

# Eviction Moratorium (i.e. “stop”) because of COVID

There is currently a federal protection against evictions based on nonpayment of rent that covers people who have suffered a financial hardship.

## Important Information

The Center for Disease Control and Prevention (CDC) eviction moratorium prevents evictions for nonpayment of rent **only through January 31, 2021** for people who meet all criteria in the declaration.

The latest Colorado Executive Order addressing this issue, Order 307, does not prevent evictions but does prohibit landlords from charging late fees for failure to timely pay any portion of the rent. *The Colorado Executive Order that prevented evictions expired December 31, 2020.*

Both orders require renters/tenants to provide a copy of the Declaration to:

- your landlord, and/or to
- the owner of the residential property where you live, and/or to
- any other person who has a right to have you evicted or removed from where you live

## Additional Information

- Each adult listed on the lease, rental agreement, or housing contract should complete this declaration.
- You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live.
- You may also still be evicted for reasons other than not paying rent or making a housing payment.

Please note! The declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or leave off important information. Your landlord may ask the court to have a hearing about whether or not you are or were telling the truth in the declaration.

## What you Need to do in Order to be Protected:

1. Contact any government agency that offers help with rent. Make complete notes about which organizations you contacted, the date, and what they said. Keep a copy for your records.
2. Complete the Tenant’s Declaration at this link - [HomerenterDeclaration.org](https://www.homerenterdeclaration.org) - or attached below, with the date, your landlord’s contact information, and your contact information. The Declaration must be signed by each/every adult on the lease. Keep a copy for your records.

- You can fill out the certification form electronically and email a copy to the landlord at [HomerenterDeclaration.org](https://HomerenterDeclaration.org)
  - If you decided to email the completed Declaration, email a copy to any and all email addresses you have for your landlord, property manager, etc. Save a copy of the email you sent.
  - If possible, you may also want to print a copy of the declaration and give it to your landlord or property manager.
  - You can also sent this to your landlord or to the property manager by regular mail (make sure you have some type of proof you sent it), or by certified mail with a return receipt requested.
  - Confirm that page 2 of the Declaration has your signature and personal information on it (it's completed) before sending it via mail, email and/or before giving a copy to your landlord

Important! Keep a copy of any response from your landlord.

3. Continue to pay as much rent as you can when it is due. Request and/or keep copies of any receipts of payment from your landlord.
4. If your landlord refuses to accept a partial payment, make a record of your attempt to pay and your landlord's response.
5. Be prepared to pay all past due rent and fees when the eviction moratorium expires, or you may be evicted.
6. **If you are served with an eviction notice during this time**, please call Colorado Legal Services at 303-837-1313, ext. 444 or apply online at <https://applyonlinecls.org>
  - If your landlord files a case with the court to try to get you evicted, you should still file an Answer (a response to your landlord) in the case by the deadline provided on the paperwork, and attend any court hearings.
  - Be sure to include a copy of your Declaration form with any Answer to an eviction you may file with the court.

**[FORM] DECLARATION UNDER PENALTY OF PERJURY FOR  
THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY  
HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19**

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through January 31, 2021. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;<sup>1</sup>
- I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020-2021 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary<sup>2</sup> out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;

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<sup>1</sup> "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

<sup>2</sup> An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.<sup>3</sup>
- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.
- I further understand that at the end of this temporary halt on evictions on January 31, 2021, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to state and local laws.

Even if you have provided a declaration to your landlord, the Order does not prevent your landlord from seeking a hearing, if authorized by State or local law and in accordance with State or local court procedure, to challenge the truthfulness of your declaration.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

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Signature of Declarant

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Date

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<sup>3</sup> “Available housing” means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate federal, state, or local occupancy standards and that would not result in an overall increase of housing cost to you.