



Laws Regulating Landlords and Tenants

By Adam Alemzada, April Bernard, Erin Reynolds, and Louis Pino

While lease agreements are the primary legal contract between landlords and tenants, state and local laws regulate lease agreements. This *issue brief* discusses the legal framework and lists further resources for landlords and tenants.

Residential Leases

Rental applications. Landlords may only charge rental applicants the amount they pay to screen and process applications. Tenant background checks must be limited to seven years of rental history and five years of criminal records, with an exception for convictions or deferred judgements involving methamphetamines, stalking, homicide, or sex offenses. Landlords must notify applicants of the reasons a rental application is rejected.

Records. Where applicable, landlords must provide a signed copy of the lease within seven days of the tenant signing the agreement. Landlords must also provide a receipt for payments made with cash or money order.

Rent increases. Where no written lease exists, landlords must provide 60-days-notice to tenants before imposing a rent increase.

Security deposits. Security deposits must be returned to tenants within one month, unless otherwise specified in the lease. Security deposits cannot cover the normal wear and tear on a unit.

Habitability

Maintenance obligations. Under state law, both the landlord and tenant have obligations to

maintain the property. Landlords must ensure that the property is fit for human habitation, while tenants are required to use the property in a reasonably clean and safe manner.

Unfit rentals. A residential premise is uninhabitable if the following conditions exist:

- mold;
- lack of weather protection from roof, walls, windows, or doors;
- non-operational plumbing or gas facilities;
- non-functioning appliances;
- lack of running water, reasonable amounts of hot water, or a sewage disposal system;
- non-functioning heating facilities;
- faulty electrical lighting or wiring;
- non-maintained or infested common areas;
- failure to exterminate mice or bugs;
- inadequate number of garbage receptacles;
- non-maintained floors, stairways, and railings;
- inadequate locks on exterior doors and windows;
- non-compliance with applicable building, housing, and health codes; or
- bedbugs.

In cases where an issue interferes with a tenant's life, health, or safety, the landlord has 24 hours to respond and must house the tenant in a similar unit during repairs. If the landlord fails to take action after being notified, tenants may deduct the costs of professional repair from their rent. The tenant must provide a professional estimate to the landlord, and the landlord may get a separate estimate in response. Professionals cannot be related to either party.

Lease Termination and Eviction

Notice to quit. Under state law, the timeline to serve a notice to end a lease varies, depending on how long the person lived in the property:

- 1 year or more: *91 days*;
- 6 months to less than 1 year: *28 days*;
- 1 month to less than 6 months: *21 days*;
- 1 week to less than 1 month, or at will: *3 days*;
or
- Less than 1 week: *1 day*.

A termination is effective three days after a written notice is served.

Eviction. A landlord may evict a tenant if rent is unpaid, the tenant remains on the property after a lease term expires, the tenant has broken any condition on the lease, or a substantial violation has occurred, such as a violent act or drug violation.

Usually, landlords notify tenants of a complaint through a *notice to cure*, which explains the issue and gives the tenant ten days to correct the problem, or three days for a nonresidential agreement or an employer-provided housing agreement. A *notice to quit* follows if the complaint is not settled, which requires the tenant to vacate the premises, typically within three days, though time periods vary, particularly for tenants in subsidized housing. If the tenant remains, 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 tenant violated the lease agreement and that notices were served properly. Tenants who lose their court case must vacate the leased premises within 10 days.

Local Ordinances

Local governments can impose additional regulations on the rights and duties of landlords and tenants, but local governments may not enact laws to control rent on private property.

Anti-Discrimination and Fair Housing Laws

Renter income. Landlords may use renter financial information to determine if a renter can afford a unit. Landlords may not discriminate against renters who pay for rent with public or private assistance. Prohibited activities include: refusing to show or rent properties; including discriminating lease terms; or withholding access to privileges or areas, such as a playground.

Citizenship status. A landlord may not discriminate against a renter on the basis of citizenship status, including asking a renter about their citizenship or using their status to refuse to rent or to evict a person. Retaliation, intimidation, or harassment is unlawful, as is disclosing or threatening to disclose citizenship status.

Fair Housing Act. Under the federal Fair Housing Act, tenants are protected 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, citizenship status, veteran or military status, income used to pay for rent, and landlord retaliation.

Tenants who believe they have been discriminated against within the past year may file a complaint with either the Civil Rights Division within the Department of Regulatory Agencies, or the U.S. Department of Housing and Urban Development. The Colorado Civil Rights Division also provides neutral mediation and training on fair housing laws.

Resources

- Colorado Housing Connects: www.coloradohousingconnects.org
- Colorado Civil Rights Division: ccrd.colorado.gov
- Office of Rental Assistance: cdola.colorado.gov/office-of-rental-assistance