

What to expect as the Courts Reopen

Just when we thought COVID-19 was behind us, we are quickly reminded that things are not exactly back to normal in our local courthouses. As a result of the financial status of the economy right now, and unemployment rates reaching an all time high, the Government is doing everything it can to help those tenants who are financially impacted. Some of these protections include delayed court settings, eviction moratoriums, additional required landlord documentation and affidavits, and an increased number of trial settings.

The CARES Act

On March 27, 2020, the Federal Government passed a sweeping economic relief package titled the Coronavirus Aid, Relief and Economic Security Act (CARES Act). The \$2 trillion aid package was intended to spread financial relief across the American economy and permitted tenants to shelter in place while the stay at home orders were in effect; however, the eviction and foreclosure moratoriums appear to be placing 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).

Missouri Courts

Numerous courts are allowing both landlords and tenants to appear remotely through various video conferencing platforms and via telephone. We are working this week, slowly, through the backlog of cases that were filed in February. New filings in Jackson County, Clay County, and Cass County are being set for hearing about 4 weeks out. We expect the backlog of March – May filings to experience more than a 4-week delay. The Associate Circuit division in Platte County is accepting new filings but are spacing out hearings in a vaguer fashion. We expect things to pick up on or about July 7, 2020. Each County is requiring landlords to either file a COVID-19 Verification of Compliance Affidavit or to state in their Petition that the property at issue is not one where the landlord receives federal assistance or has federally related financing.

Kansas Courts

The Kansas eviction moratoriums expired on May 31, 2020 and have not been extended. The Johnson County, Kansas District Court has resumed hearing eviction cases for the past two weeks through the Bluejeans Video Conferencing. We anticipate the courts in Wyandotte County, Leavenworth County, and Douglas County to re-open for in-person hearings within the week. All Kansas Counties are now accepting new eviction filings but requiring that the

landlord plead and prove that any default during the time the Governor's stay at home orders (March – May) were in effect, was due to a non-Covid-19 reason. We highly recommend that landlords alter their 3 Day Notices and petitions to address Covid-19 and the CARES Act. A COVID-19 Kansas 3-Day Notice to Pay or Quit can be downloaded for free at www.mokslaw.com/forms/.

If you are unsure whether your property is covered by the CARES Act and would like to discuss your options on how to address a problem tenant, feel free to call Anderson & Associates at (816) 931-2207 to speak with an attorney or email evict@mokslaw.com.