

Eviction Moratorium in August? What Landlords Need to Know in MO and KS

We have all heard about the eviction moratorium for tenants across America. While some protections have expired, others are being extended. We hope that this summary can help shine some light on the circumstances in Missouri and Kansas. If you own your property outright, do not have a federally backed mortgage on your property, or do not receive government rental assistance, these new updates do not pertain to you.

If you do have a federally backed mortgage or receive federal assistance the following updates apply:

Federal Law

- As of July 31, 2020, all protections for tenants and homeowners covered by the CARES Act have expired. Despite rumors that the CARES Act was going to be extended, Congress has been unable to successfully extend its protections allowing the CARES Act to lapse. Landlords of covered dwellings are now permitted to send “Notices to Vacate”. A free form can be downloaded at www.mokslaw.com/forms under the CARES Act column. These notices must be served on your tenant at least 30 days before an eviction can occur.
- The U.S. Department of Housing and Urban Development (“HUD”) announced in June that it was going to extend its moratorium on Fannie Mae and Freddie Mac (the Enterprise) loans through at least August 31, 2020. The moratorium applies to Enterprise-backed, single-family mortgages only.
- President Trump issued an Executive Order on August 8, 2020 calling on the Department of Health and Human Services and the Center for Disease Control and Prevention to “consider” whether an additional eviction ban is needed. The Executive Order does nothing to prevent evictions or foreclosures.

Kansas Law

- On August 17, 2020 Governor Laura Kelly issued Executive Order 20-61 which places a moratorium on residential evictions filed from August 17, 2020 to September 15, 2020.
- All evictions filed prior to August 17, 2020 may proceed and the Executive Order does not apply.
- The Executive Order states that “no landlords shall evict a residential tenant when all defaults or violations of the rental agreement are substantially caused by a financial hardship resulting from the COVID-19 pandemic.”
- The Executive Order does not relieve mortgage borrowers or tenants who have **not** suffered a financial hardship from COVID-19 from their financial obligations.
- We highly recommend landlords actively engage in communication with tenants to negotiate payment plans to address defaults and missed payments.

Missouri Law

- In Missouri, no Executive Order halting evictions or foreclosures was ever enacted.

If you have any questions regarding whether your property is a covered property, or what steps need to be taken to begin the eviction process, please email evict@mokslaw.com or call our offices at (816)931-2207 or (913)262-2207.