

Glossary of Common Debt Collection Terms

English

September 2020

债务催收常用术语表

简体中文
(Simplified Chinese)

2020 年 9 月

About the Glossary

To help consumers during the debt collection process, the Department of Consumer and Worker Protection (DCWP)* created this glossary, which includes commonly used terms in debt collection communications plus references (laws, agencies) important for consumers to know. Bilingual glossaries in the top 10 languages spoken by New Yorkers with limited English proficiency are available at nyc.gov/dca

Note:

- *Italicized words* in descriptions are also defined in the glossary.
- Unless stated otherwise, all descriptions reflect New York City laws and rules.
- This glossary is not intended as legal advice.

*DCWP is the Agency's new name. In all references, DCWP also means DCA (Department of Consumer Affairs), the Agency's old name. The Agency is in the process of implementing the legal name change in public information. In the meantime, DCWP and DCA are the same City Agency.

术语表简介

为在债务催收过程中为消费者提供有效帮助，消费者和劳工保护部 (Department of Consumer and Worker Protection, DCWP)* 创建了此术语表，其中包括债务催收通讯中的常用术语以及消费者须知的重要参考资料信息（法律内容和相关机构）。针对英语水平有限的纽约居民，提供最多 10 种语言的相应双语术语表，该表可通过访问 nyc.gov/dca 获取。

注意：

- 关于陈述中的*斜体字*，在术语表中也予以了定义。
- 除非另有说明，否则所有陈述均反映纽约市法律和法规。
- 此术语表并非法律建议。

*DCWP 是本机构的新名称。在所有参考资料信息中，DCWP 亦指消费者事务局 (Department of Consumer Affairs, DCA)，即本机构的曾用名。本机构正在公开信息中实行法定名称的更改。同时，DCWP 和 DCA 为同一城市机构。

Glossary / 术语表

A

Abusive language

Swear words (or curse words) or any words that insult or offend.

A *debt collector* may not use abusive language when attempting to collect a *debt*. This includes in writing or when speaking to consumers.

粗言秽语

咒骂（或脏话）或任何侮辱或冒犯性语言。

*债务催收人*在催收*债务*时不得使用粗言秽语。此举包括以书面形式或在与消费者交谈时使用粗言秽语。

Account

A record or file of a *debt*.

A *debt collector* often refers to an account when claiming a consumer owes money.

账目

*债务*的记录或文档。

*债务催收人*在声称消费者欠款时通常所提及的账目。

Accrued interest

The amount of *interest* (cost to borrow money or purchase goods and services on credit) added to a *debt*, which increases the amount of money a borrower owes.

Consumers have a right to request an *itemization of a debt* showing accrued interest and to *dispute a debt*.

应计利息

加计至*债务*的*利息*金额（以借贷方式借款或购买商品及服务的费用）会增加借款人的欠款金额。

消费者有权索要反映应计利息的*债务明细账*并提出*债务质疑*。

Arrears

An unpaid and overdue *debt*.

拖欠

未偿还的逾期*债务*。

B

Bankruptcy discharge

A court order that means a consumer does not have to pay a *debt* and a *creditor* or *collector* may no longer attempt to collect the debt.

破产免责令

认定消费者不必偿还*债务*，同时*债权人*或*催收人*不得再催收*债务*的法院命令。

Better Business Bureau (BBB)

A private nonprofit organization that promotes ethical marketplace practices.

In addition to filing a complaint with DCWP, consumers can file a complaint about a *debt collector* with BBB.

DCWP:

Call 311 or visit nyc.gov/dca

BBB:

Visit bbb.org and click "File a Complaint."

商业改进局 (Better Business Bureau, BBB)

一个旨在推动市场道德实践的私人非营利组织。

除了向 DCWP 提起投诉之外，消费者还可向 BBB 提起关于*债务催收人*的投诉。

DCWP:

请致电 311 或访问 nyc.gov/dca

BBB:

请访问 bbb.org，并点击“提起投诉”。

Cease communication letter

A letter a consumer may send to a *debt collector* demanding that the collector stop any further contact with the consumer about an *account*. A consumer may send the letter at any time in the *collection* process.

