

Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas



www.kansaslegalservices.org

COVID-19 Legal Questions & Answers: What You Need to Know

Besides keeping yourself and your loved ones safe from disease, many issues about your daily life may need to be addressed.

Life as we all know it has changed into a different routine. Maybe you are unemployed and worried about paying your expenses and getting some kind of financial relief.

Maybe you are trying to keep your children doing school work at home while struggling with your own concerns about rent or mortgage.

So much to know about what kind of help is available for you to get through this crisis. Kansas Legal Services will try and answer your questions and keep you up-to-date on what's available to help you.

Gov. Kelly Extended Kansas Eviction Ban to May 31, 2020

The Governor in Kansas Executive Order 20-28, has extended the eviction and foreclosure moratorium from Kansas Executive Order 20-10, until May 31, 2020. If your landlord files an eviction case against you, or if your mortgage company files a foreclosure case against you, due to nonpayment of your rent or mortgage and your nonpayment is due directly or indirectly to COVID-19, then please contact us for assistance.

Here are the Executive Orders:

<https://governor.kansas.gov/wp-content/uploads/2020/04/EO-20-28-Reissuing-and-Extending-Certain-EOs.pdf>

<https://governor.kansas.gov/wp-content/uploads/2020/03/EO-20-10-Executed.pdf>

If you have questions you would like answered on this page, please give us your question and we will try to answer it on this page

COURT RESTRICTIONS

Courts were briefly closed for all non-emergency proceedings (including evictions and foreclosures). As of April 3, 2020, district courts can now resume eviction and foreclosure hearings via phone or video. If an eviction was filed before 3/12/20 or is not related to a Coronavirus related financial hardship, those evictions may now continue. Decisions about whether to hear these cases are now left up to district courts across Kansas.

Question: I have a court date, but the Courthouse is closed. What do I do?

With the exception of first appearances and emergency motions, all court dates have been moved or changed to virtual hearings. If you are represented by an attorney, you should contact your attorney. If you are representing yourself but the other side has an attorney, contact the other attorney. Some courts are resetting cases already, and you can call them to get your new court date. Wait times are extended due to the current situation. Understand, we are not sure when this shutdown will end, and your court date may move again.

Question: While the Courthouses are closed, can a Judge do anything to help my situation?

In most counties, only emergency hearings are being held. All other hearings are either virtual or moved to a later date. If it is an emergency, you can file a motion, but there is not guarantee that it will be heard before the courts are open. If you are represented by an attorney, you should reach out to your attorney.

If you are in a domestic violence situation, you can still file a protection from abuse or protection from stalking order. Contact the local domestic violence shelter and they will assist you, or you can call our office and complete an intake for assistance.

Parenting Time Orders

-You can still travel for your parenting time during shelter in place orders. This is considered an essential activity. You should be following these orders.

-Almost all supervised visitation and exchange centers are closed.

-For families who can't exercise physical parenting time consider utilizing FaceTime, Zoom, Skype

Question: Can I stop visitation if I believe the other parent isn't following stay at home restrictions?

The Stay at Home Orders specifically defines an essential activity as any action necessary to comply with valid court orders. Parenting plans, including exchanges of minor children between parents, remain valid court orders, previously found to be in the minor children's best interest.

If you believe that your co-parent is not following the stay at home restrictions you should not unilaterally terminate visits. You can file a motion to modify the parenting plan on the basis that the pandemic is a material change in circumstances and the other parents' refusal to abide by the stay at home orders is not in the best interests of the minor child(ren).

If you believe it is an emergency you can file an ex-parte motion to modify, but you must have grounds and specifically cite what makes your situation an emergency.

CONSUMER SCAMS

The Federal Trade Commission has warned people to be on the lookout for COVID-19 related scams.

-You can report fraud or price gouging to the KS Attorney General online ag.ks.gov

If you receive unsolicited calls, emails, or other communication claiming to be from the FDIC or another federal agency in connection with COVID-19 related grants or payments in exchange for personal financial information, please do not respond. These are scams. Find out how to [report COVID-19 scams](#).

DRIVER'S LICENSES AND VEHICLE REGISTRATIONS

Governor Laura Kelly's Executive Order #20-12 extended deadlines for driver's licenses and vehicle registrations. All driver's license renewals and vehicle registrations extended by this Executive Order must be completed within 60 days of the expiration of Executive Order #20-12.

Governor Kelly's executive order can be found here: <https://governor.kansas.gov/wp-content/uploads/2020/03/EO-20-12-Executed.pdf>.

Questions about driver's licenses and other Division of Vehicle services can be answered by email at kdor_dovdl@ks.gov

Questions about your vehicle registration should be directed to [your local county treasurer's office](#)

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In addition to the extensions, these services can be conducted online at iKan.ks.gov or on mobile devices through the iKan application.

FOOD ASSISTANCE

Governor Laura Kelly and Department for Children and Families Secretary Laura Howard announced April 15 that the agency will begin issuing an emergency food assistance benefit to current program households. The emergency allotment increases a household's monthly benefit to the maximum allowed for the size of the family. The maximum monthly benefit for a family of four is \$646.?

