

HOUSING EMPOWERMENT GUIDE

FUERZA LATINA

HOUSING AND DIGNITY RIGHTS RESPONSIBILITY RESOURCES



www.fuerzalatinafoco.org

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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).

NEIGHBORS

Neighbors, we have had a hard few years, and we know it has been challenging to keep up with paying the rent and feeling secure in your housing situation. To protect your household, pay your rent, 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 and responsibilities are as a tenant and how to prepare for better communication with your landlord or for 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 which will help you maintain safe and secure housing.
- 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.
- Finally, there are pockets in the folder for you to store your important housing documents. Take a photo of your documents with your phone and keep the originals or a copy in this folder.



WHAT DOCUMENTS SHOULD I SHOULD KEEP?

- A copy of your lease (if you do not currently have one, ask for one)
- Pay stubs from the past 6 months (or as many as you can)
- Proof of income or loss of income (lost job or reduced hours)
- All communication with your landlord in writing
- Receipts for your rent payments
- Any Home Owner's or Renter's Insurance documentation
- A copy of the title if you are a homeowner. If you are making payments towards owning your home, a contract showing the agreement to purchase and a copy of all receipts showing payments towards the purchase.
- Any police records pertaining to your home

WHAT ARE MY RIGHTS AS RENTER?

By law, YOU HAVE A RIGHT TO A FREE COPY OF YOUR LEASE after you sign it and a right to receipts for rent payments when you pay in cash or with a money order.

YOU HAVE A RIGHT TO PROTECTION FROM LANDLORD RETALIATION when you exercise a legal right when complaining about unsafe/uninhabitable living conditions, forming an HOA, or are a mobile home owner living in a mobile home park.

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

YOUR LANDLORD MAY ONLY INCREASE YOUR RENT ONCE EVERY 12 MONTHS. If you are on a month-to-month lease or do not have a written lease, the landlord must give you at least 60 days' written notice of any rent increase.

YOU HAVE A RIGHT TO PROTECTION AGAINST DISCRIMINATION based on your race, ethnicity, religion, sex, national origin, sexual orientation, marital or familial status, disability, source of income, or veteran or military status.

YOU HAVE THE RIGHT TO LIVE IN SAFE HOUSING. Rental units must be maintained for safe and habitable living conditions.

SECURITY DEPOSITS MUST BE RETURNED (or an accounting provided) within 30 days (or up to 60 days if the lease allows). It cannot be kept to cover normal wear and tear.

For RIGHTS SPECIFIC TO MOBILE HOME OWNERS AND RESIDENTS, see the informational sheets from the State of Colorado in the pocket of this folder.

IMMIGRANTS (WITH OR WITHOUT LEGAL STATUS) HAVE THE SAME HOUSING RIGHTS AS ALL OTHER COLORADANS and cannot be denied housing based solely on their immigration status.

YOUR RIGHT IN THE EVICTION PROCESS

YOUR LANDLORD MUST GIVE YOU A NOTICE (called a Notice to Cure or Demand for Compliance or Possession) 10 days before filing an eviction in court for any minor lease violation. (This differs for mobile home residents; consult the included handout for mobile home specific rights.)

YOUR LANDLORD MUST PROVIDE A WRITTEN STATEMENT, signed by the landlord, their agent or attorney, stating why they are terminating the lease and the time when the tenant must cure or leave. They CANNOT just verbally threaten to evict you.

If you fix the problem stated in the notice (you pay your rent, fix the lease violation, or agree on a plan to pay or fix the violation), your landlord cannot evict you. YOU MUST FIX THIS WITHIN 10 DAYS to avoid going to court and potentially being evicted.

If you do not fix (cure) the problem within 10 days, your landlord will file a complaint with the court (called a Summons and Complaint for Forcible Entry and Detainer or FED). This means you will be given a date and time to appear in court and provide a defense. IF YOU DO NOT GO TO COURT OR FILE AN ANSWER BEFORE THAT DATE, YOUR LANDLORD WILL MOST LIKELY WIN THE CASE AND YOU WILL BE EVICTED.

YOU HAVE A RIGHT TO REPRESENTATION in court. Contact Colorado Legal Services or Colorado Poverty Law Project (see Housing Resources) to speak with a lawyer about your case as soon as you receive the first 10-day notice.

Your landlord cannot evict you until a judgment for possession is made against you in court before a judge. YOUR LANDLORD MUST HAVE A COURT ORDER to evict you.

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 are 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 AND FIGHT YOUR CASE.

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

WHAT ARE MY RESPONSIBILITIES AS A RENTER?

