



THE STATE OF RENTERS' PROTECTIONS IN COLORADO

The current homelessness crisis in the state of Colorado is inextricably tied to a lack of affordable housing, especially for households with lower and fixed incomes. Solving this issue will require deep investments at the local, state, and federal level to expand our stock of accessible and affordable housing. At the same time, it is essential to implement measures that provide greater security for renters, who are more at risk of entering the cycle of homelessness. In Colorado, landlord-tenant laws have historically been more pro-landlord than focused on tenant protections for those at risk of housing instability. Recent data show that the two primary causes of homelessness in the Metro Denver region are inability to pay rent and eviction.¹

In recent years, the hard work of advocates, community members, and legislators has resulted in significant progress in the area of renters' protections which can prevent homelessness, including the passage of policies that give tenants protection against discrimination and retaliation, limit prohibitive fees and deposits, improve requirements for eviction notice, ensure standards for habitability, improve procedures for eviction, and more. These policies help correct the imbalance between tenants and landlords and provide reasonable safeguards to help prevent unnecessary evictions.

Despite eviction filings skyrocketing to historic levels in 2023, in only five years Denver has seen the rate of evictions ordered—i.e. the percentage of evictions filed that result in a formal eviction—effectively cut by more than half. Out of 12,910 evictions filed in 2023, only 4,043 (31%) resulted in an eviction order from a judge. Compare that to between 2001 and 2017, when 75% of cases led to an eviction order.

This trend is likely due to robust investments in rental assistance, increased access to legal assistance for tenants, expanded mediation opportunities, and major policy reforms including state legislation that expanded notice before most evictions can be filed, from three to 10 days, and a law that also allows tenants to repay their debts and avoid eviction up until the point of a trial. Below are measures enacted since 2017 related to tenant rights issues, many of which the Colorado Coalition for the Homeless was a leader on, and others that we were actively involved in advocating for. To dig more deeply into these efforts, visit coloradocoalition.org/advocate to see all past legislative reports.

Note: An asterisk next to the title indicates that CCH was a lead or co-lead on the bill. Thank you to all of our dedicated partner organizations and community members, many who were involved with the Renters' Roundtable, who have advocated with us to pass these important measures. This work would not be possible without our partners!

2017

BILL	SPONSOR	DESCRIPTION
<u>HB17-1035: Sex Assault and Stalking Victims May Break Leases</u>	Rep. Jackson (D) & Sen. Cooke (R)	Allows survivors of sexual assault and stalking to break their rental agreements with minimal repercussions and provides that a doctor's note is an acceptable form of proof.
<u>SB17-245: Tenancies One Month To One Year Notice*</u>	Rep. Pabon (D) & Sen. Priola (R)	Extended the notice property managers must give to terminate a month-to-month tenancy from seven days to 21 days.

2018

<p><u>SB18-010: Residential Lease Copy and Rent Receipt*</u></p>	<p>Sen. Martinez Humenik (R), Sen. Williams (D), & Rep. Exum (D)</p>	<p>Requires that a residential landlord provide a tenant with rent receipts and copies of any written lease agreement.</p>
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2019

<p><u>HB19-1085: Grants for Property Tax Rent and Heat</u></p>	<p>Rep. Exum (D) & Sen. Zenzinger (D)</p>	<p>Increased funding and expands eligibility to qualify for assistance under the Property Tax, Rent, Heat Credit Rebate (PTC Rebate), which is available to low-income older adults and people with disabilities.</p>
<p><u>HB19-1106: Rental Application Fees</u></p>	<p>Rep. Titone (D), Rep. Gonzales Gutierrez (D), & Sen. Pettersen (D)</p>	<p>Limits what a landlord can charge as a “rental application fee” to the actual costs of screening a prospective tenant and limits consideration of criminal and credit history.</p>
<p><u>HB19-1118: Time Period to Cure Lease Violation*</u></p>	<p>Rep. Jackson (D), Rep. Galindo (D), & Sen. Williams (D)</p>	<p>Extended the amount of time a renter has to pay rent or cure a lease violation before an eviction, from three days to 10 days.</p>
<p><u>HB19-1309: Mobile Home Park Act Oversight</u></p>	<p>Rep. Hooton (D), Rep. McCluskie (D), & Sen. Fenberg (D)</p>	<p>Mandates state oversight over the Mobile Home Park Act, expands the eviction timeframes, and establishes an administrative process for tenants to seek relief if their rights are violated.</p>
<p><u>SB19-180: Eviction Legal Defense Fund*</u></p>	<p>Sen. Winter (D) & Rep. McCluskie (D)</p>	<p>Provided \$750,000 to create an Eviction Legal Defense Fund.</p>

