



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, the Fair Debt Collection Practices Act—a federal law—requires that the collector stop contacting you if you **tell the collector to stop in writing.**

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

A sample letter is provided on the other side of this page. All you do is:

- (1) copy all or part of the sample letter on the other side of this page;
- (2) insert your personal information; and
- (3) mail it to the debt collection company that is sending you mail or calling you.

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. This costs about \$1.00.

ONCE I SEND A LETTER, THEY 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, **you have the right to dispute that you owe the debt** and to ask the debt collector for some proof that you owe the amount they are claiming within 30 days of receiving the first collection letter. If you would like to receive this information add the following to your letter:

“I am writing to request that you verify the above debt as required by the Fair Debt Collection Practices Act. 15 U.S.C. § 1692g. 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. Even if it's been longer than 30 days since you received the first collection letters, many debt collectors will send verification if you ask for it.

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 them to stop contacting you, write down the date and time of all calls. **You have the right to sue the debt collection agency** if the agency keeps contacting you. **You can also complain** to the NYC Department of Consumer Affairs by calling 311. You will have to fill out and mail a complaint form, which they will send to you. The form can also be found online at <http://www.nyc.gov/html/dca/downloads/pdf/complaintform.pdf>.

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

Most government benefits, including Social Security, Social Security Disability, Supplemental Security Income, and Veteran's Benefits, are exempt from collection. This means you can voluntarily pay debts using this money. **BUT**, if you refuse to pay your debts, the creditors cannot use the law to forcibly take

your benefits from you. They can sue you, but even if they win, they can't make you pay them from your benefits. If you have other funds, those can still be taken from 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.

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

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. This letter serves as notice of the fact that I do not have any assets or income that are subject to collection under the law. 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. If you or any subsequent holder of this debt attempts to attach exempt funds in order to collect this debt, you will be subject to wrongful attachment litigation.”

This might help you in the future if you are sued and the debt collector tries to take your benefits.

SAMPLE LETTER (to stop communications from debt collectors, dispute the debt, notify creditor of exempt income). You can use any or all of the three paragraphs in the sample letter.

Your Name
Your Street Address
City, State, Zip

Today's Date

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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Re: Account No. (your account number here)

To Whom It May Concern:

I am writing to formally request that you stop all communications to me regarding this debt. The Fair Debt Collection Practices Act, 15 U.S.C. § 1692c, requires that you honor this request. Moreover, under New York City Law, it is against the law for you to call and speak with me about a debt more than twice in a seven day period. N.Y.C. Admin. Code § 5-77.

I am writing to request that you verify the above debt as required by the Fair Debt Collection Practices Act. 15 U.S.C. § 1692g. I dispute that I owe this debt. Please send such verification to me at the above address.

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. This letter serves as notice of the fact that I do not have any assets or income that are subject to collection under the law. 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. If you or any subsequent holder of this debt attempts to attach exempt funds in order to collect this debt, you will be subject to wrongful attachment litigation.

Thank you for your time and attention to this matter. Your cooperation will be appreciated.

Sincerely,
Sign Your Name Here