

Frequently Asked Questions: HB19-1118: Extending Notice to a Tenant Before Eviction

1. Why is this bill needed?

The current law (CRS 13-40-104(d.5) and 13-40-107.5) only provides renters with 3-day notice before an eviction. This short timeframe is exacerbating the housing crisis, destabilizing families, and uprooting communities. This bill would help prevent eviction, displacement, and homelessness by offering tenants additional time to address an issue before suffering the loss of their home.

2. Why is 3 days insufficient?

The current 3-day notice period is not working. In many cases, three days is not enough time to gather back rent or cure other non-substantial lease violations. Emergency rental assistance programs can usually only be accessed on business days, and it often takes more than three days to apply, provide necessary documentation, and receive assistance. If a landlord provides a renter with notice on a Friday, a tenant would only have one business day (Monday) to obtain assistance and address the complaint. The current eviction timeline is too short for these tools to be effective. Many renters would be able to remain housed and pay their rent in full if given additional time.

3. How much notice is provided by other states?

Colorado is among the states that give the least notice to tenants. Twenty-eight states give more notice before eviction than Colorado in the case of unpaid rent, and 36 states provide more notice in the case of other lease violations. This bill's approach closely mirrors the Revised Uniform Residential Landlord Tenant Act, model legislation promulgated by the Uniform Law Commission, which has adopted a 14-day timeframe for providing renters with notice.

4. How will landlords be able to ensure timely payment?

Tenants are still strongly incentivized to pay on time. Many landlords compel timely payments through the imposition of late fees and that this bill does not disturb that practice. Furthermore, while rent is customarily due at the beginning of a month, landlords are free to establish a different due date in a payment cycle if it proves more accommodating.

5. Will this bill put landlords at risk of foreclosure?

No. Generally, homeowners get a 15-day grace period before a late fee is assessed on an overdue mortgage payment. After 120 days of nonpayment, a lender may begin the foreclosure process. An additional 11 days' notice for tenants will not impact a landlord's ability to pay their mortgage before their grace period expires.

6. What happens if a tenant is destructive to the property or behaving criminally?

This bill does *not* change the eviction process when a tenant commits a “substantial violation,” i.e. when their behavior endangers the safety or property of the landlord or another tenant, or when a tenant is committing a criminal offense that is a public nuisance. When this occurs, a tenancy may still be terminated after 3-day written notice is given.

7. What recourse does a landlord have if a tenant repeats the same lease violation?

If a tenant repeats a lease violation (other than late payment of rent) more than once, a landlord would still be required to provide notice to the tenant—but the tenant would lose the opportunity to remedy the issue, and the tenancy would end at the expiration of the notice period.

8. What if a landlord already offers a generous grace period before filing for eviction?

As a best practice, many landlords offer grace periods to their tenants before filing an eviction in the event of overdue rent. On the other hand, some landlords are not as understanding and will notice their tenants the first day that rent is late. Landlords who do offer grace periods may eliminate their personal grace period because a longer statutory notice period will become the standard. This law would codify what many landlords are already doing and provide more uniformity to renters regardless of their landlord.

9. Will this dramatically increase the time it takes to evict a tenant?

No. This bill will only add 11 days to the eviction process. Under this bill, the eviction process still moves quickly. As soon as an eviction is filed, the court issues a summons requiring the tenant to give an answer in between 7-14 days from the day the eviction is filed (CRS 13-40-111). Most filings end in a default judgement because tenants do not know how to navigate complicated eviction proceedings and do not file a timely answer. A sheriff is only needed to execute a “Writ of Restitution” in some cases. The amount of time it takes for a sheriff to serve a Writ of Restitution varies from county to county and is not impacted by this legislation. Many tenants who do not think they will be able to get funds together will move out as soon as possible.

10. If a tenant knows they will not be able to pay next month’s rent, shouldn’t they just move out before a landlord can file an eviction?

There is a massive deficit of affordable and available units for low- and extremely low-income residents. It is not realistic to expect people who are already struggling to move with only three days’ notice, especially when options for other living arrangements are so limited. This is why the current law contributes to homelessness. Total, there is a deficit of 127,866 affordable and available units in for ELI and 159,456 for households at or below the 50 percent AMI level. In the Denver-Aurora-Lakewood Metro area, there is a deficit of 61,066 affordable units for people living at or below 30 percent of AMI, and an 86,640 deficit for people living at or below 50 percent AMI. Under this bill, renters who are unable to afford rent will have a modest amount of additional time to secure alternative housing.

11. Who supports this policy?



Nearly 50 organizations have endorsed the legislation, including Violence Free Colorado, Colorado Children's Campaign, Colorado Catholic Conference, NAACP CO-MT-WY State Conference, AARP Colorado, and Mental Health Colorado.



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