



COVID-19 Impacts on Collections

State	As of Date	State Status/Updates	Source (webpage, notice, etc.)	Source for separate, additional limitation
N/A (Federal)	3/27/2020	<p>Pending Senate bill provides that, without prior consent, debt collectors are allowed to communicate with consumers only for informational purposes, and only in writing, during a major disaster or emergency.</p> <p>Debt collectors covered under the FDCPA would not be able to:</p> <ul style="list-style-type: none"> <li>Capitalize unpaid interest;</li> <li>Increase interest rate due to nonpayment;</li> <li>Charge a fee, sue, or threaten to sue, for non-payment;</li> <li>Continue collection litigation that was initiated prior to the disaster;</li> <li>Submit, or cause to be submitted, a confession of judgment in any court;</li> <li>Repossess, limit a debtor's use, or foreclose on property to enforce a security interest;</li> <li>Take or threaten to take any action to enforce collection or for nonappearance at a hearing related to a debt;</li> <li>Garnish wages or seize assets, such as levying funds from a bank account; or</li> <li>Disconnect or terminate utility services.</li> </ul> <p>Further, debt collectors would be required to shift payment periods until the incident is concluded.</p> <p>Although the bill indicates that a creditor cannot collect through judicial avenues, it does not explicitly prohibit collection through non-judicial means. However, the bill does limit communication with consumers to those in writing, and that these communications must not be attempts to collect debts.</p> <p>The bill does not take into account the loss mitigation measures that creditors currently have in place regarding debtors who have lost their income. -Additionally, on July 23, 2020, the Senate also passed a S. 3841, a bill that protects stimulus funds provided under the CARES Act from being garnished by private debt collectors.</p>	<a href="#">Senate FDCPA Bill</a>	<a href="#">Senate Bill S.3841</a>
N/A (Federal)	7/27/2020	House introduced FDCPA amendment in March. House also introduced H.R.7796 - Consumer Relief during COVID-19 Act on July 27, 2020, which would temporarily expand federal protections under the Fair Debt Collections Practices Act (FDCPA). The effective period under H.R. 7796 would begin on its date of enactment, and end 120 days following the conclusion of the emergency period that was initially declared on March 13, 2020.	<a href="#">House Democrat Proposals on FDCPA limitations</a>	<a href="#">HR 7796 - Consumer Relief during COVID-19 Act</a>
Alabama		Nothing in place as of 10/20/20		
Arizona		Nothing in place as of 10/20/20		
Arkansas		Nothing in place as of 10/20/20		
California	4/23/2020	Order exempts CARES Act stimulus checks, as well as any other federal-, state-, or local-government financial assistance made available to individuals in express response to COVID-19, from any attachment, levy, execution, or garnishment. No known termination or expiration date.	<a href="#">Governor's Executive Order</a>	
Colorado	6/29/2020	New law prohibits a judgment creditor from initiating a new extraordinary collection action (defined as an action in the nature of a garnishment, attachment, levy, or execution to collect or enforce a judgment on a debt). Currently set to expire on November 1, 2020.	<a href="#">Colorado General Assembly Page</a>	
Connecticut		Nothing in place as of 10/20/20		
D.C.	10/9/2020	Two newly enacted laws provide that: "During the public health emergency and for 60 days after its conclusion, no creditor or debt collector shall, with respect to any debt: [...] Initiate, threaten to initiate, or act upon any statutory remedy for the garnishment, seizure, attachment, or withholding of wages, earnings, property, or funds for the payment of a debt to a creditor." Public health emergency currently expires 12/31/2020, such that the collection ban would not expire until March 1, 2020.	<a href="#">DC Bill 734</a>	<a href="#">DC Bill 758</a>
Delaware		Nothing in place as of 10/20/20		
Florida		Nothing in place as of 10/20/20		
Georgia		Nothing in place as of 10/20/20		

