

## What is the CARES Act?

What a crazy time we are living in! When the government passed the Coronavirus Aid, Relief and Economic Security (CARES) Act, a message of solidarity was intended to be sent out to all Americans struggling as result of COVID-19. The \$2 trillion aid package was intended to spread financial relief across the American economy and permit tenants to shelter in place while the stay at home orders are in effect; however, the eviction and foreclosure moratorium may place a real financial hardship on some landlords who have covered dwellings. Covered dwellings include those properties where the landlord receives federal assistance or federally related financing. The 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 cause of action (i.e. non-payment of rent, lease violations, violence, drugs etc....). 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). In addition to the CARES Act, Kansas Governor Laura Kelly is requiring by executive order that all landlords plead and prove that any default during the time her stay at home orders (March 2020 – May 2020) were in effect was due to a non-Covid-19 reason.

If you are unsure whether your property is covered by the CARES Act and would like to discuss your options, call our office at (816) 931-2207 to speak with an attorney or email [evict@mokslaw.com](mailto:evict@mokslaw.com). Remember we are all in this together!