

## House Business Affairs & Labor

03/03/2021 1:30 PM

### Testimony - HB21-1121 Residential Tenancy Procedures

First Name	Last Name	Position	Representing	Text of Testimony
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Bryan	Potter	Against	Self	I ask that you vote NO on HB21-1121 RESIDENTIAL TENANCY PROCEDURES.
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This bill creates pseudo tenant eviction amnesty for nearly all causes it ultimately benefits nobody. It increases the time of uncertainty for both tenant and landlord, increases the costs to the landlord and thereby the current tenant and onto future tenants as increased rent and difficulty to qualify. Further, it (and similar proposals) discourages landlords from owning investment property. I have some. An acquaintance is reconciling with a partner and moving into the other house. When asked if they were interested in renting out the empty house, the response was "HELL NO," not with eviction and late fee moratoriums and not with the Colorado legal changes.

- \* The 10 Day notice period was only recently imposed, and interfered by Covid measures and it's effects have not been fully understood so change to 14 days is premature. Early results of that implementation only delayed the inevitable.
- \* As introduced, it unreasonably extends the eviction process for both payment delinquent and noncompliant situations to no less than  $14+14+14 = 42$  days.
- \* This harms the usual landlord two months or more (\$1500-\$2000/month) in lost rents. That harm is more than is required for a Colorado felony, if it were criminal.
- \* As introduced, it unreasonably burdens Court Clerks to arrange and manage summons for hearings, causing severe delays and throttling.
- \* As introduced, it will be too easy for a tenant to avoid the eviction process just by being clever about dodging personal service.
- \* Limiting rent increases to every 12 months is unreasonable, including cases where a 6 month lease starts in winter and ends in the summer with different market conditions.
- \* The most common landlord owns one or two rental houses that they used to live in and raised their families and now depend on each and every rent payment.
- \* Rental housing in 2021 is in very short supply: Why would a landlord suffer such draconian changes? Landlords of single family homes can easily sell a house (\$400,000), pay the capital gains (\$80,000), and cash out with 160 months of rent (\$2,000/month), more than 13 years, risk free.

In conclusion, HB21-1121 was introduced by people with good intentions but negative consequences to both tenant and landlord make it an undesirable proposal.

Sincerely,  
Bryan Potter

## Witness Signup List

Cynthia Coffin For Colorado Cross Disability Coalition. Testimony for HB21-1121 MSW Intern CCDC Cynthia Coffin

Dear Representative Roberts, Chair of the Business Affairs & Labor Committee  
My name is Cynthia Coffin, I am an MSW student at the Metro State University of Denver. I am also an intern with the Colorado Cross-Disability Coalition. I am representing CCDC in support of HB21-1121, the reason why I am in support of HB21-1121 is because it will provide residents more time to find resources if they get evicted. If the bill passes, those who live in private, market-rate housing will not be surprised when their rent is increased each year. When residents receive a summons from the court, it will get to them in a timely manner through the mail. According to the Colorado Center on Law and Policy, there were 45,000 evictions filed in 2019. Some of these evictions could have been avoided if notices were sent to residents early enough or if their rent had not increased as much.

According to The National Low Income Housing Coalition, over 16.58% of renters have little confidence in making next month's rent. According to the COVID-19 Defense Project, as of February 5th, due to the pandemic, there is an estimate of 345,000 to 436,000 renters unable to pay their rent. This bill will help people who lost their job due to the pandemic to have time to pay rent. Also, the court summons will be more accessible to people with disabilities because they will get it through the mail in time for someone to help them read it. Also, it is less likely for a summons to get lost or stolen by other members of people's families. HB21-1121 provides residents a chance to receive their summons by mail which will more likely be received by the resident in time for a court hearing. To members of the Business Affairs & Labor Committee, I ask to support bill HB21-1121. On behalf of CCDC, I want to thank you for your support.

Witness Signup List

Kathy Smith For League of Women Voters of Colorado

Dear Representatives:

My name is Kathy Smith, and I am representing the Colorado League of Women Voters in support of HB21-1121, concerning residential tenancy procedures. The League is a nonpartisan organization that encourages informed and active participation in government and supports policies that provide a decent home and a suitable living environment for every American family. Housing instability and forced moves have adverse impacts on tenants that can lead to poor health outcomes, job loss, poverty, and homelessness. Housing instability can be especially burdensome for children, older adults, and persons with disabilities, and low-income women and Black and Hispanic populations face a disproportionately higher risk of eviction.

This bill improves housing stability for tenants by increasing time periods during the eviction process. Extended time periods allow tenants more time to find rental assistance, legal assistance, or to receive a paycheck. Limiting rent increases to once per 12-month period and extending the notification time for tenants without a lease allows tenants time to plan and find alternate housing. Colorado's Special Eviction Prevention Task Force recommended extending the stay after an eviction court order beyond 48 hours, which allows tenants more time to find stable housing.

I urge the committee to vote YES on HB21-1121.

Thank you for your consideration.

