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HOUSE BILL 17-1035

BY REPRESENTATIVE(S) Jackson, Becker K., Benavidez, Bridges, Buckner, Carver, Coleman, Covarrubias, Danielson, Esgar, Exum, Foote, Garnett, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Kennedy, Kraft-Tharp, Lebsock, Lee, Lontine, Melton, Michaelson Jenet, Pettersen, Rosenthal, Salazar, Singer, Valdez, Van Winkle, Weissman, Winter, Young, Duran, Arndt, Landgraf, Liston, McLachlan;
also SENATOR(S) Cooke, Aguilar, Court, Crowder, Donovan, Fenberg, Fields, Gardner, Guzman, Jones, Kagan, Kefalas, Kerr, Martinez Humenik, Moreno, Priola, Tate, Todd, Williams A., Zenzinger, Grantham.

CONCERNING ALLOWING CERTAIN CRIME VICTIMS TO BREAK THEIR RENTAL AGREEMENTS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. In Colorado Revised Statutes, **amend** part 4 of article 12 of title 38 as follows:

PART 4
VICTIMS OF UNLAWFUL SEXUAL BEHAVIOR, STALKING,
DOMESTIC VIOLENCE, AND DOMESTIC ABUSE

38-12-401. Definitions. As used in this part 4, unless the context

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

otherwise requires:

(1) "APPLICATION ASSISTANT" HAS THE SAME MEANING PROVIDED IN SECTION 24-30-2103 (4).

~~(1)~~ (2) "Domestic abuse" ~~shall have~~ HAS the same meaning as provided in section 13-14-101 (2). ~~C.R.S.~~

~~(2)~~ (3) "Domestic violence" ~~shall have~~ HAS the same meaning as provided in section 18-6-800.3 (1). ~~C.R.S.~~

(4) "MEDICAL PROFESSIONAL" MEANS A PERSON LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OR 38 OF TITLE 12.

(5) "STALKING" MEANS THE CRIMINAL OFFENSE DESCRIBED IN SECTION 18-3-602.

(6) "UNLAWFUL SEXUAL BEHAVIOR" MEANS THE CRIMINAL OFFENSE DESCRIBED IN SECTION 16-22-102 (9).

38-12-402. Protection for victims of unlawful sexual behavior, stalking, or domestic violence. (1) A landlord shall not include in a residential rental agreement or lease agreement for housing a provision authorizing the landlord to terminate the agreement or to impose a penalty on a residential tenant for calls made by the residential tenant for peace officer assistance or other emergency assistance in response to a ~~domestic violence or domestic abuse~~ situation INVOLVING DOMESTIC VIOLENCE, DOMESTIC ABUSE, UNLAWFUL SEXUAL BEHAVIOR, OR STALKING. A residential tenant may not waive the residential tenant's right to call for police or other emergency assistance.

(2) (a) If a tenant to a residential rental agreement or lease agreement notifies the landlord in writing that he or she is the victim of UNLAWFUL SEXUAL BEHAVIOR, STALKING, domestic violence, or domestic abuse and provides to the landlord evidence of UNLAWFUL SEXUAL BEHAVIOR, STALKING, domestic violence, or domestic abuse VICTIMIZATION ~~in the form of a police report written within the prior sixty days or a valid protection order~~ AS DESCRIBED IN SUBSECTION (2)(a.5) OF THIS SECTION, and the residential tenant seeks to vacate the premises due to fear of imminent danger for self or children because of the UNLAWFUL SEXUAL

BEHAVIOR, STALKING, domestic violence, or domestic abuse, then the residential tenant may terminate the residential rental agreement or lease agreement and vacate the premises without further obligation except as otherwise provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION.

(a.5) FOR THE PURPOSES OF SUBSECTION (2)(a) OF THIS SECTION:

(I) TO PROVIDE EVIDENCE THAT HE OR SHE IS A VICTIM OF UNLAWFUL SEXUAL BEHAVIOR, DOMESTIC VIOLENCE, OR DOMESTIC ABUSE, A TENANT MAY PROVIDE TO HIS OR HER LANDLORD A POLICE REPORT WRITTEN WITHIN THE PRIOR SIXTY DAYS, A VALID PROTECTION ORDER, OR A WRITTEN STATEMENT FROM A MEDICAL PROFESSIONAL OR APPLICATION ASSISTANT WHO HAS EXAMINED OR CONSULTED WITH THE VICTIM, WHICH WRITTEN STATEMENT CONFIRMS SUCH FACT; AND

