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D 2020 031

EXECUTIVE ORDER

Amending and Extending Executive Order D 2020 012 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 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 amending and extending Executive Order D 2020 012 limiting evictions, foreclosures, and public utility disconnections and expediting unemployment insurance claim processing 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. 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 action 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.

This Executive Order amends and extends Executive Order D 2020 012 to help Coloradans' financial security and stability by permitting the Public Trustees to extend deadlines in foreclosure proceedings and County Treasurers to waive delinquent interest that may accrue as a result of delinquent tax payments as well as clarifying utility directives.

II. Amendments

Sections II and III of Executive Order D 2020 012 are amended to read as follows:

1. Replace Paragraph II.H with the following:

   I authorize the Public Trustees of the State of Colorado to temporarily extend the deadlines up to and including April 30, 2020 in the following provisions: § 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 should be made available on the Public Trustee's website, electronic mail, or automated messages.

2. Replace Paragraph II.I with the following:

   I authorize the County Treasurers of the State of Colorado to take action to suspend or waive delinquent interest through April 30, 2020 that may accrue pursuant to the provisions of C.R.S. § 39-10-104.5 as a result of delinquent tax payments. I further authorize county treasurers to accept multiple payments from any taxpayer ahead of payment deadlines and encourage any taxpayer to make second-installment payments ahead of the June 15 deadline established in C.R.S. § 39-10-104.5(2). Any action by a Treasurer to waive delinquent interest shall be made with advance notice to any entity that imposes a mill levy within the county and shall be made available on the Treasurer's website, electronic mail, or automated messages. This Executive Order does not authorize County Treasurers to waive delinquent interest pursuant to the provisions of C.R.S. § 39-10-104.5 that accrues after April 30, 2020.

3. Add the following sentence to the end of Paragraph III.A:

   This directive does not cover disconnections necessary for safety purposes.

4. Amend Paragraph III.F. by striking the words: "or a public utility customer who is seeking such tariff status" and adding the following sentence to the end of Paragraph III.F.:

   Those public utilities without a tariff established by the PUC shall establish their own definition of "small business consumers," as necessary for purposes of implementing this Executive Order.

III. Duration

Executive Order D 2020 012, as amended and extended by this Executive Order, shall expire on April 30, 2020, unless modified, rescinded, or extended further by Executive Order. In all other respects, Executive Order D 2020 012 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this sixth day of April, 2020

Jared Polis
Governor