

NOTICE OF FAILURE TO PAY RENT
AND
TERMINATION OF RENTAL AGREEMENT
(FDCPA NOTICE TO TENANT)

TO: _____

You are hereby notified that you have failed to pay rent when due for the months of _____
_____ in the amount of \$ _____
plus accrued late charges in the sum of \$ _____ and late charges
accruing at the rate of _____ on the premises commonly
known as _____.

If you fail to pay all past due rentals, together with any applicable late charges, within seven (7) days after the date of service of this notice, your Rental Agreement for the occupancy of the premises will be automatically terminated and you must immediately vacate the premises. If you fail to pay or vacate the premises within seven days, legal proceedings may be commenced to recover possession of the premises.

This notice shall not constitute a waiver of any other notice issued prior hereto or concurrently with this notice. All prior or concurrent notices shall be cumulative and all rights are hereby reserved to proceed on any or all notices, independently or collectively.

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.

Dated: _____

By: _____

Certificate of Service

The undersigned hereby certifies that a true and accurate copy of the above and foregoing was _____ mailed first class postage prepaid _____ hand delivered on: _____
to:

- Instructions for: NOTICE OF FAILURE TO PAY RENT AND TERMINATION OF RENTAL AGREEMENT
- When to use this form: If a tenant fails to pay rent when due, the landlord may terminate the rental agreement upon at least 7 days notice. You may only include rent on a seven day notice, you may not include other items such as failure to pay a deposit, utility bills or damages.
- How to use this form: Fill in the required information and serve the notice on the tenant. The notice is deemed effective the date of mailing if sent by the landlord to the tenant and the date of delivery if sent by the tenant to the landlord. See Neb. R.R.S. §76-1413(2). Be sure to keep a copy for your records.
- How to serve: The notice must be served:
1) in hand to the tenant, or
2) by mailing to the tenant.
- Holdover: In the event that the tenant refuses to vacate the premises following the proper service of the 7 day notice an eviction action (action for restitution of premises) pursuant to Neb. R.R.S. §76-1441 et. seq. may be commenced.
- Other Notes: Certain lease forms may require a longer notice or curing period (occasionally 10 days) and delivery by certified mail. You are required to accept a tender of the full amount of rent during the 7 days. Lancaster County Court starts counting the days the day after you send the notice so plan an extra day if you're going to be evicting on a shortened time frame. A tender of less than the full amount can be refused. You should not accept any payment, either the full amount or a partial payment after the 7 (or 8 depending on how you're counting) days have passed nor after the eviction case has been filed. Acceptance of rent constitutes a waiver of the notice, which effectively cancels our right to evict the tenant.
- Legal Disclosure: This memo and the attached form is not intended to constitute specific legal advice. The user assumes all responsibility for its use or mis-use unless a full and candid disclosure of all relevant facts is made to the Beran Law Office, P.C., L.L.O. We urge you to consult with us or another attorney if you do not fully understand how to use this form or for any matter that you do not fully understand. The Beran Law Office is not responsible for any loss or damage caused by use of the form and memo.
- COVID19 The the Bureau of Consumer Financial Protection is amending the Fair Debt Collection Practices Act to include protections for tenants during the effective duration of the CDC Order. Your non-payment of rent notices, whether they are a normal 7 day notice, or other customized notice must include a disclosure. The advisory must follow specific language, this is one of the forms.