to comprehend. I was upset with them [National Grid] because I had called them several times about getting put on a budget program and they’d say things like, ‘well you have to put $2,400 down and pay $600 every month plus your bill’, and I said, ‘I just can’t do that. The last time I called, was after National Grid brought me to court, and I’d been in and out of court for a year or so. They told me I had to pay $4,500 and budget the $4,500 I would still owe. I couldn’t afford to pay them $4,500. I was just so upset. I wanted my day in court.”

A local senior citizen’s center referred Carol to National Consumer Law Center attorney Charlie Harak (pictured at Carol’s home). Carol was already being sued by a collection firm by the time she called NCLC. Attorney Harak contacted National Grid’s General Counsel and convinced her that the company should direct the outside collection firm to dismiss the lawsuit, so long as Carol agreed to enter the Arrearage Management Program. After discussing the AMP program with Attorney Harak, Carol went back and found the letter she received from National Grid and enrolled in the program. Thanks to the intervention of Attorney Harak, the logjam was resolved and Carol successfully registered for the program. Carol has remained in the program and also received assistance in
managing her bills to ensure she keeps her heat and electricity on.

National Consumer Law Center attorney Charlie Harak and Carol

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**Public Policy Reforms**

NCLC works closely with utility regulatory commissions, utility companies, and advocates for public policy changes so that low-income households can move beyond worrying whether their utility services will be shut off. More affordable utility service lowers overall housing costs, decreases homelessness and frees up resources that can pay for food, medicine, mortgage or rent payments, transportation to work, educational expenses, and other essentials.

1) **Gas & Electricity Discount Rates**

NCLC advocates were instrumental in getting Massachusetts to adopt low-income gas and electric discount rates which provide tens of millions of dollars annually in benefits to low-income residents of the state. NCLC has also successfully advocated for increasing the income eligibility limit for the discounts and the percent amount of the discount.

2) **Arrearage Management Programs**

In 2005, NCLC successfully advocated for a measure that required all Massachusetts utilities to offer pilot “arrearage management programs” to low-income customers. Under these programs eligible customers pay only their current bills, and for each payment the customer makes the utility applies a credit against the outstanding arrearage due for past bills. If the low-income customer keeps up with the current bill, eventually the utility’s credits will reduce the arrearage to zero.

*There are now more than 20,000 households enrolled in arrearage management programs in Massachusetts.* This forgiveness program brings dignity to low-income seniors, individuals, and families by helping them manage their bills. And utility companies recover money they likely would not have received.
3) Low-Income Weatherization Programs

NCLC provides advice and support to the Massachusetts nonprofits that deliver a range of energy efficient weatherization services to low-income households and advocates for adequate funding for the national weatherization assistance program. Weatherizing a home reduces a household’s energy bills by 25% or more, making the cost of heating and cooling a home much more affordable.

- Related publication: Stimulus Program Shines but Storm Clouds Are on the Horizon, Nov. 2012

4) Wireless Phone Services for the Homeless

NCLC is a national leader in advocating for changes to the federal telephone assistance program, Lifeline, so that homeless people can benefit from a subsidized wireless phone. Telephone service is essential for finding work and housing, and connecting with employers, social services, schools, medical care and emergency services; and for strengthening ties to family, friends and the larger community.

NCLC’s leadership has improved access to Lifeline for the homeless by successfully advocating for eligibility rules that allow shelter residents, those in transition housing and group housing, and those that have doubled up with other families to access the Lifeline benefit. We continue to fight for minimum standards for wireless Lifeline phones to ensure a quality product, participate in state Lifeline proceedings and coordinate advocacy at the state and federal level for better wireless Lifeline products.

Utilities Advocacy Training

Through Stay Connected, NCLC attorneys conduct trainings for non-attorney advocates and frontline social service workers to help low-income Massachusetts residents avoid termination of their utility services. Advocates learn the eligibility requirements for electric utility discounts, how to prevent service from being shut off, and how to restore service if it was terminated.

**In-person Trainings**
To schedule a training in Massachusetts, please e-mail jmclaughlin@nclc.org.

**Online Video Training**
Advocates may also watch the training online (see below).
You will need the following materials, provided below:
1. Training handouts (referred to by color and/or title during the training).
2. Download Utilities Advocacy for Low-Income Households in Massachusetts (print as many copies as needed).

