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RE: Barfield, McCain P.A. Client Advisory

Dear Valued Client:

Please know, we are here for you, and we are on your side, just as we have been for over three decades. As much as we are wholeheartedly dedicated to assisting and supporting our esteemed clients in reaching their goals, our sworn duty is to also protect them from foreseeable negative legal and financial consequences. Thus, this communication supplements and expounds upon previous advisories, and is intended to help you navigate the current moratoriums in place, while dealing with the pressures caused by unpaid rent.

We completely understand the urgency and pressure to address delinquencies. Our professional team is available to assist you in every way possible, and our legal team is on duty to provide guidance and advice. In addition to supporting our clients in collecting rent at the present time, to the extent that it is legally permitted, we also must warn you of the risks and consequences of engaging in collection efforts that may violate or appear to circumvent the moratoriums presently in place. In light of the current state and federal restrictions and the public policies driving these regulations, we are advising our clients of the potential risks involved in various collection efforts.

As rent for May 2020 is accruing, we are reviewing a myriad of written and other client approaches aimed at collecting rent. While some are proactive and innovative, many of them create concern and potential risks. While we respect and understand our clients' motivation to keep delinquencies at a minimum, we must also advise our clients how to reduce the risks of being sued by tenants, consumer protection attorneys/organizations and/or Legal Aid/Legal Services. Many tenants will be eligible for free legal and other services from legal aid, pro bono tenant groups and consumer protection agencies due to unemployment and other conditions. In addition to the risk of being sued, overstepping the restrictions at this time may put your required licensing at risk, cause a storm of negative media and provoke other costly outcomes. Please be aware that your every move is subject to review and careful scrutiny by tenants' lawyers, consumer advocacy groups, state and federal officials, including politicians, consumer protection agencies and courts. Thus, violating even the spirit of the public policy behind the moratorium, may cause a barrage of consequences.

Therefore, we do not recommend that you serve any statutory Notices to Pay or Vacate. Further, we recommend that you do not send any threatening or harassing



letters, notices, or communications demanding payment or possession, related to nonpayment of rent, mentioning eviction, termination of the lease, or other similar language. We are of the opinion that the most aggressive move a Landlord should contemplate during the moratorium period is simply a reminder that rent is due, an outline of the rental balance owed, and an offer to contact you to discuss their options. You may make tenants aware that the moratorium currently in effect does not cancel rent or any obligation to pay rent at this time. Offering assistance such as payment plans, deferment agreements or other similar options appear to be within bounds of the moratorium. However, even these approaches must be carefully worded and executed. We suggest that you advise tenants of their rights, and acknowledge that evictions cannot be filed during the moratorium. We understand that Landlords may have great concern regarding educating tenants due to a fear of exacerbating rent delinquencies. However, the language in the relevant provisions of the state and federal moratoriums is in the public domain, and thus, tenants have likely read about or heard about the moratorium on eviction related activities on the news or other media outlets. Moreover, it is proper notice, which serves to protect landlords from disseminating correspondences from their office that may be construed as violating the restrictions, one of which will likely be that these correspondences are misleading.

As stated at the onset of this communication, we are here for you, we are on your side, and protecting your best interest is our priority. You can count on us to do our best to help keep you informed, help you lawfully address delinquencies, and to protect you from potential liability.

We hope that you find this communication informative and enlightening. Feel free to reach out to us should you have any follow up questions or concerns. We wish you and yours continued health and prosperity during these uncertain times.

Warm Regards,

Your friend at Barfield, McCain P.A.