

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 7, 2012  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB12-070 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 38-12-507, **amend**  
4 (2) as follows:

5 **38-12-507. Breach of warranty of habitability - tenant's**  
6 **remedies.** (2) ~~If a rental agreement contains a provision for either party~~  
7 ~~in an action related to the rental agreement to obtain attorney fees and~~  
8 ~~costs, then~~ The prevailing party in any action brought under this part 5  
9 shall be entitled to recover reasonable attorney fees and costs.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 38-12-512 and  
11 38-12-513 as follows:

12 **38-12-512. Copy of rental agreement - disclosure.** (1) A  
13 LANDLORD OR ANY PERSON AUTHORIZED TO ENTER INTO A RENTAL  
14 AGREEMENT ON HIS OR HER BEHALF SHALL PROVIDE EACH TENANT WITH  
15 A WRITTEN OR ELECTRONIC COPY OF THE RENTAL AGREEMENT.

16 (2) A LANDLORD OR ANY PERSON AUTHORIZED TO ENTER INTO A  
17 RENTAL AGREEMENT ON HIS OR HER BEHALF SHALL DISCLOSE TO THE  
18 TENANT IN WRITING AT OR BEFORE THE COMMENCEMENT OF THE TENANCY  
19 THE NAME AND ADDRESS OF:

20 (a) THE TITLE OF THE PERSON AUTHORIZED TO MANAGE THE  
21 PREMISES; AND

22 (b) AN OWNER OF THE PREMISES OR A PERSON AUTHORIZED TO ACT  
23 FOR AND ON BEHALF OF THE OWNER FOR THE PURPOSE OF SERVICE OF  
24 PROCESS AND RECEIVING AND RECEIPTING FOR NOTICES AND DEMANDS.

1 (3) IF THE INFORMATION REQUIRED TO BE FURNISHED BY THIS  
2 SECTION CHANGES, THE LANDLORD OR PERSON AUTHORIZED TO ENTER  
3 INTO A RENTAL AGREEMENT ON HIS OR HER BEHALF SHALL PROVIDE  
4 NOTICE OF THE CHANGE ON THE LANDLORD'S OR AUTHORIZED PERSON'S  
5 WEB SITE OR AT A PUBLIC AREA OF THE RESIDENTIAL PREMISES. THIS  
6 SECTION EXTENDS TO AND IS ENFORCEABLE AGAINST ANY SUCCESSOR  
7 LANDLORD, OWNER, OR MANAGER.

8 **38-12-513. Access.** (1) A TENANT SHALL NOT UNREASONABLY  
9 WITHHOLD CONSENT TO THE LANDLORD TO ENTER INTO THE DWELLING  
10 UNIT IN ORDER TO INSPECT THE PREMISES, MAKE NECESSARY OR AGREED  
11 REPAIRS, DECORATIONS, ALTERATIONS, OR IMPROVEMENTS, SUPPLY  
12 NECESSARY OR AGREED SERVICES, OR EXHIBIT THE DWELLING UNIT TO  
13 PROSPECTIVE OR ACTUAL PURCHASERS, MORTGAGEES, TENANTS,  
14 WORKMEN, OR CONTRACTORS.

15 (2) A LANDLORD MAY ENTER THE DWELLING UNIT WITHOUT  
16 CONSENT OF THE TENANT IN CASE OF EMERGENCY IF SUCH CONDUCT IS  
17 REASONABLE UNDER THE CIRCUMSTANCES.

18 (3) A LANDLORD SHALL NOT ABUSE THE RIGHT OF ACCESS OR USE  
19 IT TO HARASS THE TENANT. EXCEPT IN CASE OF EMERGENCY AS SPECIFIED  
20 IN SUBSECTION (2) OF THIS SECTION OR IF THE TENANT EXPRESSLY  
21 CONSENTS TO A SHORTER NOTICE WITH RESPECT TO A PARTICULAR ENTRY,  
22 THE LANDLORD SHALL GIVE THE TENANT AT LEAST FORTY-EIGHT HOURS'  
23 WRITTEN OR OTHER VERIFIABLE FORM OF NOTICE OF HIS OR HER INTENT TO  
24 ENTER AND MAY ENTER ONLY AT REASONABLE TIMES.

25 (4) A LANDLORD HAS NO OTHER RIGHT OF ACCESS EXCEPT:  
26 (a) PURSUANT TO COURT ORDER; OR  
27 (b) UNLESS THE TENANT HAS ABANDONED OR SURRENDERED THE  
28 PREMISES.

29 (5) IF THE TENANT REFUSES TO ALLOW LAWFUL ACCESS, THE  
30 LANDLORD MAY OBTAIN INJUNCTIVE RELIEF TO COMPEL ACCESS, OR  
31 TERMINATE THE RENTAL AGREEMENT. IN EITHER CASE THE LANDLORD  
32 MAY RECOVER ACTUAL DAMAGES AND REASONABLE ATTORNEY FEES AND  
33 COSTS.

34 (6) IF THE LANDLORD MAKES AN UNLAWFUL ENTRY OR A LAWFUL  
35 ENTRY IN AN UNREASONABLE MANNER, THE TENANT MAY OBTAIN  
36 INJUNCTIVE RELIEF TO PREVENT THE RECURRENCE OF THE CONDUCT OR  
37 TERMINATE THE RENTAL AGREEMENT. IN EITHER CASE THE TENANT MAY  
38 RECOVER ACTUAL DAMAGES NOT LESS THAN AN AMOUNT EQUAL TO ONE  
39 MONTH'S RENT AND REASONABLE ATTORNEY FEES AND COSTS.

40 **SECTION 3. Act subject to petition - effective date -**  
41 **applicability.** (1) This act takes effect September 1, 2012; except that,  
42 if a referendum petition is filed pursuant to section 1 (3) of article V of

1 the state constitution against this act or an item, section, or part of this act  
2 within the ninety-day period after final adjournment of the general  
3 assembly, then the act, item, section, or part will not take effect unless  
4 approved by the people at the general election to be held in November  
5 2012 and, in such case, will take effect on the date of the official  
6 declaration of the vote thereon by the governor.

7 (2) The provisions of this act apply to rental agreements entered  
8 into or extended or renewed on and after the applicable effective date of  
9 this act."

10 Page 1, line 101, strike "**TENANTS, AND, IN**" and substitute "**TENANTS.**".

11 Page 1, strike lines 102 and 103.

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