

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, section 28-3814 of the District of Columbia Official Code to provide a definition of the term public utility to ensure that public utilities can continue to engage in certain practices related to customer contact and posting of notices for disconnection of service pursuant to Chapter 3 of Title 15 of the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Protecting Consumers from Unjust Debt Collection Practices Technical Clarification Emergency Amendment Act of 2023”.

Sec. 2. Section 28-3814 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended to read as follows:

“(a)(1) This section applies to conduct and practices in connection with the collection of obligations arising from any consumer debt (other than a loan directly secured on real estate or a direct motor vehicle installment loan covered by Chapter 36 of this title).

“(2) This section shall apply to public utilities as of May 2, 2023.”.

(b) Subsection (b) is amended by adding a new paragraph (9) to read as follows:

“(9) “Public utility” shall have the same meaning as set forth in § 34–214.”.

(c) Subsection (d)(5) is amended to read as follows:

“(5) visiting or threatening to visit the household of a consumer at any time for the purpose of collecting a debt, other than for the purpose of serving process in a lawsuit or for the purpose of a public utility contacting a utility customer pursuant to 15 DCMR § 312; and”.

(d) Subsection (e)(2) is amended to read as follows:

“(2) the disclosure, publication, or communication of information relating to a consumer’s indebtedness to any relative, family member, friend, or neighbor of the consumer, except:

“(A) through proper legal action or process;

“(B) in connection with a matter related to a deceased consumer’s estate;

“(C) in connection with a public utility posting a notice pursuant to 15

DCMR § 312 or 15 DCMR § 314; or

“(D) at the express and unsolicited request of the relative or family member;”.

(e) Subsection (n)(1) is amended to read as follows:

“(n)(1) A debt collector who enters into a payment schedule or an agreement on terms to resolve consumer debt shall send a written copy of the payment schedule or settlement agreement to the consumer within 7 days; except, that the requirement to send a written copy of the payment schedule or settlement agreement to the consumer shall not apply to a deferred payment agreement entered into between a public utility and a utility customer pursuant to 15 DCMR § 306.”.

Sec. 3. Applicability.

This act shall apply as of January 1, 2023.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia