



Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT

Drafting Number: LLS 10-0411**Date:** January 14, 2010**Prime Sponsor(s):** Rep. Acree
Sen. Mitchell**Bill Status:** House Judiciary**Fiscal Analyst:** Harry Zeid (303-866-4753)

TITLE: CONCERNING MEASURES TO ENCOURAGE THE VOLUNTARY CLEANUP OF UNOCCUPIED REAL PROPERTY.**Summary of Legislation**

Under current law, a person who goes into the yard of a foreclosed home or other unoccupied property to clean up trash, remove weeds, or water the lawn may be considered a trespasser. Further, if the person is injured while doing so, he or she may have a claim against the landowner for negligence.

This bill specifies that persons who go onto unoccupied property on an unpaid basis to clean up trash, remove weeds, or water the lawn shall be presumed to have the landowner's implied consent. The bill also amends the civil and criminal trespassing laws to exempt persons who engage in such activity, but only to the extent of that activity and so long as they do no actual damage to the property.

The bill takes effect August 11, 2010, if the General Assembly adjourns on May 12, 2010, as scheduled, and no referendum petition is filed. The provisions of the bill apply to acts occurring on or after the bill's applicable effective date.

Assessment

The bill is assessed as having no fiscal impact. The bill provides limited civil and criminal immunity for unpaid volunteers who clean up unoccupied real property. Volunteers would be liable for actual damages caused during entry into the unoccupied property. Both the number of volunteers sued for damages related to cleaning up unoccupied property and those charged with criminal trespassing are unknown. The number of cases filed annually with the courts is assumed to be very small. It is not anticipated that the bill will substantially affect the caseload of the courts.

Departments Contacted

Judicial