



BROOMFIELD POLICE DEPARTMENT CIVIL UNIT EVICTIION PROCEDURES AND INFORMATION GUIDE

1. [BPD Statement/General Information](#)
2. [The Eviction Process Overview](#)
3. [Who Can Be Evicted](#)
[What Does Eviction Cost](#)
4. [How Soon Can the Eviction Be Completed](#)
[How do I schedule an Eviction](#)
5. [What Happens During the Eviction](#)
6. [How is the Eviction Finished](#)
[What About Pets That Were Left Behind](#)
[What Happens After the Eviction](#)
7. [Evictions Pursuant to Termination of Employment](#)
8. [Mobile Home Evictions](#)
10. [Broomfield City, Police, and Emergency Services](#)
[Landlord/Property Management and Tenant Legal Resources](#)
11. [Help When Facing Eviction](#)

BROOMFIELD POLICE DEPARTMENT
CIVIL UNIT
303.438.6480
polcivunit@broomfield.org





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 on the last page of this document.

Civil Unit Contact Information:

BPD Civil Unit Main Line: 303.438.6480

Email: polcivunit@broomfield.org

GENERAL INFORMATION

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 council for any legal questions or advise.



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:

NOTE: The necessary documents / forms can be obtained from the Broomfield County Court Clerk or online at www.courts.state.co.us/Forms/SubCategory.cfm?Category=Housing

PHASE ONE: Demand for Payment of Rent or Possession / Notice to Quit or Vacate -

These are the documents that begin the eviction process. The particular circumstances for the eviction dictate which document needs to be served or posted in a conspicuous place. The Demand for Compliance lets the tenant know they owe rent or are in violation of the lease. The Notice to Quit let the tenant know the lease period is ending.

PHASE TWO: Summons and Complaint - If the tenant does not comply in accordance with the above mentioned Notice or Demand, the landlord / property manager 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.

NOTE: The above mentioned Notice, and Summons and Complaint, can be personally served or posted by any disinterested third party of legal age (over 18) per the Colorado Rules of Civil Procedure / C.R.C.P. Rule 4(d), or by BPD Civil Unit officers. The BPD Civil Unit will charge a [Civil Service fee with a Mileage fee](#). *(Seek legal advise for questions about serving these documents)*

PHASE THREE: Writ of Restitution - Once the hearing on the Summons and Complaint is held, and only if the landlord / property manager prevails in court, the landlord / property manager must wait 48 hours before the court can issue a Writ of Restitution, which is the document allowing 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.

Note: Broomfield Police Department's Chief of Police is the ex officio sheriff for the County of Broomfield. Evictions are delegated to the Broomfield Police Department's Civil Unit.



WHO CAN BE EVICTED?

Generally speaking, an eviction is for the purpose of removing all of the occupants from a residence in order to restore that property to the landlord / property manager, but there can be exceptions to this rule. If the intent is to remove everyone from the residence, including individuals who might be staying in the home without the landlord / property manager’s knowledge or permission, then it is important to include the phrase “and all other occupants” to the list of defendants on the submitted paperwork. This will allow the officers to remove any other persons from the residence whether or not that person is named on the lease.

It is possible to evict only a specific person(s) from the residence or part of the residence. For example, a landlord / property manager may want to evict someone who lives in a spare room that is rented. The paperwork should reflect the fact that this specific person is the only one to be evicted and perhaps anyone who might be staying in the room with that person. 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 AN EVICTION COST?

Court Fees: The court will require fees for filing the summons and complaint. Contact the Broomfield County Courts at 303.464.5020 to find out the current filing fees, or visit the courts fees page on the web at www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=176

Sheriff’s Fees: 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. 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 would be charged. [The BPD Civil Unit’s rates for evictions are set by C.R.S. § 30-1-104.](#) Serving papers in the first two phases costs \$35+mileage ([based on zone](#)). All service encompassed in Phase Three is taken out of the \$200 deposit, which includes: posting the Writ, \$35 (if not completed before requesting service); Posting a 24 hour notice, \$20; Administrative fee, \$50 ; and fees per time used (\$20/hour).

Miscellaneous Fees: Additional costs to 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, and trash or dumpster fees to haul the items away if they remain after the eviction. Tow trucks to haul larger items are sometimes used.



