Landlord-Tenant Legislation 2019-2024

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Welcome and Thank You for Joining Us!

Colorado Poverty Law Project strives to prevent homelessness through legal representation, housing navigation, education, and advocacy.

We believe that no one should become homeless for lack of access to housing justice.

Thank you for tuning in and for your interest in the legislative changes that affect housing security for Coloradans!

Learn more on our website at http://copovertylawproject.org/!

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Disclaimer

This presentation provides **general legal information** about Colorado housing law.

It is not legal advice specific to any situation or case.

If you have a legal claim or issue or have questions about a situation and the relevant legal rights **contact an attorney**

The information in these slides is not all-inclusive; see the bills for more information at leg.colorado.gov/bills

2019 Legislation

HB19-1106: Rental Application Fees

HB19-1170: Residential Tenants Health and Safety Act

HB19-1118: Time Period to Cure Lease Violation

HB19-1106: Rental Application Fees

Landlords must charge all prospective tenants the same application fee and may only charge for the actual expenses the landlord incurs in processing the application. Itemized receipts must be provided, and any fees charged that were not utilized must be returned.

If landlords consider rental or credit history, they shall not consider anything beyond 7 years.

If landlords consider criminal history, they shall only consider convictions within 5 years with some exceptions.

Denials shall be provided to the tenant in writing specifying the reason for denial.

HB19-1170: Residential Tenants Health and Safety Act

Amends the Warranty of Habitability to:

- Add timelines for commencing remedial action after receiving notice of an uninhabitable condition.
- Specify necessary remediation after being notified of mold.
- Include lack of functioning, maintained appliances as an uninhabitable condition.
- Add that a landlord shall provide a tenant a comparable dwelling unit or hotel room at no cost to the tenant in certain circumstances.
- Allow tenants in certain circumstances to withhold rent to repair an uninhabitable condition.
- Strengthen retaliation protections for tenants.

HB19-1118: Time Period to Cure Lease Violation

Increases notices for non-payment and lease violations to 10 calendar days.

Exceptions: nonresidential agreement or employer-provided housing agreement is 3 days; exempt residential agreement is 5 days.

2020 Legislation

SB20-224: Landlord Prohibitions Tenant Citizenship Status

HB20-1332: Prohibit Housing Discrimination Source of Income

SB20-224: Landlord Prohibitions Tenant Citizenship Status

Prohibits landlords from:

- Demanding, requesting, or collecting information regarding the immigration or citizenship status of a tenant;
- Disclosing or threatening to disclose such information;
- Refusing to rent to someone based on their immigration or citizenship status;
- Attempting to influence a tenant to seek not to occupy or surrender possession of a unit (including bringing suit to evict them) based on their immigration or citizenship status.

HB20-1332: Prohibit Housing Discrimination Source of Income

Prohibits landlords from refusing to rent or show a unit based on a person's source of income.

This includes including a preference or limitation in advertisements.

Prohibits landlords from discriminating in the terms or conditions of a rental agreement against another person based on source of income, or based upon the person's participation in public housing assistance.

2021 Legislation

SB21-173: Rights in Residential Lease Agreements

HB21-1121: Residential Tenancy Procedures

SB21-173: Rights in Residential Lease Agreements

In an eviction case:

- Tenants have until the close of business on their return date to file an Answer;
- The Summons must include a list of available resources and necessary forms;
- After an Answer is filed, trial shall be set within 7-10 days unless there is good cause;
- Court shall order discovery if requested;
- Landlord shall accept payment anytime prior to judgment, and the case shall be dismissed;
- Breach of warranty of habitability is an affirmative defense.

Additionally:

- Late fees are restricted.
- Unreasonable liquidated damages and one-way fee-shifting clauses for attorney fees and court costs are prohibited.
- Statutory penalties for unlawful exclusion (illegal lockouts) are added.

SB21-173: Late fees

Landlords can't:

- Charge a late fee until rent is at least 7 days late;
- Charge a late fee that exceeds the greater of;
  - $50 or
  - 5% of the amount of the past due rent
- Evict solely based on unpaid late fees
- Charging the tenant a late fee on the nonpayment of rent subsidy
- Charge a late fee more than once per each late payment (unless it does not add up to $50 or 5%)
- Charge interest on late fees
- Recover a late fee from a rent payment
- Classify late fees as rent

Landlords must:

- Disclose late fees in the rental agreement
- Provide written notice of late fee within 180 days after the rent due date

HB21-1121: Residential Tenancy Procedures

Updates language to be included in a court Summons.

Prohibits a County Sheriff from executing a writ of restitution until at least 10 days after a landlord is awarded possession in an eviction case.

Prohibits rent increases more than once in 12 months and requires 60 days' notice before increasing rent if there is no written lease.

2022 Legislation

HB22-1102: Veteran and Military Status in Fair Housing

HB22-1082: Fair Housing Unit Department of Law

2023 Legislation

HB23-1186: Remote Participation in Residential Evictions

SB23-184: Protections for Residential Tenants

HB23-1099: Portable Tenant Screening Report for Residential Leases

HB23-1120: Eviction Protections for Residential Tenants

HB23-1095: Prohibited Provisions in Rental Agreements

HB23-1254: Habitability of Residential Premises

HB23-1068: Pet Animal Ownership in Residential Housing

HB23-1186: Remote Participation in Residential Evictions

Provides any party or witness in a county court residential eviction with the option of participating in person, by video conference, or by telephone.

