

HOW TO HANDLE AN EVICTION NOTICE



DENVER
THE MILE HIGH CITY

Involuntary Termination/Eviction

EVICTION GENERALLY

- Eviction is when the tenant is court ordered to leave the property. Only a sheriff may enforce this court order, and landlords can never evict without a court order and a sheriff. *Note: In Denver, deputy sheriffs conduct the evictions. This type of legal action is called a Forcible Entry and Detainer (FED).*
- Landlords cannot legally deny tenants access to the property, change the locks, or remove the tenant's possessions without a court order.
- If the tenant has not paid rent or violates the terms of the lease, the landlord must give the tenant a signed Ten-Day Demand for Compliance or Possession (Ten-Day Demand) stating the rent owed or identify the violation of the lease to start the FED process. The tenant can pay the rent if rent is owed, correct the violation, move out within ten days, or dispute the eviction before a judge in court. If the tenant disputes the amount owed in a demand, the tenant must pay the correct amount within the ten-day period. The landlord does **not** have to accept payment after the ten-day period.
- The landlord can serve a Ten-Day Demand to the tenant by leaving a copy at the tenant's usual place of abode, with any person whose age is eighteen years or older and who is a member of the person's family, or at the person's usual workplace, with the person's supervisor, secretary, administrative assistant, bookkeeper, human resources representative or managing agent; or by posting it in a conspicuous place on the property, such as the front door, if diligent effort has been made to attempt personal service. The ten days begin the day after receiving the notice or of the posting, even if the tenant never sees the notice.
- If the tenant does not pay, correct the violation, or move out, then the landlord may file an eviction suit. The steps involved in this process are detailed in the Denver Eviction Process Chart attached.
- Ten-Day Demand requirements always apply, even if the language in the lease states otherwise.

Tenant Tips

As soon as you receive a Ten-Day Notice from your landlord, contact the Office of Financial Empowerment and Protection by calling 720-944-2498 or emailing FEC@denvergov.org. You will be connected to a navigator who can direct you toward:

- Rental assistance
- Legal services
- Mediation services
- Other services available through local government agencies and nonprofits

EVICTION PROCEDURE

- If a Ten-Day Demand was given and the tenant disputes the allegations, the tenant may contact the landlord, Colorado Legal Services (coloradolegalservices.org, 303-837-1313), or Community Mediation Concepts (CMC@FindSolutions.org, 303-717-4151) to try to resolve the issue. See the resources section for more details.
- When an eviction case is filed, the landlord must serve a copy of the Complaint and summons on the tenant. The summons will inform the tenant that he or she must appear in court at a certain date and time. Instructions for appearing remotely in Denver County Court must be included in the summons.
- On the appearance date, the tenant must either file an answer or enter into a written agreement with

