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**RE: Consumer Financial Protection Bureau Order Regarding Evictions,
Effective May 3, 2021**

Dear Valued Client:

We hope this correspondence finds you well. On April 19, 2021, the Consumer Financial Protection Bureau (CFPB) issued a 69-page order related to the Centers for Disease Control and Prevention (CDC)'s eviction moratorium, which was extended through June 30, 2021. Our firm, in collaboration with the South East Florida Apartment Association and Florida Apartment Association, analyzed CFPB's extensive rule in order to provide you with the most accurate and up to date information.

To that end, CFPB's new rule is designed to prevent what the administration has referred to as "illegal evictions" that have taken place despite the protections in the CDC order. Specifically, the new rule requires debt collectors — including an agent or attorney acting as a debt collector on behalf of a landlord or owner of the residential property — to provide written notice to tenants of their rights under the federal eviction moratorium, and prohibits debt collectors from misrepresenting a tenant's eligibility for the protections established by the order.

As such, and effective on May 3, 2021, all debt collectors who are seeking to evict tenants for nonpayment of rent must provide written notice (it cannot be provided by phone, email, or text message) to tenants who may have rights under the CDC order and must provide said notice on the same day as the eviction notice.

Rule Requirements

The CFPB has provided **sample disclosure** language, to include along with eviction notices, which the CFPB deems as compliant with its new order. In addition, the CFPB provided a **Fast Facts and Summary** of the new rule, which may provide you with additional guidance moving forward. The sample disclosure language is provided below for reference:

Because of the global COVID-19 pandemic, you may be eligible for temporary protection from eviction under Federal law.

Learn the steps you should take now:

- Visit www.cfpb.gov/eviction
- Or call a housing counselor at 800-569-4287

or



Because of the global COVID-19 pandemic, you may be eligible for temporary protection from eviction under the laws of your State, territory, locality, or tribal area, or under Federal law.

Learn the steps you should take now:

- Visit www.cfpb.gov/eviction
- Or call a housing counselor at 800-569-4287

How will the CFPB enforce compliance with the new rule?

In regard to compliance, the CFPB has stated as follows: "Debt collectors who evict tenants who may have rights under the CDC moratorium without providing notice of the moratorium or who misrepresent tenants' rights under the moratorium can be prosecuted by federal agencies and state attorneys general for violations of the Fair Debt Collection Practices Act (FDCPA) and are also subject to private lawsuits by tenants."

Moving Forward

Based on the above, and in an overabundance of caution, we are recommending all our clients *immediately* begin including CFPB's sample language, described above, **on all nonpayment of rent notices and all notices to vacate moving forward**. Please be advised, for your use, reference and convenience, the interactive forms available on our website, <https://barfieldpa.com/>, exclusively available to firm clients, will be modified to incorporate the new language on or before May 3, 2021, through the expiration of the CFPB's order.

As always, our highest priority remains to support our valued clients through these uncharted waters and we wish you continued success and prosperity through all your endeavors.

Warm Regards,

Your Friends at Barfield, McCain PA