are concerns about debt collection

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FAIR DEBT COLLECTION

This pamphlet contains general information about your rights. Consult a lawyer if you have specific questions.

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CVLAS is a non-profit organization providing free legal advice, and representation to low income or elderly people in Central Virginia. **Contact us Monday - Thursday 9-12 to see if you qualify for services.**

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A debt collector may not harass, abuse, mislead, deceive, or be unfair to you. A federal law called the Fair Debt Collection Practices Act makes this illegal. This law does not cover business or commercial debts. This law applies to debt collectors but doesn't apply to creditors who collect their own debts.

WHO IS A DEBT COLLECTOR?

The person or business you owe money to is a called a creditor. A creditor can hire someone to collect the money you owe. This person is called a debt collector. The debt collector might be an attorney, but does not have to be.

CAN A DEBT COLLECTOR CALL ME?

Yes. A debt collector is allowed to call you. Also, the debt collector can see you in person, mail you, and fax you. A debt collector can not call you before 8 in the morning or after 9 at night.

DO I HAVE TO TALK WITH A DEBT COLLECTOR ON THE PHONE?

No. You can hang up the phone if you don't want to talk with a debt collector. If the debt collector calls back, keep hanging up until the debt collector stops. You may report these calls to your telephone service center or annoyance call center. The information section at the front of your local telephone book should give you the number to call to report these calls.

CAN I STOP A DEBT COLLECTOR FROM CONTACTING ME?

Yes. You may stop a debt collector from contacting you by **writing a letter to the debt collector telling them to stop**. Once they get your letter, they can't contact you again, except to say there will be no further contact or that they intend to take a certain action. Our website www.valegalaid.org has a letter for you to use. Call us if you can not go to the website. We will send you a letter. Send your letter by certified mail, return receipt requested. Save the certified mail receipt and the green return receipt.

WHAT IF YOU BELIEVE THAT YOU DON'T OWE THE MONEY?

Within five days after you first are contacted, the debt collector must send you a written notice. This notice must tell you the amount of money you owe, the name of the creditor, and what to do if you believe you don't owe the money. A debt collector must stop collection action if you send the collector a letter, within 30 days after you first are contacted, saying you don't owe the money. If you are sent proof of the debt, such as a copy of a bill, a debt collector may contact you again.

MAY A DEBT COLLECTOR CONTACT ANYBODY ELSE ABOUT MY DEBT?

Yes. They are allowed to call anyone once to ask about where you live or where you work.

WHAT CONTROL DO I HAVE OVER PAYMENT OF MY DEBTS?

You control what debts get paid. If you owe more than one debt to the same creditor, any payment you make must be applied to the debt you want paid. A debt collector may not apply a payment to any debt you believe you don't owe.

HOW DOES THE LAW PROTECT ME FROM DEBT COLELCTORS?

You have rights. The law protects you from certain debt collection practices. **Contact a lawyer if a debt collector does any of the following illegal things:**

- Collect any amount greater than your debt, unless it is legal to do so.
- Deposit a post-dated check before the date on the check.
- Contact you before 8 a.m. or after 9 p.m.
- Contact you at work if the collector knows that your employer objects to it.
- Use obscene or profane language
- Threaten to harm you or anyone you know.
- Threaten to harm your property or reputation.
- Repeatedly use the phone to annoy anyone.
- Say you will be arrested or jailed if you don't pay your debt.
- Say you have committed a crime.
- Say they will take legal action against you, unless it is legal to do so, and the debt collector or creditor intends to do so.
- Falsely say or suggest they are attorneys or work for a court or for the government.
- Falsely say or suggest they operate or work for a credit bureau.
- Falsely state the amount of your debt.
- Falsely state that an attorney is helping collect the debt.
- Give false information about you to anyone.
- They must tell you who they are over the phone.
- They must tell you how much you owe and who you owe.

Please contact us if you have questions