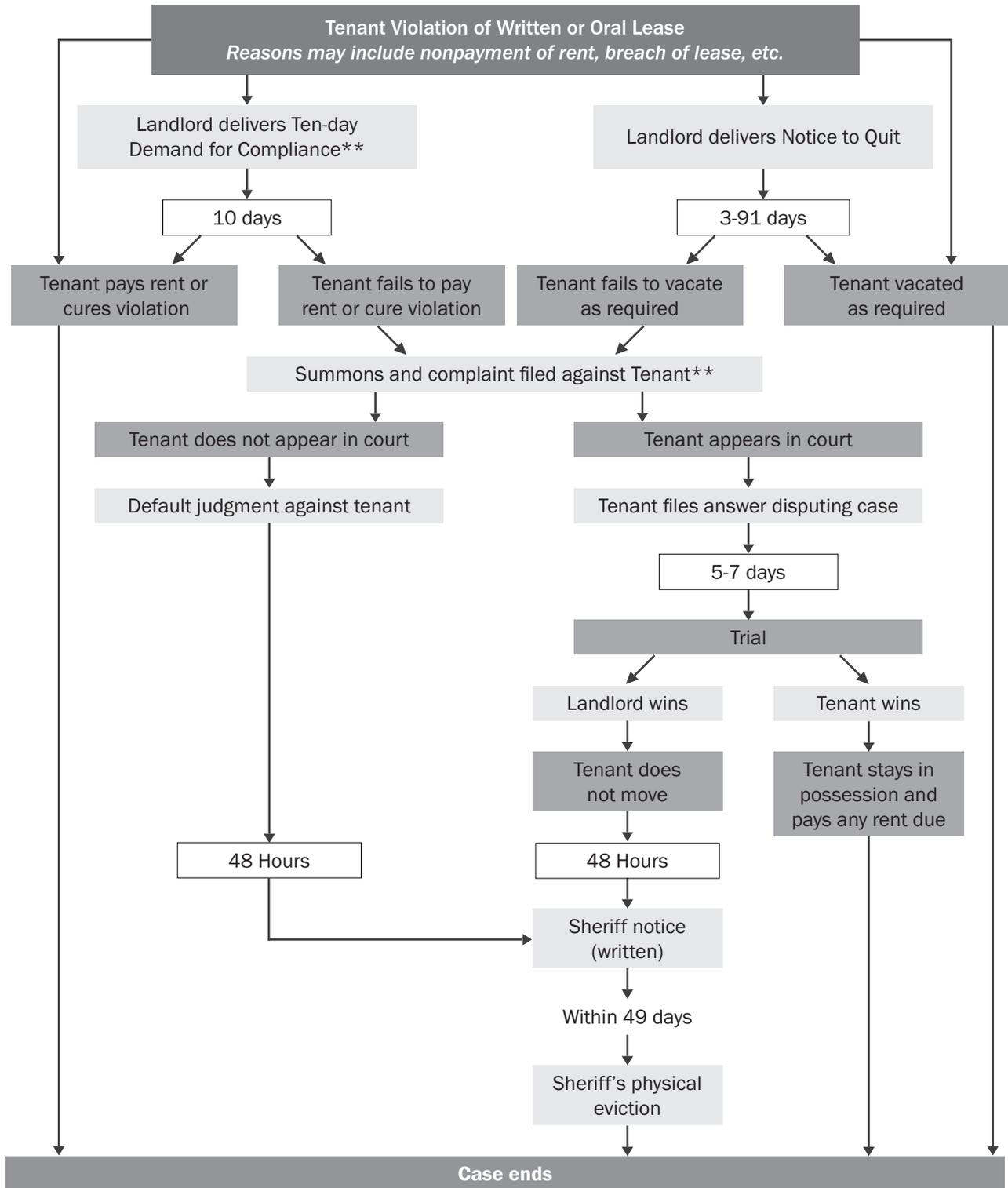
the landlord filed with the court on that date. If the tenant does not do one of those two things, a default judgment for possession (eviction judgment) will automatically enter against the tenant.

- If the tenant seeks to file an answer, but cannot afford the filing fee (approximately \$100), the tenant can ask the court clerk for a form to ask the court to accept the answer without a filing fee.
- If the tenant files an answer, a trial date will be set in approximately seven (7) days.
- If an eviction order is obtained in court, the landlord should contact the deputy sheriff to monitor the eviction. Under State law the winner of an eviction suit may receive reasonable attorney's fees and costs of the lawsuit from the other party if allowed by the lease.
- Landlords cannot remove the tenants or prevent the tenant from entering the property without a court order and the deputy sheriff. Violence or intimidation should be reported to the police. In the event of a lockout, it is best that the tenant not use force to reenter the premises and should immediately consult with Colorado Legal Services or an attorney.

