

COLORADO TENANTS HAVE NEW RIGHTS STARTING ON OCTOBER 1, 2021

Here is a summary of tenant rights in Colorado under the new laws known as HB21-1121 and SB21-173. This summary does not include all rights but is a highlight of some of the most important new rights that go into effect on October 1, 2021.



LEASES AND RENT

- Landlords are prevented from raising rent more than one time per year and a tenant without a written rental agreement must be given 60 days' written notice before the rent can be raised.
- Renters can now recover \$5,000 or three times the rent in damages in addition to any actual damages suffered if they are illegally locked out or wrongfully evicted by their landlord.
- Leases cannot contain clauses that award attorney fees only to a landlord should they prevail in court. Now any "fee shifting clause" will have to award attorney fees to the prevailing party even if it is the renter.



LATE FEES

- Landlords cannot charge a late fee until payment is at least 7 days late.
- No late fee can be greater than \$50 per month or 5% of monthly rent, (whichever is more).
- Tenants cannot be evicted solely for not paying a late fee.
- If a landlord has violated the law concerning late fees, a tenant can raise that as a defense to an eviction in court.
- Tenants whose landlords violate late fee limits can receive a penalty of no less than \$150 and no more than \$1,000.



EVICITION PROCESS CHANGES

Tenants also have new rights if their landlord goes to Court to evict them.

- Tenants can file their Answer in Court at any time on the day the Answer is due. Then the Court must set the trial at least 7 days after the Answer is filed (and no more than 10 days after the Answer is filed).
- Tenants can now assert a breach of the warranty of habitability (for example, if the house has a pest infestation, toxic mold, or an essential appliance does not work) in their Answer. If the tenant is successful, the court will reduce the amount of rent they owe their landlord based on the severity of the violation, order the landlord to fix the habitability issues and give the renter 14 days to pay the reduced rental amount.
- Renters will have the ability to pay the landlord the rent that they owe and stop the eviction up to the time that the judge issues a judgment. In order to benefit from this right, the tenant must pay all of the rent they owe before the judge issues a judgment.
- A Writ of Restitution (a document that allows the sheriff to actually remove a tenant from the property) cannot enter until 48 hours after judgment issues.
- Also, if a Writ of Restitution issues in a case, a Sheriff cannot execute on the Writ until at least 10 days after the entry of judgment.



Many of these rights have some restrictions and conditions. Any tenant who is in danger of being evicted should try to get a lawyer as soon as they can.

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