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D 2020 051

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 012 and D 2020 031 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.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Orders D 2020 012 and D 2020 031, 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 on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018 and D 2020 032. 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. To be Safer at Home, Coloradans must continue to have a home. As we prepare to reopen the economy it is important that we continue to acknowledge that the economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses.

This Executive Order amends and extends Executive Orders D 2020 012 and D 2020 031, limiting residential and commercial evictions for thirty (30) days in order to provide support and relief to Coloradans that have experienced economic hardship due to COVID-19. Many Coloradans experienced substantial loss of income as a result of business closures and layoffs, hindering their ability to keep up with their rent or mortgage payments and threatening their housing security. This Executive Order also extends the limitations on foreclosures and public utility disconnections and expedited processing of unemployment insurance claims. This Executive Order will help protect the economic well-being of Colorado's communities and businesses during the next month.

II. Amendments

Section II.A of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to read as follows:

> 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 nonpayment of rent or minor tenancy violations. 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.

Section II.B of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to read as follows:

> 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 unless such actions are necessary to protect public health and safety.

Sections II of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to include the following:

L. No individual shall file or initiate actions for forcible entry and detainer (i.e. eviction) involving a premises based upon a tenant's default of any contractual obligation imposed by a rental agreement under C.R.S. § 13-40-101, *et seq*.

M. No individual shall remove or exclude a tenant from a premises or enter a premises to remove or exclude personal property of a tenant from the premises, including pursuant to a writ of restitution authorizing restoration of a plaintiff to possession of residential premises under C.R.S. § 13-40-115.

N. No individual shall execute or enforce a writ of restitution, possession judgment, or order under C.R.S. § 13-40-122 requiring a tenant to surrender or vacate residential premises.

O. The limitations in Sections L. through N., above, do not apply to circumstances where a tenant poses an imminent and serious threat to another individual or causes significant damage to property. 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.

P. 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 for the duration of this Executive Order.

Q. Except as provided in Sections L. through N. and P., above, nothing in this Executive Order shall be construed as relieving any party of their duty to comply with any contractual obligations imposed on parties by a lease, rental agreement, or mortgage.

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

S. I direct all landlords of rental properties to notify tenants in writing of federal protections against eviction and foreclosures at each property, including those provided by Sec. 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law No. 116-136.

T. 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 create model repayment agreements that allow tenants additional time to repay rent.

Section III of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to read as follows:

1. Add the following sentence to Paragraph III.C:

   The PUC will report on the development of the payment assistance programs to DORA and the Office of the Governor.

2. Replace Paragraph III.E with the following:

   I direct the Colorado Energy Office to work with the trade associations for propane heating across the State to encourage providers to develop payment plans for customers who cannot afford to refill their propane tanks, and to inform customers about the Low Income Energy Assistance Program.

III. Duration

Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and this Executive Order, shall expire thirty (30) days from April 30, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 012, as amended by Executive Orders D 2020 031, shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor