

# The Eviction Process in Colorado (May 2020)

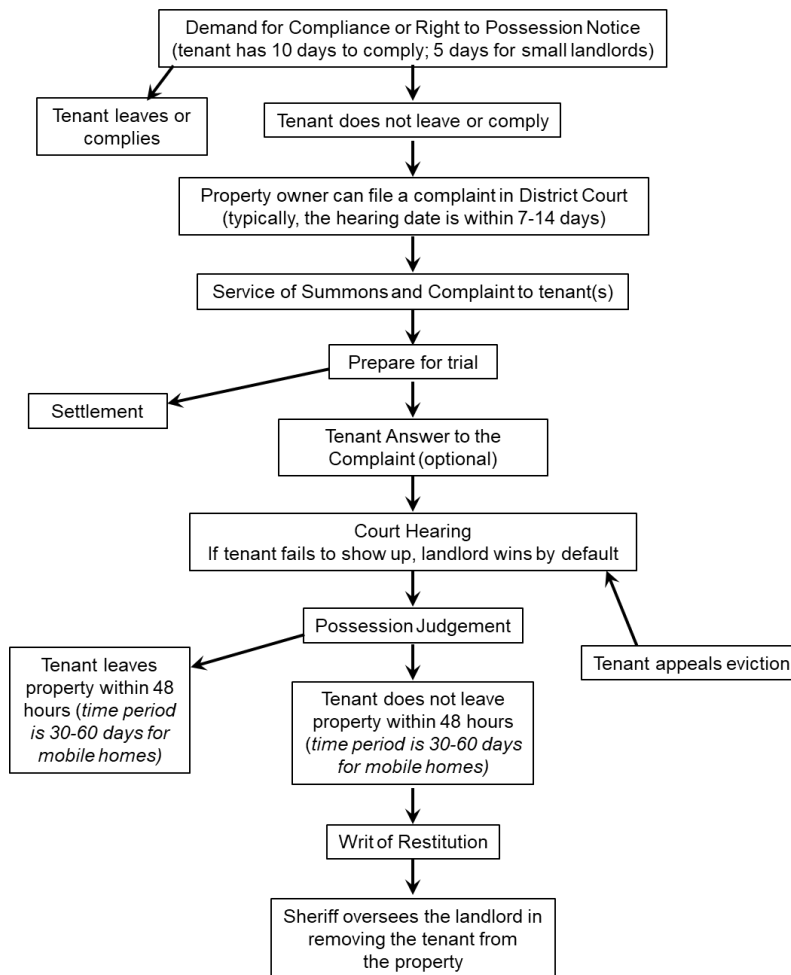
**Note:** On April 30, 2020, Gov. Polis issued an [Executive Order](#) to suspend evictions for 30 days unless such actions are necessary to protect public health and safety. Also, landlords and lenders are prohibited from charging any late fees or penalties for any breach of the terms of a lease or rental agreement due to nonpayment for the duration of the Executive Order. **The Executive Order does not relieve an individual from their obligation to make rent payments.** State agencies are directed to work with property owners and landlords to create model repayment agreements that allow tenants additional time to repay rent. Seek professional advice to review terms imposed by these repayment agreements (see below for legal resources).

Landlords must have a legal reason to evict a tenant (e.g., failure to pay rent, committing lease violations, property damage, engaging in criminal activities, or when a tenant has not moved out when the lease has expired).

**It is illegal to lock out a tenant, move personal belongings, or shut off utilities before the eviction process is complete.** Also illegal are threats or physically attempting to remove the tenant.

Colorado is a “loser pays” state. Hence, court costs are usually awarded to the prevailing party. Payment of attorney fees depends on terms of the lease agreement.

## The Eviction Process in Colorado for Non-payment of Rent



## **Definitions/Descriptions:**

**Forcible Entry and Detainer (FED)**—the legal term for eviction, which is legally removing someone from a property.

**Self Eviction or Constructive Eviction**—when a landlord locks out a tenant, removes a tenant's belongings from a property, or terminates essential utilities (e.g., heat, electricity, water) or services. **This practice is illegal in Colorado.** Also, the Sheriff's office will not assist in removing a tenant without a court order directing them to do so.