2020

<p><u>HB20-1009: Suppressing Court Records Of Eviction Proceedings</u></p>	<p>Rep. Jackson (D) & Sen. Winter (D)</p>	<p>Requires that eviction court records be suppressed except if/when an order granting the plaintiff possession of the premises is entered in the action.</p>
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<p><u>HB20-1196: Mobile Home Park Act Updates</u></p>	<p>Rep. Hooton (D), Rep. McCluskie (D), Sen. Fenberg (D), & Sen. Lee (D)</p>	<p>Updated the laws governing mobile home parks, including maintenance requirements, eviction procedures, rental agreement standards, etc.</p>
<p><u>HB20-1201: Mobile Home Park Residents Opportunity To Purchase</u></p>	<p>Rep. Hooton (D), Rep. Gonzales Gutierrez (D), Sen. Moreno (D), & Sen. Ginal (D)</p>	<p>Gives homeowners in a mobile home park the opportunity to make an offer to buy the park if the landlord anticipates selling it or changing the use of the land.</p>
<p><u>HB20-1332: Prohibit Housing Discrimination Source Of Income*</u></p>	<p>Rep. Herod (D), Rep. Jackson (D), & Sen. Fields (D)</p>	<p>Prohibits landlords from discriminating against prospective tenants based on their source of income, including vouchers, student loans, SSI/SSDI, etc.</p>
<p><u>HB20-1410: Rent Assistance*</u></p>	<p>Rep. Gonzales Gutierrez (D)</p>	<p>Allocated CARES ACT dollars for emergency rental assistance.</p>
<p><u>SB20-224: Landlord Prohibitions Tenant Citizenship Status</u></p>	<p>Sen. Gonzales (D)</p>	<p>Created the "Immigrant Tenant Protection Act" which prohibits landlords from asking about or taking certain actions based on a (prospective or current) tenant's immigration or citizenship status.</p>

2021

<p><u>HB21-1054: Housing Public Benefit Verification Requirement</u></p>	<p>Rep. Jackson (D) & Sen. Gonzales (D)</p>	<p>Created, unless otherwise required by federal law, a public or assisted housing benefit exception to the requirement that an applicant for federal, state, or local public benefits verify lawful presence in the United States.</p>
<p><u>HB21-1121: Residential Tenancy Procedures</u></p>	<p>Rep. Jackson (D), Rep. Jodeh (D), & Sen. Gonzales (D)</p>	<p>Limits the frequency with which residential landlord can increase rent and prohibits a sheriff from executing a writ of restitution until at least 10 days after judgment.</p>
<p><u>SB21-173: Rights In Residential Lease Agreements*</u></p>	<p>Sen. Gonzales (D), Sen. Moreno (D), Rep. Caraveo (D), & Rep. Gonzales-Gutierrez (D)</p>	<p>Limits late fees charged to residential tenants, establishes that tenants may pay back-rent at any time during the eviction process until the time of judgement, and creates additional protections for tenants facing eviction.</p>

