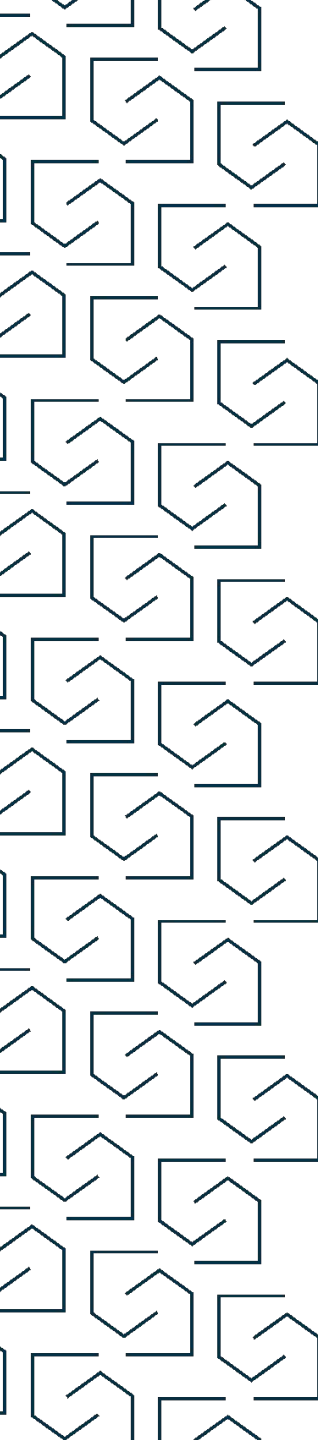




Colorado Poverty Law Project + 2023 Policy Updates

September 21, 2023

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Housing Attorneys, CPLP**



Colorado Poverty Law Project

Mission: The Colorado Poverty Law Project's mission is to prevent homelessness through legal representation, education, and advocacy.

Vision: We believe that no one should become homeless for lack of access to housing justice.



CPLP Services

- 1) Individual Legal Support
- 2) Housing Navigation
- 3) Community Education & Self-Advocacy Support
- 4) Policy Advocacy



Legal Support

- Legal information or technical assistance to assist tenants
- Direct representation to tenants facing eviction
- Denver County Court legal clinic: Thursdays and Fridays from 8AM - 12PM (return dates only)
- CPLP Initiatives
 - Mobile Home
 - Young Adult
 - Fair Housing



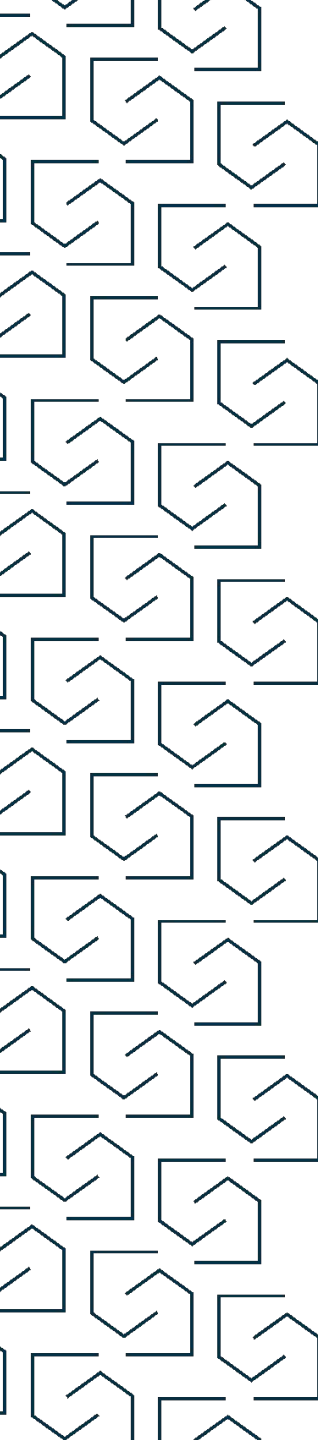
Types of Cases

- Eviction Defense
 - Non-Payment
 - Repeat Violation
 - Substantial Violation
- Warranty of Habitability
- Fair Housing
- Security Deposits
- Rental Application Fairness Act
- Illegal Lockout
- Immigrant Tenant Protection Act
- DV Lease Rescissions
- Mutual Lease Rescissions
- Etc.