REPEATED OR SUBSTANTIAL VIOLATIONS OF A LEASE

- If the tenant violates a lease multiple times and a Ten-Day Demand was previously given, or there are more serious violations such as violence or drugs, the landlord can post or deliver a "Notice to Quit", which does not give the tenant an opportunity to correct the violation. Instead the tenant must leave within a three-day period for a substantial violation, ten days for a repeat violation, or dispute the eviction before a judge in court.
- Landlords can prohibit use of illegal drugs by the tenant on the property including recreation or medical marijuana.
- Generally, victims of domestic violence cannot be evicted because of domestic violence. Police documentation or an order for civil protection may be required for domestic violence to be a defense to eviction.
- The only way a landlord can terminate a lease and evict a tenant from any type of rental property is by going through a Forced Entry and Detainer (FED) legal action to obtain a court order requiring the tenant to vacate the property. It is never legal for a landlord to evict a tenant without a court order.
- The period for a Notice to Quit is 3, 21, 28, or 91 days, depending on the length of tenancy and how much notice is included in the lease. (Colorado Revised Statute 13-40-107.)
- Immigrant and undocumented families have the same tenant protections and rights as all other Denverites.
- The landlord and tenant may enter into an agreement, or settle the case, instead of going to trial.
- Even if a tenant loses at trial, the landlord and tenant may still come to an agreement before the deputy sheriff comes to evict. Such an agreement should be in writing.

Evictions Timeline



Tenant Action
 Landlord Action

Contact the Office of Financial Empowerment and Protection for support and referrals to relevant resources by calling **720-944-2498 or emailing FEC@denvergov.org.

Resources for Denver Residents Facing Eviction

<p>DENVER OFFICE OF FINANCIAL EMPOWERMENT AND PROTECTION, CONSUMER FINANCIAL PROTECTION UNIT</p> <ul style="list-style-type: none"> • Serving individuals, families and small businesses • Navigation services • Free financial one-on-one coaching • Consumer financial protection (addressing financial fraud and promoting fair housing practices) • Debt management • Credit check-ups 	<p>720-944-2498</p> <p>Email FEC@denvergov.org for financial coaching.</p> <p>Email cfpd@denvergov.org for navigation or consumer financial protection support.</p>
<p>DENVER DEPARTMENT OF HOUSING STABILITY (HOST)</p> <p>HOST provides resources to help Denver residents:</p> <ul style="list-style-type: none"> • Find a new home • Stay in a current home • Find shelter • Pay rent, utility and mortgage bills • Understand the foreclosure and eviction processes <p>Additionally, HOST administers the TEMPORARY RENT AND UTILITY ASSISTANCE (TRUA) program. Rent and Utility Assistance from the Department of Housing Stability helps City and County of Denver residents facing a financial hardship to prevent eviction or utility shut off. If you need help with paying rent or utilities you may be eligible to receive temporary help.</p>	<p>Denvergov.org/Housing</p> <p>720-913-1534</p> <p>housingstability@denvergov.org</p>
<p>DENVER HUMAN SERVICES</p> <p>Denver Human Services offers a variety of services, including deposit, first month's rent, mortgage, eviction, rental, and cash assistance, to qualifying Denver residents who are at risk of losing their housing. Denver Human Services can also support residents with:</p> <ul style="list-style-type: none"> • Behavioral health/mental health services • Resources specifically for older adults and those who are aging • Food resources, including the Supplemental Nutrition Assistance Program (SNAP) and food pantry referrals • Services for veterans/people with military experience and their families • Connections to employment and training • Accessing Supplemental Security Income (SSI), services for those with disabilities, rehab or drug treatment, and more 	<p>Apply for food, cash, medical, and child care assistance at Colorado.gov/PEAK</p> <p>Find more information about Denver Human Services' emergency assistance programs at Denvergov.org/HumanServices or call 720-944-2032.</p> <p>Call 720-944-4DHS (4347) for more information about Denver Human Services programs and services.</p>
<p>DENVER COUNTY COURT</p> <p>The Denver County Court provides resources for individuals seeking information on court procedures and virtual court access.</p>	<p>denvercountycourt.org/civil-matters-in-denver</p> <p>courts.state.co.us/Courts/District/Custom.cfm?District_ID=2&Page_ID=856</p>

