

**HOUSING EMPOWERMENT
GUIDE**

FUERZA LATINA

**HOUSING
AND
DIGNITY
RIGHTS
RESPONSIBILITY
RESOURCES**



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The information provided in this guide does not, and is not intended to, constitute legal advice. All information offered is offered for general informational purposes only. Please contact an attorney or attend the monthly legal clinic to get specific answers to your questions (contact info is listed in resource section).

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VIVIENDA Y DIGNIDAD
DERECHOS DEBERES RECURSOS

HOUSING & DIGNITY
RIGHTS RESPONSABILITY RESOUCES



NEIGHBOR

Neighbors, we are going through really hard times, and we know that paying the rent has not been easy these months. To protect your household and avoid an eviction, it is important to know your rights and responsibilities regarding rent and housing.

This folder is a **guide** where you will find resources available to you and your family. It will help you understand what your rights are as a tenant, how to navigate the current eviction moratoriums, and how to prepare for better communication with your landlord or prepare a legal defense, should your landlord file an eviction case against you.

REMEMBER!! If you are renting a room or apartment, or you own a mobile home -- no matter your income, language ability, or your immigration status -- **you have rights and there is a clear process that your landlord must follow under the law!**

HOW TO USE THIS FOLDER AND WHAT IS IN IT? THE FOLDER CONTAINS:

- A summary of key rights and responsibilities for tenants, with a more detailed summary in the Housing Brochure.
- Worksheets to keep a record of your payments and communications with your landlord or the property owner.
- A place to keep track of any rental assistance you have received and a list of additional resources available, including legal aid.
- A copy of the CDC and Colorado pandemic eviction moratorium declaration forms, plus examples of letters you can use to communicate with your landlord.
- Finally, there are pockets in the folder for you to store your important documents. See the checklist on the following page. Take a photo of your documents with your phone and keep the originals or a copy in this folder.

WHAT DOCUMENTS SHOULD I KEEP?

(KEEP NOTES HERE IF HELPFUL)

- Pay stubs from the past 6 months (or as many as you can)
- Proof of loss of income (lost job or reduced hours) - can be a text, email, voicemail, or pay stubs
- All communication with your landlord in writing
- A copy of your lease (if you do not currently have one, ask for one)
- Receipts for your rent payments
- All medical records that have to do with COVID19, including a positive test result for yourself or family members you care for
- A copy of your signed CDC or Colorado Moratorium Declaration (if this applies to you)
- Any Home Owner's or Renter's Insurance documentation
- Any police records pertaining to your home

WHAT ARE MY RIGHTS AS RENTER?

YOU CANNOT LEGALLY BE EVICTED
FROM YOUR HOME UNLESS YOUR LANDLORD
GETS A COURT ORDER

YOUR LANDLORD MUST GIVE YOU NOTICE (called a Notice to Quit or Notice to Cure) 10 days before filing an eviction in court for any minor lease violation, like failure to pay full rent, or a violation of something stated in your lease agreement. If you fix the problem, your landlord cannot evict you.

YOUR LANDLORD MUST GIVE YOU 21 DAYS to terminate your lease if you have a month to month rental agreement. They do not need a reason for terminating.

YOUR LANDLORD CANNOT CHANGE THE LOCKS ON YOUR HOME, remove your possessions, or shut off utilities without going through the full eviction process. If they do, you can call the police.

If you commit a substantial lease violation (such as an act involving violence or drugs), you must be given 3 days notice to move out. You do not have a legal right to “cure” the problem, but **YOU DO HAVE THE RIGHT TO CONTACT A LAWYER IMMEDIATELY AND FIGHT YOUR CASE.**

After giving you notice for either a minor lease violation or a substantial violation, **YOUR LANDLORD MUST FILE A COMPLAINT IN THE COURT.** You then have a right to file an answer with the court explaining your side of the story.

YOUR LANDLORD CANNOT EVICT YOU WITHOUT A JUDGEMENT MADE AGAINST YOU in court.

YOUR LANDLORD MUST HAVE A COURT ORDER TO EVICT YOU.

YOU HAVE A RIGHT TO PROTECTION FROM LANDLORD RETALIATION if you exercise a legal right, like complaining about unsafe living conditions or forming an HOA (Homeowners Association)

YOU HAVE A RIGHT TO REQUEST REASONABLE ACCOMMODATIONS FOR A DISABILITY, including having a service animal, if the proper process has been followed.

VICTIMS OF DOMESTIC VIOLENCE HAVE SOME SPECIAL RIGHTS; call Colorado Legal Services.

