

Eviction Procedures and Guidelines

Broomfield Police Department Civil Unit

This document contains general information about evictions, and is not a substitute for qualified legal advice. Please consult a legal professional for legal advice.

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BPD Statement/General Information

A note from the Broomfield Police Department Civil Unit

Eviction can be a complicated, frustrating, and scary process for landlords, homeowners, and tenants. The Broomfield Police Department Civil Unit supports all parties involved in an eviction by providing safe, peaceful, and respectful services throughout an eviction process. The role of the BPD Civil Unit is not to make decisions or to judge, only to stand by during an eviction to ensure all parties involved are complying with court orders in a peaceful manner. The goal of the BPD Civil Unit is to support the people in our community with patience and understanding during all evictions within Broomfield.

Resources are available to individuals in Broomfield who are facing an eviction. For a list of resources and services in Broomfield, please see the links under the heading [Resources](#).

Civil Unit Contact Information

BPD Civil Unit Main Line: 303-438-6480

Website: <https://www.broomfield.org/1153/Civil-Unit>

Email: polcivunit@broomfield.org

General Information

An eviction is the removal of a person and their personal belongings from a real property.

The Broomfield Police Department's Civil Unit oversees all evictions that take place in the City and County of Broomfield. This function is required by the Colorado Revised Statutes, C.R.S. 13-40-122(1).

This guide provides information about the eviction process and explains the Police Department's responsibilities. It is for general information purposes only, and does not render legal advice. Please contact legal counsel for any legal questions or advice. Information about this legal process is also available on the [Colorado Courts website](#).

The Eviction Process Overview

Evictions are a multi-step process and each step along the way requires appropriate notice and service. The following is a simplified chronological guideline of the eviction process.

Phase One

Demand for Payment of Rent or Possession, and Notice to Quit or Vacate are the types of documents that begin the eviction process. The particular circumstances for the eviction dictate which document is served or posted in a conspicuous place. A Demand for Compliance may let the tenant know they owe rent or are in violation of the lease. A Notice to

Quit may let the tenant know the lease period is ending. A property owner can have these documents served or posted by the Broomfield Police Department Civil Unit.

Phase Two

Summons and Complaint – If the tenant does not comply in accordance with the above mentioned Notice or Demand, the property owner may then file a Summons and Complaint with the court. The Summons and Complaint must be appropriately served on the tenant or posted according to the Civil Process Rules of Service. The tenant may file a written answer, or a court hearing will follow this action. These documents can be served or posted by the Broomfield Police Department Civil Unit.

Phase Three

Writ of Restitution – Once the hearing on the Summons and Complaint is held, and only if the property owner prevails in court, the property owner must wait 48 hours before the court can issue a Writ of Restitution, which is the document ordering the eviction to proceed. As per C.R.S. 13-40-115, a Writ of Restitution expires 49 days after it is issued. The Writ of Restitution must be posted to the residence, and an eviction must be scheduled for completion with the Sheriff (in this case, the Broomfield Police Department). As with the Notice and Summons and Complaint, the Writ may be served by any disinterested third party of legal age, or posted by the Sheriff (for a fee), but the actual eviction must always be executed by the sheriff of the appropriate county.

Setting Up an Eviction

Who Can Be Evicted

Any person who has committed acts in a Forcible Entry and Detainer can be evicted. This means that the person forcibly entered someone's property, or detained the property against the property owner's permission or agreement. An eviction is an action that can be taken based on a court order (Writ of Restitution), issued when the court decides a forcible entry or unlawful detainer occurred.

Generally speaking, an eviction is for the purpose of removing people and personal property from a real property, including individuals who might be staying in the home without the landlord or property manager's knowledge or permission. Including the phrase "and all other occupants" to the list of defendants on the submitted paperwork allows the property owner to evict all people at the real property, whether they are included by name or not. This will allow the officers to remove any other persons from the real property whether or not that person is named on the lease.

It is possible to evict only a specific person(s) from a property or part of a property. For example, a property owner may want to evict someone who lives in a spare room that is

rented. The paperwork would reflect the fact that this specific person is the only one to be evicted. In such cases, the paperwork included in the eviction process should either be personally served to that person, posted in an area conspicuous to them, or on that person's specific room entry door.

What Does Eviction Cost

Court Fees

The court will require fees for filing the summons and complaint. The filing fee amount can be obtained by contacting Broomfield County Courts at 303-464-5020 or by visiting the courts website at www.coloradojudicial.gov

Sheriff's Fees

Serving all kinds of documents in the first two phases of the eviction process, including notices and summons, costs \$35 plus mileage (mileage based on zone).

