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WHEREAS on March 11, 2020, the Governor of Colorado issued Executive Order D 2020-003 declaring a state of disaster emergency due to the presence of coronavirus in Colorado; and

WHEREAS, Section II.A. of Order D 220 012 directed Department of Local Affairs (DOLA), Department of Labor and Employment (CDLE), and Department of Regulatory Agencies (DORA) to work with property owners and landlords to identify any lawful measure to avoid removing or executing eviction procedures against tenants or mobile home owners without cause or as a result of late or nonpayment of rent or minor tenancy violations until April 30, 2020; and

WHEREAS, on April 6, 2020, the Governor issued Executive Order D 2020 031, “Amending and Extending Executive Order D 2020 012 Limiting Evictions, Foreclosures, and Public Utility Disconnections and Expediting Unemployment Insurance Claim Processing to Provide Relief to Coloradans Affected by COVID-19”; and

1           WHEREAS, on April 30, 2020, the Governor issued Executive Order D 2020 051,  
2    “Amending and Extending Executive Orders D 2020 012 and D 2020 031 Limiting Evictions,  
3    Foreclosures, and Public Utility Disconnections and Expediting Unemployment Insurance Claim  
4    Processing to Provide Relief to Coloradans Affected by COVID-19”; and

5           WHEREAS, Section II.P. of Executive Order D 2020 051 prohibited landlords from  
6    charging any late fees or penalties for any breach of the terms of a lease or rental agreement due  
7    to nonpayment for thirty days from April 30, 2020; and

8           WHEREAS, on June 13, 2020 the Governor issued Executive Order D 2020 101,  
9    “Ordering the Temporary Limiting of Certain Evictions to Provide Relief to Coloradans Affected  
10   by COVID-19,” and

11          WHEREAS, Section II.C. of Executive Order D 2020 101 prohibits landlords from  
12   charging any late fees or penalties for any breach of the terms of a lease or rental agreement due  
13   to any nonpayment that were incurred from May 1, 2020 until June 13, 2020; and

14          WHEREAS, to date, the Governor’s state of disaster emergency declaration is still in place;  
15   and

16          WHEREAS, Executive Order D 2020 101 providing for relief from rental late fees expired  
17   on June 13, 2020; and

18          WHEREAS, the \$600 weekly unemployment supplement provide through the federal  
19   Coronavirus Aid, Relief, and Economic Security Act expired on July 25, 2020; and

20          WHEREAS, on September 4, 2020 the Centers for Disease Control and Prevention, U.S.  
21   Department of Health and Human Services, scheduled for publication in the Federal Register, an  
22   agency order, “Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-

19” (CDC Order) providing a temporary halt in residential evictions for tenants experiencing COVID-19-related hardships; and

WHEREAS, the residents of the City of Longmont have been and continue to be significantly negatively affected by economic impacts of the coronavirus pandemic; and

WHEREAS, tenants residing in leased premises, and mobile home owners in Longmont continue to need support in order to avoid financial hardship and eviction due to impacts of the ongoing pandemic; and

WHEREAS, to mitigate the negative economic impacts from the coronavirus pandemic, the City finds it necessary to further restrict rental late fees for Longmont residents on an emergency basis.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

Based on the above recitations, there exists an emergency and this ordinance is immediately necessary to provide relief to the residents of Longmont from the negative economic effects caused by repercussions of fees and penalties for failure to pay rent due to the coronavirus pandemic.

Section 2

The Council amends Chapter 10 of the Longmont Municipal Code, adding a new section 10.24.097, by adding italicized material, to read as follows:

*10.24.097 Late Fees in Rental Housing Prohibited*

*A. If a tenant provides evidence of adverse financial or health related hardship because of the COVID-19 emergency, it is unlawful for any landlord or property*

1        *management entity to assess a monetary sum, fee or other penalty against a tenant*  
2        *or mobile home owner as a result of failure to timely pay any portion of rent. Any*  
3        *fee or penalty assessed on or after the expiration of this ordinance as set forth in*  
4        *10.24.097.D shall apply only to rent due on or after that date.*

5        *B. Evidence of hardship could include a lay off notice, a letter or other statement*  
6        *from the tenant's employer attesting that the tenant's employment and associated*  
7        *compensation has been suspended, reduced or terminated as a result of the COVID-*  
8        *19 emergency; or documentation showing that the tenant or a member of the*  
9        *tenant's household who contributes to the monthly rent payment has been*  
10       *diagnosed with, or has been hospitalized or received medical care for, COVID-19,*  
11       *or other evidence of financial or health related hardship related to the COVID-19*  
12       *emergency.*

13       *C. Nothing in this section shall be construed as relieving an individual from their*  
14       *obligation to make rent payments.*

15       *D. This section 10.24.097 shall remain in effect until the expiration of the CDC*  
16       *Order which is currently set for December 31, 2020 unless extended, modified or*  
17       *rescinded, , or when the Governor rescinds the declaration of a disaster emergency*  
18       *related to COVID-19 in the state of Colorado, whichever occurs first.*

19       *E. The court shall punish anyone convicted under this section by a fine only up to*  
20       *\$500.00.*

1 Section 3

2 To the extent only that they conflict with this ordinance, the Council repeals any conflicting  
3 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of  
4 any part shall not affect the validity or effectiveness of the rest of this ordinance.

5 Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

6 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

7  
8  
9  
10 \_\_\_\_\_  
11 MAYOR

12  
13 ATTEST:

14  
15  
16 \_\_\_\_\_  
17 CITY CLERK

18  
19  
20 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
21 7:00 P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, AT THE  
22 LONGMONT CITY COUNCIL MEETING.

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24  
25 APPROVED AS TO FORM:

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27  
28 \_\_\_\_\_  
29 CITY ATTORNEY

\_\_\_\_\_

30  
31  
32 \_\_\_\_\_  
33 PROOFREAD

\_\_\_\_\_

1 APPROVED AS TO FORM AND SUBSTANCE:  
2  
3

4 \_\_\_\_\_  
5 ORIGINATING DEPARTMENT DATE  
6

7 CA File: 20-000899