### **Notice to Cure/Demand for Compliance or Possession:**

- **Non-Payment of Rent Notice**—the first step of an eviction process and usually states an intent to evict, the amount of money owed, late fees owed, and the deadline for payment. Gives tenant 10 days to leave property or comply by paying rent owed (5 days for a landlord who owns 5 or fewer single-family homes).
- **Minor Violation Notice**—the first step of an eviction process and clearly identifies the provisions of lease that were violated. Gives tenant 10 days to leave property or comply by fixing (legal term is curing) the lease violation (5 days for a landlord who owns 5 or fewer single-family homes).
- **Repeat Minor Violation Notice**—does not give an opportunity to remedy the problem (cure is the legal term).
- **Substantial Violation Notice**—does not give an opportunity to remedy the problem (cure is the legal term). Must be a statutory substantial violation as defined in the Colorado Revised Statutes (includes endangerment and violent or drug-related felonies). There are some exceptions for victims of domestic violence.

**Notice to Quit**—A written notice given by a landlord to a tenant, indicating that the tenant(s) must move from the premises at a time designated. The length of notice required depends on the term of tenancy.

**Summons and Complaint**—after a property owner files a complaint in District Court, the Summons and Complaint informs the tenant(s) of the court hearing information (*tenant(s) must be properly given notice ("served"), which is typically done by the Sheriff's Department or a private process server*). Typically, the hearing is 7-14 days after the complaint is filed in court.

**Answer or Response to the Complaint**—can be filed by tenant on or before the court hearing and may contain a defense to the Complaint that the landlord needs to address in court or may contain a counterclaim against the landlord.

**Order for Possession** (aka Writ of Possession aka Possession Judgement)—an order from the District Court that determines who is entitled to possession of the property. If the tenant doesn't appeal the decision, they must vacate the property within 48 hours. If the tenant chooses to appeal the eviction, then they must file a notice of appeal in the district court within 14 days after the initial judgment. It is also mandatory that the tenant file an appeal bond, which is usually the monthly amount of rent. For mobile homes, the time period to move or sell a home after an eviction is 30 days, with the option of purchasing an additional 30 days.

**Writ of Restitution**—can be requested by landlord if the tenant has not left 48 hours after the Order for Possession (or 30 days for mobile homes). It allows the Sheriff to assist the landlord in removing the tenant from the property. The landlord must make arrangements with the Sheriff's office to execute the Writ of Restitution. The landlord (or someone under the landlord's direction) can legally move the tenant's belongings as far as the street with no further obligation.

## **Information Resources:**

[Eviction and Foreclosure Prevention](#) (Colorado Division of Housing)

[Questions and Answers about Evictions](#) (Colorado Legal Services)

[Housing-related Information](#) (Colorado Legal Services)

[Mobile Home Eviction for Non-Payment of Lot Rent in CO](#) (Colorado Legal Services)

[The COVID-19 Eviction Crisis—An analysis by the COVID-19 Eviction Defense Project](#)

[Tools to Help Renters Find Out if They are Protected from Eviction](#) (Federal Housing Finance Agency)

[Housing Resources—9to5 Colorado](#)

[Colorado: Landlord/Tenant](#)

[Colorado Judicial Branch: Forcible Entry & Detainer/Eviction \(FED\)](#)

[Colorado District Courts](#)

[Colorado Revised Statutes](#)

## **Legal Resources for Tenants:**

[COVID-19 Eviction Defense Project](#)

[Colorado Legal Services \(CLS\)](#)

[Colorado Poverty Law Project](#)

[Legal Aid Foundation of Colorado](#)

[Protecting Renter and Homeowner Rights During Our National Health Crisis](#) (National Housing Law Project)

[Colorado Housing Connects](#) 844-926-6632

[Housing Resources—9to5 Colorado](#)