

Kentucky Landlord Tenant Laws

and the Impact of Pandemic Orders



Typical Procedure

URLTA (Uniform Residential Landlord Tenant Act)

Landlord decision to evict

NOTICE

- *7 days for non-payment*
- *14 days for breach in lease*

DELIVERY

- *Hand Delivered*
- *Certified/Registered Mail*
- *Last Known Address*

FILE

- *8th day for non-payment*
- *15th day for breach in lease (this includes not taking care of property)*

JUDGEMENT

- *Judged on facts*
- *Tenants can have counter-claims for habitability issues*
- *Can appeal or 7 days to vacate*

REMEDY

- *Landlord files for writ of possession (signed by District Judge)*
- *Sheriff executes writ of possession*

Non-URLTA (If there is a lease, the lease term prevails)

Landlord decision to evict

NOTICE

- *30 day notice*
- *If there is a lease, the lease term prevails*

DELIVERY

- *Hand Delivered*
- *Certified/Registered Mail (Common Law)*

FILE

- *31st day*

JUDGEMENT

- *Judged on facts*
- *Can appeal or 7 days to vacate*

REMEDY

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Pandemic Order Procedures

Cares Act – Beginning July 25, 2020 Landlords were able to give 30 day notice for non-payment of rent, meaning the earliest eviction from a CARES Act covered property for non-payment of rent could be August 24, 2020, unless otherwise prohibited by state law (as was the case in KY on July 25)

Kentucky Supreme Court on May 29, 2020: “Until the expiration of the State of Emergency declared in Executive Order 2020-215, evictions from all residential premises for nonpayment of rent are suspended, and filings related to any such eviction shall not be accepted by the circuit court clerk.”

Kentucky Supreme Court on July 27, 2020: “All actions for eviction may proceed, except with respect to evictions subject to Public Law 116-136 (the “CARES Act”)...” and all eviction filings must be accompanied by form AOC-1027 to verify compliance with the CARES Act.

Gov. Beshear Executive Order- March 25, 2020
“evictions within the Commonwealth are suspended, and all state, county, and local law enforcement officers in the Commonwealth are directed to cease enforcement of orders of eviction for residential premises for the duration of the State of Emergency under Executive Order 2020-215.”

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