

Kansas Legal Services

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

www.kansaslegalservices.org

How Does COVID-19

How Does COVID-19 Change Tenants' Rights?

Here is a chart that explains it all:

HOW DOES COVID CHANGE YOUR TENANT RIGHTS?

FEDERAL PROTECTIONS:

The CARES Act—Eviction Moratorium

ONLY APPLIES TO:

-Single-family and multifamily properties financed with federal mortgages (primarily those financed through Fannie, Freddie, or the FHA)

OR

-Properties participating in the Low-Income Housing Tax Credit (LIHTC), as well as several federally assisted rental

What does it DO?

Landlords at “covered properties” cannot file evictions for nonpayment of rent, or serve notices to quit, or impose late fees until July 25, 2020

“Covered Properties”: The CARES act eviction moratorium applies only to approximately 30% of rental properties: where the property (a) participates in a federally-assisted housing program, such as Section 8 or Low-Income Housing Tax Credit; (b) participates in the rural housing voucher program; (c) has a federally-backed mortgage loan; or (d) has a federally-backed multifamily mortgage loan.

Evictions:

What kinds of evictions are covered?

Evictions for nonpayment of rent are not allowed. Evictions for other reasons may move forward.

What happens after the eviction moratorium expires on July 25, 2020?

The landlord can serve a 30-day notice to quit. Only after the 30 days has expired can the landlord file an eviction lawsuit in court.

What should you do?

Pay your rent if you can. If not, and if the landlord files an eviction action, contact Kansas Legal Services for assistance in finding out if the CARES Act Eviction Moratorium applies to the property you are renting.

**KANSAS PROTECTIONS:
Governor's Executive Order 20-10**

What does it DO?

Prohibits evictions of residential tenants when violations or defaults are caused by "financial hardship resulting from the COVID-19 pandemic."

How does this help YOU?

If you are unable to pay your rent due to Covid-19, evicting you may not be allowed.

To QUALIFY, you MUST say that you "have financial hardship resulting from the COVID-19 pandemic."

A "financial hardship resulting from the COVID-19 pandemic" is when:

1. individual or family suffers a significant loss of income, significant increase in necessary expenses, or inability to work as a direct or indirect result of the COVID-19 pandemic

AND

2. the individual's or family's financial resources are depleted to the extent that making mortgage or rent payments would leave them unable to purchase food, medicine, or other goods, supplies, or services necessary to their health and safety.

BUT REMEMBER:

-Evictions for reasons OTHER than COVID-19 financial hardship allowed

-Evictions filed with the court prior to moratorium are still allowed to move forward, MEANING, you need to contact the court AS SOON AS POSSIBLE if you had an eviction court date that was moved due to courts closing.

-This does NOT mean you will never have to pay the rent or that it goes away

(This lasts until May 31, 2020, or until State of Disaster Emergency proclamation from March 12, 2020 expires, whichever comes first)

What should you do?

Tell your landlord in writing that you cannot afford to pay rent because of financial hardship resulting from the COVID-19 pandemic

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