2022

<p><u>HB22-1082: Establish Fair Housing Unit Department of Law</u></p>	<p>Rep. Hooton (D), Rep. Bacon (D), & Sen. Gonzales (D)</p>	<p>Expands the statutory list of state laws for which the attorney general may bring civil and criminal enforcement actions to include various statutory provisions relating to housing.</p>
<p><u>HB22-1102: Veterans And Military Status in Fair Housing*</u></p>	<p>Rep. Sullivan (D), Rep. Ortiz (D), & Sen. Gardner (R)</p>	<p>Forbids anyone selling or renting a dwelling from discriminating against an individual based on their veteran or military status.</p>
<p><u>HB22-1137: Homeowners' Association Board Accountability and Transparency</u></p>	<p>Rep. Ricks (D), Rep. Bradfield (D), Sen. Gonzales (D), & Sen. Coleman (D)</p>	<p>Prohibits an HOA from pursuing foreclosure due to unpaid fines and most types of attorney fee debt and mandates that an HOA offer a repayment plan for unpaid assessments before pursuing foreclosure.</p>
<p><u>HB22-1287: Protections for Mobile Home Park Residents</u></p>	<p>Rep. Boesenecker (D), Rep. Hooton (D), & Sen. Winter (D)</p>	<p>Increased protections for park residents, clarifies certain landlord obligations, allows more time for residents to purchase a park, and more.</p>
<p><u>HB22-1329: Long Bill</u></p>	<p>Rep. McCluskie (D) & Sen. Hansen (D)</p>	<p>Increases the General Fund appropriation for the Eviction Legal Defense Fund by \$500,000 through a budget amendment.</p>
<p><u>SB22-019: Access to Suppressed Court Eviction Records</u></p>	<p>Rep. Woodrow (D) & Sen. Winter (D)</p>	<p>Permits an attorney, with permission of a party included in a suppressed court record, to access the record for the purpose of providing legal advice to or evaluating whether to enter an appearance on behalf of, the party included in the record.</p>

<u>HB23-1032: Remedies Persons with Disabilities</u>	Rep. Ortiz (D) & Sen. Rodriguez (D)	Modified civil action remedy provisions for civil rights violations of persons with disabilities.
<u>HB23-1068: Pet Animal Ownership In Housing</u>	Rep. Valdez (D), Sen. Winter (D), & Sen. Jaquez Lewis (D)	Prohibits restrictions on dog breeds for obtaining renter's insurance, creates standards for how pets are handled following an eviction, limits security deposits and rent for pet animals, and excludes pets from personal property liens.
<u>HB23-1095: Prohibited Provisions in Rental Agreements</u>	Rep. Woodrow (D), Rep. Lindsay (D), Sen. Winter (D), & Sen. Hinrichsen (D)	Prohibits certain harmful lease clauses including waivers of a right to class or collective claims or actions.
<u>HB23-1099: Portable Screening Report for Residential Leases*</u>	Rep. Vigil (D), Rep. Weissman (D), Sen. Fields (D), & Sen. Exum (D)	Except in certain circumstances, the bill requires a landlord to accept from a prospective tenant a portable tenant screening report that is made directly available to the landlord from a consumer reporting agency.
<u>HB23-1120: Eviction Protections for Residential Tenants</u>	Rep. Joseph (D), Rep. Ortiz (D), Sen. Fields (D), & Sen. Winter (D)	Created new eviction protections for residential tenants who receive certain forms of public assistance.
<u>HB23-1186: Remote Participation in Residential Evictions</u>	Rep. Lindsay (D), Rep. Jodeh (D), Sen. Exum (D), & Sen. Jaquez Lewis (D)	Allows remote participation by landlords, tenants, and witnesses in eviction hearings.
<u>HB23-1254: Habitability of Residential Premises</u>	Rep. Brown (D), Rep. Mabrey (D), & Sen. Cutter (D)	Expanded conditions covered under the warranty of habitability for residential premises to include damage due to an environmental public health event.
<u>SB23-184: Protections for Residential Tenants*</u>	Sen. Winter (D), Sen. Exum (D), Rep. Froelich (D), & Rep. L. Garcia (D)	Prohibits a landlord from considering certain information relating to a prospective tenant's income or rental history, establishes a maximum security deposit, and allows a tenant to assert discrimination as an affirmative defense in an eviction proceeding.

