

Governor Beshear  
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Dear Governor Beshear,

We know that on Thursday, July 30th you will be mediating a lawsuit brought by three landlords in northern Kentucky challenging the legality of the restrictions you've placed on evictions for nonpayment of rent in the middle of a global pandemic and economic crisis.

We also know that yesterday the Kentucky Supreme Court modified its own Orders to allow eviction filings to begin on Saturday, August 1—just five days from today. We are deeply concerned that the Kentucky Supreme Court's action foreshadows a settlement on Thursday that includes your agreement to lift the moratorium on evictions for nonpayment of rent during a global pandemic. Such an outcome would be:

- 1) **disastrous**—catastrophic—for Kentuckians who rent their homes,
- 2) **dangerous** for the Courts and Kentuckians involved in the eviction process, including law enforcement, movers, and the general public,
- 3) **deeply unfair** to renters and the organizations and local governments working hard to distribute rental assistance, and
- 4) **completely unnecessary** because your eviction moratorium—like Courts have found in other states—is a reasonable, necessary, legal<sup>1</sup> response to a global pandemic and concomitant economic crisis.

Do not settle this lawsuit. Do not lift your moratorium on evictions for nonpayment of rent. We will only make it through this together if you don't throw the millions of Kentuckians who rent their homes overboard by allowing landlords to evict them for nonpayment of rent during the twin calamities of an escalating pandemic and coincident economic crisis.

We understand that the parties at the mediation will be three landlords, an organization representing landlords' interests, and the Commonwealth of Kentucky. Who will not be heard at the mediation? The voices and interests of Kentuckians who rent their homes and the organizations that serve our neighbors who are facing eviction, homelessness, and unemployment.

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<sup>1</sup> We hope it is not necessary to tell you this: your eviction moratorium is completely legal. It is narrowly-tailored and appropriate to protect the public during a global pandemic that literally has no precedent in our lifetimes. Indeed, courts in [New York](#) and [Arizona](#) have upheld the legality of a similar eviction moratoriums in response to the COVID-19 pandemic. Your eviction moratorium is defensible and the millions of Kentuckians who rent their homes are counting on you to defend it and protect them from dangerous, costly, and completely avoidable eviction during a pandemic and economic crisis. Failing to do so will be an absolute disaster and there will be no one to blame but you and your administration.

We write to you today to ensure our voices are also heard and hope our perspectives will steel your conviction to a) defend the legality of your eviction moratorium and b) extend the moratorium through the duration of the emergency.

**First**, we want to commend you for the steps you have taken to keep Kentuckians #HealthyAtHome, whether home is rented or owned. Your suspension of evictions at the onset of the pandemic and subsequent action (on May 8th) to extend the moratorium on evictions based on nonpayment of rent have kept Kentuckians who rent their homes safe during a pandemic. By limiting evictions at this critical time, your actions have also increased safety to court officials, attorneys, law enforcement, movers, the general public, and even landlords.

Kentucky renters have been hit hard by the coronavirus pandemic and resulting economic crisis. Indeed, a recent study<sup>2</sup> estimates that 221,000 Kentucky households (44% of all households that rent their homes) are unable to pay rent and are at risk of eviction absent a moratorium like yours protecting them. The estimated rental shortfall is \$212 million. Without your Executive Order, an estimated 149,000 Kentucky households will have an eviction filed against them *in the next four months*.

**Second**, thanks to the tireless work of advocates and governmental officials, Kentucky has received millions of dollars in rental assistance funding; for example, in Louisville alone, we have \$22 million in these federal funds. The purpose of this funding is to provide relief for two groups of people: the hundreds of thousands of tenants who have lost their income due to the pandemic, and landlords, who also have bills to pay.

In the rest of the 119 counties in Kentucky, the homeless assistance funding allocated in the CARES Act in March has not yet reached Lexington-Fayette Urban County Government or the Kentucky Housing Corporation, which will distribute funds to Northern Kentucky. Even once the funding is finally approved by the federal Department of Housing and Urban Development, it will take time to establish an application portal and process, and it also takes time to distribute these funds.