Allows unrepresented parties to submit motions and documents electronically.

Prohibits e-filing or electronic service fees for indigent parties.

SB23-184: Protections for Residential Tenants

Limits consideration of a prospective tenant's income to 2x the cost of rent, or for tenants with a voucher, 2x the *portion* of rent they are responsible for paying.

Prohibits consideration of credit scores and credit history for rental applications who have a voucher.

Clarifies that discrimination and fair housing violations are an affirmative defense to an eviction.

Caps allowable security deposits to not exceed 2x the cost of one month's rent.

HB23-1099: Portable Tenant Screening Report for Residential Leases

Allows a rental applicant to recycle a recent tenant screening report if certain conditions are met, to avoid paying multiple application fees.

Empowers the Attorney General to enforce the *Rental Application Fairness Act*.

Establishes minimum statutory damages for violations of the *Rental Application Fairness Act*.

HB23-1120: Eviction Protections for Residential Tenants

Provides most tenants receiving SSI, SSDI, and/or TANF benefits with the right to a mediation, at no cost and facilitated by a neutral third party, before an eviction filing.

Ensures 30 days to move after an eviction for most tenants who receive these federal benefits.

HB23-1095: Prohibited Provisions in Rental Agreements

Establishes new criteria concerning the award of attorney fees in an eviction.

Prohibits most leases from including clauses that waive the right to a jury trial, a class action lawsuit, the “implied covenant of good faith and fair dealing,” and the implied “covenant of quiet enjoyment”.

Limits the imposition of “lease non-renewal” fees and other third-party fees.

Restricts leases from characterizing fees and utilities as “rent” for the purposes of an eviction.

HB23-1254: Habitability of Residential Premises

Modifies Colorado's warranty of habitability to require appropriate remediation after a natural disaster, and allows tenants to terminate a lease if the unit remains unsafe.

Expands retaliation protections for tenants who have raised a habitability complaints, organized with other tenants, or participated in a tenants' association.

*This was further amended in 2024

HB23-1068: Pet Animal Ownership in Residential Housing

Prohibits an insurer from considering the breed of a dog.

Provides a process for the care of pets when an eviction is executed.

Caps “pet deposits” to not exceed $300 and ensures that those deposits are refundable.

Limits the imposition of “pet rent” to not exceed the greater of $35 per month or 1.5% of monthly rent.

2024 Legislation

HB24-1098: Cause Required for Eviction of Residential Tenant

SB24-094: Safe Housing for Residential Tenants

HB24-1098: Cause Required for Eviction of Residential Tenant

Effective 4/19/24

- Prohibits a landlord from non-renewing a tenant's lease (i.e. issuing a Notice to Quit, notice of nonrenewal, or letting a lease expire) without a valid legal reason. There are exceptions.
- What is a valid legal reason?
  - For Cause reason or
  - No Fault reason that is clearly stated in the 90 day notice.
- Lease violations must be material.
- Demands must be in English, Spanish and another language if the landlord knows or has reason to know is the primary language of the tenant and be specific.
- Two attempts at personal service must be made (on different days) before posting Demands/Notices.

For Cause protections do not apply to

Temporary rentals for less than **30 days**

Owner-occupied or master-tenant occupied units that are **single-family home, duplex, or triplex**

Employer-provided housing

Mobile homeowner or rent-to own

Individuals who have not been tenants for 12 months

Unknown tenants

Landlords can non-renew w/ 90 days* notice only for

Demolition or conversion of premises

Substantial repairs or renovations

Landlord or family member moving into the unit (*45 days if active military)

Selling the premises

Tenant refuses to sign renewed lease with reasonable terms

Tenant paid rent late 3 or more times during the lease

SB24-094: Safe Housing for Residential Tenants

Effective 5/3/24

Breach of the Warranty of Habitability occurs if:

(1) A residential premises is:
Uninhabitable (72-hour conditions), OR
Materially interferes with life, health, or safety (24-hour conditions),

AND

(2) The landlord has notice of the condition,

AND,
(3) *one or more of the following*:

- LL failed to commence remedial action within 24 or 72 hours,
- Has commenced remedial action but failed to continue the remedial action,
- Has failed to complete the repair within a reasonable time,
- Has failed to comply with the requirements for an environmental public health event, OR
- Leased the unit in an uninhabitable condition

SB24-094: Safe Housing for Residential Tenants

Effective 5/3/24

Amends the Warranty of Habitability to:

- Adds air conditioner as an appliance and right to install cooling device;
- Adds a comparable dwelling unit or hotel required if LHS or broken elevator and tenant with disability relies on elevator;
- Comparable dwelling must have the same number of rooms as the leased unit, proximity requirements and requirements if it is needed for more than 48 hours
- Comparable dwelling obligation capped at 60 days
- Written statements required in lease agreement, one in English & Spanish (January 1, 2025)

And more

Other 2024 Legislation

HB24-1431: Stable Housing for Survivors of Domestic and Sexual Violence Program (Effective January 1, 2025)

SB24-064: Eviction Data (January 1, 2025)

HB24-1318: Modify Rental Premises Person with Disability

HB24-1259: Price Gouging in Rent Declared Disaster

HB24-1007: Prohibition on Residential Occupancy Limits

HB24-1099: Defendant Filing Fees (November 1, 2024)

QUESTIONS?
FUTURE LEGISLATION?

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