

# Know Your Rights!

## Fair Debt Collection Laws



COMMUNITY  
DEVELOPMENT  
PROJECT

It is important that you know that there are laws that prevent creditors and debt collectors from using abusive and aggressive tactics to collect personal, family or household debt. The Federal Fair Debt Collection Practices Act protects your rights from debt collectors.

### Fair Debt Collection Practices Act

#### **Debt collectors are NOT permitted to:**

1. Contact your family members, neighbors, or employees;
2. Harass you, threaten violence, use obscene language or other abusive tactics;
3. Lie or make misleading representations;
4. Publish your name or address on a "bad debt" list;
5. Threaten you with arrest if that is not legally plausible;
6. Threaten to harm your credit score or garnish your wages without actually doing so;
7. Phone you at work when the debt collector knows you do not want to be contacted at work; or inform employers of the purpose of the call;
8. Phone you before 8 a.m. or after 9 p.m.
9. Sending letters that appear to be from a court, but are not;
10. Seeking fees not permitted by state law or contract;
11. Accept post-dated checks;
12. Sue in courts far from your home.

#### **What debt collectors MUST do:**

1. On first contact, state that the debt collector is trying to collect a debt and any information obtained will only be used for that purpose;
2. Within 5 days of first contact, provide the following in writing:
  - amount of debt
  - name of creditor
  - that the consumer must dispute the validity of the debt in 30 days or else the debt is considered valid
  - if the debt is disputed, the collector must obtain verification;
3. Provide the original creditor's name & address upon written request within 30 days.

### What You Can Do

- To get the debt collector to stop calling, you can send a letter telling them to stop. NOTE: A letter doesn't resolve the debt and the creditor can still bring you to court.
- If you request the collector to verify the debt, they must stop collection until they get and mail you the verification. See the other side of this page for a sample cease-and-desist letter.
- If a debt collector violates your rights you have the right to sue them in federal or state court within **1 year** of the unlawful act.
- Report the problems you are having with the debt collector to:
  - New York City Department of Consumer Affairs  
42 Broadway, New York, NY 10004  
(212) 639-6975 or 311  
[www.nyc.gov/dca](http://www.nyc.gov/dca)
  - OR**
  - New York State Attorney General's Office  
120 Broadway, New York, NY, 10271  
(800) 771-7755  
[www.oag.state.ny.us](http://www.oag.state.ny.us)

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[Your Name]  
[Your Address]

Date

[Collection Agency's Name]  
[Collection Agency's Address]

Subject: Debt Collection Against [Your Name]  
Creditor Name: [Creditor]  
Account No. [Number]

Dear Account Representative,

I am writing pursuant to the Fair Debt Collection Practices Act, 15 USC 1692(g), to inform you that I dispute the alleged debt associated with account [number \_\_\_\_] with [creditor]. I do not believe that I owe the amount alleged by you.

Your letter of [date of letter from debt collector] was the first time I have heard from you about this alleged debt. Thus I am requesting that you provide the following information:

- Please explain the nature of the alleged debt—that is, what the money I allegedly owe is for;
- Please provide an accounting explaining how you calculated what you allege that I owe;
- Please provide me with copies of any contracts or documents which form a basis for the alleged debt; and
- Please provide me with the name and address of the original creditor.

I further request that you take the following actions:

Please contact any credit agencies to whom you have reported this alleged debt, and inform them that I am disputing the debt; and

Please also forward a copy of this letter to the creditor who alleges that I owe the debt at issue, and inform them that I am disputing the debt.

Except as specifically outlined herein, I am requesting that you cease all contact with me about the alleged debt. Any further contact should be strictly in conformity with the FDCPA: It should be limited to providing me with the documentation requested in this letter, informing me that you have ceased collection efforts on the alleged debt, or stating that you are taking a specific action in relation to the debt such as commencing a collection lawsuit. Any further contact should be made in writing, and should be submitted to my home address by mail.

Sincerely,

[Your name]

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<p><b>CDP - Urban Justice Center</b> 123 William St. 16th floor New York, NY 10038 Tel: 646-602-5200 Fax: 212-533-4598</p>
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