

creditor intends to take specific legal action against you. Keep a copy of all communications.

Be aware that telling a debt collector to stop calling you does not stop the collector from listing the debt on your credit report or suing you.

If a collector violates the FDCPA

There are penalties for collectors who violate the FDCPA. If you believe your rights have been violated, you can file a complaint with the Federal Trade Commission (FTC) and the Consumer Financial Protection Bureau (CFPB), the U.S. government's two consumer protection agencies. The FTC enforces the FDCPA, while the CFPB regulates the collection industry.

- CFPB: 855-411-CFPB (2372)
www.consumerfinance.gov/complaint/
- FTC: 877-FTC-HELP
www.ftccomplaintassistant.gov/

Contact your state attorney general's office to find out if the collector has violated state law. Find your state AG online (www.naag.org).

You also may be able to sue the collector in federal or state court for damages and attorney's fees within a year of the violation. (Some states have laws that are even stronger than the FDCPA, and some have debt collection laws that apply to original creditors.) Consumer attorneys who specialize in FDCPA violations sometimes are willing to take your case on "contingency," meaning they won't get paid until you win the case.

To find a local consumer attorney, visit the National Association of Consumer Advocates (www.consumeradvocates.org) and use the "Find an Attorney" search tool. Also check

out the Legal Services Corporation (www.lsc.gov), LawHelp.org (www.lawhelp.org) and the CFPB's list of state legal aid directories (<http://bit.ly/2ataeaL>) if you can't afford an attorney. If you don't qualify for free or low-cost legal help, you can contact a lawyer referral service such as your state or local bar association (https://www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders/) and ask for an attorney with experience in consumer law, debt collection defense or the FDCPA.

Active duty servicemembers have additional rights under the Servicemembers Civil Relief Act (SCRA). If you are in the military and need legal help, contact your Armed Forces Legal Assistance Office (<https://www.military.com/benefits/military-legal-matters/legal-assistance-and-jag/free-legal-assistance.html>).

Nolo, which provides free online legal information, offers tips in "What to Do If a Bill Collector Crosses the Line" (<http://bit.ly/2a9OcEn>). One tip is to send a copy of the FTC/CFPB complaint to the collection agency and the original creditor in hopes of getting them to cancel or negotiate the debt.

Learn more

The FTC has boiled down the FDCPA to its essential points, including specific things debt collectors cannot say or do (www.consumer.ftc.gov/articles/0149-debt-collection).

The Consumer Financial Protection Bureau (CFPB) offers templates for five types of letter that you can customize and send to a collector (<http://bit.ly/2a9dl22>) to dispute a debt, request more information or specify how you want to be contacted.

Consumer Action's "Debtors' Rights: Protecting yourself from debt collection lawsuits" (www.consumer-action.org/english/

[articles/debtors_rights](#)) guide offers detailed information about avoiding and dealing with a debt collection lawsuit.

Credit counselors can provide useful information about dealing with specific debt collection issues and may be able to help you negotiate with the collector and/or establish a realistic payment plan. Find a non-profit credit counseling agency at the National Foundation for Credit Counseling (NFCC) website (www.nfcc.org).

Consumer Action www.consumer-action.org

Through multilingual consumer education materials, community outreach and issue-focused advocacy, Consumer Action empowers underrepresented consumers nationwide to assert their rights and financially prosper.

Consumer advice and assistance: Submit consumer complaints to <https://complaints.consumer-action.org/forms/english-form> or 415-777-9635 (Chinese, English and Spanish spoken).

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The Fair Debt Collection Practices Act

*How it restricts collectors
and protects consumers*



A project of Consumer Action

The Fair Debt Collection Practices Act (FDCPA) is the federal law that prohibits collectors from using abusive, deceptive or unfair practices to collect money. It also requires them to provide consumers with information about themselves and the debt. In addition to making some collection activities illegal, the FDCPA also gives consumers the right to verify that a debt is valid and to dispute debts they don't believe they owe.

Does FDCPA apply?

Generally, the FDCPA only governs third-party debt collectors—those who work on behalf of the original creditor or who have purchased the debt from the original creditor. A debt collector is defined as someone who regularly collects debts owed to others. This includes collection agencies, lawyers who collect debts on a regular basis, and companies that buy delinquent debts and then try to collect them (debt buyers).

The FDCPA does *not* apply to original creditors—those who initially extended the credit or loan. The exception to this rule is a creditor that collects on its own debts but under a different name, giving the impression of being a third party.

