



May 5, 2020

INTERIM JUDICIAL AND ADMINISTRATIVE MODIFICATIONS AND RESTRICTIONS

Due to the COVID-19/Coronavirus pandemic, judicial and administrative businesses have modified operations and procedures or have temporarily halted altogether. Below are some of the major changes currently in place, effecting day-to-day legal, judicial, and administrative operations.

Recording Documents in the Public Record

All counties in Colorado have disallowed in-person recording of documents into the public record. However, nearly every county is still allowing electronic recording and some others still allow recording requests received by mail. For a complete list of county recording statuses, please visit: Simplifile.com.

In-Person Court Appearances

The majority of Courts in the front range counties have temporarily continued (rescheduled) all in-person court appearances, including hearings, trials and other conferences for civil sector cases. If you have an appearance scheduled between the date of this notice and June 1, 2020 and you are unsure whether your appearance has been rescheduled, please contact your attorney. For a complete list, by county, of specific closures and restrictions, please visit: <https://www.courts.state.co.us/announcements/COVID-19.cfm>

Also, attached hereto is an Order Regarding COVID-19 and Operation of Colorado State Courts issued by the Supreme Court of Colorado, relating to the suspension of certain court operations and the continued provision of other essential court services throughout the state of Colorado.

Foreclosures and Evictions

The U.S. Department of Housing and Urban Development in consultation with the Trump Administration and the Coronavirus Task Force has issued a moratorium authorizing the Federal Housing Administration to temporarily suspend many, but not all, foreclosures for properties secured by FHA-insured Single Family mortgages. Additionally, Colorado Governor Polis has issued an Executive Order further limiting evictions, foreclosures, and public utility disconnections. If you are unsure whether your foreclosure or eviction is exempt from the moratorium or is otherwise affected by the Executive Order, please contact your attorney. A copy of the March 18, 2020 moratorium and Executive Order D 2020 051 are attached hereto. For more information, visit www.HUD.gov.

Mediations, Depositions and Other Court-Related Conferences

Many mediators and court reporting agencies have quickly altered their usual business practices to allow remote services through video conferencing and other similar mediums. If your case has an upcoming conference scheduled, it has likely been modified to a remote-setting. Please contact your attorney with specific questions.

Executive Orders

For a complete list of current Executive Orders issued by the Governor of Colorado related to this pandemic, please visit: <https://www.colorado.gov/governor/2020-executive-orders>

Supreme Court of Colorado

2 East 14th Avenue
Denver, CO 80203
(720) 626-5460

NATHAN B. COATS
CHIEF JUSTICE

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

Order Regarding COVID-19 and Operation of Colorado State Courts

In light of the COVID-19 (Coronavirus) pandemic and the continued spread of the virus throughout communities in Colorado, and in consideration of the obligation of the courts both to protect the constitutional rights and ensure the safety of the citizenry, the courts of this state can no longer continue normal operations and must for the immediately ensuing period operate on an emergency basis. Therefore, I hereby order the suspension of certain court operations and the continued provision of other essential court services throughout the state.

Effective immediately, all jury calls in state courts, with the exception of jury calls for criminal trials facing imminent speedy trial deadlines, are suspended through April 3, 2020. At that time, the continued need for further suspension will be reassessed.

Because the courts of this state are, however, tasked with protecting the basic constitutional rights of the citizens of the state and with providing a forum for addressing matters essential to their safety and wellbeing, I also order that the following classes of matters or operations may not be suspended and will continue in the state courts throughout this period:

1. Petitions for temporary civil protection orders and permanent protection order hearings;
2. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders;
3. Crim.P. Rule 5 advisement for incarcerated persons and the initial setting of bail;
4. Revocation hearings on complaints to revoke probation involving an incarcerated defendant;

5. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
6. Detention hearings for juvenile delinquency cases;
7. Shelter hearings in dependency and neglect cases or other juvenile proceedings;
8. Petitions for appointment of an emergency guardian and/or special conservator;
9. Hearings on motions to restrict parenting time and parental abduction prevention; and
10. Emergency mental health proceedings.

