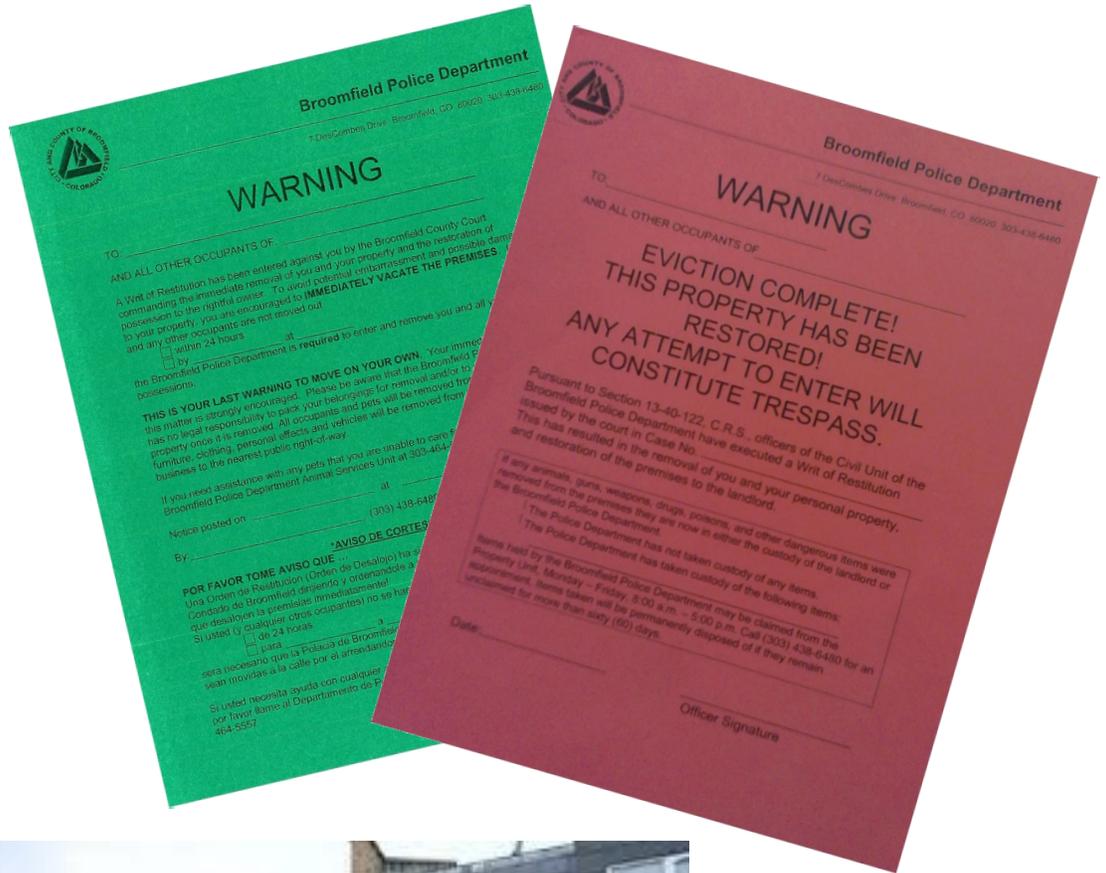


# EVICITION PROCEDURES

## CIVIL UNIT EVICITION PROCEDURES GUIDE







## GENERAL INFORMATION .....

One of the duties of the Broomfield Police Department's Civil Unit is to oversee 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 step-by-step information through the eviction process and explains the Police Department's responsibilities as well as requirements for the landlord / property manager.

## EVICTION PROCEDURES / QUICK OVERVIEW .....

Evictions are a multi-step process and each step along the way requires appropriate notice and service. In order to provide a basic idea of the steps involved in an eviction, the following is a simplified chronological guideline:

**NOTE:** The necessary documents / forms can be obtained from the Broomfield County Court Clerk or online at [www.courts.state.co.us/scao/forms.htm](http://www.courts.state.co.us/scao/forms.htm).

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 payment of rent or possession is used when a tenant has failed to pay their rent, and the notice to quit or vacate is used to end a tenancy for any reason other than lack of payment.

Summons and Complaint - If the tenant does not move out in accordance with the above mentioned notice or demand, the landlord / property manager may then file a summons and complaint with the court. The court will set a hearing date for the summons and complaint which will need to be appropriately served to the tenant or posted according to the civil process rules of service.

