JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

D 2020 185

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 101, D 2020 134, and D 2020 164 Limiting 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 amending and extending Executive Order D 2020 101, as amended and extended by Executive Orders D 2020 134, D 2020 164, providing assistance to residential and commercial tenants at risk for eviction who were affected 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, and D 2020 176. 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 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 residential and nonresidential rent payments through no fault of their own.

This Executive Order amends and extends Executive Order D 2020 101, as amended and extended by Executive Orders D 2020 134 and D 2020 164, which takes steps to limit residential and commercial evictions and provides relief to Colorado renters and businesses.

II. Amendments

Section II.A of Executive Order D 2020 101, as amended and extended by Executive Orders D 2020 134, D 2020 164, is hereby amended to read as follows:

> 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 a ten (10) day, five (5) day, or three (3) day notice of any default for non payment of rent that occurred on or after March 10th, 2020, 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 that occurred on or after March 10th, 2020 before initiating or filing an 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 that occurred on or after March 10, 2020. A thirty (30) day notice that was served on a tenant pursuant to a prior version of this executive order does not need to be reserved if the nonpayment remains uncured.

III. Duration

Executive Order D 2020 101, as amended and extended by Executive Orders D 2020 134, D 2020 164, and this Executive Order shall expire thirty (30) days from September 8, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 101, as amended and extended by Executive Orders D 2020 134, D 2020 164, shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor