

FAQs on the Proposed Policy to Protect Denver Renters and Keep Their Homes Safe

by Council Members Darrell B. Watson and Shontel M. Lewis



To: **The Honorable Members of Denver City Council and Stakeholders**

From: **Council Member Darrell B. Watson (District 9) and Council Member Shontel M. Lewis (District 8)**

Subject: **Frequently Asked Questions in the Budget and Policy Committee as well as Stakeholder Meetings**

Date: **Monday, April 7, 2025**

FREQUENTLY ASKED QUESTIONS

1. What are the purpose and key components of the proposed tenant protection policy?

The proposed policy authorizes and empowers DDPHE to issue an order requiring landlords to provide relocation assistance when properties become unsafe for tenants due to housing code violations that create imminent health hazards. If a landlord fails to comply and the city subsequently provides relocation assistance, the cost of providing relocation assistance plus five percent and other related incidental costs would be assessed and become a lien on the property. The bill would also allow DDPHE to inspect any records associated with property management.

2. How many situations in the past five years has DDPHE encountered instances where relocation assistance would have been ordered?

1-2 times per year at most.

3. What percentage of Denver's 147,000 rental properties with five or more units has DDPHE ever had an encounter with (i.e., a residential inspection or order)?

DDPHE does not track the complete housing stock for the City and only investigates a property when a complaint is received. DDPHE receives approximately 1,600-1,800 complaints per year (often for the same property), which would be a fraction of the abovementioned total.

4. How will the implementation and oversight of this policy be managed?

DDPHE is currently authorized to conduct inspections, issue fines, and secure liens against properties for non-payment of administrative citations for violations of the residential health code. Under the proposed bill, DDPHE would also be authorized to issue an order requiring landlords to pay for and coordinate the temporary relocation of residents due to imminent health hazards. DDPHE would monitor and track compliance with the order.

5. What problems does this bill aim to address, and how does it improve upon existing protections?

The policy addresses situations where DDPHE finds a property poses such an imminent health hazard to residents that there is no alternative to at least temporarily closing the units/building to human habitation ("placarding"). The proposed policy would explicitly authorize DDPHE to issue an order to the landlord to pay for and coordinate temporary relocation assistance for tenants affected by such placarding.

6. Does the policy allow for ordering relocation assistance to provide safe alternative housing, or does it mandate placarding and displacement of the affected residents?

The policy authorizes DDPHE to issue an order requiring landlords to pay for and coordinate relocation assistance for tenants while repairs are made when properties become unsafe due to imminent health hazards. The intent is to provide tenants with temporary housing while the landlord addresses violations that create imminent health hazards. It is meant to prevent displacement and preserve housing for residents when the property is too dangerous to continue allowing human habitation before the issues are addressed.

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7. How does the policy address the financial and logistical challenges tenants might face while awaiting relocation assistance?

The policy does not address any needs outside of temporary housing assistance that would be required of landlords while imminent health hazard violations are being addressed.

8. How does the policy align with state law and complement the warranty of habitability?

The state Warranty of Habitability law is separate from DDPHE's Residential Health program. The proposed policy would not impact tenants' rights under state law.

9. Can we see a side-by-side comparison of the Warranty of Habitability and the proposed policy?

State standards require a dwelling unit to contain:

- Functioning appliances in good working order;
- Waterproof roofs and exterior walls;
- Plumbing or gas installation in good working order;
- Running water and hot water;
- Heating facilities in good working order; and
- Electrical lighting and wiring are in good working order.

State Law also requires a dwelling be free from:

- Excessive Moisture;
- Mold;
- Exposed Asbestos;
- Rodents, vermin, pests & insects;
- Radon levels over state standards and
- Contamination from drugs such as methamphetamine

The City Housing Code requires that it is unlawful for a dwelling unit to be occupied if:

- The dwelling unit is not maintained in a safe and sanitary manner or
- The dwelling unit does not comply with minimum light, ventilation, heating, insect, rodent, vermin, and pest control standards. Those minimum standards include:
- Heating facilities in good working order;
- Running water with adequate temperature control;
- Plumbing in good working order, including in all cases a kitchen sink and a bathtub or shower;
- Waterproof Roofs and exterior walls;
- Pest, vermin, and rodent-free.

DDPHE may fine dwelling units that violate these standards. If the violations are severe, persist for an extended period, and create imminent health hazards, the dwelling units and/or buildings may be placarded until those violations are remedied.

10. Can tenants break their lease and move away instead of using relocation assistance?

Under Colorado law, a tenant may break their lease if a dwelling unit is uninhabitable, the condition has not been remedied, and specific other requirements related to timing and notice to the landlord are met. This local ordinance does not govern or address leases because state law covers that issue. The proposed policy would only apply when DDPHE has found violations of Denver's Residential Health code that result in imminent health hazards that require placarding.

