

Dear Governor Polis,

We are submitting this letter on behalf of Colorado's residential tenants to ask that you use your executive power to extend basic protection against eviction as Colorado courts resume eviction hearings. The COVID-19 economic crisis has massively limited the ability of tens of thousands of Coloradans to pay rent and keep food on the table. This crisis will only worsen as tens of thousands more lose access to enhanced federal unemployment benefits next month.

Between 300,000 and 400,000 Coloradans are at risk of eviction by the end of the year. The National Apartment Association believes that 25% of renters are at risk of non-payment. Due to historical and ongoing discrimination in the housing market, communities of color will be the most affected by this crisis.

For these reasons, we ask that you expand Executive Order D 2020 101 to implement four policies that will help keep Coloradans housed without placing additional burdens on landlords.

Under Executive Order D 2020 101, landlords are required to provide tenants with 30 days notice before they initiate an eviction. This was an improvement on the typical 10 day requirement, and the extra 20 days will provide renters additional time to catch up on rent. However, after the 30 days expire in mid-July, Colorado landlords will no longer be under any obligation to accept overdue rent from tenants. As a result, many will be at immediate risk of homelessness.

To help transition from an eviction moratorium, please implement the following four policies:

- 1) **Building on your current executive order, landlords should be required to offer a reasonable repayment plan before attempting to collect or initiate an eviction.** This approach has been adopted in Washington State through a Proclamation issued by Governor Inslee.<sup>1</sup> This policy does not prevent landlords

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<sup>1</sup> On page four of this Proclamation, it provides: "Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, and during the State of Emergency proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the

from filing an eviction, nor does it prevent them from collecting any rent that is owed within a reasonable time period. Instead, it simply requires that they work in good faith with tenants by offering a reasonable repayment plan before pursuing an eviction or collection action. While you have encouraged repayment agreements in prior orders, and some landlords have done so, every tenant deserves a reasonable opportunity to recover from the crisis. Tenants would still be obligated to pay rent, and this policy would not alter the eviction timeline.

- 2) **Tenants should have the opportunity to pay overdue rent up until 48 hours after a judge issues a writ of restitution. This policy would not prevent a landlord from filing an eviction after serving a 10-day rent demand.**

However, the tenant would be allowed to have their eviction dismissed if they tender all overdue rent within two days of the judge issuing an eviction order. This does not impact the eviction timeline. It also improves the effectiveness of emergency rental assistance by ensuring that tenants can stay in their homes if they access rental assistance after the 10-day demand period. This policy would help allow thousands of Coloradans to access CARES funds in order to maintain housing.

- 3) **As courts begin to hear cases telephonically, information about telephonic participation must be included as an attachment to any court summons and it must be made available in English and Spanish and accessible to people with disabilities.**

Adequate due process necessitates that every respondent is notified of how to submit an answer in response to an eviction petition, as well as the means for participating in a hearing telephonically. People with limited English proficiency may be more vulnerable to misunderstanding what steps are required in order to actively defend against an eviction, which will place them at higher risk of homelessness. Including information in both English and Spanish—as well as an insert in other languages that provides instruction on how to receive translated assistance—will help mitigate the increased risk facing tenants with limited English proficiency. These materials must also be made accessible to people who have disabilities.

- 4) **Require landlords to include a CARES Act affidavit as an attachment to any eviction petition that will identify whether the property is covered by the Act. This protection is vital because renters are provided different**

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individual financial, health, and other circumstances of that resident; failure to provide a reasonable repayment plan shall be a defense to any lawsuit or other attempts to collect

**protections if their property is covered under the CARES Act.** The federal moratorium generally applies to housing that is publicly owned, publicly subsidized, or those that have received federally backed mortgages. However, this information is not easily available to tenants, and it has been difficult for many to determine whether they are covered under the federal moratorium. This confusion can lead to unfortunate consequences. Tenants who are unaware of CARES Act protections may unnecessarily feel inclined to sign stipulated agreements that are averse to their interests due to ignorance of the protections provided to them. Tenants may fail to raise a defense under the CARES Act if they are unaware that they are protected, which will result in the loss of their homes without adequate due process.

Adopting these four limited measures--requiring an offer of a reasonable repayment plan, extending the cure period, providing multilingual information on telephonic proceedings, and requiring a CARES Act affidavit--will help keep Colorado renters in their homes as we fight COVID-19.

As the United States experiences a massive spike in COVID-19 cases and it remains prevalent in Colorado, it is vital that we do everything in our power to keep Coloradans housed and healthy. In your words, you cannot be safer at home without a home.

We appreciate your thoughtful consideration.

Sincerely,

Advocate Safehouse Project  
Atlantis Community, Inc.  
Aurora City Council Member Alison Coombs  
B-Konnected, LLC  
Bank on Denver  
Boulder County  
Boulder Mennonite Church  
Brain Injury Alliance of Colorado  
Cadiz Law, LLC  
Center for People With Disabilities  
Colorado Affordable Legal Services  
Colorado Association of Local Public Health Officials  
Colorado Center on Law and Policy  
Colorado Children's Campaign

Colorado Coalition for the Homeless  
Colorado Coalition of Manufactured Home Owners  
Colorado Cross Disability Coalition  
Colorado Fiscal Institute  
Colorado Mental Wellness Network  
Colorado Poverty Law Project  
Colorado Senior Lobby  
Colorado Teen Parent Collaborative  
COVID Eviction Defense Project  
David Takahashi, GreenFaith Fellow  
Deaf Overcoming Violence through Empowerment (DOVE)  
Denver City Council Member Jamie Torres  
Denver City Council Member Amanda Sandoval  
Denver City Council Member Debbie Ortega  
Denver City Council Member Robin Kniech  
Denver Office of Financial Empowerment & Protection  
Disability Law Colorado  
Englewood City Council Member John Stone  
Enterprise Community Partners  
First Presbyterian Church of Pueblo's Social Justice Ministry Team  
Golden United Housing Task Force  
Growing Home  
Hunger Free Colorado  
Immaculate Conception Social Justice Ministry  
Interfaith Alliance of Colorado  
Irene Aguilar, former State Senator and Director of Denver's Office of Neighborhood  
Equity and Stabilization  
Jefferson County Food Policy Council  
Jefferson Unitarian Church Community Action Network (JUC CAN)  
League of Women Voters of Colorado  
Lutheran Advocacy Ministry-Colorado  
Maiker Housing Partners  
Mental Health Colorado  
Mile High Connects  
Mile High United Way  
National Lawyers Guild of Colorado  
Neighborhood Development Collaborative  
Project Safeguard  
Response  
Rise Above Violence

Rocky Mountain Children's Law Center  
Rose Andom Center  
Rodfei Tzedek  
SafeHouse Denver  
Safehouse Progressive Alliance for Nonviolence  
Safe Shelter of St. Vrain Valley  
State Representative Adrienne Benavidez  
State Representative Brianna Titone  
State Representative Jonathan Singer  
State Representative Monica Duran  
State Representative Serena Gonzales-Gutierrez  
State Representative Yadira Caraveo  
State Senator Dominick Moreno  
State Senator Faith Winter  
State Senator Jeff Bridges  
State Senator Julie Gonzales  
State Senator Robert Rodriguez  
Spring Institute  
The Crisis Center  
The Bell Policy Center  
The Blossom Project  
The Reciprocity Collective  
Towards Justice  
United for a New Economy (UNE)  
Urban Land Conservancy  
Violence Free Colorado  
Westwood Unidos  
YIMBY Denver  
Zach Mountin, Associate Clinical Professor at University of Colorado Law School  
9to5 Colorado