memorandum

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| to: | all landlords |
| from: | kurt holmes |
| subject: | eviction status update |
| date: | 03/31/2021 |

We’ve received calls and emails asking for updates on the eviction moratoriums, so I wanted to update you. I have attached 2 documents: 1) the CDC Order with modifications, and 2) Governor Kelly’s extension of the eviction moratorium Order 20-61.

First, attached is the CDC Order halting residential evictions through June 30, 2021. Most of the CDC moratorium remains the same as issued September 4, 2020. One modification to the CDC Order, and of interest, is the following:

*“While the Order does not prohibit evictions for engaging in criminal activity while on the leased premises, covered persons may not be evicted on the sole basis that they are alleged to have committed the crime of trespass (or similar state-law offense) where the underlying activity is a covered person remaining in a residential property despite nonpayment of rent.”*

It appears the CDC is trying to protect those who have committed the crime of trespass and the “covered person” remains in your property despite nonpayment of rent.

Hopefully clarification on this will be forthcoming. As this CDC Order modification is unclear, we are going to temporarily HALT filing evictions where you have a CDC Declaration Statement and you’re evicting on a non-renewal or 30-Day Notice. This does NOT include 14/30 Violations. We should be getting clarification from around the country how other jurisdictions are handling this CDC Order modification and we will advise soon.

Governor Laura Kelly has signed Senate Bill 40 to extend the current disaster declaration to May 28, 2021. On April 1, 2021, the Governor will re-issue the following Orders including 20-61 temporarily prohibiting certain evictions. This eviction moratorium is the same one that has been in place since August 17, 2020. (see 2nd attachment)

We will see if Kansas Legislators will challenge this Bill.

Most clients who have tenants that have applied with WERAP (the City of Wichita program for rental assistance) are on a waitlist for rental money. At this time, we know of very few who have had their WERAP applications processed and most have not received any payment yet.

We have now passed the one-year mark since moratoriums have been in place. As you can see, they are continuing and we will continue to adapt to these ongoing moratoriums and modifications.

Kurt A Holmes

Attachments:

1. CDC Order with Modifications effective 4/1/21
2. Governor Kelly’s Response Bill effective 4/1/21