



How Do I Stop Debt Collectors From Bothering Me?

I RECEIVE PHONE CALLS AND LETTERS ALMOST EVERY DAY FROM DEBT COLLECTORS. CAN I MAKE IT ALL STOP?

Yes. By writing a letter, you can stop debt collector harassment. If you are being called constantly or receiving harassing mail from a debt collector, a federal law called the Fair Debt Collection Practices Act, as well as New York City law requires that the collector stop contacting you if you tell the collector to stop. We strongly advise that you tell the debt collector **in writing**.

WHAT IF THE PHONE CALLS AND LETTERS COME FROM AN ATTORNEY?

You can also write a letter to stop debt collector harassment by an attorney or law firm.

WHAT SHOULD THE LETTER SAY? WHERE DO I SEND IT?

A sample letter is provided on page 3 of this fact sheet. All you do is:

- copy the sample letter;
- insert your personal information; and
- mail it to the debt collection company that is sending you mail or calling you.

Or, or you can fill out a sample debt verification letter on the following website: lawhelpny.org/consumer.

Keep a copy of the letter for your files. Send the letter Certified Mail with Return Receipt so that you have proof that you sent the letter. If this is too costly, go to the post office and pay for a Certificate of Mailing, which costs about \$1.30.

ONCE I SEND A LETTER, DOES THAT MEAN THAT THE DEBT COLLECTORS WILL NEVER CALL OR WRITE AGAIN?

Not exactly. Once you send the letter, they can only contact you to (a) tell you that they are no longer going to try to collect; (b) notify you that they *may* take some specific action, for example, file a lawsuit; or (c) notify you that they *are* taking some specific action.

WHAT IF I THINK THE AMOUNT THEY ARE ASKING FOR IS WRONG?

Under the Fair Debt Collection Practices Act, New York State law, and New York City law, you have the right to dispute that you owe the debt and to ask the debt collector for proof that you owe it. If you would like to receive this information add the following to your letter:

"I dispute this debt. I request that you verify the above debt as required by the Fair Debt Collection Practices Act, 15 U.S.C. section 1692g, New York State Department of Financial Services Regulation, 23 NYCRR 1 § 1.4(c), and New York City Administrative Code section 20-493.2. Please send such verification to me at the above address."

If you don't owe the money or if you think the amount is wrong, you should add that to the letter as well.

WHAT IF THE CALLS AND/OR LETTERS DON'T STOP?

If you receive phone calls from a debt collector after you have sent a letter asking it to stop contacting you, write down the date and time of all calls. You have the right to sue the debt collector if the agency keeps contacting you. You can also complain to the NYC Department of Consumer Affairs by calling 311 or by going to <http://www1.nyc.gov/site/dca/consumers/file-complaint.page> for instructions on how to fill out a complaint form online.

WHAT IF I DON'T WORK AND MY ONLY MONEY COMES FROM THE GOVERNMENT?

Most government benefits are exempt from collection. This means you can voluntarily pay debts using this money, but if you do not pay your debts, the creditors cannot use the law to forcibly take those benefits from you. They can sue you, but even if they win, they can't make you pay from your benefits. If you have other funds, those may still be taken from you if the creditor obtains a judgment against you.

HOW DO I KNOW IF MY INCOME IS EXEMPT FROM COLLECTION?

Below is a partial list of monies that generally are exempt from collection or garnishment. If you are not sure after looking at this list, consult an attorney or social worker.

Wages of SSI or public assistance recipients	Workers' Compensation Benefits
Public or Private Pensions	Social Security Benefits
Social Security Disability Benefits (SSD)	Child Support
Unemployment Benefits	Maintenance (Alimony)
Supplemental Security Income (SSI)	Railroad Retirement Benefits
Public School Teacher Benefits	Some Insurance Benefits
Public Assistance	Life Insurance Policy
Veteran's Benefits (including survivor's benefits)	90% of wages earned within the past 60 days

Note: There are exceptions to the general rule that the above benefits are exempt from garnishment: some exempt funds may be garnished for purposes of paying child support or federal debts, including student loans. If you owe these kinds of debts, you should contact an attorney to find out how these debts may affect your benefits.

If your only income is exempt, you should add the following paragraph to the letter you send:

“Moreover, my only source of income is exempt from collection. I have no income or assets that can be lawfully collected for an enforceable claim or debt. In the event this debt is sold, this letter shall be included in my file to ensure that the buyer is put on notice of the same.”

WHO CAN I CONTACT IF I HAVE QUESTIONS?

You may call MFY Legal Service, Inc.'s Consumer Rights Project on Thursdays from 10:00 a.m. to 2:00 p.m. at 212-417-3881.

**DISCLAIMER: This fact sheet gives general information
for NYC residents; it is NOT legal advice.**

SAMPLE LETTER

This letter can be used to stop communications from debt collectors, dispute the debt, and notify creditor of exempt income. You can use any or all of the three paragraphs in the sample letter. Instead of copying this one, you can also fill out a form on the website lawhelpny.org/consumer.

Your Name
Your Street Address
City, State, Zip

Today's Date

Complaint Department
Name of Debt Collection Agency
Street Address
City, State, Zip

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Re: Creditor: _____
Account Number: _____
Collection Account/File Number: _____

To Whom It May Concern:

Please verify and substantiate this debt as required by the Fair Debt Collection Practices Act (FDCPA) § 1692g, New York State Department of Financial Services Regulation, 23 NYCRR 1 § 1.4(c), and New York City Administrative Code § 20-493.2. Please note that NYS regulations and NYC rules require debt collectors to send specific written documentation to verify and substantiate a debt. Pursuant to 23 NYCRR 1 § 1.4 and NYC Rules, Tit. 6 § 2-190, you must provide the following: proof of my agreement to pay the original creditor; a copy of the final account statement issued by the original creditor; a statement of the complete chain of title from original creditor to present owner; and the amount and payment date of any prior settlement agreement reached in connection with this debt.

The FDCPA, NYS regulations, and NYC rules require that you cease all collection activity until you have verified and substantiated the debt. Furthermore, NYS regulations (23 NYCRR 1 §1.4(b)) require that you substantiate this debt within 60 days of this request.

Because I am disputing this debt, you should not report it to the credit reporting agencies. If you have already reported it, please notify the credit reporting agencies that the debt is disputed or delete the trade line from my credit report. Reporting information that you know to be inaccurate, or failing to report information correctly, violates the FDCPA and the Fair Credit Reporting Act.

[If True Add the Following:] Moreover, I wish to inform you that my only source of income is Social Security which is exempt from collection. See 42 U.S.C. § 407.

Sincerely,

Sign your name here