

Another Federal Eviction Moratorium? What Landlords Need to Know in Missouri and Kansas

On September 1, 2020, President Trump issued an executive order (the “Order”) halting evictions nationwide through December 31, 2020 for tenants who have been impacted by COVID-19 and do not have other good housing options. The eviction moratorium was enacted through the Department of Health and Human Services and the Center for Disease Control and Prevention (“CDC”). On January 20, 2021 President Biden asked the CDC to extend the Order to March 31, 2021. Shortly thereafter, the CDC did so. Shortly after this request, the CDC issued a statement extending the current moratorium until March 31, 2021. The goal of the Order is to prevent the spread of the COVID-19 outbreak and prevent homelessness. It is a highly criticized executive order and publicly misunderstood. Below are some quick facts for landlords regarding the new Order:

- The Order that went into effect on September 4, 2020 has been extended until March 31, 2021.
- The moratorium only applies to those cases for non-payment of rent due to a substantial loss of income caused by a Covid-19 reason. Evictions for reasons other than non-payment are not affected.
- Relief under the Order is limited to those individuals earning no more than \$99,000 per year (\$198,000 for married couples), or those individuals who received a stimulus check.
- A tenant wishing to invoke the Order must sign an affidavit/declaration stating that:
 - 1) He/she is not able to pay rent due to a Covid-19 reason;
 - 2) An eviction would cause him/her to be homeless or to have to move into another residence shared by people who live in close quarters;
 - 3) He/she made an effort to obtain other Governmental assistance to pay rent; and
 - 4) He/she is paying as much rent as he/she can afford.
- The moratorium is only for possession of the property. It does not relieve tenants of the obligation to pay the rent, utilities, late fees or other penalties.
- Landlords may continue to file eviction lawsuits for non-payment of rent but if a tenant invokes the Order, the eviction judgment and writ of restitution may not be entered until after March 31, 2021.
- The Order outlines criminal penalties and fines for landlords who violate the Order.
- Many Courts are interpreting the Order to require the landlord to inform the tenant of his/her rights under the Order prior to the entry of a judgment for possession.
- Out of an abundance of caution and to prevent further Court delays, Anderson & Associates will be sending out a COVID-19 TENANT(S) DECLARATION form to your tenant(s) prior to filing your eviction case. If your case is currently pending, this has already been done on your behalf.
- If you are not represented by Anderson & Associates, a free letter and tenant declaration form can be downloaded at www.mokslaw.com/forms under the Trump Administrative Orders column.

If you have any questions regarding your rights as a landlord during these uncertain times, 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. Remember we are all in this together!