



## Frequently Asked Questions for TENANTS and LANDLORDS

### EVICCTIONS, FORECLOSURES, RENT AND MORTGAGE PAYMENTS

**NOTE: The information in this document is not legal advice. Contact an attorney for questions about your specific circumstances.**

#### 1. Can I be evicted if I don't pay my rent?

The federal Centers for Disease Control and Prevention (CDC) and the State of Colorado (Executive Order D 2020 227 - <https://tinyurl.com/y2j47am8>) have issued orders that certain residential evictions are not allowed. If you meet **ALL** of the following conditions, you may not be evicted (other than for certain illegal or dangerous conduct described below) from September 4, 2020 to as late as December 31, 2020.

1) You have used best efforts to obtain all available government assistance for rent or housing, **AND**

2) You (i) expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint return); **OR** (ii) you were not required to report any income in 2019 to the U.S. Internal Revenue Service, **OR** (iii) you received a coronavirus Economic Impact Payment (stimulus check) from the federal government, **AND**

3) You are 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 layoff, or extraordinary out-of-pocket medical expenses, **AND**

4) You are using best efforts to make timely partial payments that are as close to the full payment as the your circumstances may permit, taking into account other necessary expenses, **AND**

5) Eviction would likely render you homeless; **OR** you would need to move into a homeless shelter; **OR** you would need to move into a new residence shared by other people who live in close quarters because you have no other available housing options.

To be covered by the eviction moratorium, you must provide a written declaration form that you meet all five of these requirements to your landlord. This declaration is certified under penalty of perjury, meaning that you could be prosecuted, go to jail, or pay a fine if you are untruthful. A blank declaration form can be found [here in English](https://tinyurl.com/yycznjji) (<https://tinyurl.com/yycznjji>) and [here in multiple other languages](https://tinyurl.com/yyzg6d99) (<https://tinyurl.com/yyzg6d99>). Be sure to retain a copy of your signed declaration and evidence that you provided it to your landlord.

Even if you meet the requirements above, you can still be evicted for lease violations that pose an imminent and serious threat to another individual or cause significant damage to landlord's property,



or for a “substantial violation” as defined in Colorado statute (C.R.S. § 13-40-107.5).<sup>1</sup> 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 violation.”

Even if you cannot be evicted, you still owe your rent as per your lease.

Beginning June 14, by order of the Governor, your Landlord must give you 30 days’ (instead of 10 days’) notice of nonpayment of rent before initiating or filing an eviction. You have 30 days to pay what you owe, work out a deal with your landlord, provide the declaration described above, or move. This extended notice period is an executive order by the Governor and may expire. If you receive a notice of nonpayment of rent, you are encouraged to consult an attorney (resources below).

## **2. When can evictions begin again?**

If you meet the five conditions listed in Question #1 above, evictions can begin only after December 31, 2020. To be covered by the eviction moratorium, you must provide a written declaration form that you meet all five of these conditions to your landlord. This declaration is certified under penalty of perjury, meaning that you could be prosecuted, go to jail, or pay a fine if you are untruthful. A blank declaration form can be found [here in English](https://tinyurl.com/yycznjj) (<https://tinyurl.com/yycznjj>) and [here in multiple other languages](https://tinyurl.com/yyzg6d99) (<https://tinyurl.com/yyzg6d99>).

If you **do not** meet the requirements listed in Question #1 above and/or you **do not** provide a written declaration form to your landlord, evictions can occur any time.

Evictions can also occur at any time for lease violations that pose an imminent and serious threat to another individual or cause significant damage to landlord’s property, or for a “substantial violation” as defined in Colorado statute (C.R.S. § 13-40-107.5).<sup>2</sup> 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 violation.”

## **3. Do I owe rent while the CDC or State of Colorado order prevents me from being evicted?**

Even if the CDC or State of Colorado order prevents you from being evicted, you still owe your rent. If you miss your rent payment, you and your landlord may choose to enter into a new agreement for repayment. If you don’t have a repayment agreement, all of your missed rent will be due on January 1, 2021.