In the meantime, one productive action your office could take would be instructing the Department for Local Government to use part of its CARES Act Community Development Block Grant specifically for rental assistance. While Kentucky has not traditionally used CDBG for rental assistance, it is an eligible cost, and the rental arrears owed has clearly reached a crisis point. **Lifting or loosening the prohibition on evictions based on nonpayment of rent right now would not only endanger hundreds of thousands of Kentuckians by forcing unnecessary evictions in communities across the state, it would also undermine the efforts of local officials and countless nonprofits to build efficient programs to distribute millions of dollars in federal funding designated precisely for the purpose of rental assistance.** It is absolutely

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<sup>2</sup> See the National Coalition for a Civil Right to Counsel's [press release](#) for information about the tool and <https://bit.ly/evictionestimates> for the tool itself.

perverse for landlords to be suing you rather than working with local officials and their tenants to take advantage of the rental assistance Congress passed and the President signed into law in the CARES Act, as well as advocate for broader rental assistance in the legislation currently under consideration in the Congress.

Instead of settling with these outlier, eviction-hungry landlords, we ask you to encourage tenants and landlords alike to seek out such assistance in your public addresses; in Louisville, for example, we have consolidated information for tenants and landlords alike at [www.louhomeless.org/eviction](http://www.louhomeless.org/eviction). We also anticipate that Congress will provide more protections for Americans in the coming days to provide even more federal relief for tenants and landlords.

**Third**, we have heard from many concerned tenants who have lost their jobs but have not yet received their unemployment benefits. We know this is also a process that has taken time, and we think it's imperative that no Kentuckian be evicted for nonpayment of rent while they are waiting on the Commonwealth to deliver the unemployment benefits due to them.

**Fourth**, we know that members of the legislature are unhappy with what they perceive to be a lack of consultation with them from your administration. We absolutely believe that the legislature should play an important role in solving the affordable housing crisis and may have good ideas about how to provide landlords with the ability to safely and fairly evict people during a global pandemic and economic crisis. Therefore, we recommend that you extend the eviction moratorium into the Spring of 2021 to give the state legislature time to reconvene and piece together even more protective plans for Kentuckians who are struggling to make ends meet. Other states are considering March 2021 as the earliest date by which evictions could proceed.

**Finally**, when you decide to lift the moratorium on evictions for nonpayment of rent (hopefully many months from now), we beg you to provide at least 60 days' notice that you are lifting the suspension on evictions for nonpayment of rent. Providing landlords, renters, organizations, and local governments this notice before any evictions can be filed will allow all parties to prepare for (and hopefully reduce) the flood of eviction proceedings that will almost certainly occur at that time. That 60 days' notice will be so critical to reducing the number of unnecessary, dangerous evictions. Failing to provide Kentuckians with at least 60 days' notice would be a thumb in the eye<sup>3</sup> of the hundreds of thousands of Kentuckians who have found some basic stability through your suspension of evictions for nonpayment of rent, the local governments working every day to provide rental assistance to landlords and tenants alike, and the organizations that serve the most vulnerable Kentuckians across our Commonwealth.

Thank you so much again for considering our perspectives and the perspectives of the hundreds of thousands of Kentuckians who are teetering on the edge of homelessness. We hope you will hold strong to your conviction to keep Kentuckians healthy at home,

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<sup>3</sup> Figuratively, of course. Not literally.

whether home is rented or owned. **Your suspension of eviction filings for nonpayment of rent during a global pandemic is legal, appropriate, just, and absolutely necessary.** Please don't hesitate to reach out with any questions or concerns.

With gratitude,  
Kentucky Equal Justice Center  
The Coalition for the Homeless  
Homeless and Housing Coalition of Kentucky  
Lexington Fair Housing Council  
Kentucky Voices for Health  
Metropolitan Housing Coalition  
South Louisville Community Ministries