Housing Navigation

- Assisting tenants with finding alternative, available, and affordable housing
- Two full-time housing navigators on staff focused in Denver and Adams Counties
- Intake process



Community Education & Self-Advocacy

- Know Your Rights presentations
 - Eviction
 - Fair Housing
 - Warranty of Habitability
 - Rental Applications
 - Leases
 - Immigrant Tenant Protection Act
- [Fixmyrental.org](https://www.fixmyrental.org)
- Continuing Legal Education (CLE)
- Service provider support



Policy Advocacy

- Advocacy at the state and local level to increase protections for tenants
- Policy collaboration with other service providers
- Yearly policy update presentation

2023 Landlord/Tenant Policy Updates





Overview of 2023 Housing Legislative Updates

Landlord Tenant Legislation

- HB23-1186: Remote Participation in Residential Evictions
- SB23-184: Protections for Residential Tenants
- HB23-1099: Portable Tenant Screening Report for Residential Leases
- HB23-1120: Eviction Protections for Residential Tenants
- HB23-1095: Prohibited Provisions in Rental Agreements
- HB23-1254: Habitability of Residential Premises
- HB23-1068: Pet Animal Ownership in Residential Housing



2023 Landlord Tenant Legislation

HB 23-1186: Remote Participation in Residential Evictions

- Provides any party or witness in a county court residential eviction with the option of participating in person, by video conference, or by telephone
- Allows unrepresented parties to submit motions and documents electronically
- Prohibits e-filing or electronic service fees for indigent parties



2023 Landlord Tenant Legislation

SB23-184: Protections for Residential Tenants

- Limits consideration of a prospective tenant's income to 2x the cost of rent, or for tenants with a voucher, 2x the *portion* of rent they are responsible for paying
- Prohibits consideration of credit scores and credit history for rental applications who have a voucher
- Caps allowable security deposits to not exceed 2x the cost of one month's rent
- Clarifies that discrimination and fair housing violations are an affirmative defense to an eviction



2023 Landlord Tenant Legislation

HB 23-1099: Portable Tenant Screening Report for Residential Leases

- Allows a rental applicant to recycle a recent tenant screening report if certain conditions are met, to avoid paying multiple application fees
- Empowers the Attorney General to enforce the *Rental Application Fairness Act*
- Establishes meaningful, minimum statutory damages for violations of the *Rental Application Fairness Act*



2023 Landlord Tenant Legislation

HB 23-1120: Eviction Protections for Residential Tenants

- Provides most tenants receiving federal disability or TANF benefits with the right to a mediation, at no cost and facilitated by a neutral third party, before an eviction filing
- Ensures 30 days to move after an eviction for most tenants who receive these federal benefits



2023 Landlord Tenant Legislation

HB 23-1095: Prohibited Provisions in Rental Agreements

- Establishes new guardrails concerning the award of attorney fees in an eviction
- Prohibits most leases from including clauses that waive the right to a jury trial, a class action lawsuit, the “implied covenant of good faith and fair dealing,” and the implied “covenant of quiet enjoyment”
- Limits the imposition of “lease non-renewal” fees and other third-party fees
- Restricts leases from characterizing fees and utilities as “rent” for the purposes of an eviction



2023 Landlord Tenant Legislation

HB 23-1254: Habitability of Residential Premises

- Modifies Colorado’s warranty of habitability to require appropriate remediation after a natural disaster, and allows tenants to terminate a lease if the unit remains unsafe
- Expands retaliation protections for tenants who have raised habitability complaints, organized with other tenants, or participated in a tenants’ association
- Allows tenants to give notice in writing “in a manner that the landlord typically uses to communicate with the tenant.”



2023 Landlord Tenant Legislation

HB 23-1068: Pet Animal Ownership in Housing

- Prohibits an insurer from considering the breed of a dog
- Provides a process for the care of pets when an eviction is executed
- Caps “pet deposits” to not exceed \$300 and ensures that those deposits are refundable
- Limits the imposition of “pet rent” to not exceed the greater of \$35 per month or 1.5% of monthly rent

Questions?



THANK YOU!

Reach out to us at:

<https://www.copovertylawproject.org/get-eviction-housing-help>

