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D 2020 101

EXECUTIVE ORDER

Ordering the Temporary Limiting of Certain Evictions to Provide Relief to Coloradans Affected by COVID-19

Pursuant to the authority vested in the Office of the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2, of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order ordering state agencies to help prevent evictions of tenants economically harmed by coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, and D 2020 076. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. We must take action to shore up economic security, employment, community cohesion, and community recovery.

While we have seen indications that our efforts to "flatten the curve" are working, transmission of the virus continues to threaten Coloradans' way of life and livelihoods. On April 26, 2020, I issued Executive Order D 2020 044 Safer at Home, as amended and extended by Executive Orders D 2020 079 and D 2020 091. To be Safer at Home, Coloradans impacted financially by COVID-19 must continue to have a home. We are doing everything we can to get

Coloradans back to work, but this process is gradual and must take into account the evolving public health conditions. Many Coloradans continue to experience substantial loss of income as a result of business closures and layoffs, hindering their ability to keep up with their rent or mortgage payments through no fault of their own.

Through this Executive Order, I encourage landlords to take steps to limit evictions for tenants who have made a good faith effort to make rental payments or who have made a good faith effort to establish a repayment agreement, and I direct the Department of Local Affairs (DOLA) to work with COVID-impacted landlords and tenants to create reasonable payment plans that allow tenants to remain in their residences while we return Coloradans to work safely.

II. Directives

A. I temporarily suspend C.R.S. § 38-12-204(1), 38-12-204.3(2), and 13-40-104(1)(d) requiring landlords to provide tenants ten (10) days' notice of any default for non payment of rent during which time the tenant has the opportunity to cure the default. Landlords must provide tenants with thirty (30) days' notice of any default for non payment before initiating or filing action for forcible entry and detainer. Such 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.

B. I direct the Executive Director of DOLA to work 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.

C. Landlords and lenders are prohibited from charging any late fees or penalties for any breach of the terms of a lease or rental agreement due to nonpayment that were incurred from May 1, 2020 until June 13, 2020.

D. Nothing in this Executive Order shall be construed as relieving an individual from their obligation to make mortgage or rent payments.

III. Duration

Executive Order D 2020 101 shall expire thirty (30) days from June 13, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this thirteenth day of June, 2020

Jared Polis
Governor