

CHAPTER 437

PROPERTY

HOUSE BILL 25-1108

BY REPRESENTATIVE(S) Weinberg and Mabrey, Bacon, Barron, Bird, Boesenecker, Brown, Camacho, Clifford, Duran, English, Espenozo, Feret, Froelich, Garcia, Hamrick, Jackson, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mauro, McCormick, Paschal, Phillips, Ricks, Rutinel, Sirota, Smith, Stewart K., Stewart R., Titone, Valdez, Willford, Zokaie, McCluskie, Carter, Gonzalez R., Woodrow;
also SENATOR(S) Kirkmeyer and Bridges, Amabile, Cutter, Exum, Gonzales J., Hinrichsen, Jodeh, Michaelson Jenet, Weissman.

AN ACT

CONCERNING LIMITATIONS ON RESIDENTIAL RENTAL AGREEMENT TERMS IN THE EVENT OF THE DEATH OF AN INDIVIDUAL WHO IS RESPONSIBLE FOR THE PAYMENT OF RENT.

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

SECTION 1. Short title. The short title of this act is "Letty's Act".

SECTION 2. In Colorado Revised Statutes, 38-12-801, **add** (3.5) as follows:

38-12-801. Written rental agreement - prohibited clauses - copy - tenant - applicability - definitions. (3.5) (a) IN ADDITION TO OTHER PROHIBITED CLAUSES DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, IF A RENTAL AGREEMENT IS TERMINATED BEFORE THE END OF THE TERM OF THE RENTAL AGREEMENT DUE TO THE DEATH OF A TENANT UNDER THE RENTAL AGREEMENT, A CLAUSE IN THE RENTAL AGREEMENT THAT REQUIRES ANY OF THE FOLLOWING IS VOID AND UNENFORCEABLE:

(I) THE PAYMENT OF LIQUIDATED DAMAGES;

(II) THE ACCELERATION OF RENT FOR A PERIOD THAT IS BEYOND THE END OF THE MONTH OR MORE THAN TEN BUSINESS DAYS AFTER THE DWELLING UNIT IS VACATED AFTER NOTICE TO THE LANDLORD OF THE DEATH OF THE TENANT, WHICHEVER IS LATER;

(III) THE PAYMENT OR REFUND TO THE LANDLORD OF ANY CONCESSIONS OR MOVE-IN DISCOUNTS; OR

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(IV) THE PAYMENT OF ANY OTHER FEE, DAMAGES, OR PENALTY ASSESSED AS A RESULT OF THE EARLY TERMINATION OF THE RENTAL AGREEMENT.

(b) A LANDLORD MAY TAKE POSSESSION OF THE DWELLING UNIT WITHOUT FILING AN EVICTION ACTION OR OTHERWISE OBTAINING A COURT ORDER IF:

(I) THE PERSONAL REPRESENTATIVE OF THE TENANT'S ESTATE NOTIFIES THE LANDLORD OF THE SURRENDER OF THE PREMISES; OR

(II) THIRTY DAYS AFTER THE DEATH OF THE TENANT:

(A) RENT REMAINS UNPAID; OR

(B) SUBSTANTIALLY ALL OF THE TENANT'S PROPERTY HAS BEEN REMOVED.

(c) IF THE DEATH OF A TENANT RESULTS IN DAMAGE TO THE PROPERTY, THE LANDLORD MAY RETAIN A SECURITY DEPOSIT OR ASSOCIATED DAMAGES DEPOSIT SUFFICIENT TO COVER COSTS RELATED TO THE DAMAGE CAUSED BY THE DEATH OF THE TENANT.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2025; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to rental agreements that are entered into on or after the applicable effective date of this act.

Approved: June 4, 2025