



Jonathan Mintz
Commissioner

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nyc.gov/consumers

December 17, 2010

BY REGULAR MAIL



Re: Debt collection agency question

Dear Mr. [REDACTED]:

The New York City Department of Consumer Affairs ("Department") issues this letter in response to your recent inquiry, regarding debt collection agencies. You asked the following two questions:

1. Does a telephone line with a prerecorded voice that notifies consumers that their calls will be recorded and which prompts consumers to select English or Spanish before connecting consumers with a live person comply with Section 2-194 of the Rules of the City of New York ("Rules")?
2. Under Section 20-493.1(i) of the Administrative Code of the City of New York ("Code"), instead of giving consumers a name of a specific person to call back at the debt collection agency in all permitted communications, may a debt collection agency list the name of a member of call center management?

The answer to your first question is yes, provided that this process meets all of the requirements in Section 2-194(a) of the Rules. Section 2-194(a) states:

The call-back number to be answered by a natural person which a debt collection agency is required to provide consumers pursuant to § 20-493.1(a)(i) of the Administrative Code, shall be a number for a telephone for which a call to that number shall be either (1) answered by a natural person qualified to address consumer inquiries concerning communications the debt collection agency has with consumers or (2) routed to such a natural person within 60 seconds after the call is linked to the debt collection agency's telephone line for such number and that shall be answered by such natural person within 60 seconds after the call is routed.

The Statement of Basis and Purpose states, regarding Section 2-194:

. . . the Department promulgates section 2-194 to address how the obligation to provide a call-back number that is to be answered by a natural person must be by someone qualified to address all matters that were the subject of the communication to the consumer, and how that requirement can be satisfied when using call routing technology.

With regard to your second question, Section 20-493.1 of the Code states that debt collection agencies must:

a. In any permitted communication with the consumer, provide: . . . iv. the name of the



person to call back . . .

If the member of call center management named in the permitted communication is qualified to address consumer inquiries concerning communications the debt collection agency has had with the consumer, then the answer to your question is yes.

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.

Thank you for your inquiry.

Sincerely,

NYC Department of Consumer Affairs