Instructions and a template Cease Debt Collection Communication Letter are available at nyc.gov/dca

停止通讯函

消费者可向 *债务催收人* 寄送要求催收人停止就 *账目* 与消费者作任何进一步联系的信函。在 *催收* 过程中，消费者可随时寄送该信函。

关于相关说明及停止债务催收通讯函的模板，可通过访问 nyc.gov/dca 获取。

Charge off

Any amount that a *creditor* no longer expects to be repaid and writes off as a bad debt for accounting purposes even though the debt is still owed.

A charge off appears on a consumer's *credit report*.

注销额

债权人 不再期望得到偿还、且即使仍欠债务但出于会计目的将其作为坏账冲销的任何金额。

注销额会出现在消费者的 *信用报告* 中。

Collection

The process of seeking money claimed to be owed.

Debt collectors must obey federal, State, and New York City laws and rules about what they can and cannot do in the collection process.

催收

追回欠款的过程。

债务催收人 必须遵守联邦、州及纽约市关于在催收过程中允许及禁止事项的法律和法规。

Collection fees

A fee (or charge) that a *debt collector* adds to the amount it attempts to collect from a consumer. The fee must be authorized by an agreement or permitted by law.

Consumers have a right to request an *itemization of a debt* showing any collection fees and to *dispute a debt*.

催收费

债务催收人 在从消费者处催收的金额中加计的费用（或收费）。该费用 必须 经过协议授权或法律允许。

消费者有权索要反映任何催收费的 *债务明细账* 并提出 *债务质疑*。

Collector (See Debt collector)**催收人（请参见债务催收人）****Communication disclosures**

In all letters and conversations with consumers, *debt collectors* must disclose:

- a call-back number to a phone that is answered by a natural person;
- the name of the debt collector;
- the *original creditor* of the debt;
- the name of the person to call back; and
- the amount of the *debt* at the time of the communication.

In all letters to consumers, debt collectors must include their *DCWP license number*. An example is 1234567-DCA.

通讯披露

在与消费者的所有信函和会话中，*债务催收人* 必须披露：

- 由自然人接听的电话回叫号码；
- 债务催收人的姓名或名称；
- 债务的 *原始债权人*；
- 回叫人姓名；和
- 通讯时的 *债务金额* 信息。

在寄送给消费者的所有信函中，*债务催收人* 必须提供其 *DCWP 许可证号*。例如 1234567-DCA。

Consumer Financial Protection Bureau (CFPB)

A U.S. government agency that enforces federal consumer financial laws and protects consumers in the financial marketplace.

In addition to filing a complaint with DCWP, consumers can file a complaint about a *debt collector* with CFPB.

DCWP:

Call 311 or visit nyc.gov/dca

CFPB:

Visit consumerfinance.gov and click "Submit a Complaint."

消费者金融保护局 (Consumer Financial Protection Bureau, CFPB)

负责执行联邦消费者金融法律并保护金融市场上的消费者的美国政府机构。

除了向 DCWP 提起投诉之外，消费者还可向 CFPB 提起关于 *债务催收人* 的投诉。

DCWP:

请致电 311 或访问 nyc.gov/dca

CFPB :

请访问 consumerfinance.gov，并点击“提交投诉”。

Consumer Reporting Agencies (CRA) (See Credit Bureaus)

消费者报告局 (Consumer Reporting Agencies, CRA) (请参见信用机构)

Contact and call frequency restrictions

A *debt collector* may contact a consumer at most two times in a seven-day period and only between 8:00 a.m. and 9:00 p.m. Eastern Standard Time (EST).

Debt collectors may not contact consumers at work if the collector is aware that a consumer's employer does not allow such contact.

联系和通话频率限制

债务催收人 在七天内最多可与消费者联系两次，并且时间段仅限于东部标准时间 (Eastern Standard Time, EST) 上午 8:00 到晚上 9:00 之间。

如果债务催收人意识到消费者的雇主不允许此类联系，催收人可能无法在消费者上班期间与之联系。

Contest a debt (See Dispute a debt)

债务异议 (请参见债务质疑)

Credit

The ability of a consumer to borrow money with the promise to repay it, plus any interest and fees, at a later date. As examples, credit includes loans and credit cards.

信用

消费者借款并承诺在日后偿还该款项及任何利息和费用的能力。举例来说，信用包括贷款和信用卡。

Credit Bureaus

(also *Credit Reporting Agencies, Consumer Reporting Agencies*)

Private companies that collect and share consumer credit information and make it available on *credit reports*.

The main credit bureaus in the U.S. are Equifax, Experian, and TransUnion.

