

COVID EVICTION AUTHORITIES

AUTHORITY	EXPIRATION DATE	RELEVANT PROVISIONS
<p>Colorado Executive Order D 2020 223, as amended and extended by Executive Order D 2020 227</p>	<p>D 2020 227 states that it expires 30 days from 10/21/20 unless extended. However, according to a press release issued by the governor on 10/21/20, the governor has committed to keeping the order in place until 12/31/20.</p>	<p>The text of D 2020 223 can be viewed here. The text of D 2020 227 can be viewed here. As amended by D 2020 227, D 2020 223’s “Directives” provide as follows:</p> <p>A. I temporarily suspend those portions of C.R.S. §§ 38-12-204(1), 38-12-204.3(2), and 13-40-104(1)(d) that require landlords to provide all residential and nonresidential tenants with ten (10) days, five (5) days, or three (3) days of notice of any default for nonpayment of rent, during which time the tenant has the opportunity to cure the default. Instead, landlords must provide tenants with thirty (30) days’ notice of any default for nonpayment that occurred on or after March 10, 2020 before initiating or filing an action for forcible entry and detainer. Such thirty (30) day notice may extend beyond the expiration of this Executive Order. During this thirty (30) day period, tenants shall have the opportunity to cure any default for nonpayment. A thirty (30) day notice that was served on a tenant pursuant to a prior Executive Order does not need to be reserved if the nonpayment remains uncured.</p> <p>B. I direct the Executive Director of DOLA to continue working with landlords to implement the model rent repayment agreements created by DOLA to assist individuals who are unable to pay rent because they have been impacted by financial hardship due to COVID-19.</p> <p>C. No landlord, mobile home park owner, property management entity, or any individual or entity acting on behalf of a landlord, mobile home park owner, or property management entity shall charge a monetary sum, fee, or other penalty against a tenant or mobile home owner for failure to timely pay any portion of rent, beginning the day this Executive Order is executed. Any fee or penalty assessed on or after January 1, 2021, shall apply only to rent due on or after that date.</p> <p>D. No individual shall file or initiate actions for forcible entry and detainer (i.e. eviction) including any demand for rent under C.R.S. § 13-40-101, et seq., unless the individual has notified the tenant in writing of the federal protections against eviction provided by the CDC’s Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19. 85 FR 55292 (September 4, 2020). The individual must provide as</p>

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		<p>notice a copy of the CDC’s order, https://www.govinfo.gov/content/pkg/FR-2020-09-04/pdf/2020-19654.pdf, including the declaration in English, https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf, and in Spanish, https://www.hud.gov/sites/dfiles/PIH/documents/DeclarationFormSpanish.pdf. Additionally, the individual must also provide a copy of DOLA’s model notification letter, https://drive.google.com/file/d/1eScBI8PIP3MJPKL60VEanNRUfTzS4fOS/view?mc_cid=f529ef2f1d&mc_eid=74b81073c3.</p> <p>E. Nothing in this Executive Order shall be construed as relieving an individual from their obligation to make rent payments.</p> <p>F. I strongly encourage all municipalities and other local jurisdictions that place limits on the number of unrelated persons who can live in a single household or that prohibit group or boarding houses to suspend or eliminate those restrictions to enable homeowners to rent or give a room or rooms to those in need of housing.</p> <p>G. I strongly encourage all municipalities and other local jurisdictions that place limits on the number of days that hotel rooms may be occupied to suspend or eliminate those restrictions.</p> <p>H. For the purposes of this Executive Order, “financial hardship due to COVID-19” means an individual who meets all of the following criteria:</p> <ol style="list-style-type: none"> 1. Is using best efforts to obtain government assistance for rent or housing; 2. Either (1) expects to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return); (2) was not required to report any income in 2019 to the U.S. Internal Revenue Service; or (3) received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the federal CARES Act; 3. Is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses;

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		<p>4. Is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; and</p> <p>5. Would likely be rendered homeless or forced to move into and live in close quarters in a new congregate or shared living setting because the individual has no other available housing options if evicted.</p> <p>I. I direct the Executive Director of DOLA to create a declaration form that uses the requirements outlined in Section II.H above. A tenant can demonstrate financial hardship due to COVID-19 by accurately completing and signing this form under penalty of perjury and providing it to their landlord. Additionally, the tenant may also provide the CDC's declaration form in lieu of DOLA's form to demonstrate financial hardship due to COVID-19.</p> <p>J. No individual shall file or initiate actions for forcible entry and detainer (i.e. eviction) involving a premises based solely upon a tenant's default of a contractual obligation imposed by a rental agreement under C.R.S. § 13-40-101, et seq., if the tenant demonstrates financial hardship due to COVID-19.</p> <p>K. No individual shall file or initiate actions for forcible entry and detainer (i.e. eviction) under C.R.S. § 13-40-101, et seq., involving a tenant in violation of C.R.S. § 13-40-104(c) following the expiration of the term of the agreement, month to month tenancies, or the termination of a tenancy at will or sufferance if the tenant demonstrates financial hardship due to COVID-19.</p> <p>L. No individual shall file or initiate actions for forcible entry and detainer (i.e. eviction) under C.R.S. § 13-40-101, et seq., where the tenant did not commit a substantial violation as defined by C.R.S. § 13-40-107.5 if the tenant demonstrates financial hardship due to COVID-19.</p> <p>M. No individual shall remove or exclude a tenant from a premises or enter a premises to remove or exclude personal property of a tenant from the premises, including pursuant to a writ of restitution authorizing restoration of a plaintiff to possession of the premises under C.R.S. § 13-40-115 if the tenant demonstrates financial hardship due to COVID-19.</p>

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		<p>N. No individual shall execute or enforce a writ of restitution, possession judgment, or order under C.R.S. § 13-40-122 requiring a tenant to surrender or vacate a premises if the tenant demonstrates financial hardship due to COVID-19.</p> <p>O. The limitations in Sections II.J. through II.N., above, do not apply to circumstances where a tenant poses an imminent and serious threat to another individual or causes significant damage to landlord’s property. An individual testing positive for COVID-19 or an individual’s potential exposure to COVID-19 is not considered to pose a serious threat to another individual or landlord’s property and is not a substantial lease violation under C.R.S. § 13-40-107.5.</p> <p>P. Except as provided in Sections II.J. through II.N., above, nothing in this Executive Order shall be construed as relieving any party of their duty to comply with any contractual obligations imposed on parties by a lease or rental agreement.</p>
CDC/HHS Agency Order	12/31/20	The text of the order can be viewed here . Supplementary information can be viewed here .
Additional Resources and Information	N/A	<p>The “Findings of the Special Eviction Prevention Task Force” prepared for Governor Polis, which is dated 10/9/20, can be viewed here. The governor’s press release regarding D 2020 227 can be viewed here. The governor’s press release regarding D 2020 223 can be viewed here. The Congressional Research Service’s summary of federal eviction moratoriums (both current and expired) can be viewed here.</p> <p>Prior to issuing D 2020 223 and D 2020 227, Governor Polis issued several other Executive Orders addressing eviction issues. Those orders have expired. The CARES Act’s eviction protections have also expired.</p>