



Landman Beatty Lawyers wants to keep our clients and the general public informed as to how the Coronavirus, the disease it causes (COVID-19) and the most current government responses to them, may affect our clients, the general public and certain aspects of the Landlord – Tenant relationship in Indiana.

CFPB INTERIM RULE AND INTENT TO ENFORCE EVICTION MORATORIUM

WHAT IS THE CFPB INTERIM RULE?

On April 19, 2021, the Consumer Financial Protection Bureau (“CFPB”) issued a new interim rule which is ***EFFECTIVE MAY 3, 2021***. Under the interim final rule, debt collectors, including attorneys, seeking to evict tenants for non-payment of rent, must provide tenants who may have rights under the CDC eviction moratorium order with clear and conspicuous written notice of those rights (the, “*Tenant’s Rights Advisement*”). 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 Tenant’s Rights Advisement in writing. Phone calls or electronic notice such as text messages or emails are not sufficient. The CFPB is providing debt collectors with sample language to satisfy the rule’s disclosure requirements.

WHAT IS THE CFPB INTERIM RULE’S EFFECT?

Landlords or property managers, ***under certain circumstances which may vary state to state***, could be considered debt collectors but the rule is meant to cover third party entities acting on behalf of landlords. Landman Beatty is not aware of any Indiana law or any circumstances, under Indiana or federal law, which would cause a landlord or property manager to be considered a debt collector. To date, no court has found that a landlord or property manager is a debt collector.

However, individual courts, particularly local small claims courts, may interpret this Interim Rule to require landlords and property managers to send a Tenant’s Rights Advisement prior to initiating an eviction action. Similarly, those courts may require that such advance notice be included as part of the eviction filing.

Landman Beatty will be providing residents with the Tenant’s Rights Advisement as required by the Interim Rule.

Landlords and property managers will need to make their own decision as to whether or not to send the Tenant’s Rights Advisement as the Interim Rule is not definitive, or clear, as to whether or not it is required of Landlords and property managers. Example notices are attached to this communication for use if the determination is made by a Landlord or property manager to send the Tenant’s Rights Advisement.

For additional information and updates please visit our website at www.landmanbeatty.com

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

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