Illinois	3/30/2020 & 4/14/20	Illinois Dept of Financial and Professional Regulation (3/30) "encouraging" debt collectors to work with consumers to accommodate hardships due to the COVID-19 crisis, including to suspend collection activity for a period of at least 60 days. Additionally, by separate executive order (4/14), the governor has decreed that during the duration of the Gubernatorial Disaster Proclamations, state statutes and rules of procedure that permit the service of a garnishment summons, wage deduction summons, or a citation to discover assets on a consumer debtor or consumer garnishee, are suspended. As of 10/20/20, this has been extended through November 14, 2020.	<a href="#">Illinois Dept of Financial and Professional Regulation Press Release</a>	<a href="#">Executive Order in Response to COVID 19</a>
Indiana	4/20/2020	Order protects CARES Act stimulus payments from attachment or garnishment. Order set to expire on January 1,	<a href="#">Supreme Court Order</a>	
Iowa	4/24/2020	Order suspends garnishments. This order appears to have expired on May 27, 2020.	<a href="#">Executive Department Proclamation</a>	
Kansas		Nothing in place as of 10/20/20		
Kentucky		Nothing in place as of 10/20/20		
Louisiana		Nothing in place as of 10/20/20		
Maine		Nothing in place as of 10/20/20		
Maryland	4/29/2020	Prohibits garnishment of CARES Act stimulus checks. Order remains effective until the state of emergency is terminated, or until otherwise rescinded by proper authority. State of emergency has been regularly renewed, most recently on 10/6/20.	<a href="#">Executive Order</a>	
Massachusetts	3/27/2020	<b>*TRO GRANTED ON 5/6/20 AGAINST OUTBOUND COLLECTION CALL BAN*</b> Emergency Regulation prohibits creditors from engaging in methods of debt collection that can require people to leave their homes or have in-person contact, including filing new lawsuits against Massachusetts consumers, visiting their homes or places of work, or repossessing their cars, among other protections. The AG's emergency regulation also prohibits debt collection agencies and debt buyers from making unsolicited debt collection telephone calls to consumers.  This emergency regulation will remain in effect for 90 days or until the conclusion of the declared state of emergency. The AG's emergency debt collection regulation contains protections that apply to all creditors and prohibits them from deceptive practices in pursuing the payment of a debt during the COVID-19 emergency, including:  filing any new collection lawsuit; garnishing wages, earnings, properties or funds; repossessing vehicles; applying for or serving a capias warrant; visiting or threatening to visit the household of a debtor; visiting or threatening to visit the place of employment of a debtor; confronting or communicating in person with a debtor regarding the collection of a debt in any public place. The AG's emergency debt collection regulation also prohibits debt collection agencies and debt buyers from making unsolicited debt collection telephone calls to Massachusetts consumers for the next 90 days, unless the state of emergency ends before that time.	<a href="#">Mass AG Emergency Regulation on Debt Collection</a>	<a href="#">Article re TRO</a>
Michigan		Nothing in place as of 10/20/20		
Minnesota	5/4/2020	Governor's Order suspends issuance and service of garnishment orders and debtor examinations. The order additionally protects CARES Act payments, as well as any similar funds issued by state or local government, from collection. The Order remains effective until the state of emergency is terminated, or until otherwise rescinded by proper authority. The state of emergency was most recently extended through November 12, 2020.	<a href="#">Governor's Executive Order</a>	
Mississippi		Nothing in place as of 10/20/20		
Missouri		Nothing in place as of 10/20/20		
Montana		Nothing in place as of 10/20/20		
Nevada	3/17/2020	Orders deemed debt collectors non-essential businesses prohibited from pursuing collection, and suspended issuing defaults on civil cases and orders for examination on judgment debtors. Suspended all Writs on Execution. Any property garnished after March 17, 2020, must be released to judgment debtor. Businesses operated by debt collectors was allowed to resume on June 4 and limitations on garnishment/execution was terminated on June 30, 2020.	<a href="#">Nevada Notice</a>	
New Hampshire		Nothing in place as of 10/20/20		
New Jersey		Nothing in place as of 10/20/20		
New Mexico	6/8/2020	Orders that clerks of court shall not issue any new post-judgment writs of garnishment or writs of execution in consumer debt collection cases. Order shall stay in effect until amended or withdrawn by future Order (nothing issued as of 10/20/20).	<a href="#">Supreme Court Order</a>	