HOW SOON CAN THE EVICTION BE COMPLETED?

The eviction process begins with Phase One, the Demand for Payment of Rent or Possession / Notice to Quit or Vacate, commonly referred to as a ten-day notice. If the tenant fails to correct the problem or vacate the residence within that time frame, the landlord / property manager can proceed to Phase Two, the Summons and Complaint / Forcible Entry Detainer (FED). The court appearance date for the summons will typically be set 10-14 days from the date of issue. If the landlord / property manager prevails in court, they must wait 48 hours before the court will issue the Writ of Restitution. The Writ of Restitution will likely include a Stay of Execution, which can be 10 or 30 days. The eviction cannot be executed until after this time frame. Once the Writ of Restitution is obtained, the landlord / property manager can schedule the eviction with the Broomfield Police Department Civil Unit, to take place after the Stay of Execution has expired. Generally a Writ of Restitution is valid for 49 days after issuance.

HOW DO I SCHEDULE AN EVICTION?

Once the Writ of Restitution is obtained from the court clerk, a copy 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 (see [Civil Fee Schedule](#), fee taken out of eviction deposit). The original Writ 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.

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. The eviction cannot be executed until after this date as per the courts. No evictions will be performed on legal holidays, weekends, or on days that City and County of Broomfield administrative offices are closed.

If appropriate, evictions should be canceled by the landlord / property manager as soon as possible. If canceled, fees up until the cancelation date will be assessed, subtracted from the deposit, and a refund will be issued for any remaining deposit. Fees include: posting the Writ, \$35 (if not completed before requesting service); Posting a 24 hour notice, \$20; Administrative fee, \$50 (required on all Writs received); and fees per actual time used on eviction (\$20/hour).

NOTE: The BPD Civil Unit can take payment in the form of a credit card, a check, a money order, or cash. Once the Writ and payment are received, the Civil Specialist will schedule the eviction for the earliest possible date and time based on current openings and what is convenient for the requesting party. A 24-hour courtesy warning will be posted 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. Evictions are usually scheduled Tuesday through Thursday, in a morning time slot (9 or 10am) or afternoon time slot (1pm). Statute requires all evictions to be conducted between sunrise and sunset, so the hours may change depending on the time of year.



WHAT HAPPENS DURING THE EVICTION?

When the officers arrive on scene, they will first meet with the landlord / property manager, or agent in charge of the property to discuss how to proceed with the eviction. The landlord / property manager, 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 landlord / property manager, 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.

Entry will be made 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 landlord / property manager. 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 landlord/property manager 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, dollies 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 landlord / property manager 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 landlord / property manager after the eviction is completed. Items such as firearms or prescription medication will be confiscated by the officers and placed into property at the Police Department for safekeeping or destruction in accordance with current directives and municipal code.

The landlord / property manager is responsible for the removal of any vehicles, boats, motorhomes, etc., left behind by the tenant. It is the responsibility of the landlord / property manager 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 landlord / property manager will be billed for the additional service fees incurred. If the eviction takes less than two hours, a refund will be issued for any amount due.

WHAT ABOUT PETS THAT WERE LEFT BEHIND?

If pets are discovered during an eviction, 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.

WHAT HAPPENS TO PROPERTY?.....

Property left behind after an eviction is not protected by law and the landlord / property owner has no duty to store, maintain, or inventory property, pursuant to CRS 13-40-122(3) and (4). The BPD Civil Unit is not responsible for any items removed from the property and leaves the disposal of the property that has been removed up to the landlord / property manager. While the officers remain for the eviction, property removed from the residence must be treated with a minimum standard of care by the landlord/property manager. After officers have left the scene of the eviction, removal of this property by anyone does not constitute a crime.

WHAT HAPPENS 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 landlord / property manager’s responsibility to dispose of the items that were removed. Landlord / property managers may consider consulting their legal department or attorney for advice on this matter. If the items remain for more than 72 hours, the landlord / property manager may be contacted by a Broomfield code compliance officer for a violation.



EVICCTIONS 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)
- Copy of the license / compensation agreement
- 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 landlord / property manager on scheduling the eviction and ensure that the landlord / property manager is aware of the Civil Unit requirements for assisting in an eviction. The duties of the Civil Unit and landlord / property manager during this eviction are the same as any other eviction previously described.

