

# If a Debt Collector is Harassing You

- You do not need to call or talk to a debt collector.
- Keep a detailed written log of all telephone communication between you and the debt collector.
- Always write down the date and time of the call, the name of the person calling, the name of the company, and the debt for which they are calling.
- If the communication is in writing do not throw it away. Save the letter and envelope. Write the date that the letter arrived on the front of the envelope and put it somewhere safe.
- Never give your personal information to a debt collector. This includes your bank account number.
- Be careful what you agree to over the phone. The call may be recorded and whatever you say may be binding.
- If the debt is valid and you choose to make a payment, make sure all payment arrangements are in writing and that you send payments via certified mail.
- If a debt collector has left telephone messages, save them. This may be used as evidence of a violation of the FDCPA.

## For More Information

If you feel you have been the victim of abusive debt collection practice, or simply have questions regarding your situation, it is best to contact an attorney.

For more information on how to find an attorney, visit the NACA website at [www.nacca.net](http://www.nacca.net).

• National Association of Consumer Advocates  
[www.nacca.net](http://www.nacca.net)

• Federal Trade Commission  
[www.ftc.gov](http://www.ftc.gov)



National Association of Consumer Advocates

The National Association of Consumer Advocates (NACA) is a nationwide membership organization of consumer protection attorneys who represent and have represented thousands of consumers victimized by fraudulent, abusive, and predatory business practices.

Know your rights when you owe a debt. There are laws to protect you.



# Debt Collection Protection

The Fair Debt Collection Practices Act (FDCPA) is a federal law that protects consumers from unfair debt collection practices. The Act prohibits collection agencies from using abusive, deceptive, and unfair practices to collect a debt from you. The FDCPA does not eliminate the debts you owe but does protect you from harassment and abuse by collection agencies.

## Checklist

Do you have an outstanding debt for which you are being contacted?

Is the collector a third party (someone other than your original creditor)?

Is the debt owed a personal, family, or household debt - including money owed on a personal credit card, auto loan, medical bill, or mortgage?

If you checked all of the above boxes it is important that you know your rights under the FDCPA.

## Limitations on How a Debt Collector Can Contact You

- A debt collector cannot tell family, friends, neighbors, or co-workers about your debt or that they are trying to collect a debt from you.
- A debt collector cannot contact you before 8 a.m. or after 9 p.m.
- A debt collector cannot contact you in places that are inconvenient for you, such as your place of work if you are not permitted to receive personal calls during work hours.

## False Statements and Threats

- Debt collection agencies cannot use false statements or threats when attempting to collect a debt. This includes:
- Claiming they are an attorney, government representative, or that they work for a credit bureau.
  - Claiming you have committed a crime or stating you will be arrested if you do not pay.
  - Misrepresent the amount or legal status of the debt.

## Harassment

Debt collectors cannot use language, communication, or conduct that harasses any person.

This includes:

- Using threats of violence or harm of person, property, or reputation.
- Profane language.
- Repeated use of telephone with purpose to annoy.
- Calling without identifying themselves.

## Stopping Communication with the Debt Collector

- A debt collector must stop contacting you if it receives a written request that it stop communication or a written statement of refusal to pay.
- The debt collector may contact you one final time without demanding payment to state if it intends to take specific actions against you.
- If you are represented by an attorney, the debt collector must communicate only with your attorney.

## Debt Validation

- The debt collector must tell you the amount of the debt, the name of the current creditor, and that you have 30 days to dispute the debt.
- If you don't believe you owe the debt, think you owe a different amount, or don't recognize the creditor, you can ask the debt collector for validation within 30 days of receiving the first debt collection letter.
- Your notice of dispute must be in writing and should be sent certified mail.
- The debt collector can't continue collection activities until they have responded to your dispute.
- You always have the right to tell the debt collector at any time that you dispute the debt.

## Charge Collection Fees

- Debt collection agencies cannot charge interest, fees, or charges in addition to the amounts authorized by your original agreement or state law.