11. How does the policy account for the impact on families, especially regarding school continuity?

Throughout stakeholder meetings, Council Members Lewis and Watson have stressed the importance of finding solutions that help families remain in their communities and maintain school continuity during relocations. As a public health matter, DDPHE always strives to minimize disruptions to family life and children's education.

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12. What should tenants do if they fear eviction and have no alternative housing?

Tenants should keep detailed records of habitability issues and communicate them to their landlord. If the landlord does not address them, a complaint can be filed with DDPHE. To safeguard their rights, tenants are advised to seek assistance from tenant advocacy groups and legal services earlier rather than later when issues arise, as notification to the landlord is a crucial aspect of enforcing the renter's rights under state law.

13. What are tenants' responsibilities regarding property upkeep, such as issues with rodents and mold?

In general, DDPHE requires landlords to have an effective pest management system. Still, if a tenant is creating an infestation issue (spoiled food, uncontained garbage, etc.), the order would be issued to the tenant. Tenants are expected to maintain cleanliness in their living areas. Landlords are responsible for addressing structural issues and maintaining the cleanliness of the building's common areas. Pest control is a shared responsibility, with Denver's housing code stating: *"Every occupant, operator, or owner of a dwelling or dwelling unit shall be responsible as determined by the manager (of public health) for the extermination of any insects, rodents, or other pests therein or on the premises."*

14. What if a tenant's actions are the reason for property damage?

DDPHE enforces the housing code by reviewing responsibility on a case-by-case basis. Most required maintenance is the landlord's responsibility, but tenants' actions are explicitly examined when relevant to the damage. This approach is consistent with state law.

15. How will inspections be carried out under this policy?

DDPHE investigators will continue to conduct inspections on a complaint basis, as they currently do. The proposed policy would provide specific authority for DDPHE to require landlords to pay for and coordinate temporary relocation assistance when severe, persistent violations have created imminent health hazards that make a dwelling or property unsafe for continued occupancy.

16. Is there an opportunity for landlords to remedy issues before fines are imposed?

The city strives to work with landlords to address issues before issuing fines. Landlords typically receive written notices and/or orders detailing any violations and are given a reasonable cure period to address them. This remedial phase encourages voluntary compliance and fair treatment. However, if a situation is genuinely egregious or presents an imminent health hazard that requires an immediate remedy, DDPHE can issue fines immediately. In those situations, DDPHE does not provide a cure period as the penalty is meant to penalize the landlord for allowing the violation to reach that level and spur immediate action to remedy.

17. What penalties will landlords face for non-compliance?

DDPHE currently issues corrective orders to fix habitability and safety issues, and landlords who fail to remedy violations may be fined. Escalating fines are applied for repeated violations to encourage prompt resolution, and DDPHE may issue fines of up to \$5,000 per violation per day for continued non-compliance.

18. Which City agency or department imposes liens?

DDPHE and other agencies with the authority to issue administrative citations have authority under Chapter 2 of the Denver Revised Municipal Code to record a notice of a lien with the Clerk and Recorder against the property in violation. This is typically done when the landlord has ignored other fines. This policy adds that a lien is automatically executed against a building when DDPHE or any other city agency covers the cost of relocation assistance when a landlord fails to comply with an order to pay for and coordinate temporary relocation assistance.

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19. Does the state provide relocation assistance as part of their Warrant of Habitability?

Under state law, a landlord must provide a comparable living space at the tenant's request if the condition materially interferes with the tenant's life, health, or safety. Still, state or local governments are generally not required to provide relocation assistance. Please note that state actions fall outside of DDPHE's purview and are not addressed by this ordinance.

20. How do tenants receive relocation assistance from the state or city if the landlord refuses to pay?

The proposed policy does not regulate state actions governed and implemented by state law. State actions also fall outside of DDPHE's purview. The city occasionally has provided temporary relocation assistance when imminent health hazards require placarding. Under the proposed policy, the city could attempt to recoup such costs by placing a lien on the building in the amount of the relocation assistance plus a five percent fee for associated administrative costs.

21. Who is responsible for maintaining essential services like power, and what happens if power is lost?

Landlords are generally responsible for maintaining essential services such as power to ensure safe living conditions. DDPHE would continue to review situations on a case-by-case basis, as currently done for all violations of the Residential Health Code, for circumstances beyond the landlord's control.

22. What is the protocol when there is a significant delay in addressing a housing code violation?

DDPHE assesses the safety risk of ongoing violations to determine whether tenants are safe remaining on the property while the violation is being addressed. If a delay in addressing a violation creates an imminent health hazard, the property may be placarded.

23. When lease terms and statutory habitability standards conflict, which takes precedence?

Leases fall outside the purview of DDPHE and this policy. Pursuant to state law, every lease is deemed to include the warranty of habitability, so there should never be a conflict.

24. How long will relocation assistance be provided, and how long does a placard remain in place?

A DDPHE order could require the landlord to pay for relocation assistance until the underlying violations are remedied or an alternative arrangement is agreed upon, depending on the circumstances.