[Read more about it.](#)

HOUSING ISSUES

Governor suspends evictions and foreclosures

Governor Kelly's Executive Order 20-10 protects both homeowners and renters affected by COVID-19. You cannot be foreclosed upon or evicted for missing mortgage or rent payments *due to Coronavirus related financial hardship* while the order is in effect. If you are in the situation where you will miss your mortgage or rental payments due to financial hardship directly or indirectly related to Coronavirus (Example: job loss, reduced hours, medical bills, child care, food, medicine, etc.), **you are protected until May 31 or until the end of the State of Emergency Declaration.** However, reach out to your lenders or landlord now to let them know what is going on, talk about forbearance, and negotiate a payment plan to repay the missed charges.

Please go to this page to learn many more answers about what to do about evictions and foreclosures during this time.

Question: Can I move from Missouri To Kansas during this pandemic, what are the travel rules for people entering Kansas?

If you are planning on relocating please check the executive orders from the Governor of Kansas (**governor's office webpage**) as well as any health directives from the county health departments or municipalities to which you are moving.

Freedom of movement from state to state is a fundamental right protected by Privileges and Immunities Clause. In general, states can't prohibit individuals from moving across and between states. There are always exceptions to every rule, but we are not aware of any states outright barring migration. One thing to keep in mind is that many states, counties and localities have mandatory quarantines in effect.

Question: My landlord wants to bring in new possible tenants into the home. I have a disabled child and worried about her getting sick. What are my rights as far as keeping anyone out of the home until we vacate?

Your landlord is allowed to bring in new tenants unless you have an agreement to the contrary. Under Kansas Executive Order 20-16, operation and maintenance of rental property (KEFF 400.9.a) is considered an essential function.

You should try explaining the situation to your landlord and see if they will allow you to voluntarily terminate your lease, so you can move out before the new tenants move in. If they do allow it, make sure to get it in writing. Or, if you are on a month-to-month lease, you can leave if you give your landlord a written notice at least 30 days before your next rent paying date, and move out by or before that date.

Question: In a multi-unit housing apartment, with shared living space, can the vacant room be rented during a stay at home period, introducing new germs (possibly contagious person) to my shared living space?

Yes, your landlord can rent the vacant room out. Under Kansas Executive Order 20-16, operation and maintenance of rental property (KEFF 400.9.a) is considered an essential function.

Question: How do I get maintenance to wear masks when they enter my apartment?

Make a request, in writing, to your landlord that all maintenance personnel wear masks and other appropriate personal protective equipment (PPE). Kansas Executive Order 20-16, Section 9.c states that "any essential functions being performed on-site or in-person must to the extent possible without significant disruption to essential functions-follow appropriate safety protocols, including maintaining a six-foot distance between individuals and following other directives regarding social distancing, hygiene, and other efforts to slow the spread of COVID-19."

Question: My landlord wants to have an appraiser come into my house. I am not letting anyone in my house, do I have to allow this during quarantine?

The Kansas Essential Functions Framework (KEFF) Team confirmed that you *do* have to let your landlord come in. KEFF said, "Under Executive Order 20-16, operation and maintenance of rental property (KEFF 400.9.a) and providing real estate services (KEFF 400.9.f) can be considered essential functions."

Question: Will the stimulus check raise the rent in public HUD housing?

The stimulus check should not be considered income for the calculation of rent payment and so receiving this payment should not raise their rent. The pending stimulus payments directly to individuals and families would be excluded from income, as they are temporary, non-recurring payments (per 24 CFR 5.609).

IRS/STIMULUS CHECKS

Question: I haven't received a stimulus check yet -- is it possible the state of Kansas took it for a court debt ? I should have received it on the 29th of April according to the IRS web site. Thank you.

At the federal level, past-due child support is the only reason why a person would not receive a payment. On a local level, a bank account could be garnished. A change of address likely means a check would be mailed out. Those are potential reasons why a payment the government made was not received.

Questions and Answers About Those Economic Impact (Stimulus) Payments

This page is a collection of common frequently asked questions, compiled by William Schmidt, Director of the KLS Low Income Taxpayer Clinic, about the stimulus checks that many people are supposed to get from the federal government.

From the IRS: Stimulus Payments - new way to update bank account, address, and check on payments - including for non-filers

Go to this page to read the instructions from the IRS on how to update bank accounts and check on payments.

Question: Where can I find a bank that can open an account online so I can get my stimulus check?

FDIC's [BankFind](#) tool allows you to locate FDIC-insured banking institutions in your area. In addition to websites for individual banks, a few organizations have compiled lists of banks offering accounts that can be opened online:

- [BankOn](#)
- [American Bankers Association](#)
- [Independent Community Bankers of America](#)

Reminder for SSA, VA, SSI and RRB Benefit Recipients with Dependents

The IRS has already scheduled payments to taxpayers based on Social Security retirement, disability (SSDI), or survivor benefits, Railroad Retirement benefits. Supplemental Security Income (SSI) and Veterans Affairs (C&P) benefit payments will be scheduled shortly for payment in mid-May. However, **the window has closed** to use this tool for these recipients who have a child and don't normally file a tax return. These recipients who do not receive a payment that includes up to \$500 for any qualifying children can file a tax return next year to determine their payment based on 2020 and claim any additional amount they weren't paid this year.

