



LEGAL AID  
OF THE  
BLUEGRASS

# COVID-19: EVICTION INFORMATION AND FAQ'S

## **I have just lost my job and fear I cannot make my rent payment.**

- Many Kentuckians are facing very difficult financial circumstances due to a loss of income to their households. The list below may answer some common questions that families have when faced with the loss of income and financial stress related to being able to pay their rent payments when they are renting a home.

## **How can I cope with the loss of income to my household?**

- In order to cope with the loss of income, families may seek to increase income, obtain assistance that frees up the income coming into the household for necessary expenses, and manage and prioritize spending. To assist with these goals you can:
  - Seek Temporary Employment in currently busy sectors of the economy (truck driving and delivery, grocery stores, online retailers)
  - Seek assistance through government programs such as:
    - Unemployment Insurance (<https://kcc.ky.gov/Pages/default.aspx>)
    - SNAP benefits (<https://chfs.ky.gov/agencies/dcbs/dfs/nab/Pages/snap.aspx>)
    - Medicaid benefits (<https://benefind.ky.gov/>)
  - Call those companies that provide you regular monthly bills (landlords or mortgage companies, utility companies, credit card companies, medical treatment providers, etc.) and ask that your payments be deferred for one to three months, if necessary.
  - Call your student loan company to request that your payment be suspended for up to two months.
  - Create an Emergency Budget that:
    - Eliminates Unnecessary Expenses (cancelling any monthly subscriptions you can live without, prepare meals in home, etc.),
    - Converts any Savings for Long Term Goals (vacation, large purchases) into Emergency Funds; and
    - Prioritizes Payments for necessary expenses (shelter, transportation (if required to work), food, health care).



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### **Can my landlord evict me because I can't afford to pay my rent?**

- No. Your landlord may not file an eviction action against you for nonpayment of rent due to the orders issued by the Kentucky Supreme Court ([https://kycourts.gov/courts/supreme/Rules\\_Procedures/202044.pdf](https://kycourts.gov/courts/supreme/Rules_Procedures/202044.pdf)) and the State of Emergency declared by the Governor ([https://governor.ky.gov/attachments/20200306\\_Executive-Order\\_2020-215.pdf](https://governor.ky.gov/attachments/20200306_Executive-Order_2020-215.pdf)).

### **Can my landlord issue me a notice for nonpayment of rent, charge me late fees because I can't afford to pay my rent, or file an eviction actions against me if the property in which I live is covered by the CARES Act?**

- No. If the property in which you live is covered by the CARES Act (Public Law 116-136), then your landlord may not issue you a notice to vacate, charge you late fees for non-payment of rent, or issue you a 30 day notice to vacate until after July 25, 2020. If the property in which you live is not covered by the CARES Act, your landlord may charge you late fees, and issue you a notice to vacate for non payment, but may not file an eviction action against you.
- To see if your property may be covered by the CARES Act, you (or your landlord) may use the following search tools: o <https://nlihc.org/federal-moratoriums>
- <https://knowyouroptions.com/renterresourcefinder> (Fannie Mae covered properties)
- <https://myhome.freddiemac.com/renting/lookup.html> (Freddie Mac covered properties)
- <https://projects.propublica.org/covid-evictions/>

### **Can my landlord issue me a notice to vacate move forward with an eviction action against me if he or she is issuing the notice to vacate for a reason other than non-payment of rent?**

- Yes. If your landlord is issuing you a notice to vacate or seeking to evict you for some other material breach other than non-payment of rent (such as violation of a pet policy or property damage), or your landlord is seeking to terminate a month to month tenancy, he or she may issue you a notice to vacate and move forward with an eviction action against you.

### **So with evictions being suspended to some date in the future, should I continue to pay rent?**

- ***Absolutely, yes.*** You need to continue to make full and regular rent payments despite eviction hearings being postponed to a future date. You may only make a partial payment, or make a lower payment than your regular monthly payment if you come to an agreement with your landlord, in writing, signed by you both, that you have may pay a lower amount and make up your deficiency pursuant to a written repayment plan.
- If you live in housing where the rent you pay is based on your income, such as public housing or Section 8 housing, you should report any changes in income as soon as you can. Check the website for your public housing authority as many have changed their reporting procedures due to the Coronavirus outbreak.

**Is there a letter I can use to contact my landlord to tell them about my situation and see if they will work with me?**

- Yes. You can use this example letter.  
<https://lablaw.org/sites/default/files/COVID%20Landlord%20Letter%20and%20Supplement.pdf>

**My landlord told me that it was all right that I pay late and that he or she would work with me. I'm all set, right?**

- No. Coming to a verbal agreement will often not be sufficient for you to remain in your home. It is best that any agreement which allows you to make a temporarily lower payment or sets a repayment plan for past due rent be in writing, and that it be signed and dated by both you and your landlord. An oral agreement does not generally allow you to deviate from the written terms of your lease.

**My landlord has locked me out of my home or turned off my utilities. Is this legal? What can I do?**

- It is illegal for your landlord to turn off your utilities or lock you out of your apartment to try to make you move. If you live in Anderson, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Campbell, Carroll, Carter, Elliott, Fayette, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Jessamine, Kenton, Lewis, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Pendleton, Robertson, Rowan, Scott or Woodford Counties, please call Legal Aid of the Bluegrass at (859) 431-8200 to see if you qualify for assistance.

**What if my landlord is taking discriminatory action against me due to my race or ethnicity?**

- Residents in any part of Kentucky can contact the Kentucky Human Rights Commission at (800) 292-5566, the Lexington Fair Housing Council at (859) 971-8067, or the Legal Aid organization that serves their county of residence.

**What if I need a repair done during this time?**

- Notify your landlord about requests for necessary repairs as soon as possible. Any obligation that your landlord may have to repair your home according to your lease or the law is not suspended during this time.

***IF THIS DID NOT FULLY ANSWER YOUR QUESTIONS. PLEASE CONTACT US BY CALLING 859-431-8200 DURING OUR LIVE HOURS MONDAY-FRIDAY 10AM-3:30PM OR VISIT [www.lablaw.org/apply-here](http://www.lablaw.org/apply-here) ANYTIME.***