25. How is the 5% surcharge allocated if the city must cover relocation costs?

If the City is forced to provide relocation assistance, a surcharge of 5% of the alternate accommodation costs may be applied. This surcharge helps offset the additional expenses incurred by the City in supporting tenants.

26. What happens to the property if repairs cannot be completed within the required time frame?

If a landlord is actively attempting to remedy an issue but cannot complete repairs within the required timeframe, the policy and DDPHE would allow for consideration of extensions or alternative remedies.

27. Does the policy allow for relocation assistance instead of forced displacement?

The goal is to provide safe alternative housing through temporary relocation assistance rather than immediate displacement to address unsafe conditions. Placarding is used only as a last resort when the property cannot be safe while tenants still occupy the unit(s)/building.

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28. How will the city ensure that landlords reimburse relocation costs promptly?

If a landlord does not comply with an order to pay for and coordinate temporary relocation assistance, the City could attempt to recover any costs incurred through a lien on the property.

29. What is the source of city funds for temporary housing if a landlord fails to provide it?

A permanent, sustainable funding source has not been identified. When situations involving severe imminent health hazards that require placarding and mass temporary relocation have arisen recently, DDPHE has worked with other city agencies to find resources for temporary relocation assistance through existing budgets and programming. The proposed bill would, however, allow the City to attempt to recover costs incurred in these situations.

30. Are habitability standards applied differently for large landlords versus mom-and-pop landlords?

Everyone is treated equally under the existing Residential Health Code, which establishes housing standards, regardless of the type of landlord. Enforcement is applied uniformly to ensure fairness.

31. Which tenant advocacy organizations have been consulted?

Council Members Lewis and Watson developed the policy in consultation with the East Colfax Community Collective, the Denver Metro Tenants Union, and the GES Coalition. Their input has helped shape key aspects of the legislation to better protect renters.

32. How will the city determine when a unit is uninhabitable, and relocation is required?

DDPHE has and will continue to enforce the Residential Health Code through clear, objective criteria in regulation and policy for many years. Complaint-driven inspections and reviews of property conditions determine when temporary relocation is necessary due to imminent health hazards that make it untenable for residents to remain safely in a unit or building.

33. What is the length of time given to residents for relocation support

An order to a landlord to pay for and coordinate temporary relocation assistance would remain until DDPHE confirms all violations creating imminent health hazards have been resolved or an alternative arrangement has been agreed upon.

34. Is there a defined percentage of non-compliant units or a specific duration after which a building would be considered uninhabitable and subject to placarding under this policy?

The proposed policy does not set a fixed percentage or time limit. Each building and dwelling unit under investigation would continue to be evaluated independently to assess when it becomes unsafe for tenants to remain.

35. How does the policy address the issue of rental insurance?

The proposed policy does not address rental insurance. DDPHE does not consider whether an insurance policy exists when enforcing the Residential Health Code and would not have the capacity to address this in practice. Additionally, placarding that requires mass temporary relocation assistance is generally the result of a landlord's failure to maintain minimum housing standards, not the renters.

36. Does the policy address the issue of nonfunctioning elevators?

DDPHE currently refers elevator issues to the Denver Fire Department as the subject matter experts with the authority to regulate whether an elevator is operable or not. The proposal would not change this policy.

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37. Does the proposed policy apply to condominiums as well as apartments?

Yes, the proposed policy applies to all residential rental properties subject to the Residential Health Code—including condominiums, apartments, and single-family homes—to ensure consistent renter protections.

38. How does the proposed policy impact historic buildings and historic districts?

There is no distinction between Denver's housing code and DDPHE regulations between historic buildings and new construction. While some other laws, such as the Americans with Disabilities Act, distinguish between requirements for buildings built before a specific date and those built after that date, no such distinction is made here. As such, the proposed policy would apply equally to historic and new buildings.

39. Does it address discrepancies between a property's online advertised condition and its actual state?

No, online advertising falls outside the scope of this proposed policy. That said, state law prohibits leasing an uninhabitable dwelling unit due to an existing issue, so landlords should not advertise for those units until the problem is fixed.

40. How does this proposed policy affect homeowners?

The proposed policy addresses rental properties only, so homeowners who do not rent out their homes would not be impacted. Only property owners who act as landlords would be subject to the proposed policy.

41. Will this policy govern House 1000 sites or the City's shelter system?

No, the proposed policy focuses on residential rental properties and does not extend to House 1000 sites or the City's shelter system. However, it does apply to subsidized low-income housing, such as Fusion Studios.

42. How does this policy impact a renter's requirement to pay rent if relocation assistance is provided?

The proposed policy does not address this issue directly and falls outside DDPHE's purview. However, under state law, a tenant is still responsible for any portion of rent owed under the agreement during the relocation and the remainder of the rental term, subject to the other remedies that the tenant may have under state law.