- Pay your rent on time and in full. If you cannot, make a partial payment, if possible.
- Read your lease and any documents from your landlord. Contact Colorado Legal Services or Colorado Poverty Law Project if you have questions.
- 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). If you do not have a copy of your lease, ask for one today.
- 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 (and take a picture!).
- Follow the requirements listed in your lease.
- List everyone in your family who is living in your home on your contract (including children and adults, regardless of immigration status).
- 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 and complaint, you must respond by filing an answer before your return date or go 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). Visit www.fixmyrental.org for help.
- Never ignore a communication from your landlord or from the court. And contact a lawyer right away with any questions about your housing situation. If you wait, it may be too late to defend yourself!

WHAT TO DO IF...

...I do not have a copy of my lease? Ask for a copy right away. Your lease is essential to help you defend your housing rights. If your landlord resists giving you a copy, say “May I have a copy of the lease I signed? It is my right to have a copy.” Contact a lawyer if you still do not receive a copy.

...I am unable to pay my rent in full? Contact one of the agencies who provide rent assistance (see the page Have I used all the resources available for rent assistance? for details).

Let your landlord know what you can pay and that you have applied for help. “I am not able to pay my full rent right now, but I have applied to _____ (Neighbor to Neighbor, etc) for help.”

...I am being threatened by my landlord? If your landlord is threatening you, contact Colorado Legal Services or Colorado Poverty Law Project (see Housing Resources) to speak with a lawyer about next steps.

...I have a conflict with my neighbor and cannot resolve it? Mediation is a helpful first step. Contact Fuerza Latina, (970) 472-1501, the City of Fort Collins Mediation Program, (970) 224-6022 or mediation@fcgov.com

...I want to build an addition on to my mobile home? A permit is likely required. See “Mobile Home Set on existing lot” here www.fcgov.com/building/fasttrackpermits

This resource, www.fixmyrental.org, developed by Colorado Poverty Law Project, can help you draft communications to your landlord and answer many of your questions about your rights and the legal process related to the Colorado Warranty of Habitability.

RESOURCES

Legal Help:

Colorado Legal Services: (970) 493-2891, 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 are made for victims of violence.

Colorado Poverty Law Project: contact@copovertylawproject.org
Free legal assistance from volunteer and staff lawyers. Legal clinics every month and many workshops for learning your rights and asking questions. Register on the website: www.copovertylawproject.org/events

Court Resource Center: (970) 494-3581/08
CourtResourceCenter@judicial.state.co.us
Provides help with questions to better understand court procedures, the legal system and to obtain the forms you need. CANNOT provide legal advice.

Help with rent and utilities:

Neighbor to Neighbor: (970) 829-0296, www.n2n.org
Help with rent, move-in assistance, and help paying utilities.

The City of Fort Collins: www.fcgov.com/utilities/manage-your-account/payment-options/utilities-affordability-portfolio

Assistance with Homelessness:

Murphy Center: www.murphycenter.org/our-services/get-help
242 Conifer Street, Fort Collins, CO 80524, (970) 494-9940

Family Housing Network: (970) 484-3342

Catholic Charities: 460 Linden Center Drive, (970) 484-5010

Fort Collins Rescue Mission: 316 Jefferson Street, (970) 224-4302

To Report Housing Discrimination:

HUD's Fair Housing Center: (303) 672-5437

Colorado Civil Rights Division: ccrd.colorado.gov

For Mobile Home Park complaints:

English: cdola.colorado.gov/mobile-home-park-dispute-resolution

Espanol: cdola.colorado.gov/office-of-regulatory-oversight/mobile-home-park-oversight-program/quejas-sobre-el-parque-de-casas

Community Organizations:

Fuerza Latina: (970) 472-1501 (hotline for immigrants), www.facebook.com/FuerzaFortCollins

For help connecting to community resources.

Mi Voz: (970) 818-2142, thefamilycenterfc.org/leadership-and-advocacy-mi-voz

Dedicated to making positive changes in mobile home parks and the North College corridor by utilizing community strengths to create community solutions.

Alianza NORCO: (970) 703-3945

Assistance obtaining a driver's license or Colorado ID

Domestic or Sexual Abuse Hotlines:

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

Help for Workers:

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

Unemployment Benefits:

Workforce Development Center: (970) 498-6600 "How to file" video series: cdle.colorado.gov/how-to-videos

**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)

Help with utilities (<https://www.n2n.org/utility-assistance/>)

_____ (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)

**A RECORD OF MY
COMMUNICATIONS
WITH THE LANDLORD**

*Always communicate in writing (e-mail, text, or handwriting) and keep pictures or copies of everything. If your landlord tells you something in person, write notes as soon as possible, including details like the date and time of the conversation. If possible, send that information to your landlord again in an email or text.

DATE	TIME	WHAT ABOUT?	WRITTEN COPY?

**A RECORD OF
MY PAYMENTS
TO MY LANDLORD**

DATE	AMOUNT	IN PERSON or BY MAIL	LANDLORD SIGNATURE

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

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.

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

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 Restitution (Auto de restitución): It is the legal order signed by the court that authorizes the Sheriff to evict the defendant.