YOU HAVE A RIGHT TO PROTECTION AGAINST DISCRIMINATION based on your race, ethnicity, religion, sex, national origin, age or disability. See resources page.

IMMIGRANTS (WITH OR WITHOUT LEGAL STATUS) HAVE EXACTLY THE SAME HOUSING RIGHTS AS ALL OTHER COLORADOANS.

ADDITIONAL PROTECTION CHANGES DURING COVID-19

If you have questions about any of your rights, consult an attorney specializing in housing.

You can find information about low cost and free legal services in this folder.

Under the current **FEDERAL AND STATE EVICTION MORATORIUMS** and executive orders, you have some additional protections against evictions.

It is important to regularly read updates, since both the protections guaranteed and the dates change frequently. For updates, visit www.fuerzalatinafoco.org

Currently valid until December 31, 2020 under the CDC order: Your landlord must give you **30 days notice** (Notice to Cure) instead of 10 days for failure to pay full rent.

Currently valid until December 19, 2020 under the Colorado State Executive Order 2020-255: You **CANNOT** be charged late fees, although it is possible such fees could accumulate. You must receive a full 30 days notice for any minor lease violations. Your landlord cannot terminate your tenancy because you have come to the end of your lease.

Under these orders, the sheriff **CANNOT** execute an eviction order/writ of restitution (cannot physically remove you from your home).

Under these orders, if you are impacted by COVID-19, you have protections against eviction. *But you must meet all five criteria and sign a declaration in order to receive those protections.* (See page 14 on the Moratoria)

WHAT ARE MY RESPONSABILITIES AS A RENTER?

- Pay your rent on time and in full.
- Keep written copies of all agreements or conversations with your landlord (your lease, move-in inspection reports, receipts, and any letters, emails, or texts from your landlord).
- Never use verbal agreements to do business with your landlord, especially with matters related to leasing and rental, because these cannot protect you in court. Use texts, emails, or signed and dated handwritten notes.
- Follow the requirements listed in your lease. (For example: you must NOT have more people living in your home than are registered in the contract, you must keep your home in a clean and organized condition, etc).
- To avoid having an eviction filed against you, you must fix any lease violations named in a notice given to you by your landlord within the time period given.
- If you receive a court summons, you must respond by filing an answer before your return date or going to court on your return date.
- If you are experiencing a habitability issue (lack of heat, water, etc) you must notify your landlord in writing (by e-mail or a letter).
- If you cannot pay your rent in full because the pandemic has impacted your wages or your health, confirm you meet the moratorium criteria and follow the steps described.
- Never ignore a communication from your landlord or from the court. If you wait, it may be too late to defend yourself!

**HAVE I USED ALL THE
RESOURCES AVAILABLE FOR
RENT ASSISTANCE?**

- Neighbor to neighbor (<https://www.n2n.org/rent-assistance>)

Email: _____ Password: _____

- _____ (date), _____ (amount)
- _____ (date), _____ (amount)
- _____ (date), _____ (amount)
- _____ (date), _____ (amount)
- _____ (date), _____ (amount)

- ISAAC (Funds only for undocumented/mixed status families impacted by COVID19 in Larimer County; contact your school liaison or local immigration organization)

_____ (date), _____ (amount)

- _____ (date), _____ (amount)
- _____ (date), _____ (amount)
-

- Other

_____ (date), _____ (amount)

- _____ (date), _____ (amount)
- _____ (date), _____ (amount)
-

- Help with utilities (contact information under “Resources”)

_____ (date), _____ (amount)

- _____ (date), _____ (amount)
- _____ (date), _____ (amount)
-

- Workers Compensation (Colorado Department of Labor (303) 318-8700 or <https://cdle.colorado.gov/dwc>)

- Unemployment Benefits (You can watch a “How to file” video series here: <https://cdle.colorado.gov/how-to-videos>)

RESOURCES

Colorado Legal Services: (970) 493-2891 / <https://www.coloradolegalservices.org>

Free/low cost legal assistance for legal permanent residents and citizens (this applies if anyone in your home over 18 has legal status; exceptions made for victims of violence)

Colorado Poverty Law Project: contact@copovertylawproject.org

Legal assistance from volunteer and staff lawyers. Free legal clinics every month and many workshops for learning your rights and asking questions. Register on the website: <https://www.copovertylawproject.org/events>

Fuerza Latina hotline for immigrants: (970) 472-1501

If you have questions about this folder, need assistance with the resources mentioned here, have questions about immigration, or would like to report an abuse.

