

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2022

COUNCIL BILL NO. 22-0617
COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness

6 A BILL

7 **For an ordinance enacting a new article XI, chapter 27 of the Denver Revised**
8 **Municipal Code requiring unit owners' associations to notify homeowners of**
9 **certain rights when initiating a foreclosure action and consolidating existing**
10 **notice and disclosure duties for tenant rights.**
11

12 WHEREAS, the City and County of Denver has a compelling local and municipal interest
13 in ensuring Denver residents have full knowledge of their rights under the law and the
14 resources available to them; and

15 WHEREAS, the rapidly increasing price of housing in Denver combined with economic
16 instability from the Covid-19 pandemic has created concerns over affordability of housing in
17 Denver and the ability of current Denver residents to continue to afford their homes; and

18 WHEREAS, providing resources to help keep Denver homeowners in their homes
19 promotes and protects the continued existence of Denver's vibrant and unique cultural
20 communities; and

21 WHEREAS, providing Denver residents information regarding their resources and rights
22 before a lien is foreclosed upon may expedite payment of the lien while allowing the resident to
23 stay in their home, benefitting all parties;

24 WHEREAS, the purpose of this ordinance is to ensure that homeowners are provided
25 information regarding resources maintained by the City, without compromising the rights and
26 remedies unit owners and homeowners associations are entitled to under state law; and

27 WHEREAS, nothing in this ordinance is intended to conflict with or supersede the
28 requirements of any state statute governing unit owners' associations foreclosure actions,
29 including by way of example the lien and notice provisions set forth in the Colorado Common
30 Interest Ownership Act, Article 33.3 of Title 38, C.R.S.

31
32 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

33 **Section 1.** That article VIII, D.R.M.C. shall be amended by deleting the language stricken, and
34 adding the language underlined, to read as follows:

35 **Sec. 27-195. - Licensing requirements.**

In addition to the provisions applicable to all licenses, all residential rental property licensees shall comply with the following provisions:

(a) A residential rental property licensee must maintain premises in compliance with article II, and all rules and regulations adopted pursuant thereto.

(b) A residential rental property licensee shall ensure that all appliances supplied by the owner are in good working condition, free of leaks or other defects, so as not to cause any unsafe or unsanitary condition.

(c) A residential rental property licensee shall ensure that all dwelling units within a residential rental property contain a functioning smoke detector, carbon monoxide detector, and fire extinguisher.

(d) A residential rental property licensee shall comply with section ~~27-240~~27-201(a) herein.

~~Sec. 27-201. -- Executed written leases and notice of tenant rights and resources.~~

~~(a) Executed written lease and notice of tenant rights and resources. Beginning January 1, 2022, no owner or operator shall allow any person to initiate a new occupancy of a rental property for a period in excess of 30 days for valuable consideration unless and until such owner or operator has provided a copy of an executed written lease, in the timeframes and manner set forth in C.R.S. § 38-12-801. In addition, at the time of providing a copy of the executed written lease and at any time the owner or operator makes any rent demand posted pursuant to C.R.S. § 13-40-104, an owner or operator shall provide written notice of tenants' rights and resources on a form provided or approved by the city. Such notice shall contain information concerning minimum housing standards required under article II of chapter 27; resources and information on how to make a complaint related to minimum housing standards; a statement regarding tenants' legal rights when receiving a notice to vacate their premises, to utilize or seek legal representation, or in any court proceeding related to their rental housing; and, how to locate rental assistance and legal service providers.~~

~~(b) Enforcement. An owner or operator who violates the provisions of this section 27-201(a) is subject to the penalties and procedures set forth in article XII, chapter 2 of the Code, Administrative Citations, of this Code. This subsection (b) shall sunset at the time a license is required under 27-193, and thereafter any residential rental licensee failing to comply with section 27-201(a) may be subject to suspension, revocation, or sanctions in 27-200 herein, in addition to the grounds set forth in chapter 32 of this Code.~~

Sec. 27-202~~1~~. - Rules and regulations.

Sec. 27-203~~2~~. - Reporting.

Sec. 27-204~~3~~ – 27-210. - Reserved.

Section 2. That article IX, chapter 27, D.R.M.C. shall be amended by deleting the language stricken, and adding the language underlined to read as follows:

~~Sec. 27-215. – Required disclosures.~~

~~Beginning January 1, 2022, or upon earlier adoption of the city approved notice in accordance with 27-201(a), landlords or any agent working on behalf of a property owner shall provide the city's approved written notice of tenants' rights and resources. The landlord or its agent must provide such notice to tenants at each of the following times:~~

~~(a) At the time of executing a lease;~~

~~(b) At any time the owner or operator makes any rent demand posted pursuant to C.R.S. § 13-40-104;~~

~~(c) In addition to the requirements of 27-201 (a), such notice must also be provided at the time that the Denver Housing Authority or any other affordable housing provider sends a notice to terminate a tenant's subsidy or tenancy.~~

Sec. 27-215.6. - Rules and regulations.

The executive director of the department of housing stability may adopt such reasonable rules and regulations as may be necessary for the administration and implementation of the provisions of this article.

Sec. 27-216. - Reserved.

Section 3. A new article XI, chapter 27 shall be added and read as follows:

ARTICLE XI. – REQUIRED DISCLOSURES

Sec. 27-240. – Eviction and Foreclosure Resources.

(a) *Executed written lease.* No landlord or its agent shall allow any person to initiate a new occupancy of a rental property for a period in excess of 30 days for valuable consideration unless and until such landlord or agent has provided a copy of an executed written lease, in the timeframes and manner set forth in C.R.S. § 38-12-801.

(b) *Written notice of tenant rights and resources.* The landlord or agent shall provide written notice of tenants' rights and resources on a form provided or approved by the city. Such notice shall contain information concerning minimum housing standards required under article II of chapter 27; resources and information on how to make a complaint related to minimum housing standards; a statement regarding tenants' legal rights when receiving a notice to vacate their premises, in any court proceeding related to their rental housing, and the right to utilize or seek legal representation; and how to locate rental assistance and legal service providers. The landlord or its agent must provide such notice to tenants at each of the following times:

(1) At the time of executing a lease;

(2) At any time the owner or operator makes any rent demand posted pursuant to C.R.S. § 13-40-104;

(3) At the time that the Denver Housing Authority or any other affordable housing provider sends a notice to terminate a tenant's subsidy or tenancy.

(c) *Foreclosure resources.* Any association, or assignee of the association's debt, seeking to foreclose a lien on and after August 30, 2022 shall provide written notice of owners' rights and resources on a form provided or approved by the city at least thirty (30) days prior to instituting such action. Such notice shall contain a listing of legal and housing resources for homeowners facing foreclosure. An association shall maintain a record of such notice, including the date and time that the notice was provided. As used in this subsection, "association" has the meaning set forth in the Colorado Common Interest Ownership Act, Article 33.3 of Title 38, C.R.S., as amended.

(d) *Enforcement.* Any person who violates the provisions of this section is subject to the penalties and procedures set forth in article XII, chapter 2, Administrative Citations, of this Code. In addition to such penalties, any residential rental licensee failing to comply with this section may be subject to suspension, revocation, or sanctions in section 27-200, in addition to the grounds set forth in chapter 32 of this Code.

COMMITTEE APPROVAL DATE: May 25, 2022

MAYOR-COUNCIL DATE: May 31, 2022.

PASSED BY THE COUNCIL _____

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

PREPARED BY: Anshul Bagga; DATE: May 11, 2022

Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kristin M. Bronson, Denver City Attorney

BY: _____, Assistant City Attorney DATE: _____