

**IN THE CIRCUIT COURT OF ST. LOUIS
COUNTY, MISSOURI AT CLAYTON, MISSOURI**

In Re: COVID-19

ADMINISTRATIVE ORDER 31

**Order Requiring CARES Act Affidavit or Verified Allegation in
Petition for Possession for Nonpayment of Rent**

WHEREAS the Coronavirus Aid, Relief and Economics Security Act (CARES Act) was recently 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 “covered dwellings” from tenants for the nonpayment of rent over the 120-day period from March 27, 2020, to July 25, 2020; and

WHEREAS it is necessary at the time of filing a petition for possession of rented property to establish whether a dwelling is subject to the temporary moratorium established by the CARES Act; and

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

THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

- Beginning the date of this Administrative Order until July 25, 2020, when a landlord or landlord’s agent, whether represented by counsel or pro se, initiates a legal action, or presents for filing a petition for recovery of possession of the dwelling against a tenant for nonpayment of rent then, in addition to the petition, an affidavit must be filed affirming that the dwelling is not a “covered dwelling” and therefore not subject to the CARES Act moratorium.
- The St. Louis County Circuit Clerk is directed not to accept a petition for filing unless a separate affidavit is filed accompanying the petition.

- The attached CARES Act Affidavit is an approved template adopted for use in the 21st Judicial Circuit.
- The St. Louis County Circuit Clerk is directed to provide the CARES Act Affidavit to any lessor initiating a legal action against a tenant for possession of a dwelling for the nonpayment of rent.
- In the event that a petition for recovery of possession for nonpayment of rent was filed prior to the enactment of this rule, the required affidavit shall be submitted to the court before scheduling any hearing on the matter, or before holding any hearing if one has already been scheduled.
- No judgment or writ of execution shall issue before the required affidavit is submitted.
- The CARES Act prohibits a lessor of a “covered dwelling” from “require[ing a] tenant to vacate [a] covered dwelling unit” before August 24, 2020, and only before first providing a 30-day notice.

This Administrative Order shall remain in effect until July 25, 2020.

IT IS SO ORDERED.


Judge Division 16
May 13, 2020

Presiding Judge for the 21st Judicial Circuit