Consumers can dispute incorrect information on their credit report, including if they have been a victim of identity theft.

信用机构

(也指“*信用报告局*”和“*消费者报告局*”)

收集和共享消费者信用信息并将之记录在 *信用报告* 中的私营公司。

美国的主要征信机构是 Equifax、Experian 和 TransUnion。

消费者可对其信用报告中不正确的信息提出质疑，包括他们是否是身份盗用的受害者。

Credit Report

A record of a consumer's credit history, as reported by creditors and other sources, including:

- employment;
- addresses;
- credit inquiries;
- credit cards and loans;
- *accounts*;
- liens;
- wage *garnishments*; and
- other data.

Consumers can request free credit reports at [AnnualCreditReport.com](https://www.annualcreditreport.com). Due to COVID-19, consumers can get free online reports more frequently than once a year. Monitor the website for updates.

信用报告

债权人和其他来源报告的消费者信用历史记录，包括：

- 就业；
- 地址；
- 信用查询；
- 信用卡和贷款；
- *账目*；
- 抵押；
- 工资 *扣押*；和
- 其他数据。

消费者可以通过访问 [AnnualCreditReport.com](https://www.annualcreditreport.com)，索取免费的信用报告。由于冠状病毒 (COVID-19) 疫情，消费者可每年多次免费获取在线报告。请查阅网站获取更新。

Credit Reporting Agencies (See Credit Bureaus)

信用报告局 (请参见信用机构)

Creditor

(also *Original Creditor*)

A person, company, or entity to whom the *debt* is claimed to be owed. The original creditor is the person or business that provided the original service, product, or credit that is the source of a debt collection attempt.

A creditor may collect debt on its own or use third-party *debt collectors* to attempt to collect a debt.

债权人

(也指 *原始债权人*)

声称欠其 *债务* 的个人、公司或实体。原始债权人是提供原始服务、产品或信贷的人或企业，是债务催收的源头。

债权人可自行催收债务，也可借助第三方 *债务催收人* 来催收债务。

Current balance

(also *Outstanding balance*)

The total amount claimed to be owed.

Consumers have a right to request an *itemization of a debt* that shows the current or outstanding balance.

当前欠款

(也指 *未清账款*)

所欠款项的总额。

消费者有权请求索要反映当前欠款或未清账款的 *债务明细账*。

D

DCWP license number

A number assigned by DCWP to a licensed *debt collector*. An example is 1234567-DCA.

Debt collectors must include their DCWP license number on all written communications.

DCWP 许可证号

DCWP 向经过许可的 *债务催收人* 分配的号码。例如 1234567-DCA。

债务催收人必须在所有书面通讯中提供其 DCWP 许可证号。

Debt

The money a consumer owes, or is alleged to owe, a *creditor*.

Consumer debt is debt related to personal, family, or household purposes.

Consumers have a right to request an *itemization of a debt* and to *dispute a debt*.

债务

消费者欠或被指欠 *债权人* 的钱款。

消费者债务是与个人、家人或家庭目的相关的债务。

消费者有权请求索取 *债务明细账* 并提出 *债务质疑*。

Debt collector

(also *Collector, Debt Collection Agency*)

A private company or person—including a debt collection attorney or law firm—that attempts to collect personal or household debt from New York City residents. The debt collector may:

- own the debt (purchased from a *creditor*) and collect for itself; OR
- be hired by a creditor or other company to assist in collecting the debt.

Both in-State and out-of-State debt collectors must have an active DCWP license and obey New York City laws and rules. To verify if a debt collector is licensed, consumers can:

- Visit nyc.gov/dca and click “Search for a DCA Licensee” in the For Consumers & Workers module.
- Contact 311 (212-NEW-YORK outside NYC) and say “Business Background Check.”

债务催收人

(也指 *催收人* 和 *债务催收机构*)

试图从纽约市居民处催收个人或家庭债务的私营公司或个人，包括催债律师或律师事务所。债务催收人可以：

- 拥有债务所有权（从 *债权人* 处购买）并自行催收；或者
- 受雇于债权人或其他公司以协助催收债务。

州内及州外的债务催收人均必须拥有有效的 DCWP 许可证，并遵守纽约市法律法规。为验证债务催收人是否获得许可，消费者可以：

- 访问 nyc.gov/dca，并在“消费者和工作者”模块中点击“Search for a DCA Licensee”（搜索 DCA 许可证持有者）。
- 致电 311（如位于纽约市外，请致电 212-NEW-YORK），并表明“Business Background Check”（业务背景检查）之意。

Debt settlement or payment plan

An agreement by the *debt collector* to accept from the consumer an amount less than the originally claimed balance either as a payment in full or as scheduled partial payments.