NOTE: Pursuant to C.R.S. 8-4-123(2)(b), the license / compensation agreement must contain the names and signatures of both parties, the property address, and a statement that the license to occupy is part of the employee’s compensation and is subject to termination at will.



MOBILE HOME EVICTIONS

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.

Note: An eviction process performed on a mobile home may be to evict tenants inside the mobile home, or may be to evict the mobile home itself. Evictions where the landlord / property manager owns both the mobile home and the lot refer to the procedures outlined in the Mobile Home Park Act.

Evictions of Mobile Homes owned by tenants:

Procedure During Mobile Home Eviction:

1. Prior to proceeding with the eviction, the landlord / property manager 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.
2. The landlord / property manager will be advised that prior to the mobile home being removed they must find a storage location for the mobile home. Placing the mobile home on the side of the road is unacceptable.
3. The BPD Civil Unit will serve the Notice of Judgment, 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 serve the Writ of Restitution and assist with the removal of the mobile home. 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)].
4. If the mobile home owner fails to remove the home within the time permitted by the Writ of Restitution, then the landlord / property manager with the BPD Civil Unit have the right to take possession of the mobile home for the purposes of removal and storage, [C.R.S. 38-12-208(1)(d)]. Unless the Writ specifically allows the mobile home to be stored on-site, the BPD Civil Unit will require that the landlord/property manager remove the trailer from the lot.

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MOBILE HOME EVICTIONS (CONTINUED)

5. When executing a mobile home eviction, officers do not have the authority to enter into the home in order to remove property unless the Writ specifically provides for it. The eviction is simply the removal of the mobile home from the lot. The officers do, however, have the authority to enter the home in order to ensure that no people or animals are inside that may be harmed during the transport of the mobile home, and the officers may allow workers into the home so they can secure items to protect them during transport.
6. If necessary, the landlord / property manager and the BPD Civil Unit may, by written agreement, extend the time for the execution of the Writ, [C.R.S. 38-12-208(1)(c)].
7. If the mobile home must be disassembled, as in the case of a doublewide, the landlord / property manager may enter the mobile home to prepare it to be moved. The officer may also enter the mobile home to check for persons or animals inside. People shall be removed from the premises and any animals shall be turned over to an Animal Services officer. No other items shall be removed from the mobile home unless such removal is specifically provided for in the writ.

Information and necessary forms/documents for mobile home evictions can be obtained from the Colorado Judicial Branch Website: www.courts.state.co.us/Self_Help/mobilehomeevictions/



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

LANDLORD / PROPERTY MANAGEMENT & TENANT LEGAL RESOURCES

Colorado Courts Self Help

www.courts.state.co.us/Self_Help

17 Descombes Dr.

Broomfield, CO 80020

17shrc@judicial.state.co.us

303.654.3213

Hours: Monday and Thursday 9:00-3:00pm, closed 11:30-12:30 for lunch

Virtual Legal Self-Help Clinic: call the Broomfield Library for information 720.887.2300

Colorado Legal Services

www.coloradolegalservices.org

17 Descombes Drive

Broomfield CO, 80020

2nd floor, first conference room on the left

303.837.1313

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

Colorado Bar Association Legal Services

www.cobar.org/For-the-Public

303.860.1115



HELP WHEN FACING EVICTION.....

Broomfield Health and Human Services

720.887.2200

100 Spader Way

Broomfield, CO 80020

Building Hours: Monday - Friday (8 a.m. to 5 p.m.)

Main Page www.broomfield.org/260/Human-Services

Resources Page www.broomfield.org/2951/Services

Full Listing of Resources www.broomfieldresourceguide.org

Broomfield Housing Alliance

www.broomfieldhousingalliance.org

State of Colorado Benefit Resources

www.colorado.gov/PEAK

Colorado Safe Parking Initiative

www.ColoSafeParking.org

findsafeparking@gmail.com

720.704.8242

Broomfield Homeless Prevention and Homeless Resources

www.broomfield.org/2967/Rental-Assistance

Colorado Housing Connects

1.844.926.6632

www.coloradohousingconnects.org

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.