

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0518.01 Megan McCall x4215

HOUSE BILL 23-1068

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PET ANIMAL OWNERSHIP IN HOUSING, AND, IN**
102 **CONNECTION THEREWITH, PROHIBITING RESTRICTIONS ON DOG**
103 **BREEDS FOR OBTAINING HOMEOWNER'S INSURANCE, PROVIDING**
104 **FOR THE MANNER IN WHICH PET ANIMALS ARE HANDLED WHEN**
105 **A WRIT OF RESTITUTION IS EXECUTED, LIMITING SECURITY**
106 **DEPOSITS AND RENT FOR PET ANIMALS, AND EXCLUDING PET**
107 **ANIMALS FROM PERSONAL PROPERTY LIENS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

Section 2 of the bill prohibits insurers from denying a homeowner's insurance policy based on the breed or mixture of breeds of dog that resides at the insured dwelling, while allowing denial if a specific individual dog is a dangerous dog. Insurers are also prohibited from asking or otherwise inquiring about the specific breed or mixture of breeds of dog kept at a dwelling except to ask if the dog is known to be or has been declared a dangerous dog.

Section 3 requires that an officer executing a writ of restitution inspect the premises for pet animals and give any pet animal found to the tenant of the premises if the tenant is present at the time the writ is executed. If a tenant is not present, the landlord must contact a local animal shelter or pet animal rescue to take custody of any pet animal and leave contact information for the tenant as to where the pet animal has been taken. An officer or any other person in connection with execution of the writ is prohibited from removing and leaving any pet animal unattended on public or private property.

Section 4 prohibits a landlord from demanding or receiving a security deposit or rent in exchange for allowing a pet animal to reside on the residential premises with a tenant.

Section 5 creates the pet friendly landlord damage mitigation program to be administered by the department of local affairs, subject to availability of funding. Under the program, a landlord may receive reimbursement for actual damage caused to a rental premises by a pet animal allowed to reside with the tenant up to \$1,000. Reimbursements are granted on a first come, first served basis, and a landlord must provide documentation in support of the damages for which the landlord makes the claim of reimbursement. The department has authority to promulgate rules to implement the program. A landlord who receives reimbursement under the program is prohibited from taking legal action against the tenant for the damages or from pursuing collection against the tenant for the damages.

Section 6 excludes pet animals from the categories of a tenant's personal property that a person who rents furnished or unfurnished rooms or apartments may place a lien on for unpaid board, lodging, or rent.

Section 7 of the bill prohibits the existing Colorado affordable housing tax credit from being allocated unless tenants are allowed to keep pet animals at a qualified development where the tenant resides. The required allowance of pet animals is subject to state and local laws governing public health, animal control, and animal anti-cruelty, and is subject to reasonable conditions that may be imposed on the allowance of pet animals. Reasonable conditions do not include prohibitions on pet animal breeds or weight restrictions of a pet animal.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Each year tens of thousands of pets enter Colorado's animal
5 shelters. Frequent reasons for surrendering a pet include issues related to
6 housing, moving, or landlords. Often, rehoming a pet is the last option for
7 an individual or family and it has a detrimental impact on the physical and
8 emotional well-being of the pet and of those who surrender it.

9 (b) A majority of Americans consider their pets to be family
10 members but many people have trouble finding housing because
11 properties are often advertised as "pet-friendly" but include high fees and
12 restrictions, including restrictions on breed, weight, and quantity, that
13 create barriers for pet-owning tenants. Some restrictions even force
14 families to choose between keeping a beloved pet or moving into a new
15 home.

16 (c) Extensive restrictions on pets in the housing context
17 disproportionately impact lower-income households and prevent
18 lower-income households from experiencing the benefits of pet
19 ownership;

20 (d) Due to such restrictions, there is a severe need for the
21 availability of properties in Colorado that welcome pets at a reasonable
22 cost; and

23 (e) It is the intent of the general assembly to encourage housing
24 developers, owners, landlords, insurers, and other operators to increase
25 pet-inclusive affordable housing in Colorado.