With regard to operations and matters that are neither designated essential nor prohibited by this order, the Chief Judges of the various districts will retain the discretion to determine whether those operations or matters are necessary to prevent a substantial risk of imminent financial hardship or imminent risk to the health, safety or welfare of any individual or the community at large.

In implementing this order, it is the expectation that the Chief Judges of the various districts will make every effort to facilitate work from remote locations and to minimize or eliminate in-person proceedings and contact.

Done at Denver, Colorado this 16th day of March, 2020.



Nathan B. Coats
Chief Justice, Colorado Supreme Court



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING –
FEDERAL HOUSING COMMISSIONER

Date: March 18, 2020

Mortgagee Letter 2020-04

To: All FHA Approved Mortgagees
All Direct Endorsement Underwriters
All FHA Roster Appraisers
All FHA Roster Inspectors
All FHA Approved 203(k) Consultants
All HUD Approved Housing Counselors
All HUD Approved Nonprofit Organizations
All Governmental Entity Participants
All Real Estate Brokers
All Closing Agents

Subject Foreclosure and Eviction Moratorium in connection with the Presidentially-Declared COVID-19 National Emergency

Purpose The purpose of this Mortgagee Letter (ML) is to inform mortgagees of a foreclosure and eviction moratorium for all FHA-insured Single Family mortgages for a period of 60 days.

Effective Date This Mortgagee Letter is effective immediately upon issuance.

Public Feedback HUD welcomes feedback from interested parties for a period of 30 calendar days from the date of issuance. To provide feedback on this policy document, please send feedback to the FHA Resource Center at answers@hud.gov. HUD will consider the feedback in determining the need for future updates.

Affected Programs This guidance applies to all FHA Title II Single Family forward and Home Equity Conversion Mortgage (reverse) mortgage programs.

Background The President of the United States proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency as of March 1, 2020. As a result of this unprecedented global pandemic, many jurisdictions have reduced services, businesses have closed, and other activities have been

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curtailed. In addition, this pandemic impedes the ability of Americans to work and provide for their families. This directly impacts the financial well-being of individuals, families, and businesses. Therefore, as part of a broader federal government effort, the Secretary of HUD is authorizing a moratorium on foreclosures. Furthermore, Americans have been asked to remain in their homes to stem the tide of COVID-19. To ensure families are not displaced during this critical period, the Secretary of HUD is also authorizing a moratorium on evictions for FHA-insured properties.

Moratorium on Foreclosures and Evictions and Extension of Deadlines

Properties secured by FHA-insured Single Family mortgages are subject to a moratorium on foreclosure for a period of 60 days. The moratorium applies to the initiation of foreclosures and to the completion of foreclosures in process.

Similarly, evictions of persons from properties secured by FHA-insured Single Family mortgages are also suspended for a period of 60 days.

In addition, deadlines of the first legal action and reasonable diligence timelines are extended by 60 days.

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB Control Numbers 2502-0429, 2502-0583 and 2502-0584. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB Control Number.

Questions

Any questions regarding this Mortgagee Letter may be directed to the FHA Resource Center at 1-800-Call-FHA. Persons with hearing or speech impairments may reach this number by calling the Federal Relay Service at 1-800-877-8339. For additional information on this Mortgagee Letter, please visit www.hud.gov/answers.

Signature

Brian D. Montgomery
Assistant Secretary for Housing –
Federal Housing Commissioner



D 2020 051

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 012 and D 2020 031 Limiting Evictions, Foreclosures, and Public Utility Disconnections and Expediting Unemployment Insurance Claim Processing to Provide Relief to Coloradans Affected by COVID-19

Pursuant to the authority vested in the Office of the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2, of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Orders D 2020 012 and D 2020 031, limiting evictions, foreclosures, and public utility disconnections and expediting unemployment insurance claim processing due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018 and D 2020 032. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. We must take action to shore up economic security, employment, community cohesion, and community recovery.

While we have seen indications that our efforts to “flatten the curve” are working, transmission of the virus continues to threaten Coloradans’ way of life and livelihoods. On April

26, 2020, I issued Executive Order D 2020 044 Safer at Home. To be Safer at Home, Coloradans must continue to have a home. As we prepare to reopen the economy it is important that we continue to acknowledge that the economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses.

