A BILL FOR AN ACT

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

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/)

Under current law, if a tenant notifies his or her landlord in writing that he or she is the victim of domestic violence or domestic abuse and provides to the landlord evidence in the form of a police report written within the prior 60 days or a valid protection order, and the tenant seeks to vacate the premises due to fear of imminent danger for self or children, then the tenant may terminate the rental agreement or lease and vacate the
premises with minimal remaining obligations. The bill extends this privilege to victims of unlawful sexual behavior and stalking. The bill also provides that a statement from a medical professional or from an application assistant designated by the address confidentiality program confirming the tenant's victim status is a third means of presenting evidence to the landlord.

Under current law, a dangerous or uninhabitable condition in a rented property does not constitute a breach of the warranty of habitability if the condition 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. However, such a condition is not misconduct by a victim of domestic violence or domestic abuse if the condition is the result of domestic violence or domestic abuse and the landlord has been given written notice and evidence of domestic violence or domestic abuse. The bill adds language to provide the same protection for tenants who are victims of unlawful sexual behavior or stalking.

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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 otherwise requires:

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

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

(3) "Domestic violence" shall have 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)
(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 responsible for one month's rent following vacation of the premises, which amount shall be due and payable to the landlord within ninety days after the tenant vacates the premises. The landlord shall not be 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 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 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.