In order to execute the eviction, the Broomfield Police Department's Civil Unit will require a \$200 deposit. The \$200 deposit is based on actual expenses for two officers for two hours and outlined in C.R.S. 30-1-104 (1)(gg). Evictions are limited to two hours due to scheduling; however, if there are no scheduling conflicts, and the eviction goes over the two-hour limit due to unforeseen problems, additional fees will be invoiced.

All fees for service encompassed in Phase Three are taken out of the \$200 deposit, which includes:

- Administrative fee - \$50
- Posting the Writ - \$35 (if not completed before requesting service)
- Posting a 24 hour warning notice - \$20
- Fees per time on eviction - \$20 per 15 minutes on eviction

The BPD Civil Unit can take payment in the form of a credit card, a check, a money order, or cash.

Miscellaneous Fees

Additional costs a property owner may consider include, but are not limited to: a locksmith to gain entry into the residence and change locks, new locks for the exterior doors to secure the residence, labor personnel needed to assist with the removal of household items, garbage bags or boxes to contain household items, trash or dumpster fees to haul the items away if they remain after the eviction, and tow truck(s) to haul larger items.

How Soon Can the Eviction Be Completed

Phase One of the eviction process gives the tenant a time frame to correct the problem with their tenancy. The timing of this phase varies based on the specific situation involved, and can be anywhere from 3 to 30 days.

In Phase Two, if the property owner files a complaint with the courts, the court appearance

date for the summons will typically be set at least 10-14 days from the date of issuance of the summons to allow time to properly serve the summons.

In Phase Three, if the property owner obtains a judgment for possession in court, they must wait 48 hours after the hearing for the court to issue the Writ of Restitution. The Writ of Restitution will likely include a Stay of Execution, which can be 10 or 30 days from the date the judgment for possession was entered. The eviction cannot be executed until after this stay of execution time frame.

Once the Writ of Restitution is obtained, the property owner can give a copy to the county sheriff (in Broomfield County, the Broomfield Police Department) and schedule the eviction, to take place after the Stay of Execution has expired.

Rules for timing of Evictions

The Writ of Restitution may include a Stay of Execution, which can be 10 or 30 days from the judgement date, and can also be a date stipulated in court. The eviction cannot be executed until after this date as per the court order. Generally a Writ of Restitution is valid for 49 days after issuance. All evictions require a valid Writ of Restitution, and are required to be performed within the appropriate time frame.

How are Evictions Scheduled

The Writ of Restitution issued by the courts must be delivered to the BPD Civil Unit of the Broomfield Police Department, along with a \$200 deposit fee for the eviction to be scheduled. Once the Writ of Restitution and deposit are received, the Civil Specialist will schedule the eviction for the earliest possible date and time based on current openings on the Civil Unit calendar and what is convenient for the requesting party. Evictions are usually scheduled Tuesday through Thursday, in a morning time slot or afternoon time slot. Statute requires all evictions to be conducted between sunrise and sunset. No evictions will be performed on legal holidays, weekends, or on days that City and County of Broomfield administrative offices are closed.

Procedures During Eviction Process

Before the Eviction

A copy of the Writ of Restitution will need to be served to the defendant or posted at the residence. This can be done by any disinterested third party of legal age (18 years old), or by BPD Civil Unit officers for a fee (taken out of eviction deposit).

BPD Officers will post a courtesy Eviction Warning notice at the residence prior to the eviction as a final warning to the resident(s) to vacate the property immediately. This notice is posted at least 24 hours ahead of all evictions. The Broomfield Police Department will not tell the tenants when the eviction will take place, and request that the property owner also not inform the tenant of the date of the eviction.

If appropriate, evictions should be canceled by the property owner as soon as possible. If canceled, fees up until the cancellation date will be assessed, subtracted from the deposit, and a refund will be issued for any remaining deposit.

During the Eviction

The Broomfield Police Department typically sends two uniformed Police Officers to an eviction. When the Officers arrive on scene, they will first meet with the property owner, or agent in charge of the property to discuss how to proceed with the eviction. The property owner, or agent, must be present during the entire course of the eviction, and are not allowed to begin before officers arrive. The eviction process will not begin until the property owner, or agent is present, and will cease if they leave the premises prior to completing the eviction.

If the tenants are still on scene, the Officers will make contact and explain what is going to take place. If the tenants are cooperative, they will be allowed to stay and help move out their belongings so long as they do not hinder or delay the process. If the tenants are, or become, uncooperative the officers will remove them from the property and the eviction will proceed.

Officers will make entry into the residence in such a manner as to cause the least amount of damage. Keys and Locksmiths will be utilized if provided by the property owner. Once entry is made into the residence, the Officers will enter alone to check for any hazards and to assess the overall condition and amount of items to be removed.

