

KNOW YOUR RIGHTS AND FIGHT EVICTION! BEFORE COURT

We are currently seeing a wave of evictions in Boulder and across the country due to COVID-19. Here is what you need to know about your rights if you are being evicted

PRE-COURT TIMELINE

Step 1: Landlord posts a Demand for Compliance or Notice to Quit

10 days

Step 2: Landlord serves the tenant a Summons in Forcible Entry and Detainer (or FED)

7-13 days

Step 3: Tenant and landlord meet in court for the FED hearing

- A **Demand for Compliance** may be posted due to non-payment of rent or violation of the terms of the lease. It gives you a final opportunity to pay owed rent or correct the lease violation.



- A **Notice to Quit** is a direct demand to vacate the property, with no opportunity for correction. You have **10 days** to comply with the demands before the landlord files an eviction complaint with the county.

- If you have not complied with the demands within 10 days, the landlord must file a legal complaint against you with the county court to receive a **Forcible Entry and Detainer (or FED)**. This is the eviction notice served to the tenant by a process server.

- The court case will be scheduled on a Friday, at least seven days after the FED is served. This gives the tenant between **7 and 13 days** to prepare for the hearing. Experienced landlords serve their FEDs on Fridays to assure a court case in only 7 days.

Many tenants vacate their homes before their FED Hearing, this is exactly what landlords want!
The more people that fight back the harder it is to rubber stamp evictions!



KNOW YOUR RIGHTS AND FIGHT EVICTION! AT THE COURT HOUSE

When you are fighting an eviction at your FED Hearing, you can:

Enter Mediation

A neutral arbiter attempts to negotiate an agreement, called a stipulation, between the tenant and landlord. This usually will only get you a few days on your move out date and set up a payment plan. Mediators may want to help you but will not fight for you.



File an Answer

You may argue an eviction. If the judge finds the argument viable, a new trial date is set, and you must pay a \$98 court fee (**which can be waived**). **This trial will include a jury, many of whom will be tenants themselves.** Here are some common legal defenses to ask a lawyer about:

- **Poor conditions:** If there are major housing code violations in your apartment, a judge may rule that the landlord does not have the right to collect rent until they are fixed.
- **Retaliation:** It is illegal to use eviction to retaliate against tenants. If you have asserted your rights as a tenant in the last 6 months (for example, by complaining about conditions or challenging a rent hike), the judge must consider the possibility of retaliation.
- **Notice:** If you can speak with an attorney, ask what kind of notice your landlord was required to give. If you did not receive proper notice, you should not be evicted.



If you are evicted you have 48 hours before the Sheriff's Office removes you, your family, and your possessions. About 95% of outright evictions are tenants who do not show up to their FED hearing.

Try these organizations for help finding a lawyer:

Bridge to Justice 303-443-1038 x104,
Colorado Legal Services 303-449-7575
Older Adult Client services (aged 60+, Boulder) 303-441-4388

For more info and resources visit NEWRBoulder.com

