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My name is Sarah Poriss and I submit this testimony in support of Raised Bill No. 225, An Act Concerning Consumer Remedies Against Debt Buyers.

I am a solo attorney and I work almost exclusively with clients who are in debt and who are the subject of collection efforts by debt collectors and debt buyers. The statute that this Bill is seeking to revise is modeled after the federal Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) (the "FDCPA"). The issue raised by this bill is whether the CGS § 36a-648 should conform to the language of to the language and intent of the FDCPA. 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 current language of CGS § 36a-648 puts the burden on the consumer to prove that improper debt collection activity by creditors and debt buyers has caused actual harm. This gives creditors and debt buyers an unfair advantage in the collection of debts as the harm they cause (in the form of harassing a consumer or otherwise violating the law) is difficult to measure in dollars. The FDCPA's purpose and spirit is to level the playing field among collectors and to protect the public from unscrupulous collection efforts. That law, like CGS § 36a-648, is enforced by "private attorneys general" – consumers and attorneys who assert these claims on their clients' behalf. The most common abuses cause stress and anxiety, and unless someone loses their job or incurs medical expenses as a result of debt collection harassment, it is hard to prove monetary harm (a standard required by the old language of the statute). As the creditors who would be regulated by CGS § 36a-648 are likely already familiar with the FDCPA, no major shift in standards or practices will need to be made by creditors and debt buyers if the language is adopted. The benefits to consumers will far outweigh any impact to the collection industry.

Raised Bill 226 will conform our state law regulation of collection activity to that of the FDCPA, and 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.

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

Sarah Poriss



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