April 20, 2020

Dear Chief Justice Minton,

We are writing to thank you and the rest of the Court for your leadership in protecting Kentuckians during this crisis. The Kentucky Supreme Court recognized earlier than many other institutions the threat posed by the SARS-CoV-2 virus and took appropriate steps to mitigate the spread of this novel coronavirus by changing court processes and limiting in-person contact to only the most essential emergency court proceedings.

Specifically, we are writing to thank you for protecting Kentuckians who rent their homes by suspending eviction filings until July 1, 2020. As people who represent and work on behalf of Kentuckians who rent their homes, we know that suspending eviction filings is an absolutely appropriate response to the unprecedented threat we face. An eviction does not just disrupt a family’s physical security and sanctuary; evictions are disruptive financially and emotionally. Your actions ensure that renters, too, can stay #HealthyAtHome.

We have no doubt that there will be Kentuckians alive that would otherwise not have survived but for your April 1 and April 14 Orders. While temporarily suspending eviction filings is essential to protecting Kentuckians, we are also painfully aware that people who rent their homes in many other states do not have the same stability and protection that you have provided to Kentuckians during this crisis.¹ Your actions do not just protect renters, of course: neighbors, landlords, movers, law-enforcement personnel, court staff, and the public are all safer, as well, when evictions aren’t being filed, prosecuted, and executed upon.

We are so grateful for your leadership.

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¹ A map showing the various protections states have established for renters in response to the spread of the SARS-CoV-2 virus is available at https://www.rhls.org/evictionmoratoriums/. Kentucky is one of 7 states that offer protections at three of the five stages of eviction. Only five states offer greater protection. We are proud to see Kentucky near the top of a list like this. As advocates for low-income Kentuckians, we have become too accustomed to finding ourselves at the bottom of many of these lists.
Many renters who find themselves behind on their rent through no fault of their own during this crisis would move based on a landlord’s threat of filing an eviction were it not for the sensible, needed restriction on evictions you instituted. The reality is that many renters 1) are not lawyers, 2) don’t have access to lawyers, and 3) lack any experience with our legal system. Many of these same renters are struggling with an outdated and overburdened unemployment system, still waiting to receive one-time stimulus checks under the CARES Act, waiting to find out whether they or their employer get CARES Act small business loans, and working every day to find ways to provide for their families in a time of unprecedented flux and financial turmoil.

Your Orders have given renters (and landlords) the time they need during this period of social distancing to regain their footing and spend their time availing themselves of public and private programs offering mortgage forbearance, rental assistance, mutual aid, etc. rather than risking their and others’ health by moving out or being moved out simply because our collective response to this crisis put them temporarily out of work.

While Kentuckians remain #HealthyAtHome, we are confident that you will be working on solutions to hear eviction matters fairly and fully after the pandemic has passed. Undoubtedly, many Kentuckians will find themselves behind on rent and without the income available to catch up on past-due rent absent a repayment plan from their landlords or ordered by the courts.

We encourage you to develop and administer equitable processes that:

- Recognize the blamelessness of many Kentuckians who are behind on their rent, who lost income through no fault of their own, and who are working as hard as they can to provide for their family during a time of unprecedented difficulty, and

- Ensure that landlords take steps to avoid any unnecessary evictions by pursuing loan forbearances or modifications from their creditors, waiving late fees or past-due rent, and affirmatively offering reasonable rent repayment plans to the Kentuckians who rent from them.

Once again, on behalf of all of our organizations and the Kentuckians we serve, thank you for recognizing the threat to public health that evictions pose at this perilous moment and for taking bold and necessary action to protect all Kentuckians by ensuring that people who rent their homes can remain #HealthyAtHome, as well.
Your leadership will continue to save lives and heartache and prevent unnecessary tumult.

Sincerely,

Ben Carter
Senior Litigation and Advocacy Counsel
Kentucky Equal Justice Center

and

AppalReD Legal Aid
Coalition for the Homeless
Forward Kentucky
Gateway Homeless Coalition
Jefferson County Teachers Association
Kentuckians for the Commonwealth
Kentucky Center for Economic Policy
Kentucky Coalition Against Domestic Violence
Kentucky Legal Aid
Kentucky Voices for Health
Legal Aid Society
Legal Aid of the Bluegrass
Lexington Fair Housing Council
Lexington Housing Justice Collective
Louisville Affordable Housing Trust Fund
Metropolitan Housing Coalition
New Directions Housing Corporation
Patchwork Cooperative Loan Fund
Root Cause Research Center
South Louisville Community Ministries
ThriveKY
UofL Housing Justice Work Group

Cc: Justice Hughes
Justice Keller
Justice Lambert
Justice Nickell
Justice VanMeter
Justice Wright