**NOTE:** The above mentioned notice and summons and complaint can be served or posted by any disinterested third party of legal age per the Colorado Rules of Civil Procedure / C.R.C.P. Rule 4(d), or by the Civil Unit officers. However, the Civil Unit will charge a service and mileage fee. *(If you are not certain of when and how the notice or summons and complaint must be served you can seek appropriate legal counsel. Improper service could cause a delay or require you to start the process all over again).*

Writ of Restitution - Once the hearing on the summons and complaint is held, and assuming the landlord / property manager prevails in court, the landlord / property manager must wait 48 hours before the court can issue the actual writ of restitution. After the 48 hour period has passed, the court clerk can issue a writ of restitution allowing the eviction to proceed. As per C.R.S. 13-40-115, a writ of restitution expires 49 days after it is issued. As with the notice and summons and complaint, the writ may be served by any disinterested third party of legal age, but the actual eviction itself 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 City and County of Broomfield. This process is delegated to the Broomfield Police Department's Civil Unit.*



## WHO CAN I EVICT?

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 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 also 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.

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## HOW MUCH DOES AN EVICTION COST?

There are various fees involved during the eviction process. The court will require various fees for filing the summons and complaint. The Police Department’s Civil Unit will require a \$200 deposit in order to execute the eviction. 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. Additional costs to consider include, but are not limited to, a locksmith to gain entry into the residence, current court and Broomfield Civil Unit fees, labor personnel needed to assist with the removal of household items, garbage bags to contain household items, new locks for the exterior doors to secure the residence, and trash or dumpster fees to haul the items away.

Contact the Broomfield County Courts at 303.887.2100 to find out the current filing fees, or view them online at <http://broomfield.org/index.aspx?nid=1153> , the Civil Unit page. There is a link to the “Civil Fees” on the right side of the page in the Quick Links column. The Civil Units rates for evictions are set by C.R.S.



## HOW SOON CAN THE EVICTION BE COMPLETED? .....

As stated previously, the eviction process begins with the demand for payment of rent or possession / notice to quit or vacate, more commonly referred to as a three-day notice. If the tenant fails to correct the problem or vacate the residence within those three days then the landlord / property manager can proceed to the next step, the Summons and Complaint / Forcible Entry Detainer (FED). The court appearance date for the summons will typically be set 10 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. Once the writ of restitution is obtained the landlord / property manager can schedule the eviction with the Civil Unit. A 24-hour courtesy notice will be posted prior to the eviction as one last warning to the tenant to vacate the residence.

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## 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 or by the Civil Unit officers. The writ must also be delivered to the Records Unit of the Broomfield Police Department at 7 DesCombes, where it will be given to the civil clerk, along with a \$200 deposit.

**NOTE:** The Civil Unit can only take payment in the form of a business check, cashier's check, or cash. Personal checks or credit / debit cards are not accepted. Once the writ and payment are received, the civil clerk 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. Evictions are scheduled Tuesday through Thursday between the hours of 7 a.m. and 3 p.m. Statute requires all evictions to be conducted between sunrise and sunset, so the hours may change depending on the time of year. Department policy requires two officers on scene for every eviction. Exceptions to this rule can be made on a case-by-case basis depending on the circumstances surrounding the eviction. The writ of restitution is valid for 49 days after it is issued by the court clerk, and the eviction must be completed within that time frame.

Although it is rare, a judge can specify that a writ of restitution cannot be executed until after a specific date. This occasionally occurs when the tenant / defendant makes a plea to the court during the summons and complaint hearing asking for additional time in order to move out. If the writ contains such restrictions, the eviction will not be scheduled prior to the date and time specified by the court.

No evictions will be performed on legal holidays, weekends, or on days that City and County of Broomfield administrative offices are closed.



## 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. 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. 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. 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.



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.

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## 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.

If you have any questions for our Animal Services Unit, they can be reached at 303.464.5557.

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## WHAT HAPPENS AFTER THE EVICTION? .....

Many have heard that the items removed from a residence during an eviction must remain untouched for 24 hours before they can be disposed of or removed from the property. There are no such requirements by law. The 24-hour rule has become a common request by law enforcement agencies around the state, although it is not a legal requirement. The Broomfield Civil Unit makes no such request and leaves the disposal of the property that has been removed up to the landlord / property manager.

