

HOUSING EVICTION



WHAT IS AN EVICTION?

- Legal action by the landlord that is filed in court to remove a tenant from a rental property

WHEN MAY A LANDLORD EVICT ME?

- If you didn't pay rent, remained on the premises after the end of lease period, or broke *any material* condition of the lease

WHAT HAPPENS DURING AN EVICTION IF I HAVE A WRITTEN LEASE?

- The landlord **MUST** give a written three-day demand notice – either a
 - “Notice to Cure/Demand for Compliance” or a
 - “Notice to Quit or Vacate”
- The notice must be posted on the door, mailed, or given to someone in the household who is at least 15 years old
- **“Notice to Cure/Demand for Compliance”** tells you what the landlord's complaint is and gives you the option of fixing the problem or leaving the rental unit within three days. The notice must
 - state the address of the premises and the alleged breach of the lease with some details
 - state that you have three days to cure/correct or move
 - state the date by which you must comply with the lease or vacate
 - be signed by the landlord, his/her agent, or attorney
- **“Notice to Quit or Vacate”** means you do not have the option to cure and you must leave the rental unit within three days. The notice must
 - state the address of the premises and the alleged breach of the lease with some details
 - state that the alleged breach is either a repeat or substantial violation of the lease
 - state the date by which you must move out
 - be signed by the landlord, his/her agent, or attorney
- On the 4th day, if you have not yet fixed the problem or vacated the premises, the landlord can go to court and file a Summons & Complaint
- The landlord may be required to make reasonable accommodations during the eviction process

WHAT IF I WANT TO CONTEST THE EVICTION?

- You must file a response at the courthouse in your district and pay the filing fee (unless you request a waiver of the fee) by completing form CRCCP3 available at: <http://www.courts.state.co.us/Forms/>)

WHAT HAPPENS ONCE WE'RE IN COURT?

- The landlord presents his/her case first, then you present your side
- You may have witnesses and present documents to help prove your case
- You may question the landlord's witnesses, and s/he may question your witnesses
- You should present any legal defenses you may have (you didn't violate lease, the notice lacked required information, the violation of lease wasn't material, you attempted to pay rent within three days but the landlord refused to accept it)

WHAT HAPPENS AFTER THE EVICTION PROCEEDING?

- If you lose:
 - the Judge may enter a judgment against you for both money and possession of the rental property
 - you may be removed by the sheriff 48 hours after the court order is issued
 - you should leave the property before the sheriff arrives because once the sheriff arrives, your belongings will be put on the street and neither the sheriff or your landlord has an obligation to keep your belongings safe
- If you win, you may stay in the rental unit

WHAT IF I'M IN SUBSIDIZED HOUSING?

- You may have additional rights and notice requirements, including greater time frames and the right to meet with landlord prior to filing for an eviction – See www.hud.gov and www.coloradolegalservices.org for additional information

***** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. *****

References:

Disability Law Colorado – www.disabilitylawco.org

The U.S. Department of Housing and Urban Development – www.hud.gov

Colorado Legal Services – www.coloradolegalservices.org