



LAWS REGULATING THE LANDLORD-TENANT RELATIONSHIP

by Erin Reynolds

In Colorado, the landlord-tenant relationship is regulated by state and local law to some extent, but mostly determined by individual lease agreements. This *issue brief* describes the state and local laws regulating the landlord-tenant relationship, discusses the state and federal agencies that enforce fair housing laws, and lists several resources for landlords and tenants in dispute.

State Laws Regulating the Landlord-Tenant Relationship

Article 12 of Title 38, C.R.S., addresses the following six areas of law.

Security deposits. State law requires that the security deposit be returned to the tenant within 30 days unless otherwise specified in the lease and it states that the security deposit is not to be used to cover normal wear and tear of the unit. If a landlord willfully retains the security deposit in violation of the law, then the landlord is liable to the defendant for three times the amount deposited, as well as attorney fees and court costs.

Mobile homes. State law establishes protections for mobile home owners by detailing the eviction process as it relates to mobile home parks, outlining landlord and homeowner responsibilities, prohibiting certain fees, and allows homeowner association meetings.

Prohibition of local rent control. State law prohibits counties and municipalities from enacting ordinances or resolutions to control the rents on private property.

Victims of domestic violence. State law offers protection for victims of domestic violence by prohibiting landlords from including a provision in a lease agreement that would allow a lease termination or penalty in response to a call for emergency assistance in a domestic violence situation. The law also allows these victims to terminate their lease with a month's notice if there is fear of imminent danger.

Maintenance obligations for residential premises. State law creates an obligation for both the landlord and the tenant to maintain a rental property. Landlords must ensure that the residential premises is fit for human habitation, while tenants have a responsibility to use rental properties in a reasonably clean and safe manner. A list of characteristics that would deem a residence uninhabitable is provided in statute, as are the list of duties imposed on a tenant by a rental agreement.

Electric vehicle charging systems. State law prohibits a landlord from preventing a tenant from installing an electric vehicle (EV) charging system on the leased premises, at the tenant's own cost. The charging system must be for the tenant's own use and comply with design specifications and certain other restrictions.

State Laws Regulating Eviction

Article 40 of Title 13, C.R.S., addresses the eviction process. Under state law, a landlord may evict a tenant if rent is unpaid, if the tenant remains on the property after a lease term expires, if the tenant has broken any condition of the lease, or if a substantial violation has occurred (usually an act of violence or a drug violation).

Typically, tenants are notified of a landlord's complaint through a *notice to cure*, which explains the issue, most commonly unpaid rent or a lease violation, and gives the tenant three days to correct the problem. A *notice to quit* follows when the complaint is not settled, which requires the tenant to vacate the premises within three days; however, many leases have different time periods outlined within, particularly for tenants in subsidized housing. If the tenant remains on premises after the notice to quit term, the landlord may file a *summons* and *complaint* the following day. Tenants have the right to file a *response* to both the summons and complaint. In court, the landlord is responsible for proving that the lease agreement was violated and that the notices were served properly and justly. Tenants who lose the court case must vacate the leased premises within 48 hours. The landlord may choose to file for a *writ of restitution*, which authorizes a sheriff to remove the tenant's belongings from the premises and into the street after 48 hours.

Local Ordinances

Localities can issue supplementary regulations to govern the rights and duties of landlords and tenants. For example, the City of Boulder has laws: mandating a written lease agreement for any residential rental over 30 days; requiring disclosures informing tenants of maximum occupancy levels and city ordinances relating to weed, trash, and snow removal; and requiring landlords to return security deposits with interest.

Fair Housing

Under the federal Fair Housing Act, tenants are ensured protection from housing discrimination on the basis of race, color, religion, national origin, sex, disability, and familial status. In Colorado, these categories are expanded to include sexual orientation, sexual identification, ancestry, creed, marital status, and retaliation.

Tenants who believe they have been discriminated against within the past year may file a complaint with either the Colorado Civil Rights Division (CCRD) within the Department of Regulatory Agencies, or the U.S. Department of Housing and Urban Development (HUD). These agencies maintain a work-sharing agreement to avoid duplication of effort on those cases where joint jurisdiction (state and federal) exists.

The CCRD has a multifaceted approach to addressing housing discrimination: it investigates discrimination claims, provides neutral mediation through its Alternate Dispute Resolution unit, and provides training on fair housing laws upon request or as a condition of a settlement agreement.

Resources

The Action Center. The Action Center's tenant-landlord counseling program operates a housing information helpline at 303-237-0230 from Monday through Friday between 9:00 a.m. and 3:00 p.m. Online at: theactioncenterco.org.

Colorado Apartment Association. The CAA updates "The Colorado Renter's Guide" publication annually in English and Spanish. Online at: <http://bit.ly/1xUFdwQ>.

Colorado Bar Association. The Colorado Bar Association (CBA) maintains a website of links to free or low-fee legal assistance programs sponsored by their association. Online at: <http://bit.ly/1tOp9PI>.

Colorado Legal Services. Colorado Legal Services maintains information on landlords, tenants, and renting at: <http://bit.ly/1p2DnuO>. CLS also maintains an information page specific for mobile home tenants at: <http://bit.ly/1rU7Gyj>.

Department of Local Affairs. The Division of Housing in the Department of Local Affairs maintains a renter resource page at: <http://1.usa.gov/W9bqUJ>.

Department of Regulatory Agencies. DORA houses the CCRD, which maintains a website that outlines the fair housing complaint process at: www.dora.colorado.gov/crd.

HUD. HUD maintains a Colorado-specific Tenants Rights, Laws, and Protections website at: <http://1.usa.gov/1FWg8HR>.

Local resources. Many localities have landlord-tenant handbooks online; Boulder, for example, is available here: <http://bit.ly/1Ee0t4O>.