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<sup>1</sup> See section 3 of CRS 13-40-107.5 [here](https://tinyurl.com/y48wmvw7). (<https://tinyurl.com/y48wmvw7>)

<sup>2</sup> See section 3 of CRS 13-40-107.5 [here](https://tinyurl.com/y48wmvw7). (<https://tinyurl.com/y48wmvw7>)



The Division of Housing has created a model Repayment Agreement which can be found [in English here](#) and [in Spanish here \(https://cdola.colorado.gov/housing-covid19-eviction\)](https://cdola.colorado.gov/housing-covid19-eviction).

If you need help paying your rent, seek rental assistance. You can request an application through [this webpage \(https://www.brihousingassist.org/\)](https://www.brihousingassist.org/) or by emailing [EHAP\\_TEAM@brothersredevelopment.org](mailto:EHAP_TEAM@brothersredevelopment.org). You can also dial 211 to ask about other rental assistance programs.

#### **4. Can my landlord charge late fees during the COVID emergency?**

The Governor has issued an Executive Order (D 2020 223 - <https://tinyurl.com/y4foqgzy>) stating that property owners cannot charge late fees for failure to pay any portion of rent from October 15, 2020 through December 31, 2020. Any fee or penalty assessed on or after January 1, 2021, can only apply to rent due on or after January 1, 2021.

#### **5. What should I do if I can't pay rent because of COVID-19?**

If you need help paying your rent, seek rental assistance. You can request an application through [this webpage \(https://www.brihousingassist.org/\)](https://www.brihousingassist.org/) or by emailing [EHAP\\_TEAM@brothersredevelopment.org](mailto:EHAP_TEAM@brothersredevelopment.org). You can also dial 211 to ask about other rental assistance programs.

Determine whether you meet ALL of the following conditions:

- 1) You have used best efforts to obtain all available government assistance for rent or housing **AND**
- 2) You (i) expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint return); **OR** (ii) you were not required to report any income in 2019 to the U.S. Internal Revenue Service, **OR** (iii) you received a coronavirus Economic Impact Payment (stimulus check) from the federal government **AND**
- 3) You are 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 layoff, or extraordinary out-of-pocket medical expenses **AND**
- 4) You are using best efforts to make timely partial payments that are as close to the full payment as the your circumstances may permit, taking into account other necessary expenses **AND**
- 5) Eviction would likely render you homeless; **OR** you would need to move into a homeless shelter; **OR** you would need to move into a new residence shared by other people who live in close quarters because you have no other available housing options.



If you meet all five conditions, provide a written declaration form that you meet all five of these requirements to your landlord. This declaration is certified under penalty of perjury, meaning that you could be prosecuted, go to jail, or pay a fine if you are untruthful. A blank declaration form can be found [here in English](#) and [here in multiple other languages](#). Be sure to retain a copy of your signed declaration and evidence that you provided it to your landlord.

Even if you do not qualify for the CDC or State of Colorado eviction protection, many landlords across the state are offering tenants repayment agreements in response to the COVID-19. See below for legal resources if you need professional advice to review a repayment agreement. The Division of Housing has created a model Repayment Agreement which can be found [in English here](#) and [in Spanish here](#) (<https://cdola.colorado.gov/housing-covid19-eviction>).

## **6. What should I do if I get a “notice of nonpayment of rent” or eviction notice**

You may be protected from eviction if you meet certain criteria and provide an executed declaration form to your landlord. See Question #1 for details. A sample declaration form can be [found here in English](#) and [here in multiple other languages](#).

Beginning June 14, by order of the Governor, your Landlord must give you 30 days’ (instead of 10 days’) notice of nonpayment of rent before initiating or filing an eviction. You have 30 days to pay what you owe, work out a deal with your landlord, provide the declaration described in Question #1, or move. This extended notice period is an executive order by the Governor of Colorado and may expire, in which case the notice period would go back to 10 days.