The property owner or agent are solely responsible for the removal of items from the property. If the officers determine there are not enough workers to complete the eviction within the two-hour time limit, the eviction will be postponed and re-scheduled for a later date. The Officers will also determine if the necessary equipment is available to complete the eviction. This may include garbage bags for smaller items, a dolly or handtruck to remove large items, tools necessary to dismantle items, equipment to drain waterbeds, etc. If all of the criteria are met, and there is sufficient manpower available, the Officers will meet with the crew to go over various rules, guidelines, and safety precautions.

The Officers will then supervise the removal of all property from the premises to the nearest public right of way. The movers will be directed by the Officers that they must use a minimum standard of care when removing items from the residence. C.R.S. 13-40-122 (2) protects the Officers from civil liability. This statute also protects the property owner from civil liability so long as they use a minimum standard of care and comply with the lawful directions of the Officers. At the Officers' discretion, some items may be deemed hazardous to the community and will be left inside the residence to be safely disposed of by the property owner after the eviction is completed. Items such as firearms or prescription medication will be confiscated by the Officers and placed into property at the Broomfield Police Department for safekeeping or destruction in accordance with current directives and municipal code.

The property owner is responsible for the removal of any vehicles, boats, motorhomes, etc., left behind by the tenant. It is the responsibility of the property owner to contact a towing company of their choice to have the vehicles removed and hauled away. The Officers will not

allow the vehicles to be pushed onto the roadway where they will become abandoned vehicles and a public nuisance.

How is the Eviction Finished

The eviction will be deemed finished once all of the tenant's personal property has been removed from the residence and the exterior locks have been changed in order to secure the property. This must be completed within the two-hour time limit. If unforeseen circumstances arise and more time becomes necessary to complete the eviction, the Officers have the discretion to continue the eviction beyond the two-hour limit so long as it will be completed before sunset as specified by statute. If the eviction goes beyond the two-hour limit, the property owner will be billed for the additional service fees incurred. If the eviction takes less than two hours, a refund may be issued.

Pets That Were Left Behind

If pets are discovered during an eviction, and the tenant is not available to take them, the Officer(s) will contact the Broomfield Police Department's Animal Services Unit for assistance. The Animal Services Officer will attempt to contact the pet's owner in order to return the animal(s), or they will try to obtain consent to have the animal(s) adopted. If the animal's owner cannot be located or contacted, the Animal Services Officer will take custody of the animal and place them at an appropriate shelter.

The BPD Animal Services Unit can be reached at 303-438-6400.

After the Eviction

Once all of the tenant's property has been removed from the premises, and the locks have been changed so the residence can be secured, the eviction is considered complete and the Civil Officers will post an Eviction Complete Notice and leave the scene. It then becomes the property owner's responsibility to dispose of the items that were removed. Property owners may consult their legal department or attorney for advice on this matter. If the items remain for more than 72 hours, the property owner may be contacted by a Broomfield code compliance officer for a violation.

Tenants are not allowed to enter the property after an eviction. Entry by the tenant may constitute trespassing and bring criminal charges.

Special Circumstances

Mobile Home Evictions

Mobile Home evictions are handled similarly to regular evictions. An eviction process performed on a mobile home may be to evict tenants inside the mobile home when owned by someone else, or may be to evict the entire mobile home if owned by the tenant.

Mobile Home evictions are subject to the rules in the Mobile Home Park Act. The Mobile Home Park Act, C.R.S. 38-12-200.1 - 38-12-223, applies to “mobile home parks” that have accommodations for five or more homes.

Eviction of a Mobile Home

Prior to proceeding with the eviction, the property owner will be required to provide the BPD Civil Unit with a Notice of Judgment and a Writ of Restitution as per C.R.S. 38-12-208(1)(b). Both documents should include not only the named defendants, but also “any and all other occupants,” regardless of whether their names are known or not. If the writ only applies to the named defendant, that is the ONLY person the BPD Civil Unit has the authority to evict.

Both of these documents must be properly served to the mobile home tenant. The BPD Civil Unit will serve the Notice of Judgment and Writ of Restitution in accordance with the law, advising the mobile home resident that at a specified time, not less than thirty days from the entry of judgment (which may be extended to not more than sixty days after the entry of judgment) an officer will return to execute the Writ of Restitution and assist with the removal of the mobile home or eviction of the tenant(s). The Notice of Judgment shall also advise to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires, and otherwise making the mobile home safe and ready for highway travel [C.R.S. 38-12-208(1)(b)].

Mobile Homes Owned by Tenants

When the mobile home is owned by the tenant, and the lot is owned by the park, any eviction is based on the language stated in the Writ of Restitution issued in the applicable court case. The Writ should state what action the property owner can take. The Broomfield Police Department follows court orders.