The debt collector must send the consumer, within five business days, a letter confirming the agreement which must include:

- name and address of the consumer;
- date the agreement was made;
- name of the *original creditor*;
- amount due and the due date of each payment;
- name of the debt collector;
- name of the debt collector employee, or employee’s supervisor, who reached the agreement;
- address where the consumer should mail payments; and
- any other terms or conditions of the agreement.

债务清算或还款计划

债务催收人 制定的一份协议，旨在以全额付款或按计划分期付款形式从消费者处收到少于原始索偿欠款的金额。

债务催收人必须在五个工作日内向消费者寄送一封信函，以对必须包括以下内容的协议进行确认：

- 消费者姓名或名称及地址；
- 达成协议的日期；
- *原始债权人* 姓名或名称；
- 到期金额及每笔款项的到期日；
- 债务催收人姓名或名称；
- 达成协议的债务催收人雇员或雇员主管的姓名；
- 消费者应当邮汇款项的地址；和
- 协议中的其他任何条款。

<p>Debtor A consumer who owes or is claimed to owe money to a <i>creditor</i>.</p>	<p>债务人 欠或被指欠 <i>债权人</i> 钱款的消费者。</p>
<p>Default (also <i>Defaulting on a debt</i>)</p> <p>Failure to meet the repayment obligations on a <i>debt</i>.</p> <p>A default can occur when a consumer:</p> <ul style="list-style-type: none"> • is unable to make timely payments; • misses payments; or • avoids or stops making payments. 	<p>违约 (也指 <i>债务违约</i>)</p> <p>未能履行 <i>债务</i> 相关还款义务的行为。</p> <p>当消费者出现以下情形时，可能发生违约：</p> <ul style="list-style-type: none"> • 没有能力及时还款； • 错过还款时间；或 • 逃避或停止还款。
<p>Default Judgment A court decision against a consumer who fails to answer or defend a lawsuit brought by a <i>creditor</i> or its <i>debt collector</i>.</p> <p>A default judgment is different than <i>default</i> or <i>defaulting on a debt</i>.</p> <p>A consumer may seek to have a default judgment vacated (removed) by making a request to the court after the default judgment is entered.</p>	<p>欠缺行动判决 认定消费者无法对 <i>债权人</i> 或其 <i>债务催收人</i> 提起的诉讼作出答辩或辩护的法院裁决。</p> <p>欠缺行动判决不同于 <i>违约</i> 或 <i>债务违约</i>。</p> <p>在作出欠缺行动判决后，消费者可向法院提出请求，要求废除（撤销）该欠缺行动判决。</p>
<p>Defaulting on a debt (See Default)</p>	<p>债务违约（请参见 <i>违约</i>）</p>
<p>Delinquent debt An <i>account</i> on which a payment is past due.</p> <p>A <i>creditor</i> may report the past due account to a <i>credit bureau</i>.</p> <p>If an account becomes sufficiently delinquent, the consumer may be in <i>default</i> and a creditor may <i>charge off</i> the account.</p>	<p>逾期债务 款项逾期未付的 <i>账目</i>。</p> <p><i>债权人</i> 可向 <i>信用机构</i> 报告逾期未付的账目。</p> <p>如果账目确实逾期，消费者可能造成 <i>违约</i>，并且 <i>债权人</i> 可 <i>注销</i> 该账目。</p>

Dispute a debt

(also *Contest a debt*)

Consumers who do not recognize a *debt* or do not agree that they owe the amount of debt claimed may contest all or part of the debt verbally and/or in writing.

Under federal, State, and New York City laws, in disputing a debt, consumers have a right to:

- say they do not recognize the debt or owe the debt as claimed;
- request the name and address of the *original creditor* if different from the current one; and
- request that the *debt collector* provide information to show that the debt belongs to the consumer and/or that the amount is correct. (See *verification of a debt*.)

