



# How Do I Stop Debt Collectors From Bothering Me?

## **I RECEIVE TELEPHONE 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 to stop **in writing**.

## **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, you can fill out a sample debt verification letter on the following website: [lawhelpny.org/consumer](http://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 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, 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 filling out the complaint form 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 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 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.

- Wages of people who also receive SSI or public assistance
- Public or private pensions
- Social Security Disability benefits (SSD)
- Unemployment benefits
- Supplemental Security Income (SSI)
- Public school teacher benefits
- Public Assistance
- Veterans benefits (including survivor's benefits)
- Workers compensation benefits
- Social Security benefits
- Child support
- Maintenance (Alimony)
- Railroad retirement benefits
- Some insurance benefits
- Life insurance policies
- 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 debts owed to the government, including taxes or 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.

**SAMPLE LETTER** (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](http://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: Account No. *(your account number here)*

To Whom It May Concern:

Please verify this debt as required by the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. section 1692g and New York City Administrative Code section 20-493.2. Please note that New York City rules require all debt collectors to send specific written documentation verifying the debt. Under section 2-190 of the Rules of the City of New York, verification requires all of the following:

- Proof of my agreement to pay the original creditor;
- A copy of the final account statement issued by the original creditor;
- A breakdown of the total amount due, showing principal, interest, and other charges; and
- For all other charges, the date of and basis for each charge.

Aside from verifying the debt, do not contact me again about this debt. The FDCPA and section 5-77 of the Rules of the City of New York require that you honor this request.

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, please include this letter in my file to ensure that the buyer is put on notice of the same.

Thank you.

Sincerely,

*Sign Your Name Here*