The park owner may require the mobile home to be removed, or may take possession of the mobile home for storage and removal as per C.R.S. 38-12-208(1)(d). Any action the property owner wants to take must be specifically stated in the court order.

For writs that allow for all property to be removed from the mobile home before the property/lot owner takes possession of the mobile home, BPD Officers will follow the procedure stated above for the regular eviction process.

If the mobile home is required to be moved, and the mobile home owner fails to remove the mobile home within the time permitted by the Writ of Restitution, then the property owner with the BPD Civil Unit have the right to remove the mobile home, or take possession of the mobile home for the purposes of removal and storage, [C.R.S. 38-12-208(1)(d)].

Mobile homes being removed must be stored properly. Placing the mobile home on the side of the road is unacceptable.

For Writs where the courts allow the property owner to only remove the home from the lot, Officers may enter the mobile home to check for persons or animals inside. People shall be removed from the premises and any unclaimed animals shall be turned over to an Animal Services Officer. Officers will not enter the home in order to remove property. No items shall

be removed from the mobile home unless such removal is specifically provided for in the writ. The Officers may allow workers into the home so they can secure items to protect them during transport. If the mobile home must be disassembled, as in the case of a doublewide, the property owner may enter the mobile home to prepare it to be moved.

Evictions Pursuant to Termination of Employment

C.R.S. 8-4-123 allows for a simplified eviction process when an employer offers housing as part of an employee's compensation (i.e., property manager who lives on site). In these circumstances, the employee's occupancy is based on a license to occupy the premises and the employee may be evicted upon a three-day notice. The following outlines the process for handling an eviction pursuant to termination of employment pursuant to C.R.S. 8-4-123.

Phase One

Notice of Termination - Similar to a standard eviction, prior to an employee being evicted, a written notice of termination of a license to occupy the premises must be served either personally, by substitute, or by posting. Typically, the Civil Unit will not be involved in the service of the notice of termination, but a request to serve the notice of termination would be treated as a standard request for civil process requiring a payment for service plus mileage fees. If the employee fails to vacate the premises within three days after service of the notice of termination, the employer may have the Civil Unit proceed with the eviction.

Phase Two

Eviction - Prior to proceeding with an eviction pursuant to termination of employment, the Civil Unit must have the following documentation:

- A copy of the notice of termination
- A signed return for the notice of termination (if served by someone other than the Civil Unit)
- A copy of the license or compensation agreement, containing the names and signatures of both parties, the property address, and a statement that the license to occupy is subject to termination at will
- Payment of all fees (fees are charged as a civil standby)

If time allows, the officers will post a 24-hour courtesy warning prior to returning to complete the eviction. The officers will coordinate with the property manager on scheduling the eviction and ensure that the property manager is aware of the Civil Unit requirements for assisting in an eviction. The duties of the Civil Unit and property manager during this eviction are the same as any other eviction previously described.

Resources

Broomfield City, Police, and Emergency Services

- Emergency 9-1-1
- Non-Emergency Help Line/Resource Navigator 2-1-1
- Non-Emergency Broomfield Police 303-438-6400
- BPD Civil Specialist 303-438-6480
- City Main Line 303-469-3301
- Victim Assistance 303-438-6429

Legal Resources

The Broomfield Police Department's Civil Unit cannot give legal advice or opinions. For any questions, contact an attorney or legal service. Information contained in this publication is provided only as a reference to the BPD Civil Unit Procedure and does not constitute legal advice.

Colorado Courts Self Help

17 Descombes Dr.

Broomfield, CO 80020

303-654-3213

17shrc@judicial.state.co.us

Hours: Mon & Thurs 7:30AM-3:30PM

www.coloradojudicial.gov/self-help-resources

Colorado Legal Services

Inside the Broomfield Combined Courts

Walk-In Hours: Thursday, 7:30AM-Noon

www.coloradolegalservices.org

303-837-1313

Colorado Bar Association Legal Services

www.cobar.org/For-the-Public

303-860-1115

Other Resources

Broomfield Rental Assistance

www.broomfield.org/2967/Rental-Assistance

720-887-2200 or 720-887-2257

Rental Assistance - Colorado Department of Local Affairs
doh.colorado.gov/emergency-rental-assistance

Broomfield Department of Human Services
Resources Page www.broomfield.org/2951/Services

All Resources <http://broomfield.resources.uniteus.io>

Broomfield Library Community Resources
www.broomfield.org/4080

Broomfield Housing Alliance
www.broomfieldhousingalliance.org

Broomfield FISH
www.broomfieldfish.org

Colorado Housing Connects
www.coloradohousingconnects.org

1-844-926-6632

Community Economic Defense Project
www.cedproject.org