COLORADO
Governor Jared Polis

D 2020 012

EXECUTIVE ORDER

Order Limiting Evictions, Foreclosures, and Public Utility Disconnections and Expediting Unemployment Insurance Claim Processing 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.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order limiting evictions, foreclosures, and public utility disconnections and improving and expediting unemployment insurance claim processing to mitigate, respond to, and recover from the current economic disruption due to the presence of 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 issued the corresponding Executive Order D 2020 003 on March 11, 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 has 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.

By this Executive Order, I am temporarily limiting evictions, foreclosures, and public utility disconnections and providing support to unemployed Coloradans affected by the COVID-19 pandemic. I am further mobilizing State resources to improve and expedite efforts to mitigate, respond to, and recover from the current economic disruption caused by the COVID-19 pandemic. This Executive Order will help protect the economic well-being of Colorado's communities and businesses during the coming weeks and months.

II. Foreclosure and Eviction Directives

A. I direct the Executive Directors of the Department of Local Affairs (DOLA), Department of Labor and Employment (CDLE), and Department of Regulatory Agencies (DORA) to work with property owners and landlords to identify any lawful measure to avoid removing or executing eviction procedures against tenants or mobile home owners without cause or as a result of late or non-payment of rent or minor tenancy violations until April 30, 2020. The Executive Directors also shall work with property owners and landlords to exempt tenants and mobile home owners from fees or penalties for the late payment or nonpayment of rent until April 30, 2020.

B. To preserve and prioritize the resources of State and local agencies and make law enforcement officers available to perform critical functions in response to the COVID-19 pandemic, I direct the Executive Director of the Department of Public Safety (DPS) to work with all Sheriffs, Mayors, and other local leaders to take similar formal actions with their law enforcement agencies to suspend residential eviction activity in the State until April 30, 2020 unless such actions are necessary to protect public health and safety.

C. I order that three million dollars ($3,000,000) from the Disaster Emergency Fund be encumbered and made available to DOLA to provide short-term rental and mortgage assistance to low-income households facing financial hardship due to economic disruption associated with COVID-19, and prioritizing assistance to those who had continuous prior work history and lost employment related to CDPHE's current or future COVID-19 Public Health Orders. These funds shall remain available for six (6) months from the date of this Executive Order and any unexpended funds shall remain in the Disaster Emergency Fund. Funds reimbursed by the Federal Government will be returned to the Disaster Emergency Fund. I further direct DOLA to work with Statewide partners, including non-profit and local government partners, to implement the distribution of temporary rental and mortgage assistance. In carrying out this directive, DOLA shall ensure that individuals do not receive a duplication of benefits.

D. I direct DOLA to work with owners of multifamily housing and mobile home parks who provide rental properties or lots to low-income households to assess the need of residents who are faced with financial hardships due to the COVID-19 pandemic, and direct DOLA to assess possible methods to fund loss of rent, including but not limited to federal, private, and philanthropic funding sources

that are or may become available to Coloradans to help maintain housing and shelter needs. In carrying out this directive, DOLA shall ensure that individuals do not receive a duplication of benefits.

E. I direct DOLA and CDLE to share data and develop guidelines and processes for distributing temporary rental and mortgage assistance.

F. I direct DORA, through the Divisions of Banking and Financial Services, to work with State-chartered financial institutions to identify practices and policies to combat the threat of residential and commercial foreclosures and displacement to individuals and small businesses. I also direct DORA to take steps to encourage banks, credit unions, and other financial institutions that are holding residential or commercial mortgages to halt foreclosures and related evictions when foreclosure and foreclosure-related evictions arise from a substantial decrease in household and business income due to the impacts of the COVID-19 pandemic. Further, I direct DORA to encourage these financial institutions to provide a ninety (90) day deferment of payment for all consumer loans, including residential and commercial mortgages, refinances, auto loans, and student loans, and small business loans for customers and businesses that have been economically impacted by COVID-19.

G. I direct that all County Clerks and Recorders shall provide continued access, to the best extent possible, to financial institutions seeking to secure real interests in real property by recording deeds and other related documents to ensure that the process of a residential or commercial refinance can be completed.

