

The Effects of COVID-19 on Evictions

Each state has reacted to the COVID-19 pandemic differently and one thing we know for sure is that everything is likely to change again. Kansas Governor Laura Kelly signed an executive order on March 20, 2020 ordering financial institutions to pause business and residential evictions as well as mortgage foreclosures until May 1, 2020. On April 30, 2020 Governor Kelly extended that moratorium until June 1, 2020. In Missouri, currently there is no eviction or foreclosure moratorium in place. However, the Federal eviction moratorium detailed in the CARES Act restricts landlords of covered properties from filing new eviction actions until August 23, 2020. Covered dwellings include those properties where the landlord receives federal assistance or federally related financing. These restrictions include late fees cannot be charged, and there is a moratorium on evictions for 120 days after the date the law was enacted on March 27th, or essentially the end of July. In addition, after the moratorium expires, the landlord must then give a 30 day notice to evict. Section 4024(c) does not expressly tie the notice to vacate requirement to a particular cause. Thus, Section 4024(c) arguably prohibits landlords from being able to force a tenant to vacate a covered dwelling for nonpayment or *any other reason* until August 23, 2020 (i.e., 120 days after enactment, plus 30 days after notice is provided).

We are aggressively filing eviction actions for non-covered properties. Please be aware that courts are scheduling hearings in late June, and July. If you have any questions regarding whether you can file an eviction for a tenant, please give us a call at (816) 931-2207 or email evict@mokslaw.com.