PUBLIC BENEFITS

-You may complete an online self-assessment through the Kansas Department of Children and Families that can tell you which services you and members of your family may qualify for at <http://www.dcf.ks.gov/services/ees/pages/application-for-benefits.aspx>

-You can use this page to apply for the following services: Food Assistance, Temporary Assistance to Needy Families, Child Care Assistance, Child Support Services, Medical Assistance, LIEAP.

Question: Will the Economic Impact (Stimulus) Payment count as income or a resource for Supplemental Security Income recipients?

The Economic Impact Payment will not count as income for SSI recipients. The Economic Impact Payment will count as a resource if you still have it 12 months after you receive it. Single SSI recipients can have \$2,000 in total resources. Married SSI recipients can have \$3,000 in total resources.

Surviving Debt: Six Essential Rules for Surviving Debt

Surviving Debt is from the National Consumer Law Center (NCLC) <https://library.nclc.org/sd/0102>

UNEMPLOYMENT COMPENSATION

Update from Kansas Department of Labor on Unemployment Compensation

This page tells you the latest from Kansas DOL and getting unemployment.

You can also **read here** about the \$600 per week additional payments for Unemployment Recipients.

And **here is more about what you need to know** about getting unemployment in Kansas.

Question: I am currently receiving unemployment compensation, but I was told that there would be an additional \$600 per week for Kansans in need. It's been four weeks, where is this \$600 a week?

The Department of Labor is reporting that the first of these payments was made on April 29 and there are reports of people receiving them. The retroactive payments are expected to follow soon. Payments to self-employed persons are treated differently. Payments to this group have not been made yet.

Question: I work cleaning houses. My sister works as a hairdresser. When I try to apply for Unemployment, it asks for my employer and I don't have one. I am self employed. I file taxes as self employed. (another term used is Independent Contractor). I can't work. What can I do to get income right now?

You have two options. You may qualify for an SBA, forgivable loan equal to two month of your earnings in 2019. If you use the money for salary and benefits for yourself or for rent payments during the 8 weeks after you get the loan, it is forgiven (you don't have to pay it back). You should read the rules about this and not rely on the simple statement here. You can learn more about this by clicking [here](#). You apply for this loan through your BANK, not the SBA. Your bank can give you a worksheet about what information they need you to gather. You may have heard that the money has run out, but more money has been put in and you should consider applying through your bank. **If you intend to apply for this money, you should do so as soon as possible since we do not know how long it will last.**

Pandemic Unemployment Assistance (PUA) is a broad program that expands access to unemployment, in addition to what state and federal law already pay. This includes those who traditionally are not able to get unemployment such as:

- Self-employed
- Independent Contractors
- "Gig" workers such as Uber and Lyft drivers
- Employees of religious organizations whose employment has been impacted by COVID-19
- Those who lack sufficient work history to file a claim or have been disqualified for state benefits but who are impacted directly by COVID-19

Before filing, you may want to have documentation available to prove your prior income (you do have 21 days from applying to submit the documentation). Acceptable documentation of wages can include but is not limited to:

- 2019 Tax Returns;
- 2019 1099 Form(s);
- paycheck stubs;
- bank receipts;
- ledgers;

- contracts;
- invoices; and/or
- billing statements.

Apply for benefits online at www.PUA.GetKansasBenefits.gov.

[Read more about the program here.](#)

UTILITIES

Utility shut-offs suspended by Kansas Corporation Commission

Saying the coronavirus pandemic continues, Kansas utility regulators Tuesday extended an emergency order barring utilities from shutting off service to customers who can't pay their bills right now.

The order by the Kansas Corporation Commission covers all electric and natural gas utilities under state regulation, including the major providers in Topeka, Wichita and the Kansas City suburbs, such as Eversource electric, Kansas Natural Gas Service, Black Hills Energy and Atmos Energy.

The new order prohibits shutoffs due to nonpayment of bills through May 15.

It also covers a scattering of small water and telecommunications systems in rural Kansas, said Linda Berry, commission spokeswoman.

LIEAP Assistance Available

In response to COVID-19, the Department of Children and Families is re-opening the application period for the **Low-Income Energy Assistance Program (LIEAP)** between May 1 to May 29, 2020 for Kansans who have not received LIEAP benefits in 2020.

LIEAP helps qualifying residential customers with a onetime payment for their primary heating bills.

Please submit completed forms to your local DCF office. Applications can also be completed through the DCF website: www.dcf.ks.gov

AT&T Access Offering Free Access to Internet for 60 Days

During this time when social distancing is being encouraged, now more than ever, families need access to affordable internet service for home, school, work and other resources.

[Learn more here.](#)

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