

Re: Proposed legislation regarding 3-day notice to tenants and eviction

Dear Representative Saine:

First, thank you for serving and listening.

The current laws of Colorado regarding the 3-day notice process followed by several steps toward eviction are fair for both landlords and tenants. It helps to keep both parties honest and encourages following ethical practices. We do not need to adopt California-style laws that favor tenants and hurt landlords which is what lengthening the notice time would do. Please listen to my position.

I am a retired public school teacher and a landlord. I have a small rental property business. I provide affordable, sound, safe, clean, and up-to-date units for families and singles in Longmont and Loveland. While rents around me have gone up astronomically, I have resisted raising rents because I have good tenants who take reasonable care of the property and whose incomes have not gone up in proportion to area rent increases. Raising rents would either price some of my current tenants out or force them to move in more people to help pay the rent, neither of which would be good for the neighborhoods or the property itself. While I have had to raise some rents due to property tax increases, renovations, and other expenses, I do not want to have to raise rents just to pay for the extra time and lost rents resulting from increased days added to a 3-day notice. Let me explain.

I have, thankfully, only had the experience of needing to evict tenants very few times, but I do know the process in Boulder and Larimer counties. At best, the process is lengthy and costly even without attorney fees. Here is the process: A 3-day notice is given primarily due to nonpayment of rent or a breach of the lease (damage to property, presence of illegal drugs, or other such conditions needing immediate correction). Once a 3-day notice is given, any partial payment of rent halts the process, and another 3-day notice would need to be given regarding the remaining rent. The 3-day notice is the first step toward a legal eviction, so payment also halts that process. If payment is not made (or conditions breaching the lease are not corrected), the landlord must then file an F.E.D. (Federal Entry and Detainer) with the court, wait a specific time and have all court forms delivered to the tenant by both a process server and certified mail. At the least, filing and delivery will take approximately two weeks before a court date is reached. Once the case goes before a judge, if the judge finds in favor of the landlord, the tenant has a specified amount of time to vacate the unit and remove all belongings. If the tenant does not comply with those court orders, the landlord must make an appointment with the county sheriff to be present while the tenants and their belongings are removed, which takes at least another week. The landlord must have enough assistance prepared to move belongings and change locks before the sheriff or deputy can leave the property, and the landlord is charged by the hour for the time the sheriff supervises the process. The landlord will then need to perform cleaning and repairs before starting to show the property and take rental application. Even with a 3-day notice, a landlord can easily lose two months rent or more, not counting the rent

that may have already been lost due to nonpayment. This amount of time from 3-day notice to being able to show and re-rent a property represents a very expedited process for a landlord who stays on top of things, knows the process, and has each step go smoothly. At best, you're looking at usually at least two months of lost rent.

The tenant can stop the process at any point along the way by making a payment or correcting the breach in the lease. All along the process, arrangements can be made to bring the tenant back in compliance with the lease without eviction proceedings.

Laws currently in effect are fair to both tenants and landlords when ethical practices are followed. Current laws are not only fair, they are good for tenants and landlords who are honest, reasonable, and responsible. I really wish you could talk to my tenants.

Small business owners of rental properties are already incurring many new costs due to increased property taxes, new regulations for water heaters, regulations for water back-flow devices, new regulations for water pressure reduction devices and increased insurance premiums. My properties are older, well-maintained and up-dated, owner-managed, and have either low mortgage payments or no mortgage payments, yet I am still seeing the need to cut cost to manage the business responsibly. Lengthening the 3-day notice would add risk to landlords and potential cost that would have to be passed on to tenants, many of whom who are at the mercy of the current market. Lengthening the 3-day notice would result in hurting families as well as small business.

Please stop the legislation intended to lengthen the 3-day notice. I've heard horror stories of the landlord-tenant laws in California which are heavily tenant-favored. This is a small example that would unfairly tip the balance we currently have in Colorado. Our current laws help both tenants and landlords. The interviews and opinions shown on local television are extreme cases where there absolutely has to be something else wrong in those situations. Unethical landlords with unfair leases can push a lot over on uninformed tenants. Please do not allow a change in the law that would affect all of us in order to manage the unethical practices of a few.

Thank you.

Respectfully.

Nettie N. Taylor