对债务提出质疑

(也指 *债务异议*)

不承认 *债务* 或不同意所声称的债务金额的消费者，可以口头和/或书面形式对全部或部分债务提出异议。

根据联邦、州和纽约市法律，对债务提出质疑时，消费者有权：

- 表明其不承认或未欠所声称的债务；
- 索要 *原始债权人* 的姓名或名称和地址（如与当前债权人不同）；和
- 请求 *债务催收人* 提供信息，说明债务属于消费者和/或金额正确无误。（请参见 *债务核实*。）

E

Exempt funds

Money that may not be taken by most *creditors* or *debt collectors* to satisfy a *judgment*.

Consumers may choose to use exempt funds to pay a *debt*, but a creditor or debt collector cannot freeze or forcibly take these funds from consumers' bank accounts to pay a judgment.

豁免资金

大多数 *债权人* 或 *债务催收人* 不得为履行 *判决* 而提取的资金。

消费者可以选择使用豁免资金来支付 *债务*，但债权人或债务催收人不得冻结或者强迫从消费者的银行账户提取这些资金来支付判决的款项。

Exempt Income Protection Act (EIPA)

New York State law that automatically protects a certain amount of money in a consumer's bank account from being frozen or taken by *debt collectors*.

Under the EIPA, if any funds in a consumer's bank account are frozen, the bank must provide the consumer with certain forms, called Exemption Claim Forms. The consumer may use these forms to claim that the frozen funds are exempt.

The following funds (in alphabetical order) are typically exempt from being frozen or garnished:

- Black lung benefits
- Child support payments
- Public assistance (for example, Temporary Assistance for Needy Families)
- Public or private pensions
- Railroad Retirement Board benefits
- Social Security, including retirement, survivors, and Disability benefits
- Spousal support or maintenance
- Supplemental Security Income
- Unemployment Insurance
- Veterans Affairs benefits
- Workers' compensation

豁免收入保护法案

(Exempt Income Protection Act, EIPA)

这是一项纽约州法律，规定自动保护消费者银行账户中的某些资金，防止被 *债务催收人* 冻结或提取。

按照 EIPA 的规定，如果消费者银行账户中的任何资金被冻结，银行必须向消费者提供名为“豁免声明表格”的特定表格。消费者可以使用这些表格声明冻结的资金为豁免资金。

以下资金（按照字母顺序）通常免于被冻结或扣押：

- 煤尘肺福利金
- 子女抚养费
- 公共援助（例如贫困家庭的临时援助）
- 公共或私人养老金
- 铁路退休委员会福利金
- 社会安全金，包括退休人员、遗属和残障人士福利金
- 配偶的抚养费或赡养费
- 补充安全金收入
- 失业保险金
- 退伍军人事务部福利金
- 工人补偿金

F

Fair and Accurate Credit Transaction Act (FACTA)

Federal law that allows consumers to request and obtain a free *credit report* once every 12 months from each of the three nationwide consumer *credit bureaus*.

Note: Due to COVID-19, consumers can visit [AnnualCreditReport.com](https://www.annualcreditreport.com) to get free online reports more frequently than once a year. Monitor the website for updates.

公平正确信用交易法案 (Fair and Accurate Credit Transaction Act, FACTA)

这是一项联邦法律，规定允许消费者每 12 个月从全国三个消费者 *信用机构* 各申请一份免费的 *信用报告*。

注意： 由于冠状病毒 (COVID-19) 疫情，消费者可以访问 [AnnualCreditReport.com](https://www.annualcreditreport.com)，每年多次免费获取在线报告。请查阅网站获取更新。

Fair Credit Reporting Act (FCRA)

Federal law that promotes the accuracy, fairness, and privacy of information in the files of *consumer reporting agencies* and gives consumers the right to see their own *credit reports* and to dispute errors.

公平信用报告法案

(Fair Credit Reporting Act, FCRA)

这是一项联邦法律，旨在促进 *消费者报告机构* 文件内容的准确性、公平性和隐私性，并赋予消费者查看自己的 *信用报告* 和对错误提出质疑的权利。

Fair Debt Collection Practices Act (FDCPA)

Federal law governing *collection* activity by *debt collectors* that:

- prohibits abusive practices in the collection of consumer debts;
- prohibits unfair and deceptive debt collection practices; and
- gives consumers the right to *dispute a debt* and get a *validation notice* to ensure the accuracy of an alleged debt.

The Act also:

- creates guidelines for how debt collectors may conduct business;
- defines consumer rights when dealing with debt collectors; and
- includes penalties and remedies for violations of the Act.

