



SUPPORT Legislation to Strengthen the Warranty of Habitability

What is the Warranty of Habitability? This is a Colorado State Statute that requires landlords to uphold and maintain safe and habitable conditions in rental units. With Colorado increasingly becoming a state with more renters than homeowners, not only is this a critical housing matter, but it is also a health, safety, and consumer concern.

Why it Matters? With the housing market booming and considering the fact that one in every four Colorado renters spending more than 50 percent of their income on housing, residents are more likely to feel forced to deal with these conditions for fear of eviction or having to find some other affordable unit when we know they are scarce. Without more protections, habitability issues are going to continue to be yet another barrier for tenants who are trying to stay in their homes.

Colorado's Warranty of Habitability Statute is Not Sufficient. The current Colorado Warranty of Habitability is lacking in a few ways:

- A presumption in favor of landlords when it comes to retaliation. The law assumes that if a landlord files an eviction or increases rent after a complaint is made by a tenant, the presumption is that the landlord is doing this in “good faith”. **No other state in the nation has a law that automatically grants presumption of favor to the landlord.**
- Tenants do not have sufficient remedies to hold landlords accountable when units are uninhabitable
- Mold is not covered under the current statute as a condition that could deem a unit uninhabitable
- The burden of proof of uninhabitable conditions falls on the tenant
- The current statute requires a written notice to report uninhabitable conditions, which is a barrier for many, especially for people that don't speak English

What Progress Looks Like. Rep. Jackson's bill gives the following protections to Colorado tenants:

- Eliminate the presumption of retaliation
- Include mold as a condition that could deem a unit uninhabitable
- Allow tenants to notify landlords of uninhabitable conditions through written notice and electronically.
- Define what a “reasonable” timeframe for repairs, which would be between 24-72 hours from the time of the complaint.
- Provide certain rights & remedies to tenants such as:
 - The right to withhold rent.
 - The right to repair the uninhabitable condition & deduct cost from rent.
 - The right to break a lease if uninhabitable conditions persist.

For research references and more information, visit <http://www.cohomesforall.org> or contact Andrea Chiriboga-Flor, at andrea@9to5.org and Meghan Raynes, Siegel Public Affairs, at meghan@siegelpa.com