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At HCCI, we are working diligently to assist Tenants and Landlords in this time of national crisis, specifically regarding LATE RENT & EVICTION. Due to the impact of COVID-19, many people will be or have been impacted by reduced work hours or job loss. With this in mind, tenants should begin planning a course of action to remain current with their rent. In order to assist, HCCI is providing the following information and tips:

IMPORTANT UPDATE regarding LATE RENT AND EVICTIONS ACROSS KANSAS Governor Kelly signed a new executive order which rescinds (cancels) a previous order. With this in mind, we have revised a portion of the information previously provided.

On the 17th of March, Governor Kelly issued an executive order concerning rental evictions and mortgage foreclosures in our state. In order to provide additional details, and alleviate uncertainty, the order was rescinded. A new and enhanced order was issued on March 23, 2020, Executive Order 20-10, link - <https://governor.kansas.gov/wp-content/uploads/2020/03/EO-20-10-Executed.pdf>. Be advised, while not summarized in this document, the Governor's order also applies to mortgage foreclosure – Call HCCI for details.

The order outlines the following:

- ★ Landlords shall not evict a tenant when the rent default is due to a financial hardship caused by the consequences of the COVID-19 pandemic. Specifically, a financial hardship includes:
 - 1) An 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 rent payments would leave them unable to purchase food, medicine or other supplies, or services necessary to their health and safety.
- * Both 1 and 2 must apply.
- ★ This order became effective on March 23, 2020 and will remain in force until rescinded, until **May 1, 2020**, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.
- * With the above being stated, tenants affected by the financial repercussions of COVID-19 will still owe past due and current rent. Eviction proceedings can go forth after the order has expired. There are tips for assisting

- ★ Landlords are encouraged (not ordered) to negotiate payment plans or other agreements to allow renters to address any late or non-payments, or late fees.
- ★ The order does NOT prohibit the continuation of any judicial eviction proceedings filed before the effective date of this order. Though it should be noted - the Kansas Supreme Court released Administrative Order 2020-PR-016, link, [Administrative Order 2020-PR-016](#) on March 18, 2020 directing all district and appellate courts to cease all but emergency operations until further order. Even though evictions are on hold, such evictions have been or will be rescheduled and go forth once courts reopen.
- ★ The order does NOT relieve tenants who have NOT suffered a financial hardship resulting from the COVID-19 pandemic from their obligation to comply with the rental agreements or to continue making rent payments.
- ★ The order does NOT prevent evictions for rental agreement defaults (example, nonpayment of rent) or violations (example, 14/30-day notice of tenant noncompliance with the rental agreement) not due to a financial hardship resulting from the COVID-19 pandemic.

In order to assist Kansas Tenants and Landlords, HCCI offers the following info and tips:

- Understand, though the Kansas Supreme Court has paused court proceedings (except for emergencies) until further notice, it does not mean you don't owe rent. You can still be evicted later for not paying all rent money due.
- Contact your landlord immediately to explain that due to a sudden and unexpected loss of income, you will not be able to pay the rent.
- Remember, this national emergency is not only happening to you, but to the landlord as well. Both parties should try to work together. Being a landlord is their job and how they derive income. Many landlords depend on rent payments to pay their mortgage and/or other bills.
- Ask for a rent payment plan which would outline a weekly, bi-monthly or monthly payment in order to get caught up. The landlord does not have to accept a payment plan, but if accepted, get it in writing. A tenant should only offer to make arrangements to pay what they can actually afford. Both parties must agree on the amount paid, and should sign the pay agreement, each receiving a copy.
- Always get a receipt for any rent paid.
- Late fees can only be enforced if outlined in a rental agreement. Ask your landlord if she/he can set aside any late rent fees because of this unusual pandemic. If the landlord agrees, get the agreement in writing. A landlord does not have to comply, but many, if they can, want to help.
- Tenants owing rent have the following options to seek rent assistance –
 - contact social service agencies or churches in your area;
 - borrow money from family or friends;
 - sell personal items using social media marketing (but be safe);
 - donate plasma for cash;

- any additional income, for example, a government stimulus check or IRS tax refund, could be set aside in a savings account for rent or should be sent directly to the landlord once received to cover rent payments (get a receipt). In other words, don't make a big purchase with that money. Use it for necessities such as shelter or prescription medication.
 - Your city/county may have a list of resources for rent and other aid. HCCI has resource lists for the cities of Topeka, Lawrence, Manhattan and Emporia, if needed.
- Note – On March 18, the Trump Administration/HUD paused all evictions until April 30, but only for FHA insured single family properties. Most home loans are conventional. Thus, the federal government's pause on eviction does not apply to the majority of rentals.

***Important – HCCI counsels tenants, tenant advocates and landlords/property managers. There are significant specifics regarding the Governor's order, late rent, making partial rent payments and the eviction process. Each situation can be unique. Therefore, contact HCCI for FREE telephone counseling regarding late rent, eviction or other rental related issues @ 800-383-0217 or 785-234-0217. Your name and phone number will be placed on a call log and you'll be called back in the order of your call. We have a bilingual English/Spanish Counselor on staff.**

***If you're having other financial issues such as - late on bills or behind on mortgage payments, contact HCCI's HUD Certified Financial Counselors @ 800-383-0217 or 785-234-0217.**

Teresa Baker

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Housing and Credit Counseling, Inc.

785-234-0217

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