



# FAIR DEBT COLLECTION PRACTICES ACT

*NACA Defending Servicemembers by Building an Army of Informed Consumers*

The National Association of Consumer Advocates (NACA) is a non-profit association of attorneys and consumer advocates committed to representing consumers' interests. This Handout addresses steps a consumer can take when faced with an aggressive debt collector.

1. Debt collectors are prohibited by federal law from engaging in unfair, deceptive, harassing, and misleading debt collection activity. For example, a debt collector cannot threaten arrest or use obscene language.
2. Debt collectors cannot contact neighbors, friends, family members, co-workers or employers regarding a debt claimed due (other than to obtain location information if truly needed). Keep a detailed log of any contact by the debt collector (date and time of call, name of person calling, etc...).
3. Debt collectors cannot contact you before 8:00 a.m. or after 9:00 p.m. Keep a detailed log of any contact by the debt collector (date and time of call, name of person calling, etc...).
4. Send a "cease and desist" letter by certified mail, return receipt, if you want the debt collector to stop contacting you. Keep a copy of the letter and the return receipt.
5. If sued, seek legal representation or, if proceeding on your own, respond to the complaint in the time provided in the court papers.
6. A debt collector is required to send a "Validation Notice" (usually contained in the initial letter from the debt collector) stating how much is owed on the account claimed due, the name of the current creditor, your right to request the name of the original creditor, and your right to dispute the debt and obtain verification.
7. If you dispute the debt or any part of it, including the identity of the creditor, then send a "dispute letter" to the debt collector within 30 days of receipt of the Validation Notice. Send by certified mail, return receipt.
8. If you work out a payment with the debt collector, get it in writing before you pay. Make sure all terms are included in the letter, including updated credit reporting or the removal of negative credit reporting by the debt collector.
9. Report unlawful debt collection activity to the Consumer Financial Protection Bureau ([www.consumerfinance.gov](http://www.consumerfinance.gov)), the Federal Trade Commission Military Sentinel ([www.ftc.gov](http://www.ftc.gov)), and your local state Attorney General's Office ([www.naag.org](http://www.naag.org)).
10. You can sue a debt collector for engaging in unlawful collection conduct and may be entitled to damages, plus legal costs and fees.

**This handout is for information purposes only and is not intended to be legal advice. If you need legal advice and assistance you may see legal advice from your Legal Assistance Office. Legal Assistance Offices can be located at <http://legalassistance.law.af.mil/content/locator.php>. You may also locate and contact a NACA attorney in your area logging on to <http://naca.net/find-attorney>.**