

New Statutory Requirements for Consumer Debt Collection Cases

In September 2021, the District of Columbia enacted the legislation concerning the collection of debts from consumers:

- Protecting Consumers from Unjust Debt Collection Practices Emergency Amendment Act of 2021 (https://lms.dccouncil.us/downloads/LIMS/47647/Signed_Act/B24-0347-Signed_Act.pdf)
- Protecting Consumers from Unjust Debt Collection Practices Temporary Amendment Act of 2021 (https://lms.dccouncil.us/downloads/LIMS/47648/Signed_Act/B24-0348-Signed_Act.pdf).

This legislation makes substantial changes to the D.C. Debt Collection Act, which is codified at D.C. Code § 28-3814.

The legislation imposes new requirements for cases involving the collection of consumer debt. Important provisions of the legislation include, but are not limited to:

- Immediately before filing an action to collect a consumer debt, the plaintiff must undertake a reasonable investigation to verify each defendant's current address for service of process.
- The statement of claim or complaint must contain specified information and attach copies of specified documents.
- The legislation imposes new requirements for plaintiffs seeking a default judgment or summary judgment.
- Any request by a plaintiff for attorney's fees must comply with specified limitations and requirements.
- If the plaintiff in a debt collection action does not comply with the requirements of D.C. Code § 28-3814, the court may be required to dismiss the case **with prejudice**.

Anyone who plans to file a case to collect a consumer debt, and anyone who is sued over a consumer debt, should carefully review D.C. Code § 28-3814.