





should not be construed to state or suggest that all forms of communication are permitted under all circumstances.

In item number 4, you asked whether Section 20-493.1(a)(iv) of the Code, requiring debt collection agencies to give the name of a person to call back in all permitted communications, “only applies to oral communications initiated by an individual debt collector to a consumer.” The answer is no, as the law does not contain this limitation. This provision explicitly applies to “any permitted communication” and therefore applies to all permitted communications.

Next, you asked whether under Section 20-493.1(a)(iv) the first written communication between a debt collection agency and a consumer must give the name of a person to call back. The answer is yes. Again, the law applies to “any permitted communication” and makes no exception for an initial communication.

Next, you asked if this provision permits the use of an alias unless otherwise prohibited by law. The answer is yes, subject to Section 5-77(d)(16) of the Rules and any other relevant laws or regulations. Section 5-77(d)(16) of the Rules prohibits a debt collector from making any false, deceptive, or misleading representation, including “the use of any name that is not the debt collector’s actual name; provided that a debt collector may use a name other than his actual name if he or she uses only that name in communications with respect to a debt and if the debt collector’s employer has the name on file so that the true identity of the debt collector can be ascertained.”

In item number 5, you asked whether Section 20-493.1(a)(v), requiring a debt collection agency to give the consumer the amount of the debt at the time of the communication in all permitted communications, “requires a debt collection agency to provide accurate information concerning the amount of the debt when actually and directly speaking with the consumer.” This provision requires a debt collection agency to state, in any *permitted* communication, whether written or oral, the amount of the debt at the moment of the communication. The Department does not interpret this provision to require debt collection agencies to violate any other City, State, or Federal law.

Next, you asked what level of accuracy is required by Section 20-493.1(a)(v) given that “the total amount of debt is often fluctuating.” Again, the amount stated to the consumer must be the total amount of the debt at the time of the communication, including all interest and fees.

Next, you again asked for clarification on the meaning of the term “amount of debt” in Section 20-493.1(a)(v). Again, this amount should be the total amount of the debt, including all interest and fees, at the time of the communication, as explained above.

Finally, in item number 6, you asked whether Section 2-191 of the Rules (presumably, you mean Section 2-193), requiring a debt collection agency to record conversations with consumers, applies only to calls made to consumers located in New York City. The answer is yes, with the qualification that for these purposes, a consumer’s location is based on his or her address.

For more information about New York City’s laws and rules regulating debt collection agencies, please visit the Department’s web site at [www.nyc.gov/consumers](http://www.nyc.gov/consumers).

We look forward to working with you to help you members comply with the law and rules. We are available to provide training to your members and hope you will facilitate opportunities for us to do so.

Thank you very much.



Sincerely,

[Redacted signature]

[Redacted name]

/Encl.