

1 BY AUTHORITY

2 ORDINANCE NO. _____

COUNCIL BILL NO. 25-0469

3 SERIES OF 2025

4 AMENDED 5-19-2025

COMMITTEE OF REFERENCE:

5 A BILL

6
7 **For an ordinance amending chapter 27 of the Code regarding enforcement of the**
8 **housing code.**
9

10 **WHEREAS**, the manager of the Denver department of public of public health and
11 environment has the authority to placard any unit designated as unfit for human habitation;

12 **WHEREAS**, a placard shall serve as an order directing any occupants of such unit to
13 vacate;

14 **WHEREAS**, occupants of such units may therefore be displaced due to a placard or
15 otherwise face conditions unfit for human habitation; and

16 **WHEREAS**, the Denver city council determines that the manager should, in addition
17 to placing a placard, have the authority to order that the owner or operator of any such unit
18 provide relocation assistance to occupants when the unit has been designated as unfit for
19 human habitation;

20
21 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
22 **DENVER:**

23 **Section 1.** That chapter 27, article II of the Code shall be amended by adding the language
24 underlined, to read as follows:

25 **Sec. 27-26. - Inspections.**

26 (1) For the purpose of determining compliance with the provisions of this article, the
27 manager or an authorized representative is hereby authorized and directed to make inspections to
28 determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the
29 premises upon which the same are located. For the purpose of making such inspections, the manager
30 or an authorized representative is hereby authorized to request entry to examine, inspect and survey
31 all dwellings, dwelling units, rooming units and premises upon which the same are located, at all
32 reasonable times, and any record associated with the management of the property.

33 (2) If the owner, occupant or operator in charge of a dwelling, dwelling unit, rooming unit and
34 premises upon which the same are located subject to the provisions of this article and the rules and

regulations adopted and promulgated in connection herewith, refuses or restricts entry and free access to every part of the structure or premises wherein inspection is sought, or a record associated with the management of the property is sought, the manager or an authorized representative may seek from the county court a warrant for inspection and order that such owner, occupant or operator be required to permit an inspection or provide the record at a reasonable time without interference, restriction or obstruction. The county court shall have jurisdiction and authority to issue warrants ~~for inspection under this article~~ and order the owner, occupant or operator to allow entry and free access into all buildings, dwellings, dwelling units, rooming units and the premises upon which the same are located or inspection of a record associated with management of the property. The court shall have full power, jurisdiction and authority to enforce all orders issued under the provisions of this article.

(3) It is unlawful for any person to violate the provisions of any warrant ~~for inspection~~ and order issued under the provisions of this article.

(4) It is unlawful for any person, owner, operator or occupant to refuse to allow or permit the manager or an authorized representative free access to any building, dwelling, dwelling unit, rooming unit and premises upon which the same are located when the manager or an authorized representative is acting in compliance with a warrant ~~for inspection and order~~ issued by the county court under this article and where the manager or an authorized representative is conducting an inspection, examination and survey in accordance with the provisions of this article or any rule and regulation adopted and promulgated in accordance with the provisions of this article.

Sec. 27-27. – Enforcement and penalties.

(1) *Notice of violations.* Except in those instances to which section 27-28 is applicable, whenever the manager determines that there has been a violation of any provision of this article or any rule or regulation adopted and promulgated pursuant thereto, the manager shall give notice of the alleged violation to the person or persons the manager determines to be responsible for the alleged violation ~~and may order such person or persons to take corrective action for the alleged violation.~~ Such notice shall comply with the requirements in article XII, chapter 2. ~~The notice must:~~

- ~~(a) Be in writing;~~
- ~~(b) Particularize the violations alleged to exist or to have been committed;~~
- ~~(c) Provide a reasonable time, based on the nature of the violation and threat to the human health, to correct the violations;~~
- ~~(d) Be issued and addressed to and, subject to subsection 27-27(2), served upon the owner or operator or both of the dwelling or dwelling unit or if the notice is directed to an occupant of a dwelling or dwelling unit, served upon that occupant.~~

1 ~~(2) — *Service of notice.* Notices must be served upon the person to whom the notice is issued,~~
2 ~~and unless it is recorded under section 27-29, it may be served by any of the means listed in~~
3 ~~subsection 27-27(2)(a) — (c).~~

