

## CHAPTER 180

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**LABOR AND INDUSTRY**

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**HOUSE BILL 97-1251**

BY REPRESENTATIVES Agler, Adkins, Epps, Faatz, Sullivan, Taylor, and Young;  
also SENATORS Hopper and Powers.

**AN ACT**

CONCERNING A TERMINATION OF A LICENSE TO OCCUPY PREMISES PURSUANT TO A WRITTEN AGREEMENT BETWEEN AN EMPLOYER AND EMPLOYEE.

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

**SECTION 1.** Article 4 of title 8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**8-4-127. Termination of occupancy to a contract of employment - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT MANY BUSINESSES, SUCH AS NURSING HOMES OR BUILDING MANAGEMENT COMPANIES, EITHER DESIRE OR ARE REQUIRED BY LAW, TO HAVE STAFF ON PREMISES AT ALL TIMES. AS PART OF THE COMPENSATION FOR SUCH EMPLOYEES, MANY EMPLOYERS OFFER HOUSING TO EMPLOYEES. HOWEVER, ONCE THAT EMPLOYMENT RELATIONSHIP CEASES, IT MAY BECOME UNDESIRABLE FOR SUCH EMPLOYEES TO OCCUPY THE PREMISES FOR MANY REASONS, INCLUDING THE SAFETY OF THE EMPLOYER'S PATIENTS, CLIENTS, CUSTOMERS, OR TENANTS. UNDER TRADITIONAL LANDLORD AND TENANT LAW, SUCH EMPLOYEES MAY HAVE ESTABLISHED THE TECHNICAL OR LEGAL RIGHT TO OCCUPY THE PREMISES FOR A FIXED TERM THAT CONTINUES FAR BEYOND THE CESSATION OF THE EMPLOYMENT RELATIONSHIP. HOWEVER, IN EMPLOYMENT SITUATIONS, SUCH OCCUPANCY IS NOT A TENANCY, BUT A LICENSE TO OCCUPY THE PREMISES PURSUANT TO AN EMPLOYMENT RELATIONSHIP. THE OCCUPANCY OF THE PREMISES BY THE EMPLOYEE IS NOT ENTERED INTO BY THE EMPLOYER FOR THE PURPOSE OF PROVIDING HOUSING, BUT MERELY AS A MEANS TO PROVIDE SERVICES TO THE EMPLOYER'S PATIENTS, CLIENTS, CUSTOMERS, OR TENANTS. IN CERTAIN CASES, IT MAY BE NECESSARY TO CURTAIL THE OCCUPANCY OF FORMER EMPLOYEES IN ORDER TO PROTECT THE RIGHTS OR SAFETY OF AN EMPLOYER'S TENANTS OR PATIENTS.

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

(2) (a) PURSUANT TO A WRITTEN AGREEMENT MEETING THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (2), A LICENSE TO OCCUPY THE PREMISES ENTERED INTO AS PART OF AN EMPLOYEE'S COMPENSATION MAY BE TERMINATED AT ANY TIME AFTER THE EMPLOYMENT RELATIONSHIP CEASES BETWEEN AN EMPLOYER AND EMPLOYEE. A TERMINATION OF A LICENSE TO OCCUPY THE PREMISES SHALL BE EFFECTIVE THREE DAYS AFTER THE SERVICE OF WRITTEN NOTICE OF TERMINATION OF A LICENSE TO OCCUPY THE PREMISES.

(b) AN AGREEMENT MADE PURSUANT TO THIS SECTION SHALL BE IN WRITING AND SHALL INCLUDE THE FOLLOWING:

(I) THE NAMES OF THE EMPLOYER AND EMPLOYEE;

(II) A STATEMENT THAT THE LICENSE TO OCCUPY THE PREMISES IS PROVIDED TO THE EMPLOYEE AS PART OF THE EMPLOYEE'S COMPENSATION AND IS SUBJECT TO TERMINATION AT ANY TIME AFTER THE EMPLOYMENT RELATIONSHIP CEASES;

(III) THE ADDRESS OF THE PREMISES; AND

(IV) THE SIGNATURE OF BOTH THE EMPLOYER AND THE EMPLOYEE.

(c) THE NOTICE OF TERMINATION OF A LICENSE TO OCCUPY THE PREMISES SHALL DESCRIBE THE PREMISES AND SHALL SET FORTH THE TIME WHEN THE LICENSE TO OCCUPY THE PREMISES WILL TERMINATE. THE NOTICE SHALL BE SIGNED BY THE EMPLOYER OR THE EMPLOYER'S AGENT OR ATTORNEY.

(3) IF AN EMPLOYEE FAILS TO VACATE THE PREMISES WITHIN THREE DAYS AFTER THE RECEIPT OF THE NOTICE OF TERMINATION OF THE LICENSE TO OCCUPY THE PREMISES, THE EMPLOYER MAY CONTACT A LOCAL LAW ENFORCEMENT AGENCY TO HAVE THE EMPLOYEE REMOVED FROM THE PREMISES. THE LOCAL LAW ENFORCEMENT OFFICER SHALL REMOVE THE EMPLOYEE AND ANY PERSONAL PROPERTY OF THE EMPLOYEE FROM THE PREMISES UPON THE SHOWING TO THE LOCAL LAW ENFORCEMENT OFFICER OF THE NOTICE OF TERMINATION OF THE LICENSE TO OCCUPY THE PREMISES AND AGREEMENT PURSUANT TO WHICH THE LICENSE TO OCCUPY THE PREMISES WAS GRANTED.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to agreements entered into on or after the applicable effective date of this act.

Approved: May 21, 1997