



Frequently Asked Questions for TENANTS and LANDLORDS

EVICCTIONS, FORECLOSURES, RENT AND MORTGAGE PAYMENTS

1. Did the Governor's Executive Order prohibit all evictions?

Governor Polis signed [Executive Order D 2020 012](#) on March 20, [Executive Order D 2020 031](#) on April 6, and [Executive Order D 2020 051 on April 30](#), all addressing evictions and foreclosures. The Executive Orders call on landlords to be mindful of the serious public safety concerns and challenges Coloradans are facing during a statewide stay-at-home order that may also impact their continued employment status. Executive Order 051 prohibits landlords from filing or initiating an eviction from April 30, 2020 through May 30, 2020 for Coloradans who have experienced economic hardship due to COVID-19. It also prohibits anyone from removing or excluding a tenant from a premises or removing or excluding personal property of a tenant from a premises. These prohibitions do not apply if the tenant poses an imminent and serious threat to another individual or causes significant property damage. 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 property.

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

[Executive Order D 2020 051](#) prevents landlords from filing or initiating an eviction from April 30, 2020 through May 30, 2020 for Coloradans who have experienced economic hardship due to COVID-19. It also prohibits anyone from removing or excluding a tenant from a premises or removing or excluding personal property of a tenant from a premises. These prohibitions do not apply if the tenant poses an imminent and serious threat to another individual or causes significant property damage. 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 property.

Prior to the signing of Executive Order 051 (April 30, 2020), Evictions were temporarily suspended in many parts of Colorado through the Judicial Branch by way of guidelines that specify they will only hear cases that directly affect public safety.

On March 27, the Federal CARES Act was signed. It includes a 120 day eviction moratorium for **covered properties** (March 27, 2020 through July 24, 2020) from filing new eviction actions for non-payment of rent, and also prohibits charging fees, penalties, or other charges to the tenant related to nonpayment of rent. The federal moratorium also provides that the landlord may not evict a tenant after the moratorium expires except on 30 days' notice—which may not be given until after the moratorium period. These protections are only for people living in or on **covered properties**. The Act defines a "covered property" as a property that: (1) participates in a "covered housing program" as defined by the Violence Against Women Act (VAWA) as amended through the 2013



reauthorization. (These programs include most rental assistance and housing grant programs, including public housing, Housing Choice Vouchers, Section 8 Project-Based Rental Assistance, rural housing programs, and the Low Income Housing Tax Credit program); (2) participates in the “rural housing voucher program under section 542 of the Housing Act of 1949”; (3) has a federally backed mortgage loan; or (4) has a federally backed multifamily mortgage loan. The Governor’s Executive Order 051 requires landlords of rental properties to notify tenants in writing of federal protections against evictions and foreclosures at each property.

Once these state or federal protections have expired, a landlord may begin eviction proceedings if you do not pay your rent.

3. When does the Executive Order prohibiting evictions expire?

Executive Order 051 is in effect from April 30, 2020 through May 30, 2020 for Coloradans who have experienced economic hardship due to COVID-19.

4. Do I owe rent for April and/or May?

Tenants are still bound by their rental contract. Even though the Governor has suspended evictions until May 30, 2020 for those people experiencing hardship due to COVID-19 and the federal government has suspended evictions in covered properties until July 24, 2020 in certain covered properties, you still owe your rent. Landlords are able to seek payment under the terms of the rental agreement.

It is up to your landlord if he/she is willing to work out an agreement for payment. The Division of Housing has created a Model Repayment Agreement which can be found on the Division of Housing website.

5. Can my landlord charge late fees during the COVID emergency?

Executive Order 051 prohibits landlords from charging any late fees or penalties for non-payment of rent through the duration of the Executive Order (April 30 through May 30, 2020) for those people who have experienced economic hardship due to COVID-19. Prior to April 30, the Governor’s Executive Order 012 encouraged landlords to not charge late fees, but it did not prohibit charging late fees.

The Federal CARES Act prohibits late fees for nonpayment of rent during the moratorium (March 27 to July 24, 2020) **for covered properties**. The Act defines a “covered property” as a property that: (1) participates in a “covered housing program” as defined by the Violence Against Women Act (VAWA) as amended through the 2013 reauthorization. (These programs include most rental assistance and housing grant programs, including public housing, Housing Choice Vouchers, Section 8 Project-Based Rental Assistance, rural housing programs, and the Low Income Housing Tax Credit program); (2) participates in the “rural housing voucher program under section 542 of the Housing Act of 1949”; (3) has a federally backed mortgage loan; or (4) has a federally backed



multifamily mortgage loan. The Governor's Executive Order 051 requires landlords of rental properties to notify tenants in writing of federal protections against evictions and foreclosures at each property.

For properties not covered by the federal moratorium or outside of the timeframe established by Executive Order 051 (April 30 to May 30, 2020), renters are legally required to pay late fees in any amounts established in their lease unless their landlord waives those fees. Executive Order 051, only provided this protection to people who have experienced economic hardship due to COVID-19.

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

Contact your landlord in writing and let him/her know that you're unable to pay your monthly rent due to economic hardship caused by COVID-19 as soon as possible.

Many landlords across the state are offering tenants payment agreements in response to the COVID-19 emergency. You can share the Model Repayment Agreement found on the Division of Housing website created by the Division of Housing with your landlord, but they can choose to use another form of agreement. We suggest that you review the terms of these agreements carefully before signing. See below for legal resources if you wish to seek professional advice to review terms imposed by these agreements.