4 ~~(a) — Personal delivery.~~

5 ~~(b) — U.S. mail, postage prepaid.~~

6 ~~(c) — Nationally recognized overnight courier with all fees prepaid.~~

7 ~~(2.5) *Service of notice to be recorded.* Notices may not be recorded under section 27-~~
8 ~~29 unless the notice was first served by one of the following means:~~

9 ~~(a) — Personal delivery acknowledged in a writing signed by the person to whom the notice~~
10 ~~was issued, or if issued to the owner, by a person representing to be the operator or an authorized~~
11 ~~agent of the owner.~~

12 ~~(b) — In accordance with the rules of civil procedure for the court of record.~~

13 ~~(c) — Registered or certified mail, return receipt requested and postage prepaid.~~

14 ~~(d) — If, however, a notice to be recorded cannot be served in accordance with subsection 27-~~
15 ~~27(2.5)(a) — (c) because one (1) or more persons to whom the notice is addressed cannot be found or~~
16 ~~served after diligent effort to effect service, service may be made upon such person by posting a notice~~
17 ~~in a conspicuous place in or about the dwelling affected by the notice, in which event the manager~~
18 ~~shall include in the record a statement as to why such posting was necessary.~~

19 (2) *Enforcement.* The manager is authorized to assess civil penalties and to issue orders to
20 take corrective action for the alleged violations of this article as provided in article XII, chapter 2 and
21 chapter 24. It shall be unlawful to fail or refuse to comply with any order issued by the manager under
22 this article.

23 (3) *Recording of notice with clerk and recorder.* Upon finding a violation of this article, or
24 upon the conclusion of any appellate proceeding finding a violation of this article, whichever is later,
25 the manager may record notice of such violation in the real property records of the clerk and recorder.
26 Such notice shall be released upon correction of any defects forming the basis of the violation.

27 (4) *Failure to pay penalties.* The manager is authorized to take any action necessary to
28 remedy a failure to pay penalties pursuant to article XII, chapter 2.

29 ~~(5) *Appeal.* Appeals from a notice or order issued under this section shall be taken in~~
30 ~~accordance with article 14 of chapter 24 D.M.R.G.~~

31
32 **Sec. 27-28. - Designation of unfit dwellings.**

33 (1) *Designation.* Whenever the manager finds any ~~The manager may, without prior notice or~~
34 hearing, designate a dwelling, dwelling unit, rooming house, or rooming unit as unfit for human

habitation if such dwelling, ~~or dwelling unit, rooming house,~~ or rooming unit, regardless of whether it is occupied, ~~that~~ does not conform to the standards established by this article; or ~~does not conform with~~ the rules and regulations adopted and promulgated under it, and ~~that~~ by reason of the nonconformity presents an imminent hazard to public health; or to the physical or mental health of current or future occupants, ~~the manager may, without prior notice or hearing, designate this dwelling, dwelling unit, rooming house, or rooming unit as unfit for human habitation.~~

(2) *Placarding; order to vacate.* Any dwelling, dwelling unit, rooming house, or rooming unit designated as unfit for human habitation by the manager ~~will~~ may be appropriately placarded as such and must be vacated by the occupants within the time specified in the placard. The placard constitutes an order directing occupants to vacate ~~vacating,~~ and may serve as an order prohibiting access for any period of time as determined appropriate by the manager based on the nature of the hazard presented.

(a) It shall be unlawful for any person to deface, move, remove or obscure any placard affixed under the provisions of this article.

(b) No dwelling, dwelling unit or rooming unit which has been placarded shall again be used for human habitation until written approval is secured from, and the placarding removed by, the manager. The manager shall remove the placard whenever the defects upon which the placarding action were based have been eliminated and the dwelling, dwelling unit, rooming house or rooming unit conforms to the standards established by this article and the provisions of the rules and regulations adopted and promulgated hereunder.

