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D 2020 088

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 012, D 2020 031, and D 2020 051 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, D 2020 031, and D 2020 051 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 for fifteen (15) days.

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, and D 2020 076. 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, as amended and extended by

Executive Order D 2020 079. To be Safer at Home, Coloradans impacted financially by COVID-19 must continue to have a home. 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.

This Executive Order amends and extends Executive Orders D 2020 012, as amended and extended by Executive Orders D 2020 031 and D 2020 051, for an additional fifteen (15) days. This Executive Order limits residential and commercial evictions for individuals who demonstrate financial hardship due to COVID-19. This Executive Order also extends the limitations on foreclosures and public utility disconnections and the expedited processing of unemployment insurance claims.

II. Amendments

Section II.C of Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and D 2020 051, is amended to read as follows:

> 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- and moderate-income households facing financial hardship due to COVID-19. 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.

Section II.J of Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and D 2020 051, is amended to read as follows:

> For purposes of this Executive Order, "moderate-income households" means households at or below 80% of area median income.

Section II.L of Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and D 2020 051, is amended to read as follows:

> No individual shall initiate or file actions for forcible entry and detainer (i.e. eviction) involving a premises based solely upon a tenant's default of contractual obligation imposed by a rental agreement under C.R.S. § 13-40-101, *et seq*. if the default is caused by financial hardship due to COVID-19.

Section II.M of Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and D 2020 051, is amended to read as follows:

> 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 the premises under C.R.S. § 13-40-115 if the tenant is experiencing financial hardship due to COVID-19.

Section II.N of Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and D 2020 051, is amended to read as follows:

> 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 a premises if the tenant is experiencing financial hardship due to COVID-19.

Section II.S of Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and D 2020 051, is amended to read as follows:

> 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, and whether these protections apply to the rental property.

Section II of Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and D 2020 051, is amended to include the following:

U. For the purposes of this Executive Order, "financial hardship due to COVID-19" means an individual or household (1) suffers a loss of income or is unable to work as a direct or indirect result of COVID-19, and (2) the individual or household does not have the financial resources to make rental payments without leaving them unable to make necessary purchases of goods and services such as food. Tenants must demonstrate financial hardship to their landlords by providing proof including, but not limited to, (1) documentation of job loss or significantly reduced hours beginning March 1st, 2020 due to COVID-19, (2) that the tenant did not receive unemployment insurance payments in April or May, and 3) that the tenant did not receive federal stimulus dollars or, if a tenant did receive federal stimulus dollars, those dollars are insufficient to meet the rent obligations after accounting for basic necessities.

V. 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.

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

III. Duration

Executive Order D 2020 012, as amended and extended by Executive Orders D 2020 031, D 2020 051, and this Executive Order, shall expire fifteen (15) days from May 29, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 012, as amended and extended by Executive Orders D 2020 031 and D 2020 051, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-ninth day of May, 2020.

Jared Polis
Governor