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EXECUTIVE ORDER

Limiting Certain Evictions 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, issue this Executive Order providing assistance to residential and commercial tenants at risk for eviction who were 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, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, and D 2020 205. 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 virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice social distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. Keeping people housed can help limit the spread of COVID-19 during a public health disaster.

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 hit the hardest. We must take action to shore up economic security, employment, community cohesion, and community recovery.

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 Order D 2020 079. On July 1, 2020, I issued Executive Order D 2020 091 Safer at Home and in the Vast, Great Outdoors, as amended and extended by Executive Orders D 2020 091, D 2020 123, D 2020 142, D 2020 144, D 2020 170, and D 2020 199. 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 residential and nonresidential rent payments through no fault of their own.

I have taken steps to keep Coloradans housed. On June 13, 2020, I issued Executive Order D 2020 101, which provided tenants with thirty (30) days to make rental payments before facing eviction and instructed the Department of Local Affairs (DOLA) to create a model rental repayment agreement to assist individuals who were facing financial hardship due to COVID-19. On July 12, 2020, I issued Executive Order 134, which extended the provisions of Executive Order D 2020 101 and encouraged municipalities to eliminate housing-related restrictions to provide more access to housing. On August 10, 2020, I issued Executive Order D 2020 162, which extended the provisions of Executive Orders D 2020 101 and D 2020 134. On September 8, 2020, I issued Executive Order D 2020 185, which extended the provisions of Executive Orders D 2020 101, D 2020 134, and D 2020 162. On September 22, 2020, I issued Executive Order D 2020 202, which extended the provisions of Executive Orders D 2020 101, D 2020 134, D 2020 162, and D 2020 185 and required landlords to provide notice of the Centers for Disease Control and Prevention (CDC)'s Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19.

Additionally, on August 26, 2020, I signed Executive Order B 2020 006 creating the Special Eviction Prevention Task Force (Task Force). This temporary Task Force was directed to consider causes of and propose solutions to housing instability arising from the impact of COVID-19. The Task Force created recommendations on how to address housing instability due to COVID-19 in Colorado and presented these recommendations to me on October 9, 2020. This Executive Order builds on the actions my administration has already taken to ensure Coloradans have stable housing during this public health emergency and implements recommendations from the Task Force. We must take steps to provide relief to Colorado renters and small businesses.

This Executive Order provides assistance to residential and commercial tenants at risk for eviction who were economically harmed by COVID-19 in Colorado.

II. Directives

A. I temporarily suspend those portions of C.R.S. §§ 38-12-204(1), 38-12-204.3(2), and 13-40-104(1)(d) that require landlords to provide all residential and nonresidential tenants with ten (10) days, five (5) days, or three (3) days of notice of any default for nonpayment of rent, during which time the tenant has the

opportunity to cure the default. Instead, landlords must provide tenants with thirty (30) days' notice of any default for nonpayment that occurred on or after March 10, 2020 before initiating or filing an action for forcible entry and detainer. Such thirty (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. A thirty (30) day notice that was served on a tenant pursuant to a prior Executive Order does not need to be reserved if the nonpayment remains uncured.

B. I direct the Executive Director of DOLA to continue working 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. No landlord, mobile home park owner, property management entity, or any individual or entity acting on behalf of a landlord, mobile home park owner, or property management entity shall charge a monetary sum, fee, or other penalty against a tenant or mobile home owner for failure to timely pay any portion of rent, beginning the day this Executive Order is executed. Any fee or penalty assessed on or after January 1, 2021, shall apply only to rent due on or after that date.

D. No individual shall file or initiate actions for forcible entry and detainer (i.e. eviction) including any demand for rent under C.R.S. § 13-40-101, *et seq.*, unless the individual has notified the tenant in writing of the federal protections against eviction provided by the CDC's Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19. 85 FR 55292 (September 4, 2020). The individual must provide as notice a copy of the CDC's order, https://www.govinfo.gov/content/pkg/FR-2020-09-04/pdf/2020-19654.pdf, including the declaration in English, https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf, and in Spanish, https://www.hud.gov/sites/dfiles/PIH/documents/DeclarationFormSpanish.pdf. Additionally, the individual must also provide a copy of DOLA's model notification letter, https://drive.google.com/file/d/1eScBI8PlP3MJPKL60VEanNRUfTzS4fOS/view?mc_cid=f529ef2f1d&mc_eid=74b81073c3.

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

F. I strongly encourage all municipalities and other local jurisdictions that place limits on the number of unrelated persons who can live in a single household or that prohibit group or boarding houses to suspend or eliminate those restrictions to enable homeowners to rent or give a room or rooms to those in need of housing.

G. I strongly encourage all municipalities and other local jurisdictions that place limits on the number of days that hotel rooms may be occupied to suspend or eliminate those restrictions.

III. Duration

This Executive Order shall expire thirty (30) days from October 15, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this fifteenth day of October, 2020.

Jared Polis
Governor