H. I authorize the Public Trustees of the State of Colorado to take action to suspend for thirty (30) days the operation of the following provisions of Article 38 of Title 38 of the Colorado Revised Statutes concerning the foreclosure process: § 38-38-102 (concerning the deadline for recordation of a Notice of Election and Demand for sale); § 38-38-103 (concerning the deadline for mailing a Combined Notice); § 38-38-104 (concerning the deadline for a party to file a Notice of Intent to Cure and the time within which a Trustee must mail the notice to the note holder or its attorney, and the deadline for tendering funds to cure); § 38-38-302 (concerning the deadline to tender redemption funds); and § 38-38-501 (concerning the deadline to execute and record a confirmation deed). Any action by a Public Trustee concerning these extensions shall be made available on the Trustee's website, electronic mail (if possible) and automated messages

I. I authorize the County Treasurers of the State of Colorado to take action to suspend or waive delinquent interest that may accrue pursuant to the provisions of § 39-10-104.5 as a result of delinquent tax payments. Any action by a Treasurer

concerning such action shall be made available on the Treasurer's website, electronic mail (if possible) and automated messages.

J. For purposes of this Executive Order, "low-income households" means households below 50% of area median income.

K. Nothing in this Executive Order relieves a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due, or otherwise comply with the public health and safety requirements or other legal requirements.

III. Utility Directives

A. I direct the Public Utilities Commission (PUC), within DORA, to work with all public utilities in the State to suspend service disconnections for delayed or missed payments from residential and small business consumers related to the impacts of COVID-19.

B. I further direct the PUC to work with all public utilities to waive reconnection fees and suspend accrual of late payment fees for all residential customers and small business consumers most significantly burdened by the impacts of COVID-19 as well as to make reasonable efforts to reinstate service for those customers currently disconnected for nonpayment or arrearage related to the impacts of COVID-19.

C. I further direct the PUC to work with all public utilities to develop and provide payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills, related to the impacts of COVID-19.

D. I further direct the PUC to work with public utilities to provide guidance on prioritizing payment assistance. Further, the PUC shall collect and monitor relevant data from public utilities on the implementation of Statewide measures undertaken in response to this Executive Order and on a weekly basis report these efforts to the Office of the Governor and post them on PUC's website.

E. I direct the Colorado Energy Office to work with providers, trade associations, and consumers of propane heating across the State to evaluate impacts related to COVID-19, and to report relevant recommendations to the Office of the Governor to mitigate the impacts related to COVID-19.

F. For purposes of this Executive Order, "small business consumers" means a public utility customer whose utility service is classified as a small business user or a

small commercial user pursuant to a utility tariff established by the PUC or a public utility customer who is seeking such tariff status.

G. For purposes of this Executive Order, "public utility" or "public utilities" means an investor-owned, municipal, or cooperative entity providing electric, gas, or water service within the State of Colorado.

IV. Unemployment Insurance Directives

A. I order that one million dollars ($1,000,000) from the Disaster Emergency Fund be encumbered and made available to CDLE to improve and expedite services available to individuals applying for unemployment insurance (UI) benefits to promote the economic stability of the State. These funds shall remain available for this purpose until six (6) months from the date of this Executive Order and any unexpended funds shall remain in the Disaster Emergency Fund. Funds reimbursed by the federal government will be returned to the Disaster Emergency Fund.

B. CDLE shall expedite UI benefits claim processing and distribution of payments to ensure displaced workers as a result of the impacts of COVID-19 will begin receiving such payments within ten (10) days of the receipt of filing their completed applications to the extent practicable.

C. To accomplish directives IV.A. and IV.B., I suspend the requirement under:

i. C.R.S. § 8-73-107(1)(d) that UI benefit recipients serve an unpaid waiting week prior to receiving benefits, and C.R.S. § 8-73-107(1)(g)(I) that UI benefit recipients actively seek work.

ii. C.R.S. § 8-73-108(e) that UI benefits are charged to employer experience rating accounts, and I direct CDLE, through the Division of Unemployment Insurance, to charge benefits for claims resulting from the impact of COVID-19 to the fund rather than to employer experience rating accounts.

iii. C.R.S. § 8-74-102(1) that CDLE staff notify other interested parties upon receipt of a UI benefit claim and that such parties be afforded twelve (12) calendar days to respond to said claim before CDLE issues a decision to award benefits, and I direct CDLE, through the Division of Unemployment Insurance, to prioritize the UI benefit payments resulting from the impacts of COVID-19 before providing notification of interested parties and additional fact finding as necessary to ensure prompt payment of benefits.

iv. Pursuant to the authorities provided in C.R.S. § 8-74-102(1), the Executive Director of CDLE shall promulgate and issue emergency rules as needed to accomplish directives IV.A - IV.C. of this Executive Order.

V. Duration

This Executive Order shall expire thirty (30) days from March 20, 2020, unless extended further by Executive Order, except that the funds described in Sections II.C. and IV.A., above, shall remain available for the described purposes for six (6) months from the date of this Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twentieth Day of March, 2020.

Jared Polis
Governor