TO REPORT HOUSING DISCRIMINATION:

HUD's Fair Housing Center: (970) 672-5437

Colorado Civil Rights Division: <https://ccrd.colorado.gov>

Help with Utilities Payments:

- Fort Collins Utilities assistance: <https://www.fcgov.com/utilities/cares-act>
- Catholic Charities Larimer County: (970) 484-5010
- La Familia/The Family Center: (970) 221-1615

9 to 5 housing rights support: (303) 628-0925 <https://9to5.org/cohousinglegalsupport>

Mi Voz: (970) 818-2142 (Araceli)

Working together to solve problems and to achieve goals and dreams in your community.

Alianza NORCO: (970) 703-3945 (Assistance obtaining a driver's license or Colorado ID)

Foodbank of Larimer County: (970) 493-4477, <https://foodbanklarimer.org/do-i-qualify>

DOMESTIC OR SEXUAL ABUSE HOTLINES:

Crossroads Hotline: (970) 482-3502 / **SAVA Hotline:** (970) 472-4200

ASSISTANCE WITH HOMELESSNESS:

Murphy Center: <https://www.murphycenter.org/our-services/get-help>

Family Housing Network: (970) 484-3342

Towards Justice (wage theft and workplace abuse): (720) 441-2236

WHAT IS THE EVICTION MORATORIUM AND WHAT DOES IT MEAN FOR ME?

Several executive orders and eviction moratoriums (a temporary ban) have been put in place both at the state (Colorado) level and the federal level during the COVID-19 pandemic. These orders provide you with some additional protections *if you are affected by the pandemic and meet the criteria stated in the orders*, described below:

For both the CDC and Colorado pandemic protections, you must meet all five of the following criteria:

- I have tried to obtain rental assistance or government housing assistance
- I meet the income requirement (less than \$99,000 in 2020 as an individual or \$198,000 as a family)
- I or someone in my household has suffered work loss or extraordinary medical expenses due to the pandemic
- I am making my best effort to pay as much rent as possible each month
- I would be homeless or would need to move in with family or friends if evicted

The Moratorium does not mean you are automatically protected from eviction.

- ▶ You must meet the criteria stated above
- ▶ You must sign a declaration, keeping one copy and giving one to your landlord
- ▶ You must try to receive rental assistance and make at least partial rent payments
- ▶ You can still be taken to court, which is why it is important to save evidence of how you are affected (see the document checklist in this folder).

What should I do if I cannot pay rent and my landlord has given me a notice?

Check for any updates on the moratoria (www.fuerzalatinafoco.org or 970-472-1501). If the moratoria are no longer in place, contact legal assistance immediately. If they are in place:

- Communicate with your landlord (You can use the model letter in this folder)
- If you meet the 5 criteria, sign a declaration form; keep a copy, give a copy to your landlord
- Contact a lawyer, attend a free clinic or housing workshop, or call Fuerza Latina for help

What is POP? Some landlords are applying for assistance for their tenants through a program called POP. POP is only for tenants affected by COVID-19, and you cannot receive both POP and EHAP rent assistance from Neighbor to Neighbor in the same month. For more information, you can contact Neighbor to Neighbor. If your landlord is using POP assistance for others, but you are being left out, call Fuerza Latina.

COMMON VOCABULARY IN HOUSING CASES

Arrears (Atrasos): Unpaid back rent.

Claim (Reclamo): A demand for money, property or enforcement.

Court Order (Orden Judicial): A decision from a judge

Defendant (Demandado): Person against whom a case is brought, usually the renter.

Default (Incumplimiento): Fail to follow an order of the court. You may default if you do not pay rent by the deadline or appear at the scheduled hearing date on time.

Eviction Moratorium (Moratoria de desalojos): A temporary ban on evictions given at the state, federal or county level to prohibit all evictions. You can only receive this protection if you meet the criteria of each order.

Eviction Notice (Aviso de Desalojo): The official notice that the sheriff sends you before evicting you.

Plaintiff (Demandante): The party that brings the court case, usually the landlord.

POP: Property Owner Preservation Program, a form of emergency rental assistance for property owners during the pandemic.

Notice to Cure/Quit (Aviso de reparación): Tells you what your landlord's complaint is and gives you the option of either correcting the problem or moving.

Return Date (Fecha de devolución): The date the defendant must file their answer and / or appear in court that is listed on the summons.

Writ of Restitutions (Orden de restitución): It is the legal order signed by the court that authorizes the Sheriff to evict the defendant.