

Top 10 Things Debt Collectors Cannot Do & 8 Things They Can

The [Fair Debt Collections Practices Act \(FDCPA\)](#) puts restrictions on what a debt collector can and cannot do. This fact sheet gives you an overview of your rights. If you think a debt collector has done something wrong, talk to an attorney about your rights.

10 Things A Debt Collector *Cannot* Do

1. **Call At Inconvenient Times Or Harass You.** Typically, this means a debt collector cannot call you before 8 a.m. or after 9 p.m. unless the collector has reason to know a different time may be inconvenient. They also cannot excessively contact you (i.e. 3-4 times a day). Debt collectors are not allowed to engage in any conduct with the intent to harass, oppress, or abuse you in any way. Collectors cannot call you repeatedly with the intent to annoy, abuse, or harass you.
2. **Contact Your Workplace More Than Once.** Debt collectors can contact your employer once and may only do so to get your contact information. Debt collectors are not allowed to disclose any information about your debt to your employer. Debt collectors cannot contact your employer if they know or should know that your employer does not allow you to receive these calls at work.
3. **Have You Arrested For Your Debt.** Debt collectors may choose to take legal action against you, but debt collectors cannot have you arrested for your debt or threaten to arrest you. You may only face jail time for owing a debt if you willfully violate a court order, refuse to pay income taxes, or fail to appear on a subpoena for a debtor's examination.

4. ***Continue To Contact You About Disputed Debts.*** If you dispute the debt or otherwise do not owe the debt, collectors cannot continue to contact you about the debt unless they provide you proof that the debt exists and belongs to you

5. ***Collectors Cannot Discuss Details Of Your Debt With Third Parties.*** Collection agencies are not allowed to contact third parties about your debt outside of a few exceptions. These exceptions include your spouse, your parents if you are a minor, or any other co-debtors on your account. Collection agencies can also contact your attorney if they know you are represented by one. If you have an attorney, the collection agency cannot contact you or anyone else unless you give the agency permission to do so, or your attorney does not respond to the agency. If you have sent a letter to the collection agency asking them to stop contacting you, then the agency cannot contact anyone about your debt.

6. ***Refuse To Provide You With Information About Your Debt.*** After first contacting you, debt collectors must send you a letter within 5 days giving you information about the amount of the debt and the name of the creditor to whom the debt is owed. This letter should also include information about how to dispute the debt or pay it.

7. ***Threaten You Or Use Obscene Language.*** Debt collectors cannot use violence, threaten to use violence, or threaten any other kind of harm to your person, property, or reputation. Also, debt collectors cannot use obscene or profane language during written or verbal communications with you or anyone else.

8. ***Lie To You.*** Debt collectors cannot lie to you about your debt or their company. They cannot lie about the amount you owe or about their intentions to take legal action against you. If you get a “final notice” letter, they cannot continue to contact you. Collectors are also not allowed to claim to be an attorney or government representative, and they cannot lie about the name of their company or give you false credit information.

9. **Publish A List Of Names Of People Who Refuse To Pay Their Debts.** A debt collector cannot publish a list of names of people who refuse to pay their debts
 10. **Engage In Unfair Practices.** Collection agencies cannot engage in unfair practices. This means they are not allowed to collect interest, fees, or any other charges on top of what you owe, unless the original contract allows it or the fees are allowed by law. Collectors cannot deposit a post-dated check early or threaten to deposit it early. Collectors cannot communicate with you by postcard and cannot use any language or symbol, other than the agencies address on an envelope, when sending you mail. The collection agency may put its business name on the envelope, but only if the name does not indicate that it is a debt collection business.
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8 Things A Debt Collector *Can* Do

1. **Seek Payment On Expired Debts.** Some debts have a statute of limitations, which means that after a certain amount of time, you cannot be sued for payment. You still owe the debt and collectors can continue to seek payment on these “expired” debts. Additionally, these debts can continue to be reported to credit bureaus up to 7 years from the date the account went into default.
2. **Contact You Multiple Times.** Collectors cannot harass you or call you at inconvenient times, but they can call you multiple times so long as it is not an unreasonable amount (i.e. 3-4 times a day). They cannot continue to contact you once you have written a letter telling them to no longer contact you. Once they receive this request, they are only allowed to contact you once more to say if they plan to take legal action against you.
3. **Negotiate What You Owe.** Debt collectors usually buy debts for much less than the total of the original debt. This means they may be willing to negotiate what you pay. If you negotiate the payment, get a signed copy of the agreement in writing and save it. Also, be aware that you may incur tax

consequences if more than \$600 in debt is forgiven by the debt collector.

4. ***Sell Your Debt To Other Debt Collecting Companies.*** Collection agencies can sell debt to other agencies. They can sell the full amount they have not be able to collect, or they can sell the remainder of the debt if you made partial payments. Keep records of any payments or agreements you make with a debt collector.

5. ***Sue You.*** Debt collectors can sue you for unpaid debt. This can result in garnished wages, attachment of your bank account or personal items (like your car), or a judgment lien against real estate you own.

6. ***Garnish Your Wages.*** While the collector cannot threaten to garnish your wages or lie about its intentions, the collector may choose to take legal action. If a debt collector takes a judgment against you in court, your wages can be garnished to pay the debt.

7. ***Contact Third Parties To Get Your Contact Information.*** While a debt collector cannot generally discuss your debt with anyone else, the collector can contact others to get your contact information. They may only contact third parties once, but they may contact them again to clarify information received.

8. ***Report To The Credit Bureaus.*** Debt collectors can report your collection accounts to credit bureaus. This can result in a lower credit score, making it more difficult for you to get loans and credit cards. This may also result in you getting higher interest rates and insurance premiums.

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