

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

UNEDITED
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DRAFT
12/9/24

DRAFT

LLS NO. 25-0428.01 Brita Darling x2241

HOUSE BILL

HOUSE SPONSORSHIP

Weinberg,

SENATE SPONSORSHIP

(None),

BILL TOPIC: Prohibitions in Rental Agreements due to Death
DEADLINES: Finalize by: 12/30/2024 File by: 1/3/2025

A BILL FOR AN ACT

101 CONCERNING LIMITATIONS ON RESIDENTIAL RENTAL AGREEMENT
102 TERMS IN THE EVENT OF THE DEATH OF A PERSON THAT IS
103 RESPONSIBLE FOR THE PAYMENT OF RENT. <{*This is a fairly*
104 *narrow title.*}>

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits residential rental agreements from requiring acceleration of rent, liquidated damages, or other penalties, or from requiring a person to forego a sum of money that would otherwise have

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

been refunded, if the rental agreement is terminated before the end of its term due to the death of a tenant or other person <{*individual? Could this be a corporation?*}> that is responsible for the payment of rent under the rental agreement.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 38-12-801, **add** (3.5)
3 as follows:

4 **38-12-801. Written rental agreement - prohibited clauses -**
5 **copy - tenant - applicability - definitions.**

6 (3.5) (a) IN ADDITION TO OTHER PROHIBITED CLAUSES DESCRIBED
7 IN SUBSECTION (3)(a) OF THIS SECTION, IF A RENTAL AGREEMENT IS
8 TERMINATED BEFORE THE END OF THE TERM OF THE RENTAL AGREEMENT
9 DUE TO THE DEATH OF A RESPONSIBLE PARTY UNDER THE RENTAL
10 AGREEMENT, A CLAUSE IN A RENTAL AGREEMENT THAT REQUIRES ANY OF
11 THE FOLLOWING IS VOID AND UNENFORCEABLE:

12 (I) THE PAYMENT OF LIQUIDATED DAMAGES; <{*What if the*
13 *landlord incurs actual damages (that are not covered by a security*
14 *deposit), etc?*}>

15 (II) THE ACCELERATION OF RENT FOR A PERIOD THAT IS BEYOND
16 THE END OF THE MONTH IN WHICH THE LANDLORD IS NOTIFIED OF THE
17 DEATH OF A RESPONSIBLE PARTY UNDER THE RENTAL AGREEMENT, OR FOR
18 MORE THAN SEVEN BUSINESS DAYS AFTER THE DWELLING UNIT IS VACATED
19 AFTER NOTICE TO THE LANDLORD OF THE DEATH, WHICHEVER IS EARLIER;

20 (III) THE PAYMENT OR REFUND OF ANY CONCESSIONS OR MOVE-IN
21 DISCOUNTS, OR

22 (IV) THE PAYMENT OF ANY OTHER FEE, DAMAGES, OR PENALTY
23 ASSESSED AS A RESULT OF THE EARLY TERMINATION OF THE RENTAL

1 AGREEMENT, OR

2 (B) A PERSON <{individual?}> TO FOREGO A SUM OF MONEY THAT
3 WOULD HAVE OTHERWISE BEEN REFUNDED BUT FOR THE EARLY
4 TERMINATION OF THE RENTAL AGREEMENT. <{The "otherwise would
5 have been refunded" is an attempt to state that the landlord doesn't
6 have to refund a normal deposit or cleaning fees if the unit is damaged
7 or the possessions are not removed, etc. Could the person be a
8 corporation?}>

9 (b) AS USED IN THIS SUBSECTION (3.5), "RESPONSIBLE PARTY
10 UNDER THE RENTAL AGREEMENT" MEANS A TENANT THAT IS RESPONSIBLE
11 FOR THE PAYMENT OF RENT UNDER THE RENTAL AGREEMENT OR ANOTHER
12 PERSON<{Individual?}> THAT IS RESPONSIBLE FOR THE PAYMENT OF RENT
13 UNDER THE RENTAL AGREEMENT.<{This language is intended to include
14 a cosigner of the agreement. If the cosigner dies, the tenant could
15 terminate early. Per the definition of tenant in section 38-12-502 (9) a
16 tenant is an individual entitled to occupy a dwelling unit. This could
17 include a member of the tenant's household --which could be a child.
18 For that reason, I specified a "tenant that is responsible for the
19 payment of rent".}>

20 SECTION 2. Act subject to petition - effective date -
21 applicability. (1) This act takes effect **September 1, 2025**; except that,
22 if a referendum petition is filed pursuant to section 1 (3) of article V of
23 the state constitution against this act or an item, section, or part of this act
24 within the ninety-day period after final adjournment of the general
25 assembly, then the act, item, section, or part will not take effect unless
26 approved by the people at the general election to be held in November
27 2026 and, in such case, will take effect on the date of the official

1 declaration of the vote thereon by the governor.

2 (2) This act applies to rental agreements that are effective on or
3 after the applicable effective date of this act. <{How to word this to
4 prevent applications from being executed well in advance of rental
5 period to avoid these new provisions? Used "effective" rather than
6 "entered into".}>