

CHAPTER 93

COURTS

SENATE BILL 95-034

BY SENATORS Weddig and Casey;  
also REPRESENTATIVES Reeser, Armstrong, Dean, and Jerke.

AN ACT

CONCERNING THE UNLAWFUL DETENTION OF REAL PROPERTY SUBSEQUENT TO THE REQUIRED THREE-DAY NOTICE.

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

**SECTION 1.** 13-40-104 (1) (e), Colorado Revised Statutes, 1987 Repl. Vol., is amended, and the said 13-40-104 (1), as amended, is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(e) When such tenant or lessee holds over, without such permission, contrary to any other condition or covenant of the agreement under which ~~he~~ SUCH TENANT OR LESSEE holds, and three days' notice in writing has been duly served upon such tenant or lessee requiring in the alternative the compliance with such condition or covenant or the delivery of the possession of the premises so held.

(e.5) (I) WHEN A TENANT OR LESSEE HAS PREVIOUSLY BEEN SERVED WITH THE NOTICE DESCRIBED IN PARAGRAPH (e) OF THIS SUBSECTION (1) REQUIRING COMPLIANCE WITH A CONDITION OR COVENANT OF THE AGREEMENT, AND SUBSEQUENT TO THAT NOTICE HOLDS OVER, WITHOUT PERMISSION OF THE TENANT OR LESSEE'S LANDLORD, CONTRARY TO THE SAME CONDITION OR COVENANT.

(II) A TENANCY MAY BE TERMINATED AT ANY TIME PURSUANT TO THIS PARAGRAPH (e.5) ON THE BASIS OF A SUBSEQUENT VIOLATION. THE TERMINATION SHALL BE EFFECTIVE THREE DAYS AFTER SERVICE OF WRITTEN NOTICE TO QUIT.

**SECTION 2. Effective date.** This act shall take effect July 1, 1995.

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

**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.

Approved: April 20, 1995