ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-700
August 24, 2020

STATE OF EMERGENCY RELATING TO EVICTIONS

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth.

On March 25, 2020, I issued Executive Order 2020-257 to take additional steps to encourage Kentuckians to remain Healthy at Home and to protect the public health by attempting to slow the spread of COVID-19. Paragraph 5. of Executive Order 2020-257 suspended evictions in the Commonwealth and directed all state, county, and local law enforcement officers in the Commonwealth to cease enforcement of orders of eviction from residential premises for the duration of the State of Emergency. The provision expressly stated that it did not relieve any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage. Executive Order 2020-257 stated that nothing in it should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.

On May 8, 2020, I issued Executive Order 2020-323, encouraging Kentuckians to remain Healthy at Home to help protect the Commonwealth from the spread of COVID-19, including by ensuring Kentuckians have power, shelter, and water, but also to allow Kentuckians to be Healthy at Work. Paragraph 7. of Executive Order 2020-323 amended paragraph 5. of Executive Order 2020-257 by continuing the suspension of evictions from

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residential premises for failure to pay rent, and directed all state, county, and local law enforcement officers in the Commonwealth to cease enforcement of orders of eviction for residential premises for the duration of the State of Emergency. The provision reiterated that it did not relieve any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage. Executive Order 2020-323 stated that nothing in it should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.

Even as efforts have been made to reopen the economy, the Commonwealth and the United States remain in a daily battle with COVID-19. While eviction actions are now permitted in Kentucky, Kentuckians must work together to ensure our citizens have shelter and remain Healthy at Home in order to protect the public from the transmission of the disease.

NOW THEREFORE, I, Andy Beshear, by virtue of authority vested in me pursuant to the Kentucky Constitution and by KRS Chapter 39A, do hereby Order and Direct as follows:

1. Pursuant to the authority vested in me by KRS Chapter 39A, the suspension of evictions from residential premises for failure to pay rent under paragraph 5. of Executive Order 2020-257 and paragraph 7. of Executive Order 2020-323 shall be rescinded effective August 25, 2020; and

2. Effective August 25, 2020, a landlord shall provide any tenant at least 30 days' notice of the intent to evict from any residential premises for failure to pay rent; and

3. During the time period of the 30-days' notice of the intent to evict from a residential premises for failure to pay rent, the landlord of the residential premises and the tenant or leaseholder of the residential premises shall meet and confer or attempt to meet and confer, and the notice of the intent to evict shall request the meet and confer and provide the tenant with the landlord's contact information; and

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4. No penalties, late fees, or interest shall be charged related to nonpayment of rent from March 6, 2020 through December 31, 2020; this provision shall not apply to costs, damages or attorney's fees awarded by court order; and

5. No provision contained within this Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage; and

6. Federal Coronavirus Relief Funds in the amount of $15 million will be dedicated for a Healthy at Home Eviction Relief Fund that will be created to provide relief from evictions, including statewide programs for eviction proceedings that may be created by court orders; and

7. Other funds exist that may also help some renters in Kentucky, including, but not limited to: the Team Kentucky Fund; the Jefferson County COVID-19 Eviction Prevention Fund; the Jefferson County Eviction Diversion Pilot Project; federal CARES Act funds allocated to Kentucky's Community Action Agencies; federal CARES Act Emergency Solutions Grants funding to be provided to the Kentucky Housing Corporation from the U.S. Department of Housing and Urban Development; federal Coronavirus Relief Funds distributed to local governments; and

8. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.

This Order is effective on August 25, 2020, and shall be in effect through December 31, 2020, or until this Executive Order is rescinded by further order or by operation of law, and shall be subject to renewal if necessary to protect the lives, property, or welfare of the citizens of the Commonwealth.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State