<p>LOW-INCOME ENERGY ASSISTANCE PROGRAM (LEAP)</p> <p>LEAP is a federally funded program that helps qualifying households by paying a portion of their heating costs. Applications can take 30 days to process but can be quicker for emergencies like a shutoff notice. Applications are accepted November-April.</p> <p>If you are experiencing a heat emergency, Energy Outreach Colorado may be able to help.</p>	<p>Call Energy Outreach Colorado's HEAT HELP line (available 24/7) at 866-431-8435.</p> <p>Denvergov.org/LEAP</p>
<p>COLORADO LEGAL SERVICES</p> <p>Colorado Legal Services (CLS) provides free legal services in all types of residential evictions to individuals and families who meet income guidelines. CLS also provides these same services to seniors, without regard to income. CLS may give legal advice, assistance in filing answers and other legal documents or full representation in court. If you are a tenant and have been served with a notice, have received court papers, or have a problem with your housing, please contact CLS immediately.</p>	<p>303-837-1313</p> <p>coloradolegalservices.org</p>
<p>COLORADO AFFORDABLE LEGAL SERVICES (CALs)</p> <p>CALs counsels, represents and advises landlord and tenant clients on legal issues and other landlord/tenant matters. CALs advises parties how to file, initiate and defend themselves in court proceedings, including mediation in addition to offering dispute resolution information and referrals for legal assistance.</p>	<p>303-996-0010</p> <p>coloradoaffordablelegal.com</p>
<p>COVID-19 EVICTION DEFENSE PROJECT</p> <p>The COVID-19 Eviction Defense Project is a collaborative, community legal project. Its mission is to provide Coloradans who are unable to pay their rent during the COVID-19 crisis with information and support.</p>	<p>cedproject.org</p>
<p>COLORADO COALITION FOR THE HOMELESS</p> <p>The City and County of Denver is partnering with Colorado Coalition for the Homeless and the National Guard to support motel/hotel room options across Denver for people experiencing homelessness during the COVID-19 crisis.</p>	<p>303-293-2217</p> <p>coloradocoalition.org/covid-19</p>
<p>DENVER SHERIFF DEPARTMENT CIVIL PROCESS OFFICE</p> <p>The Denver Sheriff Department Civil Division is responsible for service of civil process, sale of real and personal property under court order, execution of court ordered evictions processes and serves, and more.</p>	<p>720-865-9556</p> <p>201 W. Colfax Ave. First Floor Atrium</p> <p>Denvergov.org/Sheriff</p>
<p>COLORADO HOUSING CONNECTS</p> <p>Colorado Housing Connects provides information on tenant/landlord questions and concerns.</p>	<p>1-844-926-6632</p> <p>coloradohousingconnects.org</p>

<p>NEIGHBORHOOD EQUITY AND STABILIZATION INITIATIVE (NEST)</p> <p>The mission of NEST is to support neighborhoods experiencing significant change in elevating their voice to determine the future of their community by empowering under-resourced and marginalized residents and businesses. Our Vision: Vibrant, innovative, and interconnected communities with the means and opportunities to make a home, get a job, and build a future. NEST:</p> <ul style="list-style-type: none"> • Conducts outreach to inform and support homeowners of delinquent property taxes, liens, and foreclosures • Supports grassroots community organizing • Provides funding to neighborhood and community organizations that offer programs and services to low-to-moderate income individuals. 	<p>Denvergov.org/content/denvergov/en/denver-office-of-economic-development/housing-neighborhoods.html</p>
<p>DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG) AREA AGENCY ON AGING AND NETWORK OF CARE</p> <p>DRCOG has also developed a comprehensive, community-based website to provide current information on services, including legal assistance and housing support, available to older adults and their caregivers.</p>	<p>drcog.org/programs/area-agency-aging</p> <p>Main number: 303-480-6700</p> <p>Long-Term Care Ombudsman: 303-480-6734</p>

Additional state-level eviction prevention resources are at cdola.colorado.gov/housing-covid19-eviction.