



The Law Firm of Jijon-Caamaño and Young, LLC

CONSUMER CREDIT DEFENSE and IMMIGRATION LAW

March 17, 2014

Representatives,

My name is Brian C. Young and I submit this testimony in support of Senate Bill No. 225, An Act Concerning Consumer Remedies Against Debt Buyers.

I am a Partner attorney with the Law Firm of Jijon-Caamano and Young. We are a very small two-person firm focusing on consumer credit defense and immigration issues. Our clients are almost exclusively the working class of this state, who are constantly faced with severe economic challenges, and most of our clients are being subjected to the collection practices of debt collectors and debt buyers. This Bill is seeking to revise CGS § 36a-648, Connecticut's version of the federal Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) (the "FDCPA"), to conform to the language and intent of the FDCPA.

The proposed changes to CGS § 36a-648 will remove the current burden on the consumer of having to demonstrate actual harm, and force debt collectors, both creditors and debt buyers, to treat consumers with dignity and respect. Creditors and debt buyers have long held an unfair advantage in the collection of debts as they have been able to use repulsive tactics with impunity, since the harm they cause is difficult to measure in dollars. By allowing creditors and debt buyers to treat consumers as if they are not deserving of respect, creditors and debt buyers have been allowed to wreak emotional havoc at will. The FDCPA's purpose and intent is to protect consumers from harsh and unscrupulous collection techniques, and to ensure that each individual is treated with dignity and respect. The proposed changes to CGS § 36a-648 will bring Connecticut into alignment with the FDCPA, and provide a small measure of protection for Connecticut consumers.

CGS § 36a-648, like the FDCPA, is only enforced by consumers and their attorneys through the claims process. The most common abuses cause stress and anxiety, and can lead to medical expenses or employment difficulties, but empirically demonstrating collection abuse to be the proximate cause is an impossibly high hurdle for the already indebted consumer to achieve. The changes to CGS § 36a-648 would merely ensure that collection activities are handled in a fair and ethical manner by eliminating the existing safe-harbor for poor behavior. And since the debt collection industry is already familiar with the FDCPA, no major shift in standards or practices will need to be made by creditors and debt buyers once the language is adopted. The benefits to consumers will far outweigh any impact to the collection industry.

In addition, it is my understanding that an important section of this bill, language that would include third-party debt buyers in the definition of creditor, has been accidentally omitted. I support both the reinclusion of the language defining debt buyers as creditors as well as the proposed revisions on lines 8-9 of the Bill that would put the focus on whether or not the statute is violated.



The Law Firm of Jijón-Caamaño and Young, LLC

CONSUMER CREDIT DEFENSE and IMMIGRATION LAW

Senate Bill 225 will conform our state laws regulating collection activity to that of the FDCPA, will provide consumers of Connecticut a more effective means to assert their rights to not be harassed and abused in the course of the collection of a debt, and will provide a means by which the dignity of every individual is respected, regardless of their financial situation.

Feel free to contact me with any questions. Thank you.

Brian C. Young