Fair Debt Collection Act

Lee en español: Prácticas Justas de Cobranza (https://saclaw.org/resource_library/practicas-justas-de-cobranza/)

The Federal Fair Debt Collection Practices Act (15 U.S.C. §§ 1692-1692p) and California's Rosenthal Fair Debt Collection Practices Act (Civil Code §§ 1788 et seq.) protect consumers from abusive, unfair, or deceptive practices by debt collection agencies. These laws only apply to debt collection agencies, not to original creditors.

Contacting You About the Debt

A collector's communications with you:

- Must be at a convenient time, generally considered between 8:00 a.m. and 9:00 p.m., unless you agree to other times.
- Must go through your attorney, if the collector knows you are represented.
- Must not be at work, if your employer prohibits these types of calls.
- Must not be harassing or abusive, such as making threats, using profane language, or contacting you repeatedly.
- Must not include false or misleading statements, such as claiming to be a law enforcement agent or attorney, falsely stating the amount you owe, claiming you'll go to jail if you don't pay the debt, or misrepresenting your legal rights.
- Must not engage in any unfair practices such as adding unauthorized interest or fees, or depositing postdated checks too early.
- Must stop, if you send a letter asking the collection agency to cease and desist calling you. See below for more information.

Contact with Third Parties

Collectors may only communicate about the debt with your attorney, a credit reporting agency, your spouse and your co-debtors. They may contact third parties to try to locate you. They cannot indicate that they are attempting to collect a debt. They are generally prohibited from

contacting a third party more than once.

What Can I Do?

Write a Letter

As a consumer, you have the right to demand that a debt collector stop contacting you (15 U.S.C. § 1692c). You must notify a debt collector in writing that you want them to terminate all communication, or to terminate a particular type of communication such as telephone calls. If the collection agency is handling more than one of our debts, you must send a separate letter for each debt.

After receiving your request, the collector must stop ll communication, except to acknowledge that they will no longer contact you, or to inform you that they will be seeking a legal remedy such as starting a lawsuit.

To ask a collector to terminate contact with you, send a letter via certified mail. Keep a copy for your records.

Sample Cease & Desist Letter

Account #:

To Whom it May Concern:

With this letter I hereby request that you CEASE and DESIST any and all telephone calls. Please put any attempts to collect on the above referenced account in writing.

You are hereby instructed to cease all collection efforts immediately or face legal sanctions under the Federal Fair Debt Collections Practices Act, 15 U.S.C. Sections 1692c and 1692k, which is incorporated and made applicable to creditors like your company by the Rosenthal Collection Practices Act, California Civil Code Section 1788.17.

PLEASE MARK YOUR FILES ACCORDINGLY.

Thank you in advance for your anticipated cooperation in this matter.

You can download this letter from our website. (https://saclaw.org/wp-content/uploads/2026/02/cease-desist-letter.docx)

Make a Complaint

Violations of the Fair Debt Collection Practices Act may be reported to the appropriate governmental agency. Complaints may be made online:

California Attorney General
Consumer Complaint against a Business or Company (http://www.oag.ca.gov/contact/consumer-complaint-against-business-or-company)

Consumer Financial Protection Bureau
Submit a Complaint (https://complaint.consumerfinance.gov/)

Sue For Violations

Additionally, under 15 U.S.C. § 1692k, consumers may sue debt collectors for violating any part of the Fair Debt Collection Practices Act, including harassing behavior or continued contact after your request to stop. You can file a lawsuit in either state or federal court, but you must file it within one year of the violation. Consumers may sue for the amount of any damages caused by the violation, as well as additional damages of up to $1000 per violation.

Violations Offset Debt if They Sue You

If the collector sues you for the debt and you have been the victim of abusive collection tactics, you may use the affirmative defense of “recoupment” to reduce your debt. Consumers are entitled to any out-of-pocket expenses, and up to $1000 per violation of the fair debt collection practices laws, which can be used to offset the amount owed. This defense may be raised even if the one-year statute of limitations for filing your claim has passed. You cannot use this affirmative defense if you’ve already been compensated for the collector’s violations.

For More Information

“Debt Collection FAQs: A Guide for Consumers” (https://consumer.ftc.gov/articles/debt-collection-faqs)
This guide from the Federal Trade Commission summarizes your rights under the Federal Fair Debt Collection Practices Act.

“Debt Collectors” (http://www.oag.ca.gov/consumers/general/collection_agencies10)
This guide from the California Attorney General summarizes your rights under California’s Rosenthal Fair Debt Collection Practices Act.

"California Fair Debt Collection Laws" (http://www.nolo.com/legal-encyclopedia/california-fair-debt-collection-laws.html)
This article summarizes your rights under Federal Fair Debt Collection Practices Act and the Rosenthal Fair Debt Collection Practices Act.