

# Eviction hearings on hold in 9th District, but some organizations call for full moratorium during public health emergency

*April 1, 2020 By: John Stroud*

A new month means the rent or mortgage payment comes due for most Garfield County and Roaring Fork Valley residents.

But, as many people are experiencing reduced work hours or outright joblessness prompted by emergency business shutdowns due to the COVID-19 pandemic, some are forced to make a decision between paying their landlord or the bank on time or keeping food on the table.

Janeth Niebla, who works with area families in need of assistance through the Carbondale-based Manaus organization, said she's advising people to indeed prioritize food over rent, if it comes to that.

“Many people find themselves in a very unique situation, where the families affected most by this are either on front lines, in the grocery stores or health services, while others are living paycheck to paycheck, and now they don't have that,” Niebla said in a video interview Tuesday along with other leaders of the **Mountain Voices Project**, a program of Manaus.

“The heart behind the work we do is thinking about the safety of the community, and wanting to support these families,” she said.

While some may be able to ride it out for a month, the situation grows more dire with each passing week that the economy is stalled, increasing the looming threat of an eviction notice or foreclosure action.

Pressure is being applied at multiple levels, from the Office of Colorado Attorney General Phil Weiser to the Ninth Judicial District Bar Association and the Mountain Voices Project, requesting a full moratorium on eviction and foreclosure proceedings.

Ninth District Chief Judge James Boyd this week amended a previous order regarding judicial proceedings during the public health emergency, in which eviction cases are addressed.

While new filings for both eviction actions and foreclosures will continue to be accepted, they will not be heard until at least June 1.

“This order does not change any existing settings, nor does it limit the authority of the judge presiding over a case of these types with existing settings to reschedule proceedings on the court's own motion to a future date,” Boyd wrote in the March 30 amended order.

Garfield County Sheriff Lou Vallario also clarified that the order means no evictions, pending or otherwise, will be carried out until June 1, “unless there's a health or safety hazard issue,” such as an unsafe premise.



*Eviction notices could still be issued locally during the next month, but court proceedings are on hold until June 1.  
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In fact, the judge's order specifically does not preclude motions requesting an earlier action "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."

Mountain Voices Project is an affiliate of the national community organizing group **Industrial Areas Foundation**, operating under Manaus.

Lead Mountain Voices Project organizer Alice Steindler said her group is still looking for some clarity, not just from Boyd but from other civic leaders, about the financial ramifications.

"What we're hearing loud and clear right now is that folks who should be paying their rent in the next few days are not only very concerned about this month but are thinking ahead a month or two, and what that will bring," Steindler said.

The attorney general and the governor have made "some good, thoughtful recommendations," she said, but renters and landlords alike could use some assurance that they're part of the equation.

"We're not looking to put all of this responsibility on landlords," Steindler said. "We understand that people being able to have that rental income is important, but we need some decisions sooner than later."

Father Bert Chilson of St. Stephen Catholic Parish in Glenwood Springs also works with MVP as a community organizer. He said he has already heard of at least one instance where a property manager in Garfield County issued formal notice to tenants advising that rent will be expected to be paid on time this month.

"This is a time of great fear," he said. "The stress is real for everyone, and for our immigrant population, it's that stress level times 10.

"Right now, we have an order to stay at home, but if we start to see threats to remove people from their homes, how are we going to keep people safe?"

Garfield County Commission Chairman John Martin said the county has taken steps to provide financial assistance, including a \$500,000 emergency fund for the Department of Human Services to help people with needs such as rental assistance.

But evictions are a judicial matter, he said.

"We don't get involved with those proceedings, but we have asked the departments we oversee to use patience ... and forego any actions until after this crisis," Martin said.

The county has also worked to assemble a team to help get the local economy back on track once the crisis is passed. That will help point individuals and businesses to various resources, including the federal funds that are to be available, to help reboot the economy, he said.

Keeping people in their homes during this time is crucial, if the only reason they would be asked to leave is financial, say Steindler and others.

Carbondale Mayor Dan Richardson issued a statement Wednesday regarding the potential for evictions on behalf of the newly formed Carbondale Emergency Task Force.

"This is the time to communicate with your landlord or your mortgage lender if you anticipate problems paying your rent or mortgage," Richardson said. "I advise property owners to talk directly to their lenders and mortgage companies to request relief.

"If you are a landlord or property manager with renters, I respectfully request compassion in this time of sudden uncertainty," the mayor added. "I urge landlords to pass on any financial relief from lenders or government relief funds to their renters."

Mountain Voices Project, in a letter to Judge Boyd last week, called for Garfield and Pitkin counties to join others, including Denver, Mesa, Weld and Boulder counties, in explicitly declaring a moratorium on eviction filings, not just proceedings.

The Ninth Judicial and Pitkin County Bar Associations also penned a joint letter to Boyd seeking the same.

“We believe that a clear order from you will quell much anxiety that is circulating throughout our community — especially in light of the fact that the fact that ... many have been forced out of their jobs because of public safety measures,” their letter reads. “... We urge you to recognize the imminent need to pause entry of residential eviction orders for failure to pay rent during this emergency ... nobody should be without a home as Colorado grapples with this pandemic.”

Jennifer Wherry of Alpine Legal Services, which provides free and low-cost legal advice and representation on civil matters in the region, said her organization stands at the ready to help people who are facing eviction.

“We are working on setting up a hotline in partnership with private bar associations to increase capacity for free legal aid during this time of substantial need,” Wherry said. Economic stress can also be the underlying cause of many of the domestic violence cases Alpine Legal Services deals with, she added.

“Whatever we can all do to help people feel safe in their homes right now will increase the health and safety of us all,” she said.

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### Rental and financial relief resources for renters, homeowners and businesses

Financial assistance for individuals, including rent assistance, is being provided through the following organizations:

- **Garfield County Human Services:** <http://www.garfield-county.com/human-services/>
- **Aspen Community Foundation:** <http://www.aspencommunityfoundation.org>
- **Catholic Charities:** <http://www.catholiccharitiesusa.org>

Legal advice can be sought through the following local organization:

- **Alpine Legal Services:** <http://www.alpinelegalservices.org>

All businesses, including non-profit organizations, and self-employed individuals are encouraged to explore financial assistance options with the following organizations:

- **Colorado Department of Labor and Employment:** For employees, including the self-employed, to file unemployment claims. <http://www.colorado.gov/pacific/cdle/unemployment>
- **Carbondale Chamber of Commerce:** for local financial resources, including volunteer financial experts available to offer consulting services free of charge: <http://www.carbondale.com>
- **The Colorado Small Business Development Center Network:** <http://www.coloradosbdc.org>
- **The U.S. Small Business Administration:** <http://www.sba.gov>
- **Industry trade associations** may be able to help you access specific financial resources and advocacy, for instance the **Colorado Restaurant Association:** <http://www.corestaurant.org>

**Source:** *Carbondale Emergency Task Force*