

COVID-19 Rental, Evictions and Foreclosures FAQ

Boulder County, *Updated 10/31/2020*

This document has been prepared by Boulder County, City of Boulder, City of Longmont, and Boulder County Legal Services to provide the most up-to-date information for housing providers and tenants to help navigate issues arising from COVID-19. For more information or assistance, please contact the appropriate mediation or legal service found at the end of this document.

Q: What happens if a tenant is unable to pay rent due to an impact of the Covid-19 pandemic?

These unique circumstances require flexibility, compromise and communication on all sides. It is within everyone's best interest to negotiate an agreement, taking into account the financial realities and capacity of both sides to absorb the losses. Housing providers also face uncertainty and difficulties paying their bills, including mortgages, real estate taxes, insurance and other expenses to maintain their properties.

Communicate early and often to discuss an arrangement that could be workable to everyone. Some options may include a payment plan, temporary rent reduction (if possible), early termination of the lease, substitute services for rent, or other solutions. Document any agreement in writing and ensure all parties sign (electronic signature acceptable). Include a contingency plan if things don't work out.

Other Considerations

- Tenants may be eligible for unemployment benefits or may be able to get financial help depending on qualifications. See resources listed on p. 3.
- Property owners may be able to obtain assistance to help tenants (see Colorado Department of Housing's [Property Owner Preservation Program \(POP\)](#), which allows property owners to apply for past due rent with very few restrictions; also see [Boulder County Housing Resources](#) if POP is not an option) and leniency with their mortgage payments (see foreclosure section below), therefore relieving pressure for rental payments.
- If a housing provider hands a tenant a *Notice to Quit or Comply* (sometimes called a "Demand for Payment" or a "Demand for Compliance or Possession"), or posts such a notice on a tenant's door, this does not automatically mean that a tenant is going to be evicted. This notice is not filed with the court unless the housing provider decides later to file an eviction – the posting of this notice is a preliminary step that a housing provider must take if an eviction is later necessary.
- To repeat the most important point, communicate immediately with your housing provider if you receive a Notice to Quit or Comply. Let the housing provider know you want to be part of a solution.

- Contact mediation services (see page 6 for appropriate service) for more help navigating your situation and/or mediation services to help parties reach resolution. At this time, all mediations will be conducted virtually over the telephone or computer, not in person.

Q: Eviction. What is happening to assist renters at risk of eviction?

- The US Centers for Disease Control (CDC) issued an order temporarily preventing certain individuals from being evicted for nonpayment of rent. The CDC eviction moratorium is in effect from September 4 through December 31, 2020.
 - Tenants who meet the CDC’s eligibility criteria and who wish to opt into the moratorium’s protection from eviction must provide a truthful declaration form to their landlord or housing provider, attesting that they qualify. The declaration form, which lists eligibility criteria, can be found at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>, and can be found in several languages other than English at <https://www.allianceforhousingjustice.org/understand-cdc-eviction-moratorium>.
 - Each adult tenant at a residence must complete a declaration form in order to be protected by the CDC order.
 - The CDC order contains other important provisions for tenants and housing providers:
 - The CDC order does not relieve tenants of their obligation to pay rent, or from any fees or penalties that may be assessed.
 - At the expiration of the moratorium period, landlords and housing providers may require payment in full for all payments not made prior to and during the moratorium.
 - Tenants may be evicted during the moratorium period for reasons other than not paying rent or making a housing payment.
 - There are penalties for tenants and housing providers for violations of the CDC order: tenants who falsely submit a declaration form may be subject to penalties for perjury, and landlords and housing providers who violate the terms of the CDC order may be subject to criminal fines and penalties.

Colorado Governor Jared Polis issued Executive Order D 2020 227 on October 21, 2020: it reaffirms and clarifies the CDC’s national eviction moratorium described above, and amends and extends previous state orders relating to rental housing. Executive Order D 2020 227 is in effect for 30 days from October 21, 2020.

- The state order provides that if a tenant demonstrates financial hardship due to COVID-19 (as defined in the state order), a landlord or housing provider cannot begin or file an eviction action where:
 - The eviction is based solely on the tenant’s default of a lease obligation
 - The tenant’s lease has expired, the tenancy is month-to-month, a tenancy at will is terminated
 - The tenant has not committed a substantial lease violation, as defined in Colorado law.

- The state order provides that where a tenant demonstrates financial hardship due to COVID-19, the landlord, housing provider or any other individual cannot enforce a writ of restitution, or remove a tenant's personal property from the premises.
- The state order requires a tenant to demonstrate financial hardship due to COVID-19 by completing and signing a truthful declaration form and providing it to their landlord or housing provider.
 - The tenant may provide the CDC declaration form (linked above), or a declaration form to be created by the Colorado Department of Local Affairs.
- The state order's eviction moratorium does not apply where a tenant poses an imminent and serious threat to another individual, or where a tenant causes significant damage to a housing provider's property.
- Governor Polis' Executive Order D 2020 223, issued October 15, 2020 and extended by the state's October 21, 2020 order, contains the following additional provisions:
 - It prohibits landlords and housing providers from charging any late fees or penalties for a tenant's failure to pay rent on time.
 - It states that before a landlord can begin an eviction action in court, the landlord must provide to the tenant copies of the CDC order and declaration form in English and Spanish, and the state's model notification letter, found at <https://cdola.colorado.gov/housing-covid19-eviction>.

The state orders do not relieve tenants from their obligation to pay rent, or from any other obligation imposed by their lease or rental agreement.

- Boulder County courts issued Administrative Order 20-111 on September 11, 2020. It requires landlords to provide a copy of Administrative Order 20-111 and the CDC declaration form to tenants when serving an eviction summons prior to the expiration of the CDC moratorium. Administrative Order 20-111 can be found at https://www.courts.state.co.us/userfiles/file/Court_Probation/20th_Judicial_District/9-11-20%20Admin%20Order%2020-111%20CDC%20Eviction%20Moratorium.pdf.

Q: What resources are available to tenants at risk of eviction?

Tenants may be eligible for unemployment benefits or may be able to get financial help depending on qualifications. Financial resources available include:

- [Boulder County Housing Resources](#): This resource page provides detailed information about all of the agencies within Boulder County that are assisting with rental assistance during these unprecedented times. Access to a safe and stable home is crucial for all of us at all times, including now.
- [City of Boulder Resource pages](#)
- [City of Longmont Information](#)

- [Additional resources through Boulder County](#)

Q: What if the tenant breaks their lease by leaving the property before the lease ends and stops paying rent?

- Again, communication between the housing provider and tenant is critical to determine, what, if anything can be negotiated (see section above on communication and mediation options).
- What does the lease say about who is responsible for re-renting the unit, and what criteria should be used to approve prospective new tenants?
- CU students can access the [CU Off-Campus Housing office](#) for additional resources and Ralphie’s list, a housing database to help fill vacancies.

Q: As a private housing provider, what if I am concerned about my next mortgage payment?

- Property owners facing payment issues are recommended to call their lender immediately. Communicating with the lender early gives everyone time to develop an alternative plan. If the owner would like assistance in this process or further information, they are encouraged to contact the Boulder County Personal Finance Program.
- The Boulder County Personal Finance Program provides free counseling by HUD-approved Housing Counselors. Included is counseling related to loss mitigation options, foreclosure prevention options, credit impacts and debt management plans. (www.BoulderCountyPFP.org)

Q: Foreclosures. What is happening to assist property owners who may be at risk of foreclosure?

- Property owners facing payment issues are recommended to call their lender immediately. Communicating with the lender early gives everyone time to develop an alternative plan. If the owner would like assistance in this process or further information, they are encouraged to contact the Boulder County Personal Finance Program.
- On August 27, 2020, the Federal Housing Administration (FHA) extended its foreclosure and eviction moratorium for homeowners through December 31, 2020. The extension is applicable “to all FHA Title II single family forward mortgage and Home Equity Conversion Mortgage (HECM) reverse mortgage programs, except for those secured by vacant and/or abandoned properties.”
- On August 27, 2020, the Federal Housing Finance Agency extended the foreclosure moratorium on single-family mortgages backed by Fannie Mae and Freddie Mac, and its eviction moratorium on properties acquired by Fannie Mae or Freddie Mac, through December 31, 2020.
- Servicers of Fannie Mae- and Freddie Mac-backed loans are instructed to work with borrowers experiencing hardship related to COVID-19. This can include

suspension of payment, creating forbearance plans and loan modification. It is expected many other lenders will follow this same guidance.

- The Boulder County Personal Finance program provides free counseling by trained homeownership counselors. Included is counseling related to foreclosure, loan modification and lender communications (www.BoulderCountyPFP.org).
- Small businesses and sole proprietors may be eligible to apply for an Economic Injury Disaster Loan (EIDL). Learn more from the [Colorado Small Business Development Center](#).

Q: Does a tenant have to comply with allowing someone into the property for a showing or an appraisal if they have concerns around social distancing?

During the time period when the stay at home order was in effect, showings were not permitted. Now that this order has been lifted, there is no regulation limiting such activity. However, in the spirit of collective health and safety, it's recommended that housing providers, managers, realtors, and tenants to figure out a plan for showings that feels comfortable and reasonable for everyone. Parties can seek mediation services to assist if they are unable to resolve it between themselves. Tenants who feel they have special circumstances, such as a health condition that would make them especially vulnerable to exposure, should talk to an attorney about their rights (see resources for legal help below) if they can't work something out with the housing provider.

Q: If a CU student returns home and is no longer occupying the property, can they expect to be released from the lease or receive any rent reduction?

No, the lease contract is still valid. There may be options for filling a vacancy, such as subletting. Renters should check their lease and discuss these options with their housing provider.

Q: What recourse does a tenant have if their roommate isn't practicing social distancing?

If the roommate is on the same lease, this is considered an issue between roommates. A housing provider has no obligation to rectify a situation or settle an argument between roommates. It may be more complicated if the other tenant is on a separate lease. In either case, if the roommates are unable to settle it between themselves, mediation through Community Mediation Service in Boulder or Longmont Mediation Service could be an option.

Q: Does a tenant need to share with a housing provider the results from a test for COVID, or any other medical information?

A tenant's medical information is private, and a tenant does not need to share medical information with a housing provider, even information related to COVID-19. Also, a housing provider cannot demand that a tenant get a COVID-19 test. It is recommended that tenants and housing providers alike follow as much as possible the directions from the State regarding social distancing, and face protection.

FOR MORE INFORMATION. MEDIATION SERVICES, AND HELP NAVIGATING YOUR SITUATION, CONTACT:

For properties in Boulder, Gunbarrel, Nederland, Louisville, Superior and surrounding areas, contact:

City of Boulder Community Mediation Service
303-441-4364
mediation@bouldercolorado.gov
[Online Form to Request Services](#)

For properties in Longmont, Lafayette, Niwot, Lyons, Allenspark and surrounding areas, contact:

City of Longmont Mediation Service
303-651-8444

For Rental Assistance:

Boulder County Housing Helpline
303-441-1206

For more information and referrals to legal help:

Boulder County Legal Services
303-449-7575

Community Protection Division
Boulder County District Attorney's Office
303-441-3700