



Legal Aid

This brochure was prepared by the Maryland Legal Aid Bureau, Inc. ("Legal Aid"), a non-profit organization dedicated to providing high quality legal advocacy to protect and advance human rights for individuals, families, and communities.

We want you to know your rights!

This brochure contains general information about your rights, but it is not meant to be legal advice. We make every effort to keep this information up to date. However, the law sometimes changes. If you want information about your specific situation, or you have a pending legal case, you should contact Legal Aid or another attorney.

What laws protect me from harassment by creditors and debt collectors?

There are state and federal laws to protect people from creditors and debt collectors who are abusive. If you know your rights under these laws, you will be able to protect yourself from harassment.

Creditor or Debt Collector?

A **creditor** is the company to whom you actually owe money, such as the bank who issued you a credit card. A **debt collector** is someone who is collecting debts for others. For example, collection agencies and law firms are often acting as debt collectors. This is an important difference, because federal law only applies to debt collectors. Maryland law applies to any person attempting to collect a consumer debt, whether the person is a debt collector or creditor.

It is illegal for someone to threaten you or use force against you to collect a debt.

Any person who is trying to collect a consumer debt cannot use or threaten force or violence, or threaten criminal prosecution, for your refusal to pay a debt.

It is illegal to use bad language while collecting a debt.

Debt collectors and creditors cannot use obscene, profane or abusive language with you.

Contact an attorney

You may also want to contact an attorney who handles fair debt collection cases. For referrals in your area, contact the lawyer referral service for your county or the National Association of Consumer Advocates, www.naca.net.

For more help, contact:

Maryland Legal Aid

410-951-7777

800-999-8904

or

Call our **Maryland Senior Legal Helpline**

800-896-4213

TTY Users:

Call Maryland Relay, dial 7-1-1

Visit

www.peoples-law.org for self-help legal information and community resources.



Debt Collection:

Protect Yourself from Harassment



It is illegal for a debt collector to trick you to collect a debt.

Debt collectors cannot trick you or lie to you to collect a debt. Maryland law prohibits creditors or debt collectors from claiming a government agency, a court, or a lawyer is involved if that is not true.

Are there limits on the hours someone can contact me?

Debt collectors can't call before 8:00 A.M. or after 9:00 P.M. Debt collectors can't communicate with you at an inconvenient time or place. They can't use the telephone repeatedly or continuously to harass you. Under Maryland law, debt collectors and creditors can't call you at unusual hours, too often, or in a way that can be expected to harass you.

How can I stop debt collectors from contacting me?

If you tell debt collectors in writing that you don't want them to contact you, then federal law says they can't write or call you to try to collect the debt. You can also ask creditors to stop contacting you. Even though the

law does not require creditors to stop, they often will. REMEMBER: Even after they stop contacting you, they will still have the right to file a lawsuit against you.

Can someone contact my employer about my debt?

Maryland law prohibits debt collectors and creditors from contacting your employer about your debt, unless they have a court judgment against you. Even if they have a judgment against you, debt collectors cannot call, write, or visit you at work, if they know your employer does not allow personal calls.

What if debt collectors try to talk to my friends or neighbors about my debt?

Debt collectors and creditors cannot communicate with your friends, relatives, or neighbors, unless they are trying to find you. Even if they are trying to find you, they can't tell others the reason they are trying to reach you. They can talk to your spouse, cosigners of your debt, or your attorney. If you are a minor, they can talk to your parents.

| Date | Time | Who called? (Name / Phone Number) | What did the caller say or do? |
|---------|--------|---|---|
| 10/2/10 | 8:15am | Mr. Smith ABC Agency 410-555-5555 | I need to pay "or else"! |
| 10/2/10 | 8:35am | Mr. Smith ABC Agency 110-555-5555 | Told me I'm a "deadbeat" and said he would call my employer |

What should I do if I don't think I owe a debt?

If you dispute that you owe a debt or any part of it, write to the debt collector. Once the debt collector gets your letter, they can't contact you until they send you information to show why they think you owe the debt.

What should I do if debt collectors or creditors are harassing me?

- Tell the debt collector or creditor that what they are doing is illegal and that you may file a complaint against them.
- Send a letter by certified mail, return receipt requested, to the debt collector or creditor. Tell them to stop contacting you. Keep a copy of the letter and the receipt proving the debt collector or creditor received it.
- Keep a record of the calls. Write down the date and time of the call, the name and telephone number of the collector, and what he or she said. You should keep any papers or telephone messages you get from the collector so you can prove the collector was harassing you. For example, see the sample contacts log above.

Where can I file a complaint?

- File a complaint against a debt collector with:

Md. Collection Agency Licensing Board

Maryland Department of Labor, Licensing, and Regulation
500 N. Calvert Street, Room 402
Baltimore, Maryland 21202
Phone: 410-230-6100 or 1-888-784-0136
Fax: 410-333-0475
www.dllr.state.md.us/finance/consumers

Federal Trade Commission

Consumer Response Center
6th Street and Pennsylvania Avenue, N.W.
Washington, DC 20580
Phone: 1-877-FTC-HELP (1-877-382-4357)
www.ftc.gov

- File a complaint against a creditor with:

Consumer Protection Division

Maryland Attorney General's Office
200 St. Paul Place
Baltimore, MD 21202
410-528-8662
1-888-743-0023
www.oag.state.md.us/consumer