

Debt collectors are NOT permitted to use unfair and deceptive practices to collect a debt.

- Debt collectors are not permitted to call you at unreasonable times. Generally calls may be made only between 8 am and 9 pm, with limited exceptions.
- Debt collectors cannot call and harass you continuously about your debt.
- Debt collectors are not allowed to call you at work if you do not want them to. If you receive a call from a collector at your place of work, tell them that you do not want to receive calls from them.
- Debt collectors cannot lie and misrepresent their identity in order to get you on the phone.
- Debt collectors cannot threaten to bring criminal charges against you if you do not pay the debt.

If you are harassed by a debt collector be sure to get the name of person and the company who called you and write it down along with the date and time of the call and exactly what the debt collector said to you. The debt harassment laws provide individuals with legal remedies, including monetary damages and attorney's fees if a debt collector uses abusive tactics.



Berlin, 1131 Main Street
(603) 752-1102 • 1-800-698-8969

Claremont, 24 Opera House Square, Suite 206
(603) 542-8795 • 1-800-562-3994

Concord, 117 North State Street
(603) 223-9750 • 1-800-921-1115

Littleton, 271 Main Street
(603) 444-8000 • 1-800-548-1886

Manchester, 1361 Elm Street, Suite 307
(603) 668-2900 • 1-800-562-3174

Nashua, 21 East Pearl Street, Suite 2
(603) 598-3800 • 1-800-517-0577

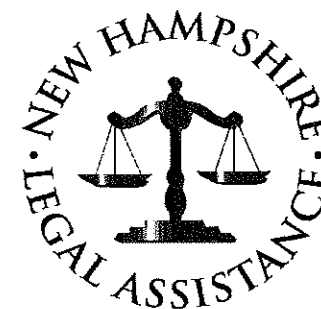
Portsmouth, 154 High Street
(603) 431-7411 • 1-800-334-3135

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NEW HAMPSHIRE LEGAL ASSISTANCE

Dealing with Debt Harassment

A brief guide to your rights
as a debtor and consumer



New Hampshire Legal Assistance

Senior Advice Line

(603) 624-6000 • 1-888-353-9944

TTY: (603) 206-2299 • 1-800-634-8989

www.nhla.org



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I keep getting phone calls and/or letters from debt collectors. Is there anything I can do?

You have the right to stop phone calls and other communication from debt collectors. The federal *Fair Debt Collection Practices Act* and the New Hampshire *Unfair, Deceptive or Unreasonable Collection Practices Act* protect you from unwanted contact by debt collectors.

If you do not want debt collectors to contact you:

- Inform them that you are protected under both federal and state law.
- Request, over the phone, that the debt collector no longer contact you.
- Ask for the debt collector's name and address and inform the debt collector that you will be sending a written notification of your request. The letter you send to the debt collector should contain your name, the account number of your debt (if known), and the following language:

"I am writing to request verification of the above-referenced debt. I am also requesting that you stop all communications to me regarding the debt aside from sending verification of the debt. You are required to honor these requests by the Fair Debt Collection Practices Act. "

- Send your letter by certified mail, with return receipt, and keep a copy of the letter and the postal receipt.
- If you are represented by an attorney or credit counselor, you may request that any further communications be sent directly to them.

What will happen if I am sued by a creditor?

Even though you have the right to ask debt collectors to stop contacting you, you still owe the debt. Debt collectors may sue to collect your unpaid debt. **DO NOT** ignore the lawsuit. You must respond to the suit and appear in court to protect all of your rights. You must make sure that you file a financial affidavit and attend all review hearings scheduled in your case. However, even if you owe money, you may have defenses to avoid repaying some or all of the debt.

For example, if you have certain types of income and limited assets you may be "judgment proof." That means that even if a creditor sues you and wins a judgment against you, a court **CANNOT** order you to pay the debt. The following types of income cannot be taken to pay a debt:

- **Social Security benefits, Supplemental Security Income (SSI), and Social Security Disability Insurance (SSDI)**
— See 42 U.S.C. Section 407 (this federal law says that Social Security income cannot be taken to satisfy a debt) and *Todd v. Romano* (this New Hampshire case says Social Security income cannot be taken to satisfy a debt)
- **Weekly wages of up to 50 times the minimum hourly wage**
— See NH RSA 512.21
- **Unemployment compensation**
— See NH RSA 282-A:159

- **Armed Forces retirement pay**
— See 10 U.S.C. Section 1440
- **Civil Service retirement benefits**
— See 5 U.S.C. Section 8346(a)
- **Some IRAs, annuities, pension plans, 403(a) plans, and 403(b) plans**
— See NH RSA 511:2(XIX)
- **Firemen's Retirement System**
— See NH RSA 102:23
- **Policeman's Retirement System**
— See NH RSA 103:18
- **Railroad Retirement Act annuities and pensions**
— See 45 U.S.C. Section 231m
- **Worker's Compensation**
— See NH RSA 281-A:52
- **Public Assistance to the Blind, Aged, or Disabled Persons and Disabled Children**
— See NH RSA 167:25

Many other types of income are also protected by state or federal laws and cannot be taken to pay debts. If you are sued by a creditor and you have limited income, you should contact an attorney or the NHLA Senior Advice Line to find out if you are "judgment proof." If you are judgment proof and you are representing yourself in court, you should explain to the judge that your income is protected and that you cannot be ordered to pay the debt.

NEVER pay credit card bills at the expense of more important bills such as rent, mortgages or utility bills.