May 3, 2021

ATTENTION: Landlord/Property Management Company

Re: **Preventing Illegal Evictions During the COVID-19 Pandemic**

Via Federal Express

NOTIFICATION LETTER

This letter is to remind you of the federal protections currently in place to protect against certain residential evictions in order to keep people in their homes and stop the spread of COVID-19. The Centers for Disease Control and Prevention (CDC) has extended its national eviction moratorium for non-payment of rent (CDC Moratorium) through June 30, 2021, and our agencies have taken a number of steps to support the CDC Moratorium. We are attaching a copy of our joint March 29 statement,[1] the Federal Trade Commission's (FTC) recent guidance to businesses on this issue,[2] and the Consumer Financial Protection Bureau's (CFPB) recently issued interim final rule,[3] effective May 3, 2021, which addresses debt collector conduct associated with the CDC Moratorium.[4]

We request that you examine your practices in light of the CDC Moratorium to ensure that they comply with the FTC Act and the Fair Debt Collection Practices Act (FDCPA) and that you remediate any harm to consumers stemming from any law violations. We also encourage you to notify debt collectors working on your behalf, which may include attorneys, of the CDC Moratorium, applicable state or local moratoria, and those parties' obligations under the FTC Act and the FDCPA, including under the CFPB's interim final rule.

Under the FDCPA interim final rule, debt collectors, as defined by the FDCPA, seeking to evict certain tenants for non-payment of rent must provide those tenants with clear and

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[1] Available at https://www.ftc.gov/news-events/press-releases/2021/03/joint-statement-ftc-acting-chairwoman-rebecca-kelly-slaughter.

[2] Available at https://www.ftc.gov/news-events/blogs/business-blog/2021/03/word-landlords-about-eviction-moratoriums.
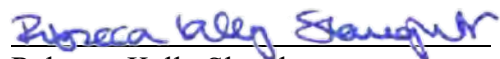
[3] If you have a question about the interim final rule, please first review the regulations and official interpretations (commentary) as well as the available guidance and compliance resources. If you still have a question after that, you may submit it using this link: reginquiries.consumerfinance.gov

[4] Available at https ://www.consumerfinance.gov/about-us/newsroom/cfpb-rule-clarifies-tenants-can-hold-debt-collectors-accountable-for-illegal-evictions/.

conspicuous notice that the consumer may be eligible for temporary protection from eviction under the CDC Moratorium. The notice must be provided on the same date as the eviction notice, or, if no eviction notice is required by law, on the date that the eviction action is filed. Debt collectors must provide the notice in writing. Phone calls or electronic notice such as text messages or emails are not sufficient. We are attaching sample language that may be used to satisfy the rule's disclosure requirements.[5] The interim final rule also clarifies that debt collectors must not falsely represent or imply to a consumer that the consumer is ineligible for temporary protection from eviction under the CDC Moratorium. The CFPB and the FTC enforce the FDCPA. Private litigants may also bring individual or class actions filed against a debt collector for FDCPA violations, and violators can be held liable for actual damages, statutory damages, and attorney's fees. Some states and localities have also adopted their own eviction moratoria and may require notice of these moratoria.

Neither the FTC nor the CFPB has determined whether you or your company is violating the law. Even though we're sending this notice, the FTC or CFPB may still take action based on law violations. We will continue monitoring eviction practices to evaluate whether further action is appropriate.

Sincerely,

Rebecca Kelly Slaughter
Acting Chair
Federal Trade Commission

Dave Uejio
Acting Director
Consumer Financial Protection Bureau

Enclosures

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[5] Available at https://files.consumerfinance.gov/f/documents/cfpb_debt-collection_sample_covid-19_tenant_eviction_protection_disclosure_language.pdf.