7. With the stay at home order, can my landlord ask me to move at the end of my lease?

The Executive Director of the Department of Local Affairs has asked landlords to help minimize displacement and nonessential movement of residents during this crisis. That said, the Executive Order does not prohibit the termination of a lease at the end of its term. If you are coming up to the end of your lease, contact your landlord and ask to enter into a month-to-month lease and continue to pay your rent. See legal resources at the end of this document for assistance.

8. Can my lender foreclose on my house if I can't pay my mortgage

The federal CARES Act has imposed a 60 day moratorium (until May 16, 2020) on foreclosure proceedings for properties with federally-backed mortgage loans. Lenders may not start foreclosure proceedings nor complete a foreclosure sale during this time. The CARES Act also directs servicers of federally backed residential mortgage loans to grant forbearance for up to 180 days. This initial period may be extended for another 180 days upon the borrower's request. In general, forbearance allows a borrower to defer monthly payments for a limited time. These payments can either be made up over the course of the next year or the deferred payments are added on to the back end of the borrower's mortgage.



9. What Should I do if I can't pay my mortgage?

Most lenders are offering mortgage forbearance for those who cannot pay due to a COVID-19 related hardship. In general, forbearance allows a borrower to defer monthly payments for a limited time. These payments can either be made up over the course of the next year or the deferred payments are added on to the back end of the borrower's mortgage. All borrowers with a federally backed residential loan (Fannie Mae, Freddie Mac and FHA) are eligible for forbearance. You can determine if your loan is backed by one of these federal programs by calling your loan servicer (the entity to whom you make your monthly payments) or by using the [Freddie Mac and Fannie Mae lookup tools](#) online. If you want forbearance you must call your loan servicer to request it. Ask your lender for written confirmation about your forbearance agreement.

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

It is imperative for the health and wellbeing of all Coloradans to maintain housing and limit the displacement and nonessential movement of residents during this crisis. [Executive Order D 2020 051](#) prohibits landlords from filing or initiating an eviction while the Order is in effect (through May 30, 2020) for Coloradans that have experienced economic hardship due to COVID-19. It also prohibits anyone from removing or excluding a tenant from a premises or removing or excluding personal property of a tenant from a premises. These prohibitions do not apply if the tenant poses an imminent and serious threat to another individual or causes significant property damage. This Order also prohibits landlords from charging late fees while the Order is in effect (April 30 through May 30, 2020) for people that have experienced economic hardship due to COVID-19.

For some properties, for example if your rental has a federally backed mortgage loan or a federally backed multifamily mortgage loan, the federal CARES act prohibits evictions for 120 days (March 27, 2020 through July 24, 2020) and also prohibits charging late fees during that time. The Governor's Executive Order 051 requires landlords of rental properties to notify tenants in writing of federal protections against evictions and foreclosures at each property.

If you are a landlord and this leaves you in a situation where you cannot pay your mortgage, you may seek forbearance from your lender. Most lenders are offering mortgage forbearance for those who cannot pay due to a COVID-19 related hardship. In general, forbearance allows a borrower to defer monthly payments for a limited time. These payments can either be made up over the course of the next year or the deferred payments are added on to the back end of the borrower's mortgage. All borrowers with a federally backed mortgage (Fannie Mae, Freddie Mac, FHA and others) are eligible for forbearance. A homeowner can determine if their loan is backed by these federal programs by calling their loan servicer (the lender to whom they make their monthly payments) or by using the [Freddie Mac](#) and [Fannie Mae](#) lookup tools online. You



must call your loan servicer to request forbearance. Ask for documentation from your lender if you are granted a forbearance.

None of these eviction moratoria relieve the tenant from his or her obligation to pay rent. In order to facilitate payment, consider temporarily modifying rent obligations and/or entering into alternative payment arrangements such as: a) accepting partial month payments from COVID-19 impacted tenants; b) reducing rent in a set amount across the board; c) discounting rent in exchange for advance payment; and d) signing promissory notes with impacted tenants in lieu of rent. The Division of Housing has created a Model Repayment Agreement which can be found on the Division of Housing website.

The federal CARES act provides extended and enhanced Unemployment Insurance benefits that your tenants may be able to receive. See CDLE's [Workers FAQs here](#) and share this with your tenant if necessary. You can also suggest that your tenant seek rental assistance by calling 211 or going to <https://www.211colorado.org/>.

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

Unemployment Insurance: Go to the CDLE website to learn if you qualify for Unemployment Insurance. Due to COVID-19, many more people are eligible for unemployment support who under normal circumstances would not be, including contractors and people who work in the "gig economy". See CDLE [Worker FAQs](#) to find out more.

Economic Impact Payment Each U.S. taxpayer who earns less than \$75,000 per year will receive a \$1200 (married joint filers will receive \$2400) direct deposit or check from the federal government along with an additional \$500 for each dependent child. Direct deposits are expected in May while checks will take longer. Find out more [here](#).

State Emergency Fund: The executive order issued by Governor Polis on March 20, 2020 provided \$3 million from the disaster emergency fund to DOLA/DOH to provide short term rental and mortgage assistance to low-income households that have been economically impacted by COVID-19. The State of Colorado contracts with agencies across the state to provide rental and mortgage assistance to low-income families. The additional \$3 million authorized by the Executive Order will also flow through these agencies. These agencies can be found [here](#). These emergency funds are available to households that were low-income prior to COVID-19. Please [check this table to see if you qualify](#).

Other Assistance: Other localities are also making rental or mortgage assistance available. Call 211 or go to <https://www.211colorado.org/> to identify these resources.



COLORADO

Department of Local Affairs

Division of Housing

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

Colorado Housing Connects

www.coloradohousingconnects.org

1-844-926-6632

Colorado Legal Services

www.coloradolegalservices.org

Colorado Legal Services phone numbers

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