

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
16TH JUDICIAL CIRCUIT, STATE OF MISSOURI**

In re: Requirement of Verification in Landlord Tenant Lawsuits Seeking Possession of Property for Non-Payment of Rent

Administrative Order No. 2020- 081

ORDER

WHEREAS, the Coronavirus Aid, Relief and Economics Security Act (“CARES Act”) was enacted as part of the laws of the United States; and

WHEREAS, the CARES Act places a temporary moratorium on legal actions to recover possession of certain described covered dwellings for the nonpayment of rent for the 120 day period ending on July 25, 2020; and

WHEREAS, it is necessary to determine if a dwelling is subject to the temporary moratorium established by the CARES Act; and

WHEREAS, pursuant to Section 478.240.2 R.S.Mo. and Section 15 of the Missouri Constitution, the Presiding Judge has general administrative authority over all judicial personnel and court officials in the Circuit.

IT IS, THEREFORE, ORDERED THAT:

1. Beginning on the date of this Administrative Order and continuing until July 25, 2020, any lessor of a dwelling, whether represented by counsel or self-represented, who *initiates* a legal action by filing a petition seeking recovery of possession of said dwelling against a tenant for nonpayment of rent, shall file with the Court in the pending casefile, a verification of compliance with the CARES Act, in substantially the same form/format as attached hereto. Said verification of compliance shall be filed as early as possible in the legal action but in any event, shall be filed before any judgment for recovery of possession of said dwelling against a tenant for nonpayment of rent may be entered in said legal action.

2. Beginning on the date of this Administrative Order and continuing until July 25, 2020, in any *currently pending* legal action by a lessor of a dwelling, whether represented by counsel or self-represented, which seeks recovery of possession of said dwelling against a tenant for nonpayment of rent, said lessor or lessor’s counsel shall file with the Court in the pending casefile, a verification of compliance with the CARES Act, in substantially the same form/format as attached hereto. Said verification of compliance

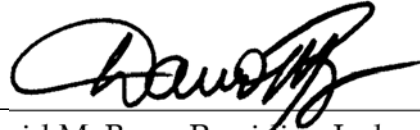
shall be filed before any judgment for recovery of possession of said dwelling against a tenant for nonpayment of rent may be entered in said legal action.

3. Blank copies of the verification of compliance form shall be available in the Department of Civil Records of the Court and/or in the court division to which any said legal action is assigned.

IT IS SO ORDERED.

May 7, 2020

Date



David M. Byrn, Presiding Judge

cc: Court Administrator
All 16th Circuit Judges and Commissioners
Deputy Court Administrator - Family Court
Deputy Court Administrator - Circuit Court/Jury Supervisor
Director, Civil Process
Director, Civil Records
Legal Counsel
County Executive
County Legislators
County Administrator

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

Plaintiff	Defendant	Case Number
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Attorney Name, Address, Bar#

VERIFICATION OF COMPLIANCE WITH CARES ACT

NOW COMES the Plaintiff and states as follows:

The plaintiff is seeking to recover possession of the following described premises:

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The undersigned has reviewed Section 4024 of Public Law 116-136, the Coronavirus Aid, Relief and Economic Security Act (the CARES Act), and hereby certifies that the above listed premises is not subject to the CARES Act moratorium because:

- The premises is not a covered dwelling as defined by Sec. 4024(a)(1) of the CARES Act; or
- The premises is a covered dwelling as defined by Sec. 4024(a)(1) of the CARES Act and the case was initiated prior to March 27, 2020 and the plaintiff is not seeking to charge fees, penalties, or other charges related to nonpayment of rent ; or
- The premises is a covered dwelling as defined by Sec. 4024(a) (1) of the CARES Act and the plaintiff does not seek possession of the dwelling based upon the nonpayment of rent or other fees.

I declare under the penalties of perjury that this verification has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Attorney

CARES ACT
Public Law 116-136
Explanation of Terms

Sec. 4024 TEMPORARY MORATORIUM ON EVICTION FILINGS.

(a) DEFINITIONS.—in this section:

(1) COVERED DWELLING. — The term “covered dwelling” means a dwelling that—
(A) is occupied by a tenant— (i) pursuant to a residential lease; or (ii) without a lease or with a lease terminable under State law; and
(B) is on or in a covered property.

(2) COVERED PROPERTY.—The term “covered property” means any property that—
(A) participates in—
(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a))); or
(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or
(B) has a—
(i) Federally backed mortgage loan; or
(ii) Federally backed multifamily mortgage loan.

(3) DWELLING.—The term “dwelling”—
(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and (B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

(4) FEDERALLY BACKED MORTGAGE LOAN.—The term “Federally backed mortgage loan” includes any loan (other than temporary financing such as a construction loan) that —
(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—
(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.