New York	4/21/2020	Attorney General guidance confirms CARES Act stimulus payments are exempt from garnishment or attachment. This exemption will not expire, as AG's office deems collection against stimulus payments in violation of NY law.	<a href="#">Attorney General Guidance</a>	
North Carolina	3/27/2020	<b>*This Order expired on May 26, 2020*:</b> -If a consumer contacts a debt collector concerning a payment, the debt collector should (1) advise the consumer that he or she may defer payments for 30 days, as per the statute [NCGS 58-2-46(2)], and (2) state that no fees would apply to this deferral of payment. The COI does not interpret the statute to impose an affirmative requirement to preemptively notify debtors of the waiver option, e.g., via a calling campaign or letter campaign. But debt collectors do have an obligation to offer the deferral payment to debtors who are discussing payment with debtors. Order	<a href="#">FAQ on NC Insurance Commissioner's Order</a>	
Ohio	4/13/2020	Attorney General guidance confirms CARES Act stimulus payments are exempt from garnishment, attachment, or execution. This exemption will not expire, as AG's office deems collection against stimulus payments in violation of Ohio law.	<a href="#">Attorney General Press Release</a>	

Oklahoma		Nothing in place as of 10/20/20		
Oregon	4/17/2020	Executive Order prohibits garnishment of CARES Act stimulus checks, and remains in effect until terminated by the Governor. Additionally, the Dept of Consumer and Business Services has provided guidance "encouraging" debt collectors to take certain actions to accommodate debtors with hardships and temporarily suspend collection activities for debtors who have significant financial or medical hardships.	<a href="#">Governor Executive Order</a>	<a href="#">Dept. of Consumer and Business Services Bulletin</a>
Pennsylvania	4/22/2020	Nothing in place as of 10/20/20		
Rhode Island	4/28/2020	Attorney General guidance confirms CARES Act stimulus payments are exempt from seizure or garnishment. This exemption will not expire, as AG's office deems collection against stimulus payments in violation of Rhode Island law.	<a href="#">Attorney General Press Release</a>	
South Carolina		Nothing in place as of 10/20/20		
Tennessee		Nothing in place as of 10/20/20		
Texas	4/9/2020	*This Order expired on May 26, 2020*: -A writ of garnishment under Rule 658 of the Texas Rules of Civil Procedure may issue, but service of the writ of garnishment may not occur until after May 7, 2020.	<a href="#">Texas Supreme Court Emergency Order Regarding the COVID 19 State of Disaster</a>	
Utah		Nothing in place as of 10/20/20		
Vermont	21-Apr	Attorney General guidance confirms CARES Act stimulus payments are exempt from garnishment, attachment, or	<a href="#">Attorney General Directive</a>	
Virginia	4/23/2020	Order suspends new garnishment orders, during period of judicial emergency. On 10/19/20, the Virginia Supreme Court has extended the Declaration of Judicial Emergency through November 22, 2020.	<a href="#">Supreme Court Directive</a>	
Washington	4/13/2020	Governor's proclamation suspends statutes that permit collection of consumer debt judgments, including bank account and wage garnishments, and waives the accrual of post-judgment interest on judgments of consumer debt. The most recent extension of this proclamation was to November 9, 2020.	<a href="#">Proclamation by the Governor</a>	
West Virginia		Nothing in place as of 10/20/20		
Wisconsin	4/13/2020	That state's guidance on the Wisconsin Consumer Act interprets the present emergency situation as follows: "Debt collectors who routinely rely on telephone calls as a debt-collection tactic should be forewarned: whether conduct 'can reasonably be expected to threaten or harass a consumer' depends on the context, and the worldwide context just shifted dramatically. Practices that may have been typical or customary under normal conditions may be deemed harassment under conditions of a global pandemic. We cannot draw a precise boundary between permitted or prohibited communications with debtors, because each must 'be considered in context.' Solicited follow-up communications are different than unsolicited threats to sue, and calls made in a good faith effort to compromise a debt are different than efforts to be the 'squeakiest wheel' among a debtor's creditors."	<a href="#">Dept of Financial Institutions Emergency Guidance on Prohibited Debt Collection Practices</a>	
Wyoming		Nothing in place as of 10/20/20		