



D 2021 124

EXECUTIVE ORDER

Colorado COVID-19 Disaster Recovery Order Amending Executive Order D 2021 122

Pursuant to the authority vested in 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, issue this coronavirus disease 2019 (COVID-19) Executive Order to amend Executive Order D 2021 122, which refocuses the State's efforts on recovery.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act (Act) defines a disaster as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . epidemic." C.R.S. § 24-33.5-703(3). The threat posed by COVID-19, a respiratory illness that can spread from person to person, constitutes a disaster for purposes of the Act. The Governor has authority to take any action "in prevention of, preparation for, response to, and recovery from disasters." C.R.S. § 24-33.5-702(1)(d). For purposes of the Act, recovery is "the short, intermediate, and long-term actions taken to restore community functions, services, vital resources, facilities, programs, continuity of local government services and functions, and infrastructure to the affected area." C.R.S. § 24-33.5-703(7.3).

We have lost over 7,000 Coloradans to COVID-19. Hundreds of thousands of Coloradans have become ill, and our healthcare professionals continue to work tirelessly to ensure that COVID-19 patients are treated with the best medical care we can offer. This pandemic has required extraordinary sacrifices from each and every resident of our State. I thank all Coloradans for rising to meet this moment in world history. Every aspect of our lives has changed, but despite the enormous challenges, we undertook these actions to protect ourselves, our friends, our families, and our community.

Thanks to the efforts of all Coloradans, the moment for extraordinary executive action has passed. The State has made tremendous progress in terms of containing and treating infection and distributing the COVID-19 vaccine. Over seventy percent of Colorado's adults have now received at least one dose of the lifesaving COVID-19 vaccine, and we are beginning to see life return to a new normal. I therefore rescinded all previous Executive Orders issued due to COVID-19 and issued Executive Order D 2021 122, as amended by this Executive Order, to

focus only on those measures related to the State's recovery from the COVID-19 pandemic emergency.

This Executive Order amends Executive Order D 2021 122 to allow tenants who have a pending application for emergency rental assistance to remain housed beginning at 12:00 A.M. MDT on August 1, 2021. Executive Order D 2021 122, as amended by this Executive Order, also contains directives that facilitate administering the lifesaving COVID-19 vaccine and ensure that our healthcare facilities have sufficient resources to treat COVID-19 patients, improve our economic recovery, maintain access to additional federal funding, and continue the State's disaster declaration and essential directives for response and continuity of State government. Together, these directives will ensure agency access to State and federal funding and enable the State to continue COVID-19 response and recovery activities.

II. Amendments

Effective 12:00 A.M. MDT on Sunday, August 1, 2021, Executive Order D 2021 122 is amended as follows:

1. Section II.ii.I is amended to read as follows:

The State and federal government have provided rental assistance for residential tenants who are in danger of losing their housing due to the economic impact of COVID-19. The demand for this State and federal aid has been immense, and these programs need time to provide aid to tenants. This directive provides assistance to Colorado residential tenants at risk for eviction while State and federal funds are distributed. For the purposes of this Section II.ii.I, "eligible individual" means an individual who can demonstrate that they have submitted an application for their rental property or the landlord has submitted an application for their specific rental property to the State or any locality for emergency rental assistance in good faith and their application has not been denied.

2. Section II.ii.I.1 is amended to read as follows:

I temporarily suspend those portions of C.R.S. §§ 38-12-204(1), 38-12-204.3(2), and 13-40-104(1)(d) that require landlords to provide residential tenants with ten (10) days of notice of any default for nonpayment of rent, during which time the tenant has the opportunity to cure the default, but only for eligible individuals. Landlords must provide eligible individuals with thirty (30) days' notice of any default for nonpayment that occurred on or after March 10, 2020 before initiating or filing an action for forcible entry and detainer. Such 30-day notice may extend beyond the expiration of this Executive Order. During this thirty (30) day period, eligible individuals shall have the opportunity to cure any default for nonpayment.

III. Duration

Executive Order D 2021 122, as amended by this Executive Order, shall expire on August 6, 2021, unless extended further by Executive Order, except that the funds described in Section II.iv.C of Executive Order D 2021 122, as amended, shall remain available for the described purposes and the described time period stated in Section II.iv.C. In all other respects, Executive Order D 2021 122 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 July 2021.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor