

Senate Local Government & Housing

03/07/2024 Upon Adjournment

HB24-1098 Cause Required for Eviction of Residential Tenant

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Alexis Myers Against themselves	Hello, I am against this bill due to we already have many Landlords/ Investors leaving Colorado because of the newer laws and regulations and we currently have a housing shortage. Having stricter laws including not allowing a Landlord to sell his home at the end of a lease/ evict or non-renew without cause will cause more Landlords and investors to pull away from the housing market increasing the demand and limiting the supply of rental homes. This will then cause more increases in the housing rental prices which are already very high. This is too limiting for Landlords/Investors.
Jennifer Daniels Against themselves	<p>The proposed HB24-1098 legislation, while aiming to protect tenants, will inadvertently strain Colorado's rental market causing harm to tenants. HB24-1098 introduces regulations that will not only deter investment and reduce housing availability and affordability but immediately increase the rental rates throughout the state of Colorado.</p> <p>Opposing HB24-1098 is essential for promoting a fair, just, and stable housing market in Colorado by:</p> <p>Increasing Evictions: By requiring a just cause for evictions, the bill harms tenants adding evictions to their records when a landlord terminates a lease, contributing to greater housing instability across the state of Colorado.</p> <p>Harming Tenants & Harming Landlords: The measures within HB24-1098 while intended as increasing tenant rights instead requires that landlords take every tenant to court to end a lease instead of just allowing a mutual option to non-renew for a new term. This results in reduce available affordable housing all Coloradans in the housing market.</p>

	<p>Promoting Housing Instability & Increase Costs: This bill will ensure that landlords are forced to increase rent due to the dramatic impact of required legal expenses per this new law. This cost will be passed to tenants in the form of increases and will encourage all small landlords to sell the affordable housing to avoid the impact of this policy which will create housing instability for all tenants.</p> <p>Introduction of Inequitable Housing Practices: The bill discourages continuing to provide housing in the state of Colorado. This bill also ensures that attorneys will be required to end all lease terms – the only benefit of this law if solely for attorneys.</p>
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March 6, 2024

RE: HB24-1098 Cause Required for Eviction of Residential Tenant - SUPPORT

Dear Members of the Senate Local Government and Housing Committee:

I am testifying in support of HB24-1098, on behalf of the League of Women Voters of Colorado.

The League of Women Voters of Colorado (LWVCO) has been a nonpartisan organization for 104 years, encourages informed and active participation in government, and influences public policy through education and advocacy. Our membership spans the state of Colorado with 19 local leagues operating in many regions around the state.

The LWVCO supports policies to provide a decent home and a suitable living environment for every person. Our Justice, Equity, Diversity, and Inclusion (JEDI) values are served when local communities and their governmental authorities can adopt regulations that benefit their communities.

Rent prices have soared in Colorado and many Coloradans are severely burdened by their housing rental costs. There are over 700,000 renter households in Colorado cities alone, which represents 34% of all households in Colorado. Many families are choosing to move out of state rather than continue to work and live here, where housing is often not attainable in today's market, for renting or buying. Evictions have surged in the past year, to over 10,000 filings for evictions alone. HB24-1098 aims to reduce this statistic and provide more equity in an unbalance power dynamic for renters.

HB24-1098 provides changes to the Colorado Revised Statutes to reduce the number of evictions, sudden and otherwise, that are without cause, other than increasing rents as new tenants move in. It provides definitions for "for cause" and "no fault" evictions under which landlords must provide adequate notice, no matter the length of time the tenant has occupied their rental. This provision assists tenants who need to relocate more time in this incredibly difficult market to find new lodging. The "for cause" provisions allow an eviction where rent has not been paid or the renter(s) will not surrender possession of the premises. Additionally, "no fault" evictions are allowed in several circumstances, for instance when the landlord or a family member wants to occupy the residence or needs to do substantial repairs or upgrades. Unhoused populations surveyed in Denver report that increases in rent or notice to vacate (evictions or otherwise) are the #2 and #3 causes of experiencing homelessness.

We urge the committee members to vote **YES** on **HB24-1098**. Thank you for your consideration of this important bill.

Respectfully,
Kate van Houten, Volunteer Lobbyist - Housing
League of Women Voters of Colorado
1410 Grant Street, Suite B-204
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303-863-0437

Thank you madam chair and members of the committee. My name is Shan Lagard and I am the Black Civic Engagement and Policy Coordinator for Soul 2 Soul Sisters. I'm testifying on behalf of S2SS in support of HB24-1098.

Soul 2 Soul Sisters is a racial justice organization that is focused on eradicating anti-Black racism. We center the health, healing and joy of Black Women, Femmes, Trans people and their families.

Affordable and stable housing is a consistent priority for Soul 2 Soul Sisters and our community. Black people, especially Black women are disproportionately affected by evictions. Black women renters had evictions filed against them at two times the rate than white renters in 17 states including Colorado in 2020. Being evicted from your home has lasting repercussions. It is a cataclysmic destabilization of someone's entire life. If a person gets evicted, that eviction will follow them whenever they try to acquire housing. Landlords can take an eviction as a reason to not rent to someone even if the eviction was unfounded. These consequences can begin a vicious cycle of unstable housing, which can jeopardize the health and safety of you and your family. We know that racial discrimination can play a key factor in a landlord's decision to evict a tenant without cause - this should not happen.

34 percent of households in Colorado are renters and of that percentage, the majority of these households are BIPOC households; we need to do more for our communities as the housing crisis continues.

Soul 2 Soul Sisters is supporting HB1098 because we believe in affordable and accessible housing for Black women, femmes, and gender-expansive beings. HB 1098 is a step towards ensuring that people will have access to consistent housing that cannot be disrupted due to racism. Please vote yes for HB 1098. Thank you.

TESTIMONY
OF
PHYLLIS A. ROESTENBERG, ESQ.

Senate Hearing: HB 24-1098

March 7, 2024

My name is Phyllis Roestenberg. I have been a public interest attorney for almost 30 years. My experience includes tenure as a Senior Staff Housing Attorney at a non-profit law firm where I defended tenants against eviction, and as an Assistant Attorney General in Arizona, where I prosecuted housing providers who acted in contravention of the fair housing discrimination laws. For the past ten years, I have been in private practice, providing housing representation, mediation and housing law training throughout the state of Colorado.

Below are five (5) reasons to oppose HB 24-1098 on behalf of Colorado tenants:

1. This law will likely encourage and increase eviction throughout Colorado.

In my experience, housing providers often voluntarily forgo their immediate right to pursue eviction, electing instead to end a tenancy by issuing a timely notice of nonrenewal at the close of the lease term. **Because they are often willing to tolerate relatively minor material breaches of the lease agreement during the lease term, many tenants are spared the far-reaching financial, often catastrophic, consequences of eviction.** I believe this law would eradicate this common, but vitally important, practice on the part of housing providers and instead **create an incentive to pursue eviction for noise disturbances, late payments, smoking, property damage, neighbor to neighbor conflict when they occur during the tenancy.** The adverse effect the loss of this practice stands to have on Colorado tenants cannot be overstated. Judgments of eviction are often a precursor to homelessness. And for those tenants who receive a federal subsidy ("Housing Choice Section 8 Voucher"), the consequences may be worst of all: vouchers are taken from tenants who are evicted.

2. This law will likely promote favoritism in the selection of rental applicants.

I believe this law would disadvantage low-income tenants, persons with disabilities, persons who receive subsidies, and other protected class members as designated by Colorado law. Because this law would essentially prohibit notices of nonrenewal when there aren't grounds for eviction, it would also **create an enormous incentive on the part of housing providers to select the most "desirable" and/or affluent among residential rental applicants. When a housing provider has many applicants from which to choose for a lease that may effectively span the course of years, selection of the "best" or "least risky" tenants will likely be driven by "gut feelings," conscious or unconscious bias, and stereotypes, practices the state and federal fair housing laws have sought to eradicate with little success.** While existing Colorado law prohibits housing providers from denying a rental application on the basis of race, disability, sexual identity, source of income, or other protected categories, "application denial cases" are exceedingly difficult to prove, especially in a state like Colorado where there are far more applicants in need of moderate and affordable housing than there are such units.

3. This law will likely encourage the use of short-term leases.

Exempted from the application of this law would be "[a] residential tenant who has not been a tenant of a residential premises for at least nine months." 38-12-1302(e). This arbitrary exemption would serve as a strong incentive on the part of housing providers to cap residential lease terms at less than 9 months in an effort to preserve their discretion to terminate a tenancy via non-renewal. **Short term leases can significantly undermine housing stability, especially during a housing crisis when the search for adequate and affordable housing can take months.** They also significantly raise tenants' housing costs and disrupt the education of minor children.

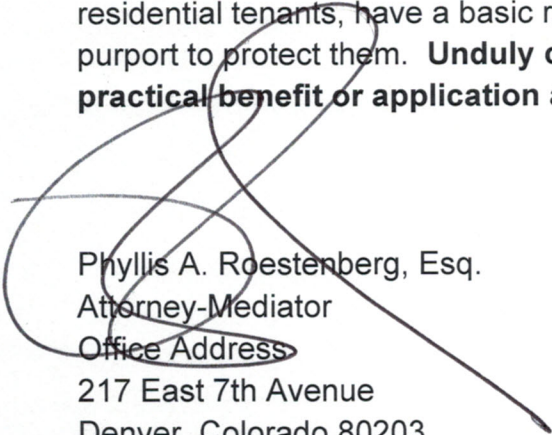
4. This law will do little, if anything, to curtail retaliatory non-renewal in Colorado.

This bill does not explicitly address, nor prohibit the unlawful conduct it purports to target: the issuance of retaliatory non-renewal notices. Colorado tenants are already protected from "no cause" evictions. Under existing Colorado law, all judgments of eviction require a demonstration of "cause" on the part of a housing provider. Without it, the court is not authorized to enter a judgment of eviction. Likewise, Colorado tenants are already protected from retaliation. What is needed and what this bill lacks is an explicit prohibition against the issuance of

retaliatory notices of non-renewal because a tenant exercised his/her/their housing rights as conferred by law. Tenants who exercise their rights under the warranty of habitability and/or the fair housing laws should be expressly protected from the adverse action of retaliatory nonrenewal. **Expressly prohibiting housing providers from issuing retaliatory notices of nonrenewal pursuant to the warranty of habitability (CRS §38-12-509) and the state fair housing laws (CRS §24-34-502(1)(e)) would do what this bill purports to do.**

5. This bill will not be usable by the people it purports to protect.

This 30-page bill is poorly drafted. It is difficult to read, understand or track. It will be difficult to use, apply, comply with, and enforce. In my experience, **poorly drafted laws are rarely used by the unrepresented people they purport to protect. More often, they are misinterpreted, misused and/or manipulated by represented parties to the disadvantage of unrepresented parties.** People, especially those who often go without the benefit of legal counsel, like residential tenants, have a basic right to understand the laws that govern and purport to protect them. **Unduly convoluted bills, such as this, will have little practical benefit or application as operative law.**



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