

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.

The Senior Law Project

of NH Legal Assistance is a state-wide program available to NH residents who are at least 60 years old.

Call the Senior Law Project at:

1-888-353-9944

Se habla español.



Will the Senior Law Project lawyers represent me?

If you are 60 years of age or older, you may be eligible for the services of the Senior Law Project. There are no income and asset limits; however, the program is designed to help low-income, isolated and/or institutionalized older persons.

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Dealing with Debt Harassment

A brief guide to your rights as a debtor and consumer



New Hampshire Legal Assistance Senior Law Project

1-888-353-9944

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. 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 (\$362.50)** — See NH RSA 512.21
- **Unemployment compensation** — See NH RSA 282-A:159
- **NH Retirement System income** — See NH RSA 100-A:26-a

- **Armed Forces retirement pay** — See 10 U.S.C. Section 1440
- **Civil Service retirement benefits** — See 5 U.S.C. Section 8346(a)
- **IRAs, annuities, pension plans, 403(a) plans, and 403(b) plans, including any distributions from such funds up to \$362.50 per week.** — See NH RSA 511:2(XIX) and NH RSA 624L6-a,II)
- **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.

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

If you are sued by a creditor and have limited income, you should contact an attorney or the Senior Law Project for help.