

# COVID-19 Rental, Evictions and Foreclosures FAQ

## Boulder County, Updated 4/13/2020

*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. Landlords 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 below.
- Property owners may be able to obtain leniency with their mortgage payments (see foreclosure section), therefore relieving pressure for rental payments.
- Housing providers will not be able to evict tenants - for any reason, including non-payment of rent - until after May 31. Housing providers cannot remove tenants or their belongings, or change the locks on their rental property, or shut off the utilities, without first going through the eviction process.
- If a housing provider hands a tenant a *10-day 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. Let the housing provider know you want to be part of a solution.

- Contact mediation services (see page 3 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?**

- Boulder County Courts have placed a temporary hold on eviction hearings until May 31, 2020, including all residential and business evictions. Although eviction cases can still be filed by housing providers/landlords, no eviction hearings can take place until June 1, 2020. Colorado municipal governments have no authority over evictions because it is a state law process. These cases are heard in district or county, not municipal court.
- On March 20, Governor Jared Polis issued [Executive Order D 2020 012](#) temporarily limiting evictions, foreclosures, and public utility disconnections.
- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law on March 27, 2020 and prohibits landlords of a covered property from filing new eviction actions for non-payment of rent and charging late fees or other penalties until June 27th. For more detail and to see which properties are covered under this act, see [this link](#).

**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:

- Emergency Family Assistance Association, 303-442-3042 for short-term financial assistance, rent assistance, and other resources to help offset expenses.
- Older Adult Client services: 303-441-4388, older adults age 60+, residents of Boulder may be eligible for financial services.
- OUR Center, 303-772-5529, a gateway family resource center for residents of Longmont (a family can be a “family of one”), short-term financial and rent assistance, food bank, meals
- [Boulder County Housing Resources](#) Boulder County is working with our federal, state and local partners to respond to the unprecedented impacts of COVID-19 in our community. 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](#)
- Check back often. We will be posting other resources - as they become available – to help tenants, housing providers, and the community with financial burdens and housing stability.

**Q: What if the tenant leaves the property early breaking their lease?**

- Again, communication between the landlord 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 landlord, 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, CARES Act implications, foreclosure prevention options, credit impacts and debt management plans. ([www.BoulderCountyPFP.org](http://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 March 18, the Federal Housing Administration enacted an “immediate foreclosure and eviction moratorium for single family homeowners with FHA-insured mortgages” for the next 60 days.
- Servicers of Fannie Mae and Freddie Mac backed loans are instructed to work with borrowers experiencing hardship related to COVID-19. This includes 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](http://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 given the social distancing mandate?**

No, a tenant does not have to accommodate showings. On April 10, the Colorado Attorney General's office clarified that real estate marketing services such as showings and open houses are not considered to be a critical service under the stay at home order and are not permitted.

[See link](#)

**Q: If a CU student returns home upon the school's recommendation 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 are thousands of CU students in the same situation and property owners would be absorbing an enormous financial loss if they allowed all students in this situation to break their lease. Instead, most property managers are only willing to negotiate in those situations where there is a financial need as a result of COVID-19.

**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 Services could be an option.

**Q: If a tenant's lease is ending but they don't want to move out during this period of social distancing, what are their options?**

Under normal circumstances, when a lease ends with no mutual agreement to extend it, if the tenant doesn't move the tenant could be evicted. However, right now, with eviction hearings delayed until the end of May (or even later, depending on caseloads in the court or for properties covered by the CARES act) it's in everyone's interest to try to negotiate a solution that meets everyone's needs.

**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 sheltering in place, social distancing, and face protection.

**FOR MORE INFORMATION 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](mailto:mediation@bouldercolorado.gov)

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

City of Longmont Mediation Service  
Phone: 303-651-8444

**For legal help and referral:**

Boulder County Legal Services  
Phone: 303-449-7575

Boulder County District Attorney  
Division of Consumer Protection  
303.441.3700