**Training Handouts**
- Training Outline (Light Blue)
- “Who you gonna call?” on utilities cases (Dark Blue)
Through Stay Connected, NCLC attorneys conduct trainings for non-attorney advocates and front-line social service workers to help low-income Massachusetts residents avoid termination of their utility services. Advocates learn the eligibility requirements for electric utility discounts, how to prevent service from being shut off, and how to restore service if it was terminated.

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**Stay Connected**

Project Stay Connected helps low-income people to maintain heating, electricity, gas, and phone services. NCLC provides training and case advice for front-line social service workers and advocates in Massachusetts.

**Read how Project Stay Connected helped Carol**

We also advocate for more consumer-friendly rules and practices regarding shut-offs of utility services, promote discount rates and reasonable payment plans, and seek adequate funding for the fuel assistance and weatherization programs.
Project Stay Connected is made possible through the generous support of The Boston Foundation, and an anonymous funder.

**Stay Connected Training** || **Public Policy Reforms**

Related NCLC Publications:

**For Advocates**

- Utilities Advocacy for Low-Income Households in Massachusetts 2019 (free e-book)

**For Consumers**

- Keeping the Heat and Lights On, 2013
- Mantener La Calefaccion y Las Luces Encendidas, 2013

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**Sustainable Homeownership**

**HOT TOPICS**

- Comments to HUD in response to their Proposed Rule on the Implementation of the Fair Housing Act’s Disparate Impact Standard, Oct. 18, 2019
- Press Release: FHFA Backtracks on Critical Language Access Question on Mortgage Application, August 9, 2019

**Policy Analysis**

Policy Briefs, Reports, & Press Releases

- Press Release: FHFA Backtracks on Critical Language Access Question on Mortgage Application, August 9, 2019

**Comments**

- Comments to HUD in response to their Proposed Rule on the Implementation of the Fair Housing Act’s Disparate Impact Standard, Oct. 18, 2019
- Comments to HUD on Federal Housing Administration (FHA): Single-Family Loan Sale
Comments to the U.S. Department of Housing and Urban Development on Reconsideration of HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard, August 20, 2018

Documents

Letters

- Coalition letter to Rep. Green supporting a bill requiring the Federal Housing Finance Agency to include language preference on the Uniform Residential Loan Application, Oct. 22, 2019
- Coalition letter urging House members to oppose CFPB rollbacks of fair lending oversight, June 4, 2019
- Coalition letter to the CFPB urging the agency to re-issue the Notice of Proposed Rulemaking (NPRM) and the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Home Mortgage Disclosure Act (HMDA) and hold 90 day public comment periods, May 13, 2019
- Group letter to the Federal Housing Finance Agency (FHFA) supporting recent language access progress made at the agency, April 18, 2019
- Coalition letter urging Congress to prioritize civil rights in upcoming privacy legislation, Feb. 13, 2019
- Coalition letter to U.S. Housing and Urban Development Secretary Carson opposing the possibility of amending HUD’s mission statement to remove references to creating “inclusive and sustainable communities free from discrimination.”, March 8, 2018
- Letter opposing suspension of the Affirmatively Furthering Fair Housing (AFFH) rule, March 6, 2018
- Letter to FHFA regarding URLA and Language Access Implementation, Feb. 16, 2018

Litigation & Amicus Briefs

- Horne v. Harbour Portfolio, United States District Court for the Northern District of Georgia
  - Horne et al v. Harbour Portfolio et al. Second Amended Complaint (N.D. GA)
  - Horne et al v. Harbour Portfolio et al. Third Amended Complaint (N.D. GA)
  - Opposition to Defendant Harbour’s Motion to Dismiss Second Amended Complaint
  - Opposition to Defendant NAA’s Motion to Dismiss Second Amended Complaint
  - Order on Motion to Dismiss Second Amended Complaint (N.D. GA)
- Connecticut Fair Housing Center, Inc. vs Liberty Bank Case No. 18-1654 || Press Release and Complaint, Settlement Agreement and Press Release
- National Fair Housing Alliance (NFHA) v. HUD, Amicus brief || Appendix A
- Bank of America, et al v. City of Miami (United States Supreme Court, 2016). Amicus Brief

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Equitable Access to Broadband, Media, and
Telecom Services

Policy Analysis

Comments, Letters, & Testimony

- [Group letter](#) urging Congress to address civil rights and privacy, April 19, 2019

[More Comments, Letters, & Testimony >>>](#)

Litigation

- [Amicus brief](#) in *Comcast v. NAAOM* urging the Court to affirm the Ninth Circuit’s ruling denying Comcast’s motion to dismiss, Sept. 30, 2019