

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 18-0844.01 Conrad Imel x2313

SENATE BILL 18-120

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE TIME ALLOWED FOR A TENANT TO CURE A LEASE**

102 **VIOLATION FOR UNPAID RENT.**

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>.)

Current law requires a landlord to provide a tenant 3 days to cure a violation for unpaid rent before the landlord can initiate eviction proceedings based on that unpaid rent.

The bill allows landlords to initiate an eviction proceeding after providing 3 days' notice but requires landlords to accept payment of all outstanding amounts due before the date by which a tenant is required to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

appear in court in an eviction proceeding. For a second or subsequent violation of the same agreement within 6 months of a violation, a landlord may require payment within 3 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-40-104, **amend**
3 (1)(d) as follows:

4 **13-40-104. Unlawful detention defined - definition.** (1) Any
5 person is guilty of an unlawful detention of real property in the following
6 cases:

7 (d) (I) When such tenant or lessee holds over without permission
8 of his OR HER landlord after any default in the payment of rent pursuant
9 to the agreement under which he OR SHE holds, and three days' notice in
10 writing has been duly served upon the tenant or lessee holding over,
11 requiring in the alternative the payment of the rent PURSUANT TO
12 SUBSECTION (1)(d)(II) OF THIS SECTION or the possession of the premises.
13 No such agreement shall contain a waiver by the tenant of the three days'
14 notice requirement of this ~~paragraph (d)~~ SUBSECTION (1)(d). It ~~shall~~ IS not
15 ~~be~~ necessary, in order to work a forfeiture of such agreement, for
16 nonpayment of rent, to make a demand for such rent on the day on which
17 the same becomes due; but, a failure to pay such rent ~~upon demand, when~~
18 ~~made,~~ works a forfeiture.

19 (II) (A) EXCEPT FOR A SECOND OR SUBSEQUENT DEFAULT IN THE
20 PAYMENT OF RENT PURSUANT TO AN AGREEMENT WITHIN SIX MONTHS OF
21 A PREVIOUS VIOLATION OF THE SAME AGREEMENT, A LANDLORD WHO
22 PROVIDES NOTICE PURSUANT TO THIS SUBSECTION (1)(d) MUST ACCEPT
23 PAYMENT OF UNPAID RENT MADE PRIOR TO THE DATE AT WHICH A TENANT
24 MUST APPEAR IN COURT PURSUANT TO SECTION 13-40-111.

1 (B) NOTHING IN THIS SUBSECTION (1)(d)(II) PROHIBITS A
2 LANDLORD FROM INITIATING AN ACTION PURSUANT TO THIS ARTICLE 40
3 FOLLOWING THE EXPIRATION OF THE THREE DAYS' NOTICE PERIOD
4 DESCRIBED IN SUBSECTION (1)(d)(I) OF THIS SECTION. FOR A SECOND OR
5 SUBSEQUENT DEFAULT IN THE PAYMENT OF RENT PURSUANT TO THE
6 AGREEMENT UNDER WHICH HE OR SHE HOLDS WITHIN SIX MONTHS OF A
7 PREVIOUS VIOLATION OF THE SAME AGREEMENT, THE NOTICE REQUIRED BY
8 THIS SUBSECTION (1)(d) MAY REQUIRE PAYMENT WITHIN THREE DAYS.

9 (C) AS USED IN THIS SUBSECTION (1)(d)(II), "PAYMENT" MEANS
10 ALL OUTSTANDING AMOUNTS DUE AT THE TIME OF PAYMENT PURSUANT TO
11 THE RENTAL AGREEMENT UNDER WHICH THE TENANT HAS POSSESSION OF
12 THE PREMISES.

13 **SECTION 2. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 8, 2018, if adjournment sine die is on May 9,
17 2018); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2018 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

23 (2) This act applies to conduct occurring on or after the applicable
24 effective date of this act.