



Laws Regulating The Landlord-Tenant Relationship

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In Colorado, the landlord-tenant relationship is primarily prescribed in lease agreements. This *issue brief* provides an overview of 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 Landlords and Tenants¹

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

Rent increases. In a tenancy of between one and six months where no written lease agreement exists, landlords must provide at least 21 days notice before increasing rent.

Notice to quit. A tenancy may be terminated by written notice if it is served within these respective tenancy periods:

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

Victims of relationship or sexual abuse. State law prohibits landlords from including a provision in a lease agreement that would allow them to

terminate a lease or penalize a tenant in response to a tenant's emergency assistance call involving domestic violence, domestic abuse, unlawful sexual behavior, or stalking. Tenants involved in such disputes may terminate their lease with a payment of one month's rent if they fear imminent danger and provide specific documentation. A landlord is prohibited from disclosing a victim's new address in these situations.

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

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

Electric vehicle charging systems. State law requires landlords to permit the installation of electric vehicle charging systems at the tenant's own cost if the system complies with certain specifications and restrictions.

Rental agreement copy. State law requires that landlords provide tenants with a signed copy the rental agreement, if a written rental agreement exists, within seven days of the tenant signing the agreement.

¹Section 38-12-101, *et seq.*, C.R.S.

Payment receipt. State law requires landlords to provide tenants with a receipt for payments made with cash or money order.

State Laws Regulating Eviction²

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 a violent act or a drug violation).

Typically, tenants are notified of a landlord's complaint through a *notice to cure*, which explains the issue and gives the tenant three days to correct the problem. 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 on the 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 their 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

Local governments can impose additional regulations on the rights and duties of landlords and tenants. The city of Boulder, for example, mandates a written lease agreement for any residential rental over 30 days; requires landlords to inform tenants of maximum occupancy levels and city ordinances relating to weed, trash, and snow removal; and requires landlords to return security deposits with interest.

Fair Housing

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, 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 (DORA), 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 Civil Rights Division has a multifaceted approach to addressing housing discrimination: it investigates discrimination claims, provides neutral mediation, and provides training on fair housing laws upon request or as a condition of a settlement agreement.

Resources

The following entities offer a variety of resources for landlords and tenants:

- The Action Center at: 303-237-0230 and theactioncenterco.org;
- the Colorado Apartment Association at: www.caahq.org/main/colorado-renters-guide;
- the Colorado Bar Association at: www.cobar.org/for-the-public;
- Colorado Housing Connects at: 844-926-6632 and www.coloradohousingconnects.org;
- Colorado Legal Services at: www.coloradolegalservices.org;
- DORA Civil Rights Division at: www.dora.colorado.gov/crd;
- HUD at: 1.usa.gov/1FWg8HR; and
- local governments (for example, Boulder's can be found at: bit.ly/1Ee0t4O).

²Section 13-40-101, *et seq.*, C.R.S.