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Attorney General Martha Coakley's Guide to Fair Debt Collection

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Your Rights

Under Massachusetts Law

The Massachusetts Attorney General's Debt Collection Regulations prohibit many unfair debt collection practices by creditors, 940 C.M.R. 7.00, and regulations of the Massachusetts Division of Banks prohibit unfair debt collection practices by debt collection agencies, 209 CMR 18.00.

When communicating directly with you, creditors and collection agencies may not:

- Call you at home more than twice for each debt in any seven-day period, or more than twice for each debt in any thirty-day period at some place other than your home, such as your place of work.
- Call you at work if you have requested that they not call. Your oral request that a collector not call you at work is valid for ten (10) days only. Written requests are valid until you write to the collector removing the restriction.
- Call you without identifying both the name of the creditor and the name of the person calling. The caller may use a name other than his or her own, but the creditor or collection agency on whose behalf the call is being made must be able to identify that person.
- Contact you directly, if you have told the creditor or collection agency you are represented by an attorney.
- Use profane or obscene language.
- Cause expense to you in the form of long distance calls, express mail charges, wire fees, or other similar charges.
- Falsely threaten to take legal action that the creditor does not take or reasonably intend to take.
- Tell anyone (including your friends, neighbors, relatives, or employers) about your debt, without your written consent.
- Mail to you any printed or written materials that reveal or imply that you owe a debt (for example, by using a postcard to contact you or using a descriptive return address).
- Solicit post-dated checks from you.
- Visit your home at times other than your normal waking hours. A collector may not visit you more than once in any thirty-day period for each debt, unless you give permission for additional visits.
- Call you at times other than your normal waking hours. If your waking hours are unknown, then the collector may only call between 8:00 a.m. and 9:00 p.m.

Additional Rights

- A creditor must allow you or your attorney to inspect any document on which the creditor is relying to prove that you owe the debt being collected, e.g., a credit card application, account statement, promissory note, ledger, account card, or similar record in the creditor's possession, which reflects the date and amount of payments, credits and charges related to the debt. Failure to do so is an unfair or deceptive act or practice under the Attorney General's Debt Collection Regulations, 940 CMR 7.08.
- Under State and Federal Law, if you want all debt collection contact to stop, and it is a debt collection agency (as opposed to the creditor itself) that is contacting you, you have the right to make a request in writing that all such contact stop. 15 U.S.C. 1692c(c), 209 CMR 18.14(3). Once you have made such a written request, the debt collection agency may not contact you again; however, the agency will still be permitted to sue you to try and collect the debt.

Note:

Creditors and debt collection agencies are permitted to try to locate a debtor by contacting persons other than the debtor or persons residing in the debtor's household, if the creditor or debt collection agency reasonably believes that it no longer has current information on the debtor's location. However, it may not inform anyone it calls about your debt.