



How to Stop Creditors From Harassing You

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Creditors and debt collectors are regulated by the federal **Debt Collection Practices Act** and the state **Fair Credit Extension Uniformity Act** (the “Acts”). Under these Acts, restrictions are placed upon creditors and debt collectors with respect to when, where, and how they may contact a person concerning a debt. If a creditor or debt collector engages in practices contrary to these restrictions, it may amount to harassment thereby subjecting the creditor or debt collector to penalties.

Debt Collection Guidelines

Although there are some exceptions, generally a creditor or debt collector must follow these guidelines when contacting a person concerning a debt:

- ☎ Contact is only permitted between the hours of 8:00 a.m. and 9:00 p.m.;
- ☎ Contact is not permitted as a person’s place of employment if the creditor or debtor has reason to know that the employer prohibits such contact; and
- ☎ Direct contact with a person is prohibited when the person is represented by an attorney with respect to the debt.

If you have been contacted by a creditor or debt collector in a manner contrary to these

guidelines, the creditor or debt collector may be violation of the Debt Collection Practices Act and/or the Fair Credit Extension Uniformity Act.

Calling Others About You

Many times, a creditor or debt collector does not have current information concerning the location or whereabouts of the person with whom contact is being attempted. Given this, the Acts provide for limited contact with third parties to assist the creditor or debt collector in determining the current address and telephone number of a person. In doing so, a creditor or collector:

- Must not discuss the debt owed with third parties;
- Must identify himself and, if requested, his employer;
- May only contact an individual once;
- May not communicate by post card;
- May not use materials, (i.e., envelopes or stationary) that indicates the communication is related to the collection of a debt; and
- Must communicate with the person’s attorney when it is known that the person is represented by the attorney concerning the debt.

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Although there are some limited exceptions, a creditor or debtor may be subject to penalties for attempting to obtain information about a person's location from a third party in a manner that is not consistent with these guidelines.

Harassment

The Acts are designed to protect a consumer's privacy and to protect them from harassing, oppressive or abusive conduct by creditors and debt collectors in an attempt to collect upon a debt.

The Acts have even gone as far as to identify the following conduct as harassment:

- Using threats of violence or criminal means to harm a person, his/her reputation or his/her property;
- Using obscene or profane language;
- Publicizing lists of names of people who allegedly refuse to pay debts;
- Advertising the sale of a debt in order to coerce someone;
- Causing the telephone to ring excessively; and
- Placing telephone calls without disclosing the identity of the caller.

If you have been subjected to any of the above-referenced conduct of a creditor or a debt collector, it is likely that you are being harassed. The more important issue is how do you stop the harassing communication.

Stopping the Harassment

You can stop communication by notifying a creditor or debt collector that you are refusing to pay the alleged debt or that you are requesting the communication stop. You may take this course of action whether the communication concerning the alleged debt has been harassing or not. In other words, you may stop the communication even if it appears that the creditor or debt collector is following all of the proper procedures. In any event, after such a notification, the creditor or debt collector may only communicate with you to:

- Advise that the collection efforts are being terminated;
- Notify you that specific legal remedies may be invoked; or
- Notify you that the creditor or debt collector

intends to invoke specific legal remedies.

If you do not dispute the debt in question and if you have funds available, you can pay off the debt which should end any communication by the creditor or debt collector. However, if you are able to pay off the debt, be sure to get written confirmation that the debt has been paid in full. If you are unable to pay the entire debt, try contacting the creditor or debt collector to negotiate a payment plan that suits your budget. Sometime creditors are receptive to receiving payments toward the debt rather than getting no money at all. Another option for stopping direct communication, is to



retain an attorney to assist you with resolving the alleged debt and notify the creditor or debt collector of your representation. Once represented by an attorney, creditors and debt collectors are not permitted to contact you directly. Finally, if you believe the communication amounts to harassment, consider reporting the conduct to one of the organizations listed below.

If you are successful in stopping communication by a creditor or debt collector, it is important to realize that simply because the communication has stopped, it does not necessarily mean that the debt has been resolved and your problems are over. Aside from paying the debt off, under all other circumstances, the debt will likely remain on your credit record. This could present problems for you if you apply for a loan to buy a car or a home, for example. In addition, the creditor or debt collector could initiate a lawsuit against you in court to recover the alleged debt. In either case, you may need to continue to negotiate to resolve the debt or retain an attorney to do so for you. If you have numerous debts, you may want to consider contacting a debt consolidation service for assistance.

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This article has been compiled from information within the Debt Collection Practices Act and the Fair Credit Extension Uniformity

Act.

If you believe you are being harassed or contacted in violation of the Acts by a creditor or debt collector, you may contact the following organizations for assistance to make a report:

Pennsylvania Bureau of Consumer Protection
14th Floor Strawberry Square
Harrisburg, PA 17120
Phone: 717/787-9707
Fax: 717/787-1190
Consumer Hotline: 1/800-441-2555

Consumer Response Center
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20380
Consumer Complaint Line: 1/877-382-4357
Consumer Complaints Online: www.ftc.gov

Credit Cards — Paying the Minimum

It is common for the interest rate on credit cards to be higher than the interest rates available from banks on loans. It is not unusual for the interest rate on a credit card to be as high as is legally allowable.

Minimum payments on credit cards are often designed to allow the credit card company to make the most money. If you only make the minimum payment each month, it may take a very long time to pay off the credit card. Always check the finance charge on the statement. If your payment is less than the finance charge, your balance will increase the next month even if you make no purchases. Some credit card statements will say no minimum payment is due for a month, however the finance charges continue to accrue. You should always check the statement and immediately contact the company if you dispute any of the charges.

It is best to use a credit card only when you can pay the balance when it first comes due.

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State College, PA 16801

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Clearfield

211 1/2 East Locust Street
Clearfield, PA 16830
814/765-9646
Fax: 814/765-1396

Lewistown

3 W. Monument Sq., Ste. 203
Lewistown, PA 17044
717/248-3099
Fax: 717/248-0791

Altoona

1107 12th St., Suite 1
Altoona, PA 16601
814/943-8139
Fax: 814/944-2640

Gettysburg

128 Breckenridge St.
Gettysburg, Pa 17325
717/334-7624
Fax: 717/334-0863

Pottsville

100 West Laurel Blvd.
Pottsville, PA 17901
570/628-3931
Fax: 570/628-9697

Bedford

322 S. Juliana St.
Bedford, PA 15522
814/623-6189
Fax: 814/623-6180

Harrisburg

213-A N. Front St.
Harrisburg, PA 17101
717/232-0581
Fax: 717/232-7821

Reading

501 Washington Street #401
Reading, PA 19601
610/376-8656
Fax: 610/376-8650

Carlisle

8 Irvine Row
Carlisle, PA 17013
717/243-9400
Fax: 717/243-8026

Lancaster

38 N. Christian St., Ste. 200
Lancaster, PA 17603
717/299-0971
Fax: 717/295-2328

State College

2054 East College Avenue
State College, PA 16801
814/238-4958
Fax: 814/238-9504

Chambersburg

230 Lincoln Way E., Ste. A
Chambersburg, PA 17201
717/264-5354
Fax: 717/264-2420

Lebanon

513 Chestnut St.
Lebanon, PA 17402
717/274-2834
Fax: 717/274-0379

York

256 East Market Street
York, PA 17403
717/848-3607
Fax: 717/854-5431



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