公平债务催收法案 (Fair Debt Collection Practices Act, FDCPA)

这是一项管理 *债务催收人催收* 活动的联邦法律:

- 禁止在催收消费者债务时滥用各种行为;
- 禁止不公平和欺诈性催收行为;
- 赋予消费者提出 *债务质疑* 和获取 *确认通知* 的权利, 以确保所称债务的准确性。

同时, 该法案:

- 制定了债务催收人如何开展催收业务的指导原则;
- 明确了消费者在与债务催收人打交道时的权利; 并且
- 包括违反法案的惩罚和补救措施。

Fake debt (See Phantom debt)

虚假债务 (请参见幽灵债务)

Federal Trade Commission (FTC)

A federal government agency that enforces consumer protection and U.S. antitrust laws.

In addition to filing a complaint with DCWP, consumers can file a complaint about a *debt collector* with the FTC.

DCWP:

Call 311 or visit nyc.gov/dca

FTC:

Visit ftc.gov/complaint or call toll-free 1-877-FTC-HELP (1-877-382-4357).

联邦贸易委员会

(Federal Trade Commission, FTC)

执行消费者保护和美国反垄断法律的联邦政府机构。

除了向 DCWP 提起投诉之外, 消费者还可以向 FTC 提起有关 *债务催收人* 的投诉。

DCWP:

请致电 311 或访问 nyc.gov/dca

FTC:

请访问 ftc.gov/complaint 或拨打免费电话 1-877-FTC-HELP (1-877-382-4357)。

G

Garnishment / Income Execution

The act of requiring a *debtor's* employer to withhold a portion of the debtor's wages to pay a *creditor* that has obtained a court order. Unless otherwise authorized by law, a *debt collector* must obtain a court order or *judgment* to carry out a garnishment or income execution.

扣押/收入执行

要求 *债务人* 的雇主扣留债务人的一部分工资以支付给获取法院命令的 *债权人*。除非法律授权, 否则 *债务催收人* 必须获取法院命令或 *判决* 才能执行扣押或收入执行。

H

Harassment

The use of pressure, annoyance, intimidation, or abuse in the attempted collection of a *debt*.

Debt collectors may not harass consumers. Examples of illegal conduct are:

- using or threatening to use violence to harm a person, their reputation, or their property;
- threatening someone with a criminal warrant;
- using obscene, profane, or *abusive language*; and
- causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously.

骚扰

在试图催收 *债务* 时采用施压、烦扰、恐吓或虐待手段。

债务催收人 不得骚扰消费者。非法行为的示例如下：

- 使用或威胁使用暴力来伤害人身及其声誉或财产；
- 使用司法令状威胁他人；
- 使用淫秽、亵渎或 *侮辱性语言*；以及
- 使电话反复或连续响起，或者让任何人反复或连续进行电话交谈。

Interest

The cost of borrowing money or buying goods or services on *credit*. It is typically calculated as a percentage of the amount due.

利息

以 *借贷* 方式借款或购买商品或服务的费用。通常按照占应付金额的一定比例进行计算。

Itemization of a debt

A list or breakdown that must include:

- amount of the debt when the *original creditor* sent it to collection;
- amount of any *accrued interest*;
- amount of any other *collection fees* and charges; and
- any payments made by the consumer.

A *debt collector* must give consumers an itemization of each debt upon request.

债务明细账

列表或明细必须包括：

- *原始债权人* 发送收款时的债务金额；
- 任何 *应计利息* 的金额；
- 任何其他 *催收费* 和收费的金额；以及
- 由消费者支付的任何款项。

当提出请求时，*债务催收人* 必须向消费者提供每一笔债务的明细。

J

Judgment

An order issued by a court stating the outcome of a lawsuit.

判决

法院发出的声明诉讼结果的指令。

L

Limited English Proficient (LEP)

A term that refers to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

英语水平有限

(Limited English Proficient, LEP)

该术语指的是不以英语为主要语言或者英语阅读、讲话、写作或理解能力有限的个人。

M

Mini-Miranda Warning

A statement that *debt collectors* must use at the beginning of any communication with a consumer, both in letters and calls. The warning lets consumers know that anything they say and any information they give may be used to collect the *debt*, including in court.

Most debt collectors record *collection* calls.

Misrepresentation

The use of false, deceptive, or misleading practices in debt collection.

