



## **OFFICE OF THE JUDGE ADVOCATE GENERAL** **LEGAL ASSISTANCE POLICY DIVISION**



### **FAIR DEBT COLLECTIONS PRACTICES ACT**

Congress passed the Fair Debt Collection Practices Act (FDCPA) to prohibit debt collectors from attempting to collect debts with the use of abusive, deceptive, and unfair practices. The Fair debt collection Practices act ensure every individual, whether or not they owe a debt to the right to be treated in a reasonable or civil manner 15 USCS §§ 1692.

Under the FDCPA, the term debt applies to any obligation or alleged obligation of a consumer to pay money arising from a transaction involving money, property, insurance, or services for the use of personal, family, or household purposes. Types of covered debt include but are not limited to credit card debt, car loans, medical bills, student loans, and mortgages. Business debts are not covered under the FDCPA.

#### **Can a debt collector communicate with a consumer?**

The FDCPA limits how debt collectors can communicate with you regarding collections by:

- a. **Time and Place:** Debt collector may not contact you at unusual time or unusual places, If a creditor contacts you during a time or at a place inconvenient to you, inform them of the inconvenience and tell them by-law this call will be terminated. Creditors are generally prohibited from contacting you before 8 a.m. or after 9 p.m.
- b. **Social Media and E-Communication:** Debt collector may contact you privately via social media, however they are prohibited from publicly posting information about a debt that you may owe. If a debt collector contacts you via email, text, or another e-communication, they are required to provide a reasonable simple method for you to opt out.
- c. **Harassment:** Collectors may not harass consumers over the phone, email, or any other form of communication, this includes texting.
- d. **Attorney representation:** Once the debt collector has been informed you are represented by an attorney, the debt collector must stop contacting you directly. Ensure you provide the debt collector with your attorney's contact information and/or have the attorney send a letter of representation to the debt collector.

Several states have their own debt collection act provisions, so be sure to check your state's rules regarding debt collection as well.

#### **What can I do if harassed by a creditor?**

If you are harassed by a creditor, document the harassment, and ensure you have taken the necessary steps to inform the creditor to cease harassment. If the harassment continues, you can

file a complaint with the Consumer Financial Protection Bureau via their Consumer complaint program at <https://www.consumerfinance.gov/compliance/consumer-complaint-program/>.

For more information on your rights regarding debt collection, make an appointment with your local legal assistance office to speak with an attorney.

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