



**Colorado
Legislative
Council
Staff**

HB17-1035

**REVISED
FISCAL NOTE**

(replaces fiscal note dated January 13, 2017)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0439
Prime Sponsor(s): Rep. Jackson
Sen. Cooke

Date: March 7, 2017
Bill Status: Senate Judiciary
Fiscal Analyst: Anna Gerstle (303-866-4375)

BILL TOPIC: SEX ASSAULT & STALKING VICTIMS MAY BREAK LEASES

| Fiscal Impact Summary | FY 2016-2017 (current year) | FY 2017-2018 | FY 2018-2019 |
|--|--|---------------------|---------------------|
| State Revenue | | | |
| State Expenditures | Minimal workload decrease. | | |
| Appropriation Required: None. | | | |
| Future Year Impacts: Ongoing minimal workload impact. | | | |

Summary of Legislation

This *reengrossed* bill allows victims of unlawful sexual behavior or stalking to vacate a residential lease due to fear or imminent danger under the same conditions that current law provides to victims of domestic violence or abuse. The bill prohibits a residential lease from penalizing a tenant for emergency calls in response to a situation involving unlawful sexual behavior or stalking. It also provides that is not tenant misconduct if the tenant is a victim of and the property damage is a result of unlawful sexual behavior or stalking, and the victim provides evidence to the landlord.

The bill specifies that the acceptable documentation a tenant may provide to a landlord as evidence of unlawful sexual behavior, stalking, domestic abuse, or domestic violence includes a recent police report, valid protection order, or a statement from an application assistant from the Address Confidentiality Program (ACP) who has consulted with the victim. Tenants who are victims of unlawful sexual behavior, domestic abuse, or domestic violence may also provide a statement from a medical professional to a landlord.

In addition, the bill specifies that if a tenant notifies a landlord that the tenant is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, or terminates a lease as a result of being a victim of the specified crimes and provides the landlord with his or her new address, the landlord may not disclose the fact that the tenant is a victim of the specified crimes, or the tenant's new address, unless required to so by law, or the victim consents.

Background

Current law protection for victims of domestic violence. The following laws related to residential leases currently apply to victims of domestic abuse or violence:

- If a tenant notifies their landlord in writing that he or she is a victim of domestic abuse or domestic violence and wishes to vacate the premises due to fear or imminent danger, he or she may terminate the lease and vacate the premises. He or she must provide a police report from the prior 60 days or a valid protection order to the landlord as evidence and must pay one months rent within three months of vacating the lease.
- A residential lease agreement cannot penalize a tenant for emergency assistance calls in response from domestic abuse or domestic violence;
- A landlord must deem the property fit for human habitation, or else violate a warranty of habitability. When a dangerous or uninhabitable condition of the property is caused by the misconduct of the tenant or a person under the tenant's direction and control, it is not a violation of the warranty of habitability. It is not misconduct by the tenant if the tenant is a victim of and the damage is a result of domestic violence or domestic abuse, and the victim provides evidence to the landlord.

Relevant data. According to the Judicial Department, there have been approximately 300 cases with at least one conviction for stalking over the last three years. During the same time period, there have been approximately 3,400 cases with at least one guilty finding under at least one of the specific crimes that constitute unlawful sexual behavior. These data do not include misdemeanor cases from the City and County of Denver courts, which are compiled separately from the Judicial Department, and are not available as of this writing.

Address confidentiality program. The ACP, in the Department of Personnel and Administration, provides survivors of domestic violence, sexual offenses, or stalking with a legal substitute address for interacting with state and local government agencies, as well confidential mail forwarding. To enroll, applicants must attest to the facts of their case, provide supporting evidence, and meet with an application assistant who makes a recommendation regarding enrollment. Application assistants are advocates who provide counseling, referral, or other direct victim services and have been trained and registered by the ACP. They are located at application centers, which include district attorney's offices, police departments, county social services, or other registered service organizations.

State Expenditures

Beginning in FY 2016-17, the bill may reduce the workload for county courts in the Judicial Department, if there are fewer cases in which a landlord sues a tenant for breaking a lease or causing damage as a result of tenant misconduct. Any decrease in workload is expected to be minimal.

Local Government Impact

Beginning in FY 2016-17, the bill increases the workload for ACP application assistants that work in district attorney's offices, municipal police departments, county sheriff's or human services offices, or other local entities. The bill allows ACP application assistants to provide a statement

confirming that the tenant is a victim of unlawful sexual behavior, stalking, domestic abuse, or domestic violence; the statement may be provided to a landlord as evidence of the tenant's victim status. The workload increase is expected to be minimal.

In addition, the bill may decrease the workload in the Denver County Court, managed and run by the City and County of Denver, as there may be fewer cases in which landlords pursue renters for breaking a lease or causing damage as a result of tenant misconduct. Any decrease in workload is expected to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
Personnel

District Attorneys
Regulatory Agencies

Judicial