

COVID-19 Rental, Evictions and Foreclosures FAQ

Boulder County, Updated 6/23/2020

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 below.
- Property owners may be able to obtain leniency with their mortgage payments (see foreclosure section), therefore relieving pressure for rental payments.
- Certain properties are covered under the federal CARES Act (see section below on Eviction).
- 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 5 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 resumed eviction proceedings as of June 1.
- Through July 13th, Governor Jared Polis' Executive Order D 2020 101 requires housing providers to give tenants 30 days' notice of any default for nonpayment of rent before the housing provider can begin an eviction proceeding in court. During this 30-day period, tenants can remedy the default for nonpayment.
- Executive Order D 2020 101 also prohibits the charging of late fees or penalties for nonpayment of rent that were incurred between May 1 and June 13, 2020.
- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) prohibits owners of a covered properties under the Act from filing new eviction actions, issuing a notice to vacate and charging late fees or other penalties for nonpayment of rent until after July 24th. For more information, and to see if your property is covered under the CARES act, [click here](#).

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 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, CARES Act implications, 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 March 18, the Federal Housing Administration enacted an “immediate foreclosure and eviction moratorium for single family homeowners with FHA-insured mortgages” until June 30, 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 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. 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: 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 (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 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

[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 Hotline

303-441-1206

For more information, legal help, and referrals to legal help:

Boulder County Legal Services

303-449-7575

Boulder County District Attorney's Office

Community Protection Division

303-441-3700