

March 25, 2020

The Honorable Jared Polis

Dear Governor Polis:

Thank you for your leadership through the current public health and economic crisis caused by the COVID-19 pandemic. This virus presents unique challenges, one of which is the need to keep people in their homes during a time when those same people are likely to experience massive layoffs and reductions in their hours and pay that jeopardizes their ability to pay for basic necessities like the rent, mortgage, or utility bills. We appreciate your work to address the needs of those now at risk of losing safe and stable housing because they will not be able to cover their housing costs in a timely manner, including rent, mortgage payments and utility bills. Your Executive Order issued at the end of last week, EO 2020-012, takes important steps to acknowledge and begin to address these very real threats.

We remain highly concerned, however, that EO 2020-012 fails to provide sufficiently clear mandates to ensure state and local agencies can successfully—and will consistently—implement such critical protections to benefit all Coloradans facing these frightening realities.¹ We write to ask for stronger, more comprehensive orders that ensure people across the State can maintain their homes, health and wellbeing through the duration of this crisis. As it stands, we remain concerned that landlords will continue to serve demands for rent, file new forcible entry and detainer actions, and proceed with pending evictions. We worry about creating a backlog of cases ready for execution that leaves countless Coloradans vulnerable to displacement and homelessness long before the public health threat has passed. This flood of evictions could overwhelm already-inadequate free or reduced legal services, and would likely result in unrepresented individuals unwittingly foregoing due process and missing an opportunity to appropriately defend themselves in court.

In light of the fact that residential eviction actions may continue to persist while the various parties and stakeholders work to implement the spirit of 2020-012, we urge you to issue a subsequent statewide executive order that:

- 1. *Requires*, in all courts where eviction actions have been filed, that such actions be stayed, that no initial conferences or further proceedings be scheduled, and that no summons shall be sent to renters requiring them to submit an answer in court.**
- 2. Clearly *requires* sheriffs' offices to suspend executing eviction orders unless necessary for the health and safety of the community.**

¹ For example, while EO 2020-012 indicates that the Executive Directors of the Department of Local Affairs (DOLA), Department of Labor and Employment (CDLE), and Department of Regulatory Agencies (DORA) are ordered to “work with property owners and landlords to identify any lawful measure to avoid removing or executing eviction procedures against tenants or mobile home owners without cause or as a result of late or non-payment of rent or minor tenancy violations until April 30, 2020,” it is unclear what work is being planned or done, which property owners and landlords are being worked with, or any lawful measures they anticipate identifying. It is also unclear how this will be monitored or any of the metrics that will be used to determine whether this approach is working.

3. **Prohibits serving demands for rent and eviction notices and suspends filing new forcible entry and detainer (FED) actions, to prevent eviction proceedings before they start.**
4. **Refuse entry and stay the execution of any stipulated agreement—a court-approved agreement between a landlord and a tenant, often resulting in an eviction—until a judge confirms the tenant fully understands and consents to the agreement and the tenant has an opportunity to access legal assistance. This protection should be enacted now, as some landlords continue to aggressively seek stipulated agreements, and should continue through the initial period when courts resume eviction cases.**
5. **Prohibits imposition of late fees on past-due rent and mortgage payments, and utility bills. While EO 2020-012 is certainly a start, it encourages, rather than mandates, a waiver of such fees.**
6. **Mandates that household utilities, including internet services, not be disconnected due to late or nonpayment. For nonpublic services, we urge you to work with privately operated utility and internet providers to ensure their clients have the same security.**
7. **Orders public trustees to take appropriate steps to stay foreclosure filings and proceedings, as EO 2020-012 authorizes rather than mandates this critical action. Additionally, we ask that your administration consistently report on its work with banks, credit unions and other financial institutions in halting residential foreclosures.**

These measures should be made effective immediately, without a pre-determined end date. These measures must also apply to lot rents, protecting mobile homeowners.

We further commend you for making \$3 million available from the Disaster Emergency Fund for emergency rental and mortgage assistance for households at or below 50% of area median income. Indeed, measures to provide people relief from evictions and foreclosures must come with both financial assistance to ensure those affected are able to pay their bills once such moratoria are lifted and public education efforts so eligible individuals can obtain such support.

Acknowledging state resources are constrained, we urge you to seek and allocate additional monies for emergency rental and mortgage assistance, including from federal sources and by emphasizing the need for such funding among local governments.

All of these steps are crucial to preventing displacement of Colorado families and slowing the spread of this horrific illness. It is essential that judicial eviction proceedings do not undermine the social distancing efforts central to the State's response to the virus by obligating tenants and landlords to appear in court or forfeit their opportunity to contest an eviction action. Moreover, because eviction is a leading cause of homelessness, an absolute moratorium is necessary to avoid a spike in homelessness and enable safety-net providers to continue caring for those currently experiencing homelessness. Families made homeless through a spike in evictions would increase both their own risk of exposure and

become potential carriers, further undermining public health efforts aimed at stopping the contraction and transmittal of the COVID-19 virus.

