



June 4, 2020

**RE: Urgent Client Advisory Pertaining to Demands for Payment of Rent**

Dear Valued Client:

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As you are likely aware, there are currently eviction moratoriums in place at both the State and Federal level which impact eviction activities, including the Landlord's ability to file a lawsuit for non-payment of rent. Our most recent advisory outlined the extension of the State of Florida moratorium, which is now scheduled to expire until 12:01 a.m. on July 1, 2020 assuming no further extensions. The Federal CARES Act moratorium will expire, absent an extension, on or about July 25, 2020, but will require a modified notice period for Notices to Pay or Vacate prior to the filing of an eviction. Please refer to our earlier advisory regarding the enactment of the Cares Act.

While the language and application of certain provisions of the above-referenced moratoriums have been, and will continue to be debated, it is clearly inferred that Landlords are prohibited from issuing statutory Three (3) Day Notices to Pay or Vacate or similar demands during the moratoriums. Additionally, we have recommended, and continue to recommend that our Landlord Clients refrain from sending any threatening or arduous notices or communications demanding payment or possession related to nonpayment of rent, mentioning eviction, termination of the lease, or other similar language.

We have recently become aware of some alarming conduct whereby apartment communities are being asked by residents and/or alleged tenants' assistance groups to provide a Three (3) Day Notice in order to process a resident's application for rental assistance. While some of these requests may truly be legitimate, it appears that some of these requests are an attempt to bait a landlord into violating the moratoriums where the tenant then contacts an attorney/law firm alleging a violation. **PLEASE BE AWARE and proceed with great caution. Should you receive a request from a resident, other individual or a group/agency, for a Three (3) Day Notice or similar document during the moratorium, we implore and recommend that you: (1) Ask that the request be reduced to writing to your attention along with a copy of the applicable resident application for assistance; and (2) Forward a copy of said request and application to our office for review.**

Please know, we are here for you, and we are your greatest advocate. 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. In addition to the risk of being sued, overstepping established restrictions at this time may put you at risk, cause negative media and provoke other costly outcomes.



Please remember that your conduct and notices are subject to review and careful scrutiny by residents' lawyers, consumer advocacy groups, state and federal officials, including politicians, consumer protection agencies and courts.

Thank you so much for your prompt attention in this matter. As always, please 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 Friends and Legal Support Team at Barfield, McCain PA