This Executive Order amends and extends Executive Orders D 2020 012 and D 2020 031, limiting residential and commercial evictions for thirty (30) days in order to provide support and relief to Coloradans that have experienced economic hardship due to COVID-19. Many Coloradans experienced substantial loss of income as a result of business closures and layoffs, hindering their ability to keep up with their rent or mortgage payments and threatening their housing security. This Executive Order also extends the limitations on foreclosures and public utility disconnections and expedited processing of unemployment insurance claims. This Executive Order will help protect the economic well-being of Colorado's communities and businesses during the next month.

II. Amendments

Section II.A of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to read as follows:

I direct the Executive Directors of the Department of Local Affairs (DOLA), Department of Labor and Employment (CDLE), and Department of Regulatory Agencies (DORA) to work with property owners and landlords to identify any lawful measure to avoid removing or executing eviction procedures against tenants or mobile home owners without cause or as a result of late or nonpayment of rent or minor tenancy violations. The Executive Directors also shall work with property owners and landlords to exempt tenants and mobile home owners from fees or penalties for the late payment or nonpayment of rent.

Section II.B of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to read as follows:

To preserve and prioritize the resources of State and local agencies and make law enforcement officers available to perform critical functions in response to the COVID-19 pandemic, I direct the Executive Director of the Department of Public Safety (DPS) to work with all Sheriffs, Mayors, and other local leaders to take similar formal actions with their law enforcement agencies to suspend residential eviction activity in the State unless such actions are necessary to protect public health and safety.

Sections II of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to include the following:

- L. No individual shall file or initiate actions for forcible entry and detainer (i.e. eviction) involving a premises based upon a tenant's default of any contractual obligation imposed by a rental agreement under C.R.S. § 13-40-101, *et seq.*

- M. No individual shall remove or exclude a tenant from a premises or enter a premises to remove or exclude personal property of a tenant from the premises, including pursuant to a writ of restitution authorizing restoration of a plaintiff to possession of residential premises under C.R.S. § 13-40-115.
- N. No individual shall execute or enforce a writ of restitution, possession judgment, or order under C.R.S. § 13-40-122 requiring a tenant to surrender or vacate residential premises.
- O. The limitations in Sections L. through N., above, do not apply to circumstances where a tenant poses an imminent and serious threat to another individual or causes significant damage to property. An individual testing positive for COVID-19 or an individual's potential exposure to COVID-19 is not considered to pose a serious threat to another individual or property.
- P. 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 this Executive Order.
- Q. Except as provided in Sections L. through N. and P., above, nothing in this Executive Order shall be construed as relieving any party of their duty to comply with any contractual obligations imposed on parties by a lease, rental agreement, or mortgage.
- R. Nothing in this Executive Order shall be construed as relieving an individual from their obligation to make mortgage payments or rent payments.
- S. I direct all landlords of rental properties to notify tenants in writing of federal protections against eviction and foreclosures at each property, including those provided by Sec. 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law No. 116-136.
- T. I direct the Executive Directors of the Department of Local Affairs (DOLA), Department of Labor and Employment (CDLE), and Department of Regulatory Agencies (DORA) to work with property owners and landlords to create model repayment agreements that allow tenants additional time to repay rent.

Section III of Executive Order D 2020 012, as amended by Executive Order D 2020 031, is amended to read as follows:

1. Add the following sentence to Paragraph III.C:

The PUC will report on the development of the payment assistance programs to DORA and the Office of the Governor.

2. Replace Paragraph III.E with the following:

I direct the Colorado Energy Office to work with the trade associations for propane heating across the State to encourage providers to develop payment plans for customers who cannot afford to refill their propane tanks, and to inform customers about the Low Income Energy Assistance Program.

III. Duration

Executive Order D 2020 012, as amended by Executive Orders D 2020 031 and this Executive Order, shall expire thirty (30) days from April 30, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 012, as amended by Executive Orders D 2020 031, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
thirtieth day of April, 2020

Jared Polis
Governor