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. It then becomes the landlord / property manager’s responsibility to dispose of the items that were removed. C.R.S. 13-40-122 (3) and (4) state that the landlord / property manager has no duty to store or maintain a tenant’s personal property that has been removed during the eviction, nor do they need to inventory the property. Landlord / property manager’s 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 an obstructing passage or trash 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 are additional guidelines for handling an eviction process pursuant to C.R.S. 8-4-123.

1. Notice of Termination: Similar to a standard eviction, prior to an employee being evicted, a notice to vacate 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.

2. Summary of Procedures:

- a. Prior to proceeding with an eviction pursuant to termination of employment, the Civil Unit must have the following documentation:
  - Payment of all fees (fees are charged as a civil standby)
  - 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

**NOTE:** 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.

- b. If time allows, the officers will post a 24-hour courtesy warning prior to returning to complete the eviction.
- c. 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 are the same as any other eviction as previously described.



## MOBILE HOME EVICTIONS .....

The guidelines referenced in this section generally come from the Mobile Home Park Act, C.R.S. 38-12-201, which applies only to “mobile home parks” that have accommodations for five or more homes.

In some instances, the Civil Unit will be called upon to “evict” a mobile home from a rented lot, which is commonly referred to as a “trailer pull”. Mobile home evictions require service of a notice of judgment in addition to the writ, C.R.S. 38-12-208(1)(b). Evictions where the landlord / property manager owns both the mobile home and the lot should be handled as described previously for home, apartments, and other rental properties.

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.

Most mobile homes are not removed from the premises and the tenant’s property is merely evicted from the mobile home. If the mobile home is removed, it is usually necessary for the officer to gain entry to the premises to ensure there are no animals or people remaining inside. That said, mobile home evictions are very similar to standard evictions, with the few exceptions that are outlined below:

1. Prior to proceeding with the eviction, the landlord / property manager will be required to provide the Civil Unit with the notice of judgment and the writ of restitution. 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 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 Civil Unit will serve the notice of judgment and the warning advising the mobile home space manager that at a specified time, at least 48 hours 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 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 HOME EVICTIONS .....

4. If the mobile home manager fails to remove the home within the time permitted by the writ of restitution, then the landlord / property manager and the sheriff *or* 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 Civil Unit will require that the trailer be pulled from the lot.
5. If necessary, the landlord / property manager and the Civil Unit may, by written agreement, extend the time for the execution of the writ, [C.R.S. 38-12-208(1)(c)].
6. 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.



## LANDLORD / PROPERTY MANAGEMENT – TENANT RESOURCES .....

CITY and COUNTY OF BROOMFIELD  
POLICE DEPARTMENT CIVIL UNIT  
[www.broomfield.org](http://www.broomfield.org)  
303.438.6480

RENTER LAW (Denver)  
[www.renterlaw.com](http://www.renterlaw.com)  
303.830.7917

COLORADO BAR ASSOCIATION LEGAL SERVICES  
[www.cobar.org](http://www.cobar.org)  
303.860.1115

COLORADO LEGAL SERVICES  
[www.coloradolegalservices.org](http://www.coloradolegalservices.org)  
303.837.1313

Additional information and sample forms can be found in the “Self Help Center” on the state court website at [www.courts.state.co.us](http://www.courts.state.co.us)

**NOTE:** The Broomfield Police Department’s Civil Unit is forbidden by law from giving legal advice. Information is provided as a reference source only.



CITY and COUNTY OF BROOMFIELD  
POLICE DEPARTMENT CIVIL UNIT  
[www.broomfield.org](http://www.broomfield.org)  
303.438.6480

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## Local Resources:

Emergency	9-1-1
Non-Emergency	303.438.6400
TDD Capability	303.438.6400
Civil Clerk	303.438.6480
City Main Line	303.469.3301
Victim Assistance	303.438.6429
Legal Services	303.837.1313
Fugitive Tip Line	303.438.6488

The Broomfield Police Department's Civil Unit cannot give legal advice or opinions. If you are uncertain as to what course of action you should take, you should contact an attorney or legal Service. Information contained in this publication is provided as a reference source only.

To view this on-line go to: [www.broomfield.org/index.aspx?nid=1153](http://www.broomfield.org/index.aspx?nid=1153)