Respectfully,  
Kathy Smith  
Legislative Action Committee  
League of Women Voters of Colorado

## Witness Signup List

Kimberly      Schafer      Against      Self

My husband and I are retired and use rental income to support our monthly income. Evicting a tenant is a last resort for us and it is already very arduous, so much so, that we feel we must hire a lawyer to help with the process.

Please remember, this is our house that we pay mortgage, taxes and insurance on. The tenant would have entered into an agreement with us to pay rent and we would have been counting on our tenant to pay the rent they agreed to pay prior to moving in. When they are not paying and won't move out, we are then forced to enter into the eviction process.

By this point, we need to be able to move quickly through the court system to get possession of our house. This bill would make it even more difficult, time consuming and costly to accomplish getting back what is rightfully ours and the property we are ultimately responsible for.

Please do not move forward with this bill, it supports the people who would be breaking their word when they agreed to pay rent on time and who are not courteous enough to move out prior to progressing to an eviction.

Please support the land owner, please support us and vote NO on HB21-1121 Residential Tenancy Procedures today.



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March 3, 2021

RE: Opposition to HB21-1121

Impact MHC Management, LLC, a Manufactured Home Community property manager in the state of Colorado opposes this bill and we would like to provide the following comments to support our position. Manufactured home communities are different than apartments or the rental of traditional site-built homes because there is significant expense in the moving and set up of the home each time the home is moved in and out of the community. Manufactured home communities are also different because in most cases, the resident owns the home but rents the lot it sits on from the community owner.

Under existing law, certain residential landlords must give 10 days' notice to tenants prior to starting eviction proceedings for failure to pay rent or for a first or subsequent violation of any other condition or covenant other than a substantial violation. The bill requires landlords to give 14 days' notice in those situations. And under existing law, the clerk of the court or the attorney for the plaintiff may issue a summons to a defendant in an eviction action. The bill requires that the clerk of the court issue the summons in a residential eviction action. The bill extends the period for which the summons must be issued from 7 days before the court appearance to 14 days before the court appearance. We oppose this provision as it is being added to the extra 7 day notice for the summons from the clerk of the court and that now extends the time the tenant is on the property without payment by an additional 11 days.

Under existing law, in certain circumstances, a person may serve a notice to quit or summons to the tenant by posting a copy of the notice or summons and the complaint in a conspicuous place upon the premises and a person may serve a notice to quit by leaving it with a member of the tenant's family who is at least 15 years old. The bill removes those provisions for service in residential tenancy actions and requires that the notice to quit or summons be served in the same manner as any other civil action. We oppose this as in many cases the resident has abandoned the home and Landlords have no way to find them to serve them directly. This could create an issue where Landlords have a home that is vacant and not being cared for sitting for extended periods of time. On the flip side, Landlords should then be able to recover damages for those that do leave their homes abandoned but this makes the Landlord spend \$3,000 to \$6,000 to remove the homes.

Under existing law, if a landlord wins judgment in an eviction action, the court cannot issue a writ of restitution, which directs the county sheriff to assist the landlord in removing the tenant, until 48 hours after judgment. The bill extends the period for residential evictions to 14 days after judgment. We oppose for the same reasons stated above, adding even more time that the Tenant is on the property without payment, thus unfairly causing losses to the Landlord for an extended period.

The bill prohibits residential landlords from increasing rent more than one time in a 12-month period of tenancy. We oppose because Government does not limit other business owners on when they can they raise their rates

The bill extends the notice period for nonpayment of rent for a home owner in a mobile home park from 10 days to 14 days. We oppose because it is again adding additional time for Tenant's to stay

on the property for non-payment of rent causing undue loss to the Landlord. In many cases the landlord is paying utilities for these residents and if they are not being reimbursed, this causes additional burden on the landlords, that will need to be passed along to other residents in rent increases in the future.

In addition, while we provide leases to all residents, those leases need to be updated and renewed. Further, we are required by the Mobile Home Park Act to have leases in place with our residents. But, as there is no recourse for them refusing to sign updated leases, some residents do not tend to sign them upon renewal as they should. So at a minimum, if the lease has been provided and the resident refuses to sign, we should consider adding a law that creates constructive agreement to the new lease if it is provided to the resident and they choose to continue to live in the community but refuse to sign a lease within something like 60-90 days after receipt. Having a signed lease binds both the parties, clarifies the terms of the residency, and establishes the agreement between the landlord and the tenant for the term of the lease. Expired and unsigned leases can create ambiguity, and lead to more disputes and more protracted and expensive litigation. Further, it is more challenging, inequitable, and more expensive to manage a community with multiple leases in effect. This drives up costs for all involved and leads to unfair situations where people have different arrangements and terms depending on whether they were positive and productive, cooperative residents, as opposed to those who refuse to accept new leases and create these challenges.

For these reasons, Impact MHC Management opposes this bill and urges you to consider the negative impacts it would have to both the Landlord and Tenant.

Very truly yours,

**Impact MHC Management, LLC**

Ken Dale  
Paralegal