26 **SECTION 2.** In Colorado Revised Statutes, 10-4-110.8, **add** (16)
27 as follows:

1 **10-4-110.8. Homeowner's insurance - prohibited and required**
2 **practices - estimates of replacement value - additional living expense**
3 **coverage - copies of policies - personal property contents coverage -**
4 **inventory of personal property - requirements concerning total loss**
5 **scenarios resulting from wildlife disasters - definitions - rules.**

6 (16) (a) AN INSURER SHALL NOT REFUSE TO ISSUE, CANCEL, REFUSE TO
7 RENEW, OR INCREASE A PREMIUM OR RATE FOR A HOMEOWNER'S
8 INSURANCE POLICY OR A DWELLING FIRE INSURANCE POLICY BASED ON THE
9 BREED OR MIXTURE OF BREEDS OF DOG THAT IS KEPT AT THE DWELLING.

10 (b) THIS SUBSECTION (16) DOES NOT PROHIBIT AN INSURER FROM
11 REFUSING TO ISSUE, CANCELLING, REFUSING TO RENEW, OR IMPOSING A
12 REASONABLE INCREASE TO A PREMIUM OR RATE FOR A HOMEOWNER'S
13 INSURANCE POLICY OR A DWELLING FIRE INSURANCE POLICY BASED ON
14 SOUND UNDERWRITING AND ACTUARIAL PRINCIPLES ON THE BASIS THAT A
15 PARTICULAR DOG KEPT AT THE DWELLING IS KNOWN TO BE DANGEROUS OR
16 HAS BEEN DECLARED TO BE DANGEROUS IN ACCORDANCE WITH SECTION
17 18-9-204.5.

18 (c) AN INSURER MAY NOT ASK OR OTHERWISE INQUIRE ABOUT THE
19 SPECIFIC BREED OR MIXTURE OF BREEDS OF DOG THAT IS KEPT AT THE
20 DWELLING EXCEPT TO ASK IF THE DOG IS KNOWN TO BE DANGEROUS OR
21 HAS BEEN DECLARED TO BE DANGEROUS IN ACCORDANCE WITH SECTION
22 18-9-204.5.

23 (d) FOR THE PURPOSES OF THIS SUBSECTION (16), "DWELLING"
24 INCLUDES A DWELLING UNIT AS DEFINED IN SECTION 38-12-502 (3).

25 **SECTION 3.** In Colorado Revised Statutes, 13-40-122, **add** (2.5)
26 as follows:

27 **13-40-122. Writ of restitution after judgment - definitions.**

1 (2.5) (a) NOTWITHSTANDING SUBSECTIONS (3) AND (4) OF THIS SECTION,
2 THE OFFICER THAT EXECUTES A WRIT OF RESTITUTION UNDER SUBSECTION
3 (1) OF THIS SECTION SHALL IMMEDIATELY INSPECT THE PREMISES FOR ANY
4 PET ANIMALS. ■

5 (I) IF THE TENANT IS PRESENT ON THE PREMISES AT THE TIME THE
6 WRIT OF RESTITUTION IS BEING EXECUTED, THE OFFICER SHALL GIVE ANY
7 PET ANIMALS FOUND DURING THE INSPECTION REQUIRED BY SUBSECTION
8 (2.5)(a) OF THIS SECTION TO THE TENANT.

9 (II) IF THE TENANT IS NOT PRESENT ON THE PREMISES AT THE TIME
10 THE WRIT OF RESTITUTION IS BEING EXECUTED AND THERE ARE ANY PET
11 ANIMALS FOUND DURING THE INSPECTION REQUIRED BY SUBSECTION
12 (2.5)(a) OF THIS SECTION, THE OFFICER SHALL CONTACT THE LOCAL
13 AUTHORITY IN CHARGE OF ANIMAL CONTROL TO TAKE CUSTODY OF THE
14 PET ANIMALS. THE LANDLORD SHALL PROVIDE THE LOCAL AUTHORITY IN
15 CHARGE OF ANIMAL CONTROL ACCESS TO THE PREMISES TO REMOVE OR
16 SECURE THE PET ANIMALS IN A TIMELY MANNER AND PROVIDE THE NAME
17 AND CONTACT INFORMATION OF THE TENANT, IF AVAILABLE. THE
18 LANDLORD SHALL POST NOTICE AT THE PREMISES IN A VISIBLE PLACE WITH
19 THE NAME AND CONTACT INFORMATION OF THE ORGANIZATION WHERE
20 THE PET ANIMALS HAVE BEEN TAKEN AND, UPON REQUEST OF THE TENANT,
21 SHALL PROVIDE THE TENANT WITH THE NAME AND CONTACT INFORMATION
22 OF THE ORGANIZATION WHERE THE PET ANIMALS HAVE BEEN TAKEN.

