



Housing

Interactions between landlords and their tenants was a major topic during the 2019 legislative session. This was evident in bills that made changes to the eviction process, unfit rentals, rental applications, and mobile home parks.

Landlords and Tenants

Evictions. When a landlord wants to evict a tenant for not paying rent or for not following a lease, the tenant must receive notice. The timeline for this notice changed under *House Bill 19-1118*, from three to ten days. Tenants with leases for housing provided by employers and property not used for housing continue to receive a three-day notice. A landlord may give a five-day notice to tenants if they own five or fewer properties.

Pests. *House Bill 19-1328* requires a renter to notify the landlord immediately if the renter knows or reasonably suspects bedbugs are on the property. The landlord must arrange for a bed bug inspection by a qualified inspector within 96 hours after the notice. Notice about the inspection to the renter is required in writing 48 hours before the inspection or the timeline in the rental agreement.

If the inspector finds bed bugs, the renter must receive information about the recommended treatment. The treatment recommendations of the inspector need to be followed within five business days and all costs are paid by the landlord.

However, if a renter does not allow inspection of his or her apartment or allow the recommended treatment the renter may be responsible for the cost of treating his apartment and other apartments close by that may have bed bugs.

The renter must also receive notice if bed bugs are not present. A landlord is required to tell a person interested in renting an apartment or house that asks about bed bugs if the space was treated for bedbugs. A landlord cannot rent an apartment or house that he or she believes has bed bugs.

A landlord who does not follow the law may be responsible for costs that the renter suffered due to the bed bugs. A renter refusing to cooperate for inspection and treatment of bed bugs may be subject to a court order requiring compliance with inspection and/or treatment.

Unfit rentals. With the passage of *House Bill 19-1170*, mold and broken appliances are included as conditions that affect whether or not a rental property is legally fit to live in. Once a renter tells a landlord that an issue in the rental is making the unit unfit for living the landlord has 96 hours to take care of the issue. In a case where the issue interferes with the renter's life, health, or safety the landlord has 24 hours.

The landlord must put the renter in a similar unit or pay for a hotel room if the issue affects

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life, health, or safety. In these cases, the unit or hotel room is paid for by the landlord.

A renter may deduct the costs for making his or her apartment or house fit to live in if notice was provided to the landlord and the landlord did not deal with the issue. The renter needs to obtain and provide to the landlord an estimate for work to make the residence fit to live in, along with notice that repairs will be deducted from rent. Licensed or trained professionals performing the work may not be a relative of the renter. The landlord may decide to get their own estimate for the work, provided by a licensed and trained professional who is not related to the landlord.

A landlord may not retaliate against a renter. Retaliation may lead to an immediate end to the lease, and a lawsuit filed by the renter for three months of rent or three times actual damages, whichever is greater.

Rental application fees. *House Bill 19-1106* set limits on the amount a landlord may charge for rental application fees. Landlords may only charge the amount they pay to screen and process rental applications, such as for credit checks. Amounts not used for processing the application go back to the applicant.

The bill also limited the rental and criminal histories landlords may use in the application process. Rental histories beyond seven years may not be used. Criminal records beyond five years may not be considered; however, a conviction or deferred judgment for distributing and manufacturing methamphetamines, stalking, or homicide may be considered for any length of time, as can a requirement to register as a sex offender.

Landlords are required to tell an applicant why a rental application is rejected. Landlords that do not obey the law are liable for three times the

amount of the rental application fee, plus court costs and reasonable attorney fees.

Mobile Home Parks

When a mobile home park wants to evict a mobile home owner for not paying rent, the mobile home owner must receive notice. The timeline for the notice changed under *House Bill 19-1309*, from five to ten days. The bill also provides additional time for the owner of a mobile home to remove or sell their mobile home in case of eviction of the mobile home from a mobile home park. Mobile home owners now have 30 days from the court order, instead of 48 hours. The owner of the mobile home may extend the 30 days up to 60 days if he or she pays rent to the landlord up front for the extra time.

The bill also created a dispute resolution program. Mobile home owners and park owners may file complaints and receive help in resolving disagreements.