Moreover, eviction filings and notices must be suspended to prevent a major flood of displacement that would occur once courts resume operations. While we commend counties that have already taken steps to delay in-person eviction hearings and cease deploying sheriffs to execute existing orders, not all counties have taken these measures, and most are allowing filings of new actions to continue unabated online. Some residents could be asked to sign legal documents without a chance for representation before courts re-open. Such a flood of evictions will necessarily overwhelm already inadequate free and reduced legal services, resulting in an unprecedented number of people unwittingly missing the window to fight their cases and struggling to obtain legal advice.

Finally, we ask that you refrain from putting an end date on any moratoria on evictions and utility shut-offs, instead carefully considering the timing of lifting these protections as the impact of the current crisis on households, governments, and safety-net service providers becomes clearer.

These steps are crucially important to protect the safety, well-being, and housing security of Coloradans—both in the near term and after courts fully reopen. Similar Executive Orders have been entered in Indiana, Kansas, Maryland, New Hampshire, New Jersey, and New York.

We are confident that Colorado can continue to lead the way in providing maximum protection for renters and homeowners as we ask them to stay sheltered.

We thank you for your consideration and would be happy to provide any further assistance or expertise that will aid your decision-making.

Sincerely,

Members of the General Assembly

Rep. Janet Buckner

Rep. James Coleman

Rep. Lisa Cutter

Rep. Monica Duran

Rep. Serena Gonzales-Gutierrez

Rep. Leslie Herod

Rep. Dominique Jackson

Rep. Cathy Kipp

Rep. Susan Lontine

Rep. Barbara McLachlan

Rep. Dafna Michaelson Jenet

Rep. Dylan Roberts

Rep. Jonathan Singer

Rep. Emily Sirota

Rep. Marc Snyder

Rep. Brianna Titone

Rep. Alex Valdez

Rep. Donald Valdez
Rep. Michael Weissman
Rep. Steven Woodrow
Rep. Mary Young
Sen. Jessie Danielson
Sen. Julie Gonzales
Sen. Brittany Pettersen
Sen. Robert Rodriguez
Sen. Tammy Story
Sen. Nancy Todd
Sen. Faith Winter
Sen. Rachel Zenzinger

Local Elected Officials

Commissioner Eva Henry, Adams County
Commissioner Emma Pinter, Adams County
Councilwoman Amanda Sawyer, Denver City Council District 5
Councilwoman Candi CdeBaca, Denver City Council District 9
Councilwoman Jamie Torres, Denver City Council District 3
Councilwoman Kendra Black, Denver City Council District 4
Councilman Kevin Flynn, Denver City Council District 2
Councilman Paul Kashmann, Denver City Council District 6
Denver City Councilperson Robin Kniech
Crystal Murillo, Aurora City Council Member, Ward I
Sharon Tessier, Broomfield City Council
Councilor Dana Gutwein, Lakewood City Council
Councilman Jacob LaBure, Lakewood City Council
Michal Rosenoer, Edgewater City Council
Caleb Rountree, Edgewater City Council
Mayor Jamie Harkins, City of Lafayette
Stephanie Walton, City of Lafayette Mayor Pro Tem
Louisville Mayor Ashley Stolzmann
Jenny Willford, Mayor Pro Tem, Northglenn
Kate Williams, RTD Director District A

Organizational Supporters

9to5 Colorado
B-Konnected, LLC
Bell Policy Center
Chaffee Housing Trust
Colorado Catholic Conference
Colorado Center on Law and Policy
Colorado Children's Campaign
Colorado Coalition for the Homeless

Colorado Cross-Disability Coalition
Colorado Fiscal Institute
Colorado Health Foundation
Colorado Jobs with Justice
Colorado Latino Leadership, Advocacy & Research Organization
Colorado Poverty Law Project
Colorado Senior Lobby
Colorado Village Collaborative
Colorado Working Families Party
Center for Work and Education Employment (CWEE)
Cultivando
Denver Foundation
Denver Homeless Out Loud
Enterprise Community Partners
The Fax Partnership
Habitat for Humanity of Metro Denver
Hispanic Affairs Project
Jefferson County Food Policy Council
Law & Mediation Office of Phyllis A. Roestenberg, Esq., LLC
Lutheran Advocacy Ministry-Colorado
Mental Health Colorado
Mile High Connects
National Association of Social Workers, Colorado Chapter
Party for Socialism and Liberation - Denver
Radian
Rodfei Tzedek, the social justice team of Congregation Rodef Shalom
Together Colorado
United for a New Economy
Urban Land Conservancy
Violence Free Colorado
Westwood Unidos

CC:

Rick Garcia, Executive Director, Department of Local Affairs
Allison George, Director, Department of Local Affairs, Division of Housing
Patty Salazar, Executive Director, Department of Regulatory Agencies
Joe Barela, Executive Director, Colorado Department of Labor and Employment