(3) *Order to provide relocation assistance.* The manager may order the owner or operator in charge of a dwelling, dwelling unit, rooming house, or rooming unit designated as unfit for human habitation to offer assistance, in writing, in obtaining an equivalent alternative dwelling, dwelling unit, rooming house, or rooming unit for those occupying the dwelling, dwelling unit, rooming house, or rooming unit if entry for repair has been granted. Such order may include additional requirements for relocation assistance, including but not limited to reasonable expenses and costs. Any such order issued pursuant to this subsection shall only require that assistance be provided until the defects upon which the action was based have been eliminated and the dwelling, dwelling unit, rooming house, or rooming unit conforms to the standards established by this article and the provisions of the rules and regulations adopted and promulgated hereunder. The manager shall post the order in a conspicuous place on the property designated as unfit pursuant to this section.

(4) *Failure to provide relocation assistance; lien.* It shall be unlawful to fail or refuse to comply any order issued by the manager under this section. In addition to any other penalty authorized under this article, if a party ordered to provide relocation assistance fails to comply with such an order

1 and the city subsequently provides the relocation assistance, the whole cost to the city of providing the
2 relocation assistance, plus five (5) percent of the cost for the relocation assistance, any costs of
3 collection, and other incidental costs in connection therewith shall constitute a debt owed to the city
4 and be secured by a lien on the subject property until paid in full. In this event, the manager shall
5 certify a statement thereof to the manager of finance, who shall record a notice of such lien with the
6 clerk and recorder. The lien created thereby shall be superior and prior to all other liens, regardless of
7 their dates of recordation, except liens for general taxes and special assessments. The manager of
8 finance shall assess and charge the same against the property involved upon recordation, and such
9 debt shall be immediately due and payable in full. If the debt remains unpaid, the manager of finance
10 shall be authorized to collect the debt in the same manner as delinquent real property taxes.

11 ~~(3) *Correction of defects.* No dwelling, dwelling unit or rooming unit which has been~~
12 ~~designated as unfit for human habitation and placarded as such shall again be used for human~~
13 ~~habitation until written approval is secured from and the placarding removed by the manager. The~~
14 ~~manager shall remove the placard whenever the defects upon which the designation and placarding~~
15 ~~action were based have been eliminated and the dwelling, dwelling unit or rooming unit conforms to~~
16 ~~the standards established by this article and the provisions of the rules and regulations adopted and~~
17 ~~promulgated hereunder.~~

18 ~~(4) *Unlawful to deface placard.* It is unlawful for any person to deface, move, remove or~~
19 ~~obscure any placard affixed under the provisions of this article.~~

20 ~~(5) *Appeals.* Any person aggrieved by the designation of any dwelling, dwelling unit or~~
21 ~~rooming unit as unfit for human habitation who believes the designation to be factually or legally~~
22 ~~contrary to the ordinances of the city, or the policies and regulations of the department of public health~~
23 ~~and environment, may appeal the same to the board in accordance with article 1, chapter 24, D.R.M.C.~~
24 ~~The placarding of any dwelling, dwelling unit or rooming unit under the provisions hereof commences~~
25 ~~operation of the period of time in which an appeal must be perfected.~~

26 ~~(65) *Modifications under special circumstances.* Whenever there are practical difficulties~~
27 ~~involved in carrying out the provisions of this article, the manager may grant modifications for individual~~
28 ~~cases, provided he shall first notify the owner of the building, structure or utility and then find that a~~
29 ~~special individual reason makes the strict letter of the article impractical, that the modification is in~~
30 ~~conformity with the intent and purpose of this article and that such modification does not lessen any~~
31 ~~health or safety, fire protection requirements, or any degree of structural integrity. The details of any~~
32 ~~action granting modifications will be sent to the owner and entered in the files of the department of~~
33 ~~public health and environment.~~

1 **~~Sec. 27-28.5. -- Compliance with order.~~**

2 ~~It is unlawful to fail or refuse to comply with an order issued by the manager under this article.~~

3
4 **~~Sec. 27-29. -- Recording of notice with clerk.~~**

5 ~~(1) When the manager determines that there is a violation of this article that [is] consistent~~
6 ~~with department policies and procedures warrants recording based on the nature of or circumstances~~
7 ~~concerning the violation, the manager may record the notice of violation in the real property records of~~
8 ~~the clerk and recorder.~~

9 ~~(2) When the condition upon which the notice was based has been corrected, the manager~~
10 ~~shall record a release of the notice of violation.~~