The law applies only to personal, not business-related, debt.

What *must* collectors do?

The Fair Debt Collection Practices Act requires debt collectors to:

- Identify themselves. Collectors must inform you in their first communication that they are attempting to collect a debt and that any information obtained from you will be used for that purpose.
- Send written notification of the debt. Within five days of initial contact, the collector must

send a written “validation notice” that discloses the amount of the debt, the name of the creditor and what steps to take (within 30 days) if you don't think you owe the debt, want verification that you owe the debt or want the name and address of the original creditor (if different).

- Provide written verification of the debt if you dispute the debt or request additional information in writing. This must include the name and address of the original creditor if it's different from the debt's current owner.
- Cease collection efforts until they have responded to your request for information or verification of the debt (typically a statement confirming the amount owed and any supporting documentation from the creditor). If the debt can't be verified, all collection efforts must stop.
- Notify credit reporting agencies to which the debt has been reported that it is being disputed (if you notify the debt collector of your dispute in writing within 30 days of receiving the validation notice). You can check which credit reports list the debt and its dispute status by requesting your free annual report from each of the three major credit bureaus (Equifax, Experian and TransUnion) at www.AnnualCreditReport.com.

What *can* collectors do?

The FDCPA allows debt collectors to:

- Call you between 8 a.m. and 9 p.m. (local time) unless you tell them in writing to stop.
- Contact you at work unless you tell them you cannot accept calls while at the workplace.
- Contact your attorney.
- Contact your spouse, co-debtors, or your parents if you're a minor, unless you have sent a letter asking them to stop contacting you.
- Contact third parties, such as neighbors or co-workers, but only in an attempt to locate

you. (Collectors cannot reveal that they believe you owe a debt.)

What *can't* collectors do?

Under the FDCPA, debt collectors are not allowed to:

- Contact you at inconvenient times or places. Collectors can't call you before 8 a.m. or after 9 p.m. unless you say it's okay. And they can't call you at work if you tell them (orally or in writing) that you can't receive calls there.
- Call you and not identify themselves as bill collectors.
- Contact you if you have requested in writing that they stop, except to tell you that collection efforts will end or that specific legal action will be taken against you. (Asking them to stop calling does not make the debt go away or prohibit the collector from taking legal action against you.)
- Contact you if they know you are being represented by an attorney, unless you give them permission to contact you, or your attorney is unreachable or unresponsive.
- Contact you between the time you request verification of the debt or information about the original creditor (within 30 days of receiving the written validation notice) and when the verification or information is mailed to you.
- Continue to collect on a debt that hasn't been verified (if you request verification).
- Contact third parties regarding your debt other than your spouse, attorney or co-debtors, or your parents if you're a minor.
- Contact third parties to locate you after they know you have an attorney. They also can't tell third parties (such as neighbors and coworkers) who they work for (collection agency name) unless asked directly, reveal that you owe a debt, or contact a third party more than once unless they have a valid reason to do so (such as believing that previously provided information was incorrect and that the third party

has correct information).

- Try to collect inflated amounts resulting from fees and interest not authorized in the original credit agreement or allowed by law.
- Use abusive language or profanity.
- Do things to harass or publicly embarrass you, such as call you repeatedly or send you a postcard or letter that indicates to anyone who sees it that a debt is being collected from you.
- Threaten you with violence, property damage, arrest, jail, harm to your reputation, etc.
- Lie to or mislead you—for example, by impersonating an attorney or law enforcement officer or threatening arrest, a lawsuit, garnishment, etc. if the action would be illegal or they don't intend to follow through. If you ask for the statute of limitations on the debt—and you *should*—and you get an answer, it must be the truth.
- Report inaccurate information to the credit bureaus, including failing to report that you dispute a debt.

Stopping contact

Under the FDCPA, you can send a letter to a debt collector demanding that he or she stop contacting you. That might sound like a good idea, but you have to consider the possibility that the inability to communicate with you directly will push the collector to file a lawsuit (or force you to enter binding arbitration, depending on your contract with the creditor). It might be wise to talk to the collector first to see if you can work out a resolution and avoid a court date.

If you decide, after all, that you want the collector to stop contacting you, send your written request by certified mail, return receipt requested. Once the collection firm has received your letter, it can't contact you again except to confirm that there will be no further contact and/or to let you know that the collector or the