

Frequently Asked Questions:

For all forms: <http://www.courts.state.co.us/Forms/Index.cfm>

For all Colorado Statutes: <http://www.michie.com/colorado/>

What is a Forcible Entry and Unlawful Detainer Action? (FED)

Forceable Entry and Unlawful Detainer (sometimes "FED" for short), is the same thing as an eviction action. It is a court action usually brought in County Court.

"Self-Help" evictions by landlords are not lawful

An eviction action, usually in County Court, and a writ of restitution executed by an officer of the law are the only lawful means of evicting a tenant. *CRS § 13-40-104*
CRS § 38-12-510

Lockouts and other "self-help" evictions are not lawful. A landlord resorting to such means could be liable to the tenant for unlawful eviction and possibly conversion of the tenant's personal property.

Christensen v. Hoover, 643 P.2d 525 (Colo. 1982)

Victims of Domestic Violence

"It shall not constitute an unlawful detention of real property . . . if the tenant . . . is the victim of domestic violence, . . . which was the cause of or resulted in the alleged unlawful detention and which domestic violence or domestic abuse is documented by:

- a) a police report; or
- b) valid civil or emergency protection order"

CRS § 13-40-104(4)(a)-(d)
CRS § 13-40-107.5(5)(c)
CRS § 38-12-503(3)

Colorado Forcible Entry and Detainer Statutes:

CRS § 13-40-101 – 426 et seq.

Colorado Tenant and Landlord Law:

CRS § 38-12-101 – 511 et seq.

Return of Security Deposit: *CRS § 38-12-103 & 104*

Colorado Warranty of Habitability Act:

CRS § 38-12-501 – 511 et seq.

§ 38-12-504. Tenant's maintenance of premises

§ 38-12-505. Uninhabitable residential premises

§ 38-12-507. Breach of warranty of habitability - Tenant's remedies

§ 38-12-508. Landlord's defenses to a claim of breach of warranty - limitations on claiming a breach

Rules 4 & 5 (Service) of the Colorado Rules of Civil Procedure (C.R.C.P.)

What is Service?

Service is formal notice to the other party that there is a case involving them before the Court. Both parties have a constitutional right to a fair opportunity to appear and be heard.

Service is how the Court ensures that both parties have a fair opportunity to appear and be heard.

See: <http://www.youtube.com/watch?v=Caq1IWUVih8>

Colorado's Implied Warranty of Habitability Act

The Implied Warranty of Habitability Act creates minimum residential housing standards for rental units, with narrow exceptions.

- Imposes duties on both Landlord and Tenant:
- Tenant must meet specific notice requirements before certain remedies are available under the Act
- Landlord must keep certain physical characteristics of a premises in compliance with the Act
- The Act specifies the remedies available if the specific Notice requirements are satisfied

Provisions

The Implied Warranty of Habitability Act first provides that in every rental agreement for residential premises, the landlord is deemed to warrant that the premises are fit for human habitation.

A landlord will not be liable for breach of the warranty of habitability unless each of the following elements exist: *CRS § 38-12-505 & CRS § 38-12-503(1)*

- 1) the premises is uninhabitable as defined in subsection 505(1) of the Act or is otherwise unfit for human habitation;
- 2) the premises is in a condition that is materially dangerous or hazardous to the tenant's life, health, or safety; and
- 3) the landlord has received written notice of the condition making the premises uninhabitable and dangerous and has failed to cure the problem within a reasonable time. *CRS § 38-12-503(2).*