

IN THE CIRCUIT COURT OF ST. LOUIS, MISSOURI

In re: Executions of Writs

Administrative Order No. 21-11

WHEREAS, Governor Mike Parson and County Executive Sam Page have declared a State of Emergency necessitating governmental entities to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of St. Louis County residents; and

WHEREAS, the Missouri Supreme Court has issued various directives to the circuit courts, authorizing them to establish limitations to all court proceedings; and

WHEREAS, the Centers for Disease Control and Prevention and the Department of Health and Human Services have declared that evictions during this COVID pandemic create a health crisis, as it is not in the interest of public health to displace persons from their homes during the COVID-19 emergency; and

WHEREAS, in establishing these limitations, this court has taken steps to protect the health and safety of the 21st Judicial Circuit, including all judicial officers, all employees, all parties with business before the Court and all members of the general public; and

WHEREAS, pursuant to Section 478.240.2 of the Revised Statutes of Missouri ("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; and

WHEREAS, in making many of its decisions, this court has considered the scientific evidence, specifically, that the COVID-19 virus spreads between people who are in close contact with one another through the transmission of respiratory droplets produced when an infected person coughs, sneezes or merely talks; and

WHEREAS, employees of the St. Louis County Sheriff's Office who execute writs of restitution, writs of attachment, writs of execution and writs of replevin typically come into close contact with members of the general public in performing those duties; and

WHEREAS, said employees, when executing writs of eviction, must be in close proximity to such members of the general public, inside their places of residence for extended periods of time; and

WHEREAS, for these stated reasons, this court issued a blanket suspension of the enforcement of certain writs of restitution, writs of replevin, writs of attachment and any other writs of execution on March 20, 2020 (Administrative Order 20-16); and

WHEREAS, drug addiction and abuse have been a serious problem during this pandemic; and

WHEREAS, during the twelve months of this pandemic, some landlords have borne burdens because of tenants or their guests who have engaged in significant drug-related criminal activity on or within their leased properties, or because the leased properties were used to further, promote, aid or assist in drug-related activity; and

WHEREAS, certain writs, pursuant to Section 441.740, R.S.Mo., are directly related to reducing drug-related criminal activity; and

WHEREAS, other emergency situations have arisen, requiring the immediate dispossession of certain tenants, specifically when failure to do so would cause either physical injury to other tenants and/or the landlords or substantial physical damage to the landlords' properties (when the reasonable cost to repair the damage exceeds an amount of twelve months' rent); and

WHEREAS, as of March 19, 2021, employees of the St. Louis County Sheriff's Office have all had the opportunity to be fully vaccinated and can now take the necessary precautions to protect themselves, with the assistance of local law enforcement officials and an increased presence from the Sheriff's Office to minimize the necessary time spent inside the residential units, in order to effectuate these particular executions; and

WHEREAS, a federal eviction moratorium issued by the Centers for Disease Control and Prevention has been in effect since September 4, 2020 and will end on March 31, 2021; and

WHEREAS, as of the beginning of April of 2021, approximately \$30 million will become available to landlords to pay for rent through the Emergency Rental Assistance Program ("E.R.A.P.") and the State Assistance for Housing Relief Program ("S.A.F.H.R."). Additional funding is anticipated. This financial assistance can be used for rent and utility arrears accrued from the beginning of April, 2020 and "up to three months of forward rent and prepaid full utility assistance." Eligible tenants can apply for financial assistance to be paid directly to their landlords or utility providers. Landlords can also apply on behalf of eligible households.

IT IS, THEREFORE, ORDERED THAT:

The Sheriff's Office and employees therein are directed to continue refraining from executing any writs of restitution, writs of replevin, writs of attachment, writs of partition and any other writs of execution that require them to come into direct contact with the general public until April 5, 2021 – with the exception of those writs that allege(d) and ultimately prove(d) that:

1. Tenants, members of their households and/or their guests have engaged in drug-related criminal activities on or within the leased properties or in the immediate vicinity of the leased properties; OR
2. The leased properties were used in any way to further, promote, aid or assist in drug-related criminal activities; OR
3. The failure to dispossess the tenant will create an emergency situation that will imminently cause, to a reasonable degree of certainty, physical injury to other tenants and/or the landlords; OR
4. The failure to dispossess the tenant will create an emergency situation that will imminently cause, to a reasonable degree of certainty, extensive damage to the landlords' property (i.e., the cost to repair the damage exceeds twelve months rent) if immediate action is not taken.

As of today, in these instances described above, the St. Louis County Sheriff's Office shall execute immediate evictions, pursuant to Section 441.740, R.S.Mo. Proceedings shall occur in accordance with Sections 441.710 through 441.880, R.S.Mo. (which recognize, *inter alia*, stays of executions and reasonable efforts to abate certain emergency situations).

The Sheriff's Office shall also execute immediate evictions for leased property that was rented for commercial purposes.

As of April 5, 2021, the St. Louis County Sheriff's Office shall execute all other pending evictions and writs.

IN REQUESTING FORWARD RENTAL ASSISTANCE THROUGH E.R.A.P. AND/OR S.A.F.H.R., LANDLORDS CANNOT EVICT THEIR TENANTS FOR THE PERIOD FOR WHICH THEY ARE RECEIVING E.R.A.P. AND/OR S.A.F.H.R. ASSISTANCE.

Starting March 24, 2021, landlords who wish to evict their tenants because of nonpayment must complete affidavits (similar to the attached "Exhibit A") when filing their petitions that indicate that they have not sought and are not seeking financial assistance from E.R.A.P. or S.A.F.H.R. for the period of time designated in their eviction petitions. Judges may also elicit testimony from the landlords about their intentions in this regard.

Information about how to get assistance from E.R.A.P. and S.A.F.H.R. will be available at <https://stlcorona.com/resident/resources-rent/> as of March 29, 2021.

General information about E.R.A.P. can be found at <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>

General information about S.A.F.H.R. can be found at <https://www.mohousingresources.com/safhr>
(Note that St. Louis County is not yet included here.)

SO ORDERED:



Michael D. Burton
Presiding Judge

March 22, 2021

EVICTION AFFIDAVIT

1. The undersigned is the Plaintiff Lessor who seeks the recovery of possession of a dwelling located in St. Louis County, Missouri at the address of :

2. The tenant who has lived at the above address is: (State name): _____

3. I have knowledge of the terms of the Emergency Rental Assistance Program ("E.R.A.P.") and the State Assistance for Housing Relief Program ("S.A.F.H.R.") and am thereby aware that I am prohibited from filing a petition against the above tenant to recover possession for nonpayment of rent if I seek or have received financial assistance for the payment of rent from either of these programs during the period of time I am alleging that the tenant has failed to pay rent.

4. I hereby state under oath that the accompanying Petition for Possession is not subject to E.R.A.P. and S.A.F.H.R. prohibitions of eviction for nonpayment of rent because I am not seeking nor have I received financial assistance from these programs during the period of time where I have alleged that the above tenant has failed to pay rent.

The undersigned, being first duly sworn, states that he/she has read the foregoing affidavit, and the facts herein stated are true. I am aware that a knowingly false statement in this affidavit may be punishable by law.

Signature of Plaintiff Lessor

Print Name

Subscribed and Sworn to before me this _____ day of _____, 20_____.

Notary or Clerk of the St. Louis County Circuit Clerk