(II) TO PROVIDE EVIDENCE THAT HE OR SHE IS A VICTIM OF STALKING, A TENANT MAY PROVIDE TO HIS OR HER LANDLORD A POLICE REPORT WRITTEN WITHIN THE PRIOR SIXTY DAYS, A VALID PROTECTION ORDER, OR A WRITTEN STATEMENT FROM AN APPLICATION ASSISTANT WHO HAS CONSULTED WITH THE VICTIM, WHICH WRITTEN STATEMENT CONFIRMS SUCH FACT.

(b) If a tenant to a residential rental agreement or lease agreement terminates the residential rental agreement or lease agreement and vacates the premises pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, then the tenant ~~shall be~~ IS responsible for one month's rent following vacation of the premises, which amount ~~shall be~~ IS due and payable to the landlord within ninety days after the tenant vacates the premises. The landlord ~~shall not be~~ IS NOT obligated to refund the security deposit to the tenant until ~~such time as~~ the tenant has paid the one month's rent pursuant to this section. Notwithstanding the provisions of section 38-12-103, the landlord and the tenant to a residential rental agreement or lease agreement may use any amounts owed to the other to offset costs for the one month's rent or the security deposit. The provisions of this ~~paragraph (b) shall~~ SUBSECTION (2)(b) apply only if the landlord has experienced and documented damages equal to at least one month's rent as a result of the tenant's early termination of the agreement.

(3) Nothing in this part 4 authorizes the termination of tenancy and

eviction of a residential tenant solely because the residential tenant is the victim of UNLAWFUL SEXUAL BEHAVIOR, STALKING, domestic violence, or domestic abuse.

(4) (a) IF A TENANT TO A RESIDENTIAL RENTAL AGREEMENT OR LEASE AGREEMENT NOTIFIES THE LANDLORD THAT THE TENANT IS A VICTIM OF UNLAWFUL SEXUAL BEHAVIOR, STALKING, DOMESTIC VIOLENCE, OR DOMESTIC ABUSE, THE LANDLORD SHALL NOT DISCLOSE SUCH FACT TO ANY PERSON EXCEPT WITH THE CONSENT OF THE VICTIM OR AS THE LANDLORD MAY BE REQUIRED TO DO SO BY LAW.

(b) IF A TENANT TO A RESIDENTIAL RENTAL AGREEMENT OR LEASE AGREEMENT TERMINATES HIS OR HER LEASE PURSUANT TO THIS SECTION BECAUSE HE OR SHE IS A VICTIM OF UNLAWFUL SEXUAL BEHAVIOR, STALKING, DOMESTIC VIOLENCE, OR DOMESTIC ABUSE, AND THE TENANT PROVIDES THE LANDLORD WITH A NEW ADDRESS, THE LANDLORD SHALL NOT DISCLOSE SUCH ADDRESS TO ANY PERSON EXCEPT WITH THE CONSENT OF THE VICTIM OR AS THE LANDLORD MAY BE REQUIRED TO DO SO BY LAW.

SECTION 2. In Colorado Revised Statutes, 38-12-503, **amend** (3) as follows:

38-12-503. Warranty of habitability. (3) When any condition described in subsection (2) of this section is caused by the misconduct of the tenant, a member of the tenant's household, a guest or invitee of the tenant, or a person under the tenant's direction or control, the condition ~~shall~~ DOES not constitute a breach of the warranty of habitability. It ~~shall~~ IS not ~~be~~ misconduct by a victim of domestic violence; ~~or~~ domestic abuse; UNLAWFUL SEXUAL BEHAVIOR, AS DESCRIBED IN SECTION 16-22-102 (9); OR STALKING under this subsection (3) if the condition is the result of domestic violence; ~~or~~ domestic abuse; UNLAWFUL SEXUAL BEHAVIOR, AS DESCRIBED IN SECTION 16-22-102 (9); OR STALKING and the landlord has been given written notice and evidence of domestic violence, ~~or~~ domestic abuse; UNLAWFUL SEXUAL BEHAVIOR, AS DESCRIBED IN SECTION 16-22-102 (9); OR STALKING, as described in section 38-12-402 (2)(a).

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO