

A Colorado Tenant's Guide to COVID-19

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COVID-19 has had an unprecedented impact on our state economy. Tens of thousands of Coloradoans have lost their jobs since early March with additional lay-offs and furloughs expected in the weeks and months ahead. The economic shutdown has caused many in our community to fall behind on bills and rent, generating considerable anxiety.

This guide is designed to help tenants navigate conversations with their landlords, respond to eviction proceedings, and seek out support in this challenging time. We are updating this document constantly, so please check back as the situation on the ground changes. *Please note: this guide does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available on this site are for general informational purposes only.*

What happens if I can't pay my rent?

First and foremost, you should know that you're in very good company. Because of COVID-19, many Americans will struggle to pay rent in the months ahead. This problem will likely continue until the virus passes and people can return to work.

If you cannot pay your rent, there are several things you should know:

1. There are eviction moratoria in place in many parts of the state: Evictions are temporarily suspended in many parts of Colorado. You can find more information at [this link](#) about the status of eviction procedures in your county. Further, Governor Polis has directed state agencies to work with landlords to develop measures to avoid removing or executing eviction procedures against tenants as a result of late or unpaid rent. This means that if you cannot pay your rent, your landlord cannot pursue an eviction until the various eviction moratoria expire, which could occur sometime between April and May, depending on your location.

The CARES Act also includes a federally mandated eviction moratorium that halts *new* evictions for certain rental properties in Colorado through June 25, 2020, as well as the assessment of late fees. The covered rental property types include most federally assisted rental housing programs, low income tax credit housing, and housing with federally backed loans. For more information, please see this [summary](#) prepared by the National Housing Law Project.

2. If you are protected by a moratorium, your landlord cannot evict you until it expires: As mentioned above, landlords cannot pursue evictions until eviction moratoria expire. These deadlines vary by county (see list above) but may be extended as long as social-distancing measures are in-effect. It is unclear when and how various district and county courts will reopen in the weeks and months ahead. You can find more information at [this link](#) about the status of eviction procedures in your county. Because this information is subject to change and may become outdated, this link also includes a phone number for your county court, and you may consider calling to confirm information or to ask specific questions.

3. These moratoria do not mean that you don't have to pay rent: Despite the presence of various eviction moratoria across the state, you are still bound by your rental contract. This means that your landlord will seek payment under the terms of your rental agreement and will likely expect you to pay. Additionally, despite the presence of eviction moratoria, your landlord may be able to sue you for unpaid rent when courts reopen.

4. Even if you are protected by a moratorium now, your landlord may be able to evict you when the moratorium is lifted and pursue you for rental money in court: As discussed above, eviction moratoria issued at the federal,

state, and local level have expiration dates. When these provisions expire, landlords may be able to immediately begin eviction proceedings while also suing for unpaid rent and possibly late fees.

5. Landlords may still be able to assess late fees: The Governor has directed state agencies to work with landlords to exempt tenants and mobile home owners from fees or penalties for the late payment or nonpayment of rent until April 30, 2020. However, landlords may still be able to assess late fees on unpaid rent. Right now, the best advice is to discuss this issue with your landlord and attempt to reach an amicable resolution.

6. It is important to engage with your landlord as soon as possible if you're unable to make full payment: While it is often uncomfortable, it is important that you communicate your inability to pay to your landlord, in writing, as soon as possible. Included at the end of this document is some text you can consider when contacting your landlord about payment issues. It is a good idea to keep documentation readily available that shows the link between the crisis and your difficulty paying rent (for example, emails/letters/texts canceling shifts, notifying you that your place of work will be closed, or suspending contract work might all serve as proof). It is possible that having this documentation handy will be helpful if legislative relief becomes available, or in a worst case dispute with your landlord.

7. Efforts are being made to find a broader public policy solution for renters who cannot pay, but it is unclear where these will land: Advocacy efforts at the local, state, and federal level seek further support for renters who have lost work and are struggling to make payments to their landlord. Discussions have touched on ideas like direct rent support to tenants, rent-forgiveness arrangements, and direct financial support to landlords. These and other proposals are in discussion and may not come to fruition.

What should I say to my landlord?

You should let your landlord know that you're unable to pay your monthly rent due to the fallout from COVID-19 as soon as possible. It is important to do this in writing and ideally by email in this time of social distancing (though sending a certified letter also works well). Attached at the end of this document is some text you can consider when contacting your landlord about payment issues.

Should I pay partial rent or try to strike a deal with my landlord?

Many landlords across the state are offering tenants payment agreements in response to the COVID-19 crisis. The terms of these agreements vary widely and may or may not be beneficial to tenants. Some questions to ask when evaluating a prospective rent agreement with your landlord include:

1. *Can I afford to pay this? Will deferred or altered payment arrangements make my rent too high in the future?*
2. *Does this agreement change terms other than payment? Does the landlord expect me to move out at a different time? Does this impact other services or agreements?*
3. *Does this agreement say that if I miss a future payment I waive other rights or benefits I'm entitled to or agreed to? Alternatively, does it stipulate that the landlord is entitled to an order for possession from a court if I fail to make a payment as agreed?*
4. *Is the landlord threatening to evict me or make the premises inaccessible if I don't sign the proposed modification agreement?*

If the answer to any of the questions above is yes, it may raise a red-flag about the fairness of the rental agreement. Before signing an agreement, please contact our team at covid.eviction.defense@gmail.com to get connected with a volunteer attorney who can review the document your landlord has provided.

What can my landlord do if I don't pay my rent?

If you do not pay rent, your landlord may do several things, including asking you to pay, posting a notice to vacate on your door, and proposing payment agreements and other compromises.

Your landlord cannot deny you access to the premises, cut off utilities, engage in harassing behavior, evict you, or otherwise violate the terms of your lease agreement.

What will happen when various eviction moratoria are lifted?

It's not 100% clear. Presumably, when eviction moratoria are lifted, landlords will be able to pursue eviction cases in court and also sue tenants for unpaid rent. There are some public policy proposals that respond to this challenge, but none have been acted upon.

What funding resources are available to my family?

There are a number of resources available and the list is growing daily. Options include:

- 1. Stimulus funding:** In the days and weeks, each U.S. taxpayer who earns less than \$75,000 per year will receive a \$1200 check from the federal government along with an additional \$500 for each dependent child. (For example a family with two parents and three children would receive $\$1200 + \$1200 + \$500 + \$500 + \$500 = \3900) More information is available at this [link](#).
- 2. Unemployment Insurance:** The recently passed CARES Act expands unemployment insurance dramatically. If you have been laid-off, furloughed, or face a work reduction as a contractor or gig economy employee, you may be eligible for benefits (in addition to receiving the stimulus funding above). You can submit an application here: [Start a Claim](#)
- 3. Temporary Rental and Utility Assistance:** In Denver County, residents may apply for TRUA benefits to support rental and utility payments. More information can be found by dialing 3-1-1 or visiting: [Rent and Utility Help - Department of Housing Stability](#)
- 4. Other rental support:** The State of Colorado is providing some rental support to tenants facing hardship as a result of COVID-19. Residents across the state can search for emergency rental assistance providers here: [State of Colorado Eviction Prevention Programs](#). You may also call 2-1-1 or visit <http://211.org/>
- 5. Energy Assistance:** Apply for or find out information about the Low Income Energy Assistance Program (LEAP) by calling the HEAT HELP Line (available 24/7) at 866-431-8435. Applications can take 30 days to process but can be quicker for emergencies like a shutoff notice.
- 6. Food Assistance:** There are many options available to you to apply for Food Assistance (SNAP) benefits. Try to provide as much information as you can on the application to make the process faster.
 - a. By Phone:** Outreach partners can help you apply by phone. Call Hunger Free Colorado Hotline at 1-855-855-4626 or Mile High United Way at 2-1-1
 - b. Online:** Visit the Colorado PEAK website at <https://colorado.gov/PEAK> from a computer or tablet to complete an application online.

c. Mobile App. Download the MyCOBenefits app to apply from a smartphone. If you are approved, you will be able to see benefit amounts.

d. Paper. Paper applications are still available at your county office, even if it is closed. Once you complete your paper application, you can drop it off at the county office or send it in by mail, fax, or email.

e. For other food assistance: You can also find food banks and pantries during the COVID-19 Outbreak. Visit [this site](#) for more information. If you have children under 18, some public schools are offering “grab and go” break snacks and lunches that you can pick up at any school that is near you. See [this list](#) for locations.

7. Small Business Administration Economic Injury Disaster Loan: The SBA is offering economic injury disaster loans to small businesses, including sole-proprietors and contractors (ride-share drivers, etc.), whose income is impacted by the Coronavirus crisis. The application is on-line and the SBA is trying to streamline the processing of applications. For more information or to apply, visit this [site](#).

LANDLORD LETTER DRAFT TEXT

Dear [Insert Landlord or Company Name]-

I am writing in regards to my tenancy at [Insert address]. Due to the ongoing COVID-19 crisis, I am unable to make my rental payment for the month of [insert month] on [rental due date]. This is due to [**select reason:** being ill and unable to work / being laid-off from my work / being furloughed at work / facing reduced work hours / other].

I hope to be able to make payments in the future. If you would like to discuss this more, please feel free to reach out.

Thank you,
[Signature]

How do I get more information about this document?

This document was prepared by Zach Neumann at the COVID-19 Eviction Defense Project (a project of The Community Firm) with critical input and feedback from Jack Regenbogen at the Colorado Center on Law and Policy, and Jason Legg from 9to5 Colorado. Please contact Zach Neumann at covid.eviction.defense@gmail.com or at (720) 325-6558 for more information. Comments, feedback, and edits are welcome as we will keep this document up to date over the next several months as the COVID-19 crisis runs its course.