If you need it, seek rental assistance. You can request an application through [this webpage](#) (<https://www.brihousingassist.org/>) or by emailing [EHAP\\_TEAM@brothersredevelopment.org](mailto:EHAP_TEAM@brothersredevelopment.org). You can also dial 211 to ask about other rental assistance programs.

If you are a mobile/manufactured home owner who rents lot space and you believe you have been issued a notice of nonpayment of rent or charged a late fee in violation of the law, you may file a complaint with the Mobile Home Park Oversight Program [here](#) (<https://cdola.colorado.gov/mobile-home-park-dispute-resolution>).

If you receive a notice of nonpayment of rent, you are encouraged to consult an attorney (resources below). If you receive a summons by the court you must attend even if you believe you are covered by the eviction moratorium.



## **7. What should I do if I can't pay my mortgage?**

Many lenders are offering mortgage forbearance for those who cannot pay due to COVID-19. Forbearance allows you to skip monthly payments for a limited time and repay later. These payments can either be made up over a repayment period or added on to the end of the mortgage period. If you want forbearance you must call your lender to request it. Ask your lender for written confirmation about your forbearance agreement.

If you cannot get forbearance, seek mortgage assistance. You can request an application through [this webpage \(https://www.brihousingassist.org/\)](https://www.brihousingassist.org/) or by emailing [EHAP\\_TEAM@brothersredevelopment.org](mailto:EHAP_TEAM@brothersredevelopment.org). You can also dial 211 to ask about other mortgage assistance programs. If you need additional help getting forbearance or avoiding foreclosure, visit [www.ColoradoHousingConnects.org](http://www.ColoradoHousingConnects.org) or call 1-844-926-6632 to be connected to a housing counselor.

## **8. I'm a landlord and my tenants aren't paying rent. I need to pay my mortgage, what should I do?**

If you are a landlord and your tenant is not paying due to COVID-19, you can ask your lender for forbearance. Forbearance allows you to skip monthly payments for a limited time and repay them later. These payments can either be made up over a repayment period or added to the end of the mortgage period. You must call your lender to request forbearance. Ask for documentation from your lender if you are granted a forbearance.

Your tenants still owe you rent. In order to get your payment, consider entering into an alternative payment plan that gives your tenant time to catch up on what is owed. The Division of Housing has created a model Repayment Agreement which can be found [in English here](#) and [in Spanish here \(https://cdola.colorado.gov/housing-covid19-eviction\)](https://cdola.colorado.gov/housing-covid19-eviction).

You may be able to seek rental assistance on behalf of your tenants through the Division of Housing. Visit [this website \(https://cdola.colorado.gov/rental-assistance\)](https://cdola.colorado.gov/rental-assistance) for details.

You can also suggest that your tenant seek rental assistance. They can request an application through [this webpage \(https://www.brihousingassist.org/\)](https://www.brihousingassist.org/) or by emailing [EHAP\\_TEAM@brothersredevelopment.org](mailto:EHAP_TEAM@brothersredevelopment.org). They can also dial 211 to ask about other rental assistance programs.

If you need additional help getting forbearance or avoiding foreclosure, visit [www.ColoradoHousingConnects.org](http://www.ColoradoHousingConnects.org) or call 1-844-926-6632 to be connected to a housing counselor.



## 9. Where can I get assistance to pay my rent or mortgage?

Rental/Mortgage Assistance: The Division of Housing and other cities and counties are providing rental or mortgage assistance for low- and moderate-income families. To find out more from the Division of Housing, go to [this website](#).

If you are a renter or a homeowner and want to request an application for assistance, visit [this webpage](#) (<https://www.brihousingassist.org/>) or email [EHAP\\_TEAM@brothersredevelopment.org](mailto:EHAP_TEAM@brothersredevelopment.org). You can also dial 211 to ask about other rental or mortgage assistance programs.