23 (b) NO PET ANIMAL SHALL BE REMOVED FROM THE PREMISES
24 DURING THE EXECUTION OF A WRIT OF RESTITUTION AND LEFT
25 UNATTENDED ON PUBLIC OR PRIVATE PROPERTY. ■

26 (c) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES, "PET ANIMAL" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 35-80-102 (10).

2 SECTION 4. In Colorado Revised Statutes, add 38-12-106 as
3 follows:

4 38-12-106. Security deposits - limitation on pet security
5 deposit and rent - definition. (1) A LANDLORD SHALL NOT DEMAND OR
6 RECEIVE AN ADDITIONAL SECURITY DEPOSIT OF MORE THAN THREE
7 HUNDRED DOLLARS FROM A PROSPECTIVE OR CURRENT TENANT AS A
8 CONDITION OF PERMITTING THE TENANT'S PET ANIMAL TO RESIDE AT THE
9 RESIDENTIAL PREMISES WITH THE TENANT AND THE SECURITY DEPOSIT
10 MUST BE REFUNDABLE TO THE TENANT.

11 (2) A LANDLORD SHALL NOT DEMAND OR RECEIVE ADDITIONAL
12 RENT FROM A TENANT AS A CONDITION OF PERMITTING THE TENANT'S PET
13 ANIMAL TO RESIDE AT THE RESIDENTIAL PREMISES WITH THE TENANT IN AN
14 AMOUNT THAT EXCEEDS TWENTY-FIVE DOLLARS PER MONTH OR ONE
15 PERCENT PER MONTH OF THE TENANT'S MONTHLY RENT, WHICHEVER
16 AMOUNT IS GREATER.

17 (3) AS USED IN THIS SECTION, "PET ANIMAL" HAS THE SAME
18 MEANING AS SET FORTH IN SECTION 35-80-102 (10).

19

20 SECTION 5. In Colorado Revised Statutes, 38-20-102, amend
21 (3)(a) as follows:

22 38-20-102. Lien for care and feeding of pet animals - lien for
23 lodging and boarding services for transient guests - landlord lien on
24 tenant's personal property. (3) (a) Any person who rents furnished or
25 unfurnished rooms or apartments for the housekeeping purposes of his
26 THE PERSON'S tenants, as well as the keeper of a trailer court who rents
27 trailer space, shall have a lien upon the tenant's personal property that is

1 then on or in the rental premises. The value of the lien shall be for the
2 amount of unpaid board, lodging, or rent, and for reasonable costs
3 incurred in enforcing the lien, not including attorney fees. The lien shall
4 be upon the household furniture, goods, appliances, and other personal
5 property of the tenant and members of ~~his~~ THE TENANT'S household then
6 being upon the rental premises, but exclusive of PET ANIMALS, small
7 kitchen appliances, cooking utensils, beds, bedding, necessary wearing
8 apparel, personal or business records and documents, and the personal
9 effects of the tenant and the members of ~~his~~ THE TENANT'S household.

10

11 **SECTION 6. Act subject to petition - effective date.** This act
12 takes effect January 1, 2024; except that, if a referendum petition is filed
13 pursuant to section 1 (3) of article V of the state constitution against this
14 act or an item, section, or part of this act within the ninety-day period
15 after final adjournment of the general assembly, then the act, item,
16 section, or part will not take effect unless approved by the people at the
17 general election to be held in November 2024 and, in such case, will take
18 effect on the date of the official declaration of the vote thereon by the
19 governor.