Debt collectors may not make misrepresentations to consumers, including:

- falsely representing or implying that the debt collector is an attorney, legal office, government agency, marshal, or sheriff;
- falsely representing or implying that the consumer committed a crime, or that nonpayment of any debt will result in the consumer's arrest or imprisonment or the seizure, *garnishment*, attachment, or sale of the consumer's property or wages unless the action is lawful and the debt collector or *creditor* intends to pursue it; or
- reporting, or threatening to report, inaccurate credit information to a *credit bureau*.

迷你米兰达 (Mini-Miranda) 警告

债务催收人在与消费者的任何通讯（书信或电话）的开头必须使用的一段声明。该警告可以令消费者清楚他们所说的任何话以及他们提供的任何信息均可能被债务催收人用来催收 *债务*，包括诉诸法庭。

大多数债务催收人会对 *收款* 电话进行录音。

虚假陈述

在催收时采用虚假、欺诈或误导性的行为。

债务催收人不得向消费者做出虚假陈述，包括：

- 虚假陈述或暗示债务催收人是律师、法律事务部门、政府机构、警长或治安官；
- 虚假陈述或暗示消费者犯罪，或者不偿还任何债务将导致消费者被拘捕、监禁或者没收、*扣押*、附加或出售消费者的财产或工资，除非此行为合法且债务催收人或 *债权人* 有意为之；或者
- 向 *信用机构* 报告或者威胁向信用机构报告不准确的信用信息。

O

Original Creditor (See Creditor)

原始债权人（请参见债权人）

Outstanding Balance (See Current Balance)

未偿欠款（请参见当前欠款）

P

Payday Loans

A high-interest loan borrowed against a consumer's next paycheck.

Payday loans are illegal in New York.

发薪日贷款

一种以消费者的下次工资为抵押借入的高息贷款。

发薪日贷款在纽约属于非法行为。

Phantom debt (also *Fake debt*)

Debt that is entirely made up and that a consumer does not owe.

Phantom debt schemes have typically involved individuals or businesses that use fictitious names that imply they are lawyers or affiliated with a law firm. The schemers threaten serious consequences if consumers don't pay, including:

- being sued;
- being arrested at work;
- having a bank account closed;
- having wages *garnished*; or
- being forced to appear in court.

The schemers generally do not hold DCWP licenses.

Consumers have a right to request *verification of a debt* from *debt collectors*.

Principal

The initial amount of the *debt* or the amount that remains unpaid by a consumer. It does not include *collection fees* and *interest*.

幽灵债务（另见*虚假债务*）

完全编造或者消费者未欠的*债务*。

幽灵债务计划通常涉及使用虚假名字暗示自己是律师或与某律师事务所有关联的个人或企业。策划者威胁如果消费者不付款，将会面临严重后果，包括：

- 被起诉；
- 在工作时被拘捕；
- 关闭银行账户；
- *扣押*工资；或者
- 被迫出庭。

策划者通常没有 DCWP 许可证。

消费者有权请求 *债务催收人* 提供 *债务核实*。

Statute of Limitations

(also *Time-barred debt*)

A certain time after which a *debt collector* may no longer sue a consumer to collect a *debt*.

Debt collectors may not attempt to collect an old debt whose statute of limitations passed unless they tell consumers:

- the legal time limit (statute of limitations) to sue to collect the debt has expired;
- consumers do not have to admit to owing the debt, promise to pay the debt, or give up rights regarding the statute of limitations;
- if sued, consumers may defend the case by informing the court that the statute of limitations has expired to prevent the *creditor* from obtaining a *judgment*; and
- any payment consumers make on an old debt will restart the creditor's right to sue.

Substantiation of a debt

(See *Verification of a debt*)

本金

*债务*的初始金额或者消费者未偿还的金额。不包括 *催收费*和 *利息*。

S

诉讼时效

(另见 *已失时效债务*)

在一定时间之后，*债务催收人*可能不再起诉消费者以催收*债务*。

债务催收人不得试图催收已过诉讼时效的旧债务，除非告知消费者：

- 起诉催收债务的合法时间限制（诉讼时效）已经到期；
- 消费者不需要承认欠有债务、承诺偿还债务或者放弃有关诉讼时效的权利；
- 如果起诉，消费者可以对案件进行辩护，告知法院诉讼时效已经逾期，以防止 *债权人* 获取 *判决*；并且
- 消费者支付有关旧债务的任何款项均会重新启动债权人起诉的权利。

债务证据

(请参见 *债务核实*)

Time-barred debt (See Statute of Limitations)**已失时效债务 (请参见诉讼时效)****Tradeline**

A term for a credit *account* on a consumer's *credit report*. There is a separate tradeline each time a consumer is approved for *credit*. Tradelines include, but are not limited to:

- credit limit;
- current balance;
- payment history; and
- lender names and addresses.