11
12 **~~Sec. 27-2930. - Emergency proceedings in court of record.~~**

13 (1) If any owner or operator does not comply with an order of the manager, or if an
14 emergency to public health exists, the manager may take whatever action as necessary to alleviate or
15 eliminate the imminent hazard to public health, including without limitation, causing the demolition of
16 any dwelling or part thereof concerned. Or, if any owner or operator does not comply with an order of
17 the manager and causes or permits any such dwelling or part thereof concerned to remain vacant for a
18 period of one (1) year, and the zoning administrator finds that such dwelling or part thereof cannot
19 reasonably be utilized for any use by right lawful in the district in which the same is located, the zoning
20 administration may join with the manager in causing the demolition of the dwelling or part thereof
21 concerned. Or, if any owner or operator does not comply with an order of the manager and causes or
22 permits any dwelling or part thereof concerned to remain vacant, and the chief of the fire department
23 finds that such dwelling or part thereof constitutes a fire hazard, the chief of the fire department may
24 join with the manager in causing the demolition of the dwelling or part thereof concerned and join in
25 any other action determined necessary to alleviate or eliminate the imminent hazard to public health
26 that requires assistance of the fire department.

27 (2) The manager, zoning administrator, or chief of the fire department must file an
28 appropriate proceeding against the owner of the dwelling in district court in and for the city under these
29 provisions before actual demolition commences. The city is entitled to recover costs arising out of the
30 proceedings, including attorney's fees, and costs of demolition.

31 (3) The costs enumerated above, if not otherwise paid by the defendants or collected upon
32 execution in the manner provided by law, shall constitute a debt owed to the city and be secured by a
33 lien against on the subject property until paid in full. In this event, the manager shall certify a statement
34 thereof to the manager of finance, who shall record a notice of such lien with the clerk and recorder.

1 The lien created hereby shall be superior and prior to all other liens, regardless of their dates of
2 recordation, except liens for general taxes and special assessments. The manager of finance shall
3 assess and charge the same against the property involved upon recordation, and ~~collect the same~~
4 ~~due, plus interest thereon,~~ such debt shall be immediately due and payable in full. If the debt remains
5 unpaid, the manager of finance shall be authorized to collect the debt in the same manner as ~~are~~
6 delinquent real property taxes. ~~If the lien remains unsatisfied, the manager of finance shall sell the~~
7 ~~property involved in the manner prescribed for sales of property for delinquent property taxes. The lien~~
8 ~~created hereby shall be superior and prior to all other liens, regardless of their dates of recordation,~~
9 ~~except liens for general taxes and special assessments. In addition to the remedies set forth herein, an~~
10 ~~action or other process provided by law may be maintained by the city to recover or collect any~~
11 ~~amounts, including interest, owing under this provision.~~

12
13 **Sec. 27-3430. - Notice of vacating buildings.**

14 (1) The owner of a building containing four (4) or more units or any hotel, motel or other
15 structure containing four (4) or more rooms rented separately for residential occupancy, who intends to
16 vacate the building for the purpose of remodeling, demolition, changing the use of the building or for
17 any other purpose shall, at least thirty (30) days prior to the intended date for the vacation, give written
18 notice of the intent to vacate the building to all tenants; post the notice on each entrance to the
19 affected building; and file a copy of this notice with the city clerk.

20 (2) ~~Subsection (1) of this~~ This section does shall not apply where the building is ordered
21 vacated by a federal, state, or city agency.

22 (3) The provisions of this section do not replace the requirements of former chapter
23 59~~subsection 59-26(h)~~ requiring a 90-day notice of the conversion of a building to condominium
24 ownership.

25
26 **Secs. 27-321—27-44. - Reserved.**

1 COMMITTEE APPROVAL DATE: April 23, 2025 by Consent
2 MAYOR-COUNCIL DATE: April 29, 2025
3 PASSED BY THE COUNCIL 05/19/2025
4 *Anurish P. Sandora* - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9
10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____
11
12 PREPARED BY: Anshul Bagga, Assistant City Attorney; DATE: May 8, 2025
13
14 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
15 City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance.
16 The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the
17 Charter.
18
19 Katie J. McLoughlin, Interim City Attorney
20
21 BY: *Anshul Bagga*, Assistant City Attorney DATE: 05/19/2025