If you need additional help avoiding foreclosure or eviction, visit [www.ColoradoHousingConnects.org](http://www.ColoradoHousingConnects.org) or call 1-844-926-6632 to be connected to a housing counselor.

## 10. Where can I get legal assistance or information about evictions, foreclosures and other tenant/landlord advice?

### Mobile and Manufactured Home Owners

If you are a mobile/manufactured home owner who rents lot space and you believe you have been issued a notice of nonpayment of rent or charged a late fee in violation of the law, you may file a complaint with the Mobile Home Park Oversight Program [here](#) (<https://cdola.colorado.gov/mobile-home-park-dispute-resolution>). Note that if you have received a notice to appear in court in response to an eviction action, you must still appear in court if you want to defend yourself, even if you file a complaint with the Oversight Program.

### Colorado Housing Connects

[www.coloradohousingconnects.org](http://www.coloradohousingconnects.org)

1-844-926-6632

### Colorado Legal Services

[www.coloradolegalservices.org](http://www.coloradolegalservices.org)

**Alamosa** (Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache): 719-589-4993

**Boulder** (Boulder): 303-449-7575

**Colorado Springs** (El Paso, Lincoln, Teller, Chaffee, Custer, Fremont, Park): 719-471-0380

**Craig** (Grand, Jackson, Moffat, Rio Blanco and Routt): 1-800-521-6968

**Denver** (Adams, Arapahoe, Broomfield, Denver, Douglas, Elbert, Jefferson all ages; for Clear Creek & Gilpin seniors 60+ only): 303-837-1313



**Dillon** (Clear Creek, Eagle, Gunnison, Lake, Pitkin and Summit): 1-800-521-6968

**Durango** (Archuleta, Dolores, Hinsdale, La Plata, Montezuma, Ouray, San Juan, San Miguel, Ute Mountain Ute and Southern Ute reservations): 1-888-298-8483

**Ft. Collins** (Larimer, Logan, Phillips, Sedgwick): 970-493-2891

**Grand Junction** (Delta, Garfield, Mesa, Montrose): 970-243-7940

**Greeley** (Morgan, Washington, Weld, Yuma): 970-353-7554

**La Junta** (Baca, Bent, Cheyenne, Crowley, Huerfano, Kiowa, Kit Carson, Las Animas, Otero, Prowers): 1-888-805-5152

**Migrant Farmworker Division** (all counties): 1-800-864-4330

**Pueblo** (Pueblo, Custer, Fremont shared w/ other offices): 719-545-6708

**Salida** (Chaffee, Custer, Fremont, Park county shared): 719-539-4251

### **Colorado Poverty Law Project**

[www.copovertylawproject.org/](http://www.copovertylawproject.org/)

Email: [contact@copovertylawproject.org](mailto:contact@copovertylawproject.org)

Intake form:

[https://docs.google.com/forms/d/e/1FAIpQLSd9mMZTtP1iuJIGgjdoggVrSGg1hu\\_HH4PFITuv5o9WjNrKcw/viewform](https://docs.google.com/forms/d/e/1FAIpQLSd9mMZTtP1iuJIGgjdoggVrSGg1hu_HH4PFITuv5o9WjNrKcw/viewform)

Monthly legal clinic held on the third Wednesday every month from 4:00 - 6:00 PM at Stout Street Health Center, 2130 Stout Street, Denver, Colorado 80205.

### **COVID-19 Eviction Defense Project**

<http://cedproject.org/>

Intake form: <https://form.jotform.com/200947468101049>

### **Colorado Housing Connects**

If you need additional avoiding foreclosure or eviction, visit [www.ColoradoHousingConnects.org](http://www.ColoradoHousingConnects.org) or call 1-844-926-6632 to be connected to a housing counselor.