THE PATH FORWARD

Going forward, Colorado lawmakers should continue to pursue policies that support housing stability for renters and advance housing as a human right, including:

- **Establishing just cause protections.**
 - Sometimes referred to as “for cause” or “good cause”, these laws define when a landlord has cause for eviction, including nonpayment of rent, criminal activity, or violation of the lease agreement and prohibit a landlord from evicting a tenant without cause. This type of legislation seeks to prevent discrimination in housing and limits unnecessary evictions. Currently, there are no federal laws that establish just cause.
- **Anti-rent gouging and rent stabilization.**
 - Legislative initiatives in this category seek to place limits on the maximum amount of rent that can be charged or the speed/frequency at which it can be increased. Colorado law currently prohibits local governments from enacting rent stabilization measures, and a 2023 bill that would have removed the prohibition failed in its second committee hearing.² Lawmakers should continue to advocate for anti-rent gouging and stabilization measures to help mitigate rapidly rising housing costs that fuel housing instability and homelessness.
- **Right to counsel.**
 - With legal representation, tenants are much more likely to remain in their homes. Landlords almost always have legal representation, and tenants rarely do. One Colorado study found that tenants were represented by an attorney in only 1-3% of cases, but were significantly more likely to remain in their homes in those cases.³ In addition, legal representation allows tenants to know their rights and improves their ability to navigate complicated eviction processes.
- **Reducing barriers to participating in eviction hearings.**
 - When tenants in Colorado are served a forcible entry and detainer notice as part of an eviction, they may file an answer in response. There is currently an \$80 fee, which can discourage tenants from filing an answer and therefore receiving a default judgement in their case. Eliminating this unnecessary fee will incentivize more people to participate and defend in their eviction cases.

On policies like source of income discrimination and eviction record sealing, Colorado is a leader and serves as a model for other states. Recognizing the importance of protecting tenants from housing instability and eviction, state and local jurisdictions passed or implemented more than 200 tenant protections between January 2021 and March 2023.⁴

In addition to state and local action, the federal government should build off of successes from the COVID-19 pandemic, when a nationwide eviction moratorium and unprecedented emergency rental assistance prevented households from facing a wave of evictions. Congress should pass legislation like the Eviction Crisis Act, which would create a permanent emergency rental assistance program, and the Fair Housing Improvement Act which expands the Fair Housing Act of 1968 to prohibit housing discrimination based on military status, veteran status, and source of income. These measures, alongside federal national right to counsel, just cause standards, nondiscrimination protections, anti-rent gouging, and habitability standards could have a meaningful impact in reducing housing instability by preventing families and individuals from falling into the cycle of homelessness.

REFERENCES

¹ “State of Homelessness.” Metro Denver Homeless Initiative.

[https://static1.squarespace.com/static/5fea50c73853910bc4679c13/t/63d52624683a6c1fcfa15cdc/1674913319640/State-of+Homelessness_Final_2022-2023+\(2\).pdf](https://static1.squarespace.com/static/5fea50c73853910bc4679c13/t/63d52624683a6c1fcfa15cdc/1674913319640/State-of+Homelessness_Final_2022-2023+(2).pdf).

² HB23-1115: Repeal Prohibition Local Residential Rent Control. <https://leg.colorado.gov/bills/hb23-1115>.

³ “Facing Eviction Alone.” Aubrey Hasvold and Jack Regenbogen. https://copolicy.org/wp-content/uploads/2017/11/Facing-Eviction-Alone-2017-Report_Final.pdf.

⁴ “The State of Statewide Tenant Protections.” NLIHC. <https://nlihc.org/sites/default/files/state-statewide-tenant-protections.pdf>

*Please visit our webpage below to access resources & rights related to rent and eviction prevention:
<https://www.coloradocoalition.org/resources-rights-rent-mortgage-and-eviction-prevention>*



2111 Champa Street
Denver, CO, 80205
www.coloradocoalition.org
303-312-9642



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