交易额度

消费者 *信用报告* 中有关信用 *账户* 的一个术语。每次批准消费者获取 *信用* 时，都会有一个单独的交易额度。交易额度包括但不限于：

- 信用限额；
- 当前欠款；
- 支付历史；以及
- 贷方名称和地址。

Validation Notice

A letter a *debt collector* must give consumers within five days after first contacting them that contains general information about the *debt* and consumer rights.

This notice must tell consumers they have a right to *dispute a debt* and to request *verification of a debt* from the debt collector. Other required disclosures include:

- the amount of the debt;
- the name of the current *creditor*;
- a statement that, upon consumer request and within 30 days, the debt collector will provide the name and address of the *original creditor*;
- the address where consumers should mail a letter to dispute a debt;
- the debt collector's *DCWP license number*;
- the name of the debt collector as it appears on the DCWP license;
- a call-back number to a phone that is answered by a natural person;
- the name of the person to call back;
- if the consumer may obtain from the debt collector any communications in a language other than English;
- a statement that this glossary of common debt collection terms is available in multiple languages on the DCWP website nyc.gov/dca.

确认通知

债务催收人 在首次联系消费者之后五天内必须向消费者提供的信函，其中包含有关 *债务* 和消费者权利的一般信息。

此通知必须告知消费者，他们有权对 *债务提出质疑*，以及请求债务催收人提供 *债务核实*。其他所需的披露内容包括：

- 债务的金额；
- 当前 *债权人* 的名称；
- 债务催收人将按照消费者的请求，在 30 天内提供 *原始债权人* 的名称和地址的声明；
- 消费者寄送债务质疑信函应邮寄的地址；
- 债务催收人的 *DCWP 许可证编号*；
- DCWP 许可证上显示的债务催收人的名称；
- 由自然人接听的电话回叫号码；
- 回叫人员的名字；
- 消费者是否可能从债务催收人方面获得除英语以外任何语言的通讯；
- 此债务催收常用术语表可以在 DCWP 网站 nyc.gov/dca 上获取多种语言版本的声明。

Verification of a debt

(also *Substantiation of a debt*)

A consumer has a right to request that the *debt collector* provide documentation to show that the *debt* belongs to the consumer and/or that the amount is correct.

In response to a consumer's request for verification of the debt, the debt collector must do the following:

- Provide written documentation from the *creditor*—not the creditor's debt collector—confirming the debt. An example is a copy of a final statement (bill) by the *original creditor* showing the amount owed.
- Stop all *collection* activity and consumer contact until the verification is provided.

债务核实

(另见 *债务证据*)

消费者有权请求 *债务催收人* 提供文件，以说明 *债务* 属于消费者和/或金额正确无误。

在答复消费者的债务核实请求时，*债务催收人* 必须采取以下行动：

- 提供 *债权人* — 不是债权人的 *债务催收人* — 出具的确认债务的书面文件。示例包括由 *原始债权人* 提供的显示欠付金额的最终声明（票据）的副本。
- 在提供债务核实之前，停止所有 *催收* 活动以及消费者联系。

Z

Zombie debt

Debt that is very old and no longer owed but that a *debt collector* suddenly seeks to collect.

Zombie debt may include:

- debt already settled;
- debt from a *bankruptcy discharge*;
- *time-barred debt*;
- debt that no longer shows up on a consumer's *credit report*; and
- debt never owed.

Consumers have a right to *dispute a debt* and request that the debt collector provide *verification of a debt*.

僵尸债务

非常陈旧且不再欠付的 *债务*，但 *债务催收人* 突然试图催收的债务。

僵尸债务包括：

- 已经解决的债务；
- *破产免责* 的债务；
- *已失时效* 债务；
- 不再在消费者的 *信用报告* 中显示的债务；
- 从未欠付的债务。

消费者有权提出 *债务质疑*，并请求 *债务催收人* 提供 *债务核实*。