

NEW PROTECTIONS FOR RESIDENTIAL TENANTS

SB23-184



During the 2023 legislative session, the Colorado General Assembly passed SB23-184, which amended Colorado Revised Statute (C.R.S.) sections § 38-12-904, § 38-12-902, § 38-12-905, § 24-34-502, § 38-12-102.5, and § 13-40-113. The new law, which took effect on August 7, 2023, established key protections for renters and prospective renters facing discrimination. The law has four main provisions:

- ✓ **It establishes meaningful remedies for renters who experience discriminations.** Previously, Coloradans who experienced housing discrimination were able to sue or file a civil rights complaint, but they were not able to raise discrimination as a defense to an eviction. This provision ensures that fair housing violations, including source of income violations, can be raised as an affirmative defense to an eviction. Renters who have experienced discrimination and are facing an eviction that may be related to the discrimination should contact the legal services organizations listed below.

Examples of eviction filings related to discrimination:

- A landlord files an eviction in retaliation to a female tenant pushing back against sexual advances (discrimination on the basis of sex).
- A landlord has a history of making racially discriminatory remarks to a tenant who is an immigrant and person of color. The landlord files an eviction based on a false accusation that the tenant is using drugs (discrimination on the basis of race/country of origin).
- A tenant becomes disabled from a workplace injury and now relies on federal disability benefits to meet their basic needs. At the end of the lease, the landlord refuses to renew (discrimination on the basis of source of income).

- ✓ **It caps security deposits at 2x (or 200%) the monthly rent amount.** For example, if rent is \$1,000 per month, a landlord can require no more than \$2,000 for a security deposit. If damage to a unit exceeds the security deposit amount, a landlord may pursue a money judgment during eviction proceedings or additional damages in small claims court.

- ✓ **It allows a landlord to require that a renter demonstrate that they earn at least 2x the cost of rent, but no more.** If rent is \$1,000 per month, a landlord is permitted to require a prospective renter to earn at least \$2,000 a month. This allows renters to spend up to 50% of their income on rent, in line with current trends in the housing market. A landlord CANNOT require a prospective renter to earn more than 2x the rent.

- ✓ **For a tenant with a housing subsidy (or voucher), it specifies that this 2x minimum income standard applies only to the portion of rent for which the tenant is responsible.** If rent is \$1,000 per month and a vouchered tenant is responsible for \$300 a month, a landlord may require them to prove that they bring in \$600 per month in income. This can include wages, public benefits, and other legally obtained types of income. Also for tenants with a housing subsidy, a landlord cannot consider credit history. Renters with a voucher were already vetted by the agency administering the voucher and have a reliable source of payment for rent.

✘ THIS LAW DOES NOT:

- Guarantee housing to all prospective tenants;
- Limit rent prices;
- Mean that renters are not liable for damage to a unit; or
- Mean that renters do not have to pay the full rent amount.

✘ THIS LAW DOES NOT STOP LANDLORDS FROM:

- Confirming a prospective tenant's income amount and source;
 - Considering criminal legal history in accordance with Colorado law*;
 - Considering rental history within a seven-year lookback period*;
- Considering credit history of prospective tenants without a housing subsidy within a seven-year lookback period*.

*Pursuant to C.R.S. 38-12-904 and as of August 2, 2019, landlords are prohibited from considering rental records or credit checks beyond seven years preceding the date of the application. Landlords are also prohibited from considering arrests without convictions from any time and conviction that occurred more than five years (including periods of incarceration) before the date of the application. Prospective tenants should not be rejected based on parole or probation status so long as their conviction occurred more than five years prior. Exceptions include convictions for:

- a. Crimes related to selling or creating methamphetamine;
- b. Crimes resulting in being obligated to register as a sex offender;
- c. Crimes involving homicide or related offenses; and
- d. Crimes involving stalking.

What happens if a landlord violates these provisions?

This law is enforceable by the Colorado Civil Rights Division, the Office of the Attorney General, and through a private right of action. Any landlord in violation of the law's provisions is also subject to an initial penalty of \$50 to be paid to the aggrieved party, and if the violation is not cured, an additional penalty of \$2,500 to be paid to the aggrieved party (in addition to court costs, attorney fees, and economic damages).

If your protections are violated, contact the following agencies/organizations for guidance or to file a complaint:

Colorado Poverty Law Project (CPLP)

CPLP connects low-income individuals with free legal services to fight evictions and housing injustice. Contact: contact@copovertylawproject.org or (303) 532-2641
In-person clinic: Thursdays and Fridays from 8am-12pm at the Denver County Courthouse, room 163
Complete an intake form here: <https://www.copovertylawproject.org/get-eviction-housing-help>

Colorado Economic Defense Project (CEDP)

The Community Economic Defense Project provides rental assistance, legal assistance/representation, and resource navigation for clients facing eviction, housing security, and other types of economic hardship.
Get help here: <https://cedproject.org/get-help/>

Colorado Legal Services (CLS)

CLS is a non-profit agency that provides free, high quality civil legal services to eligible low-income Coloradans and seniors.
Find your local CLS office here: <https://www.coloradolegalservices.org/node/327/contact-colorado-legal-services>

Colorado Civil Rights Division (CCRD)

The Colorado Civil Rights Division (CCRD) is charged with enforcement of the Colorado Anti-Discrimination Act (CADA).
Contact: 303-894-2997 (para español, oprima dos)
Housing filing deadline: one year from the act of alleged discrimination
Complete an intake form and file a formal complaint here: <https://ccrd.colorado.gov/the-complaint-process>