



HIGH COUNTRY HOMESTEADS

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## New Rules in Colorado for Habitability Claims



*Leases signed after January 1, 2025 will be required to have new Warranty of Habitability language and info on how a tenant may deliver written notice to their Landlord.*



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### Special points of interest:

- No October Newsletter as I will be on vacation from Sept. 24 to Oct. 13.
- Time to get a mountain rental? Cute little studio for sale to get you started.
- Landlords pay attention to the new Warranty of Habitability Laws in Colorado



High Country Highlights

As reported in the July, 2024 issue of High Country Highlights, there were a number of new laws implemented by the Colorado State Legislature this year with regard to Tenant Rights and Landlord Responsibilities.

Senate Bill 24-094 implemented new rules for Habitability Claims. The existing warranty of habitability laws were changed to clarify what constitutes a breach of warranty of habitability and defines the procedures both the landlord and the tenant must follow when a habitability claim is alleged by the tenant.

Once the Landlord is made aware of habitability issue in writing, text or verbally, they must contact the Tenant within 24 hours informing the tenant on the plans for resolution and the timing of the resolution.

The Landlord is responsible for providing the tenant a comparable dwelling unit or hotel room at no cost to the tenant if the property is uninhabitable.

The Landlord must pro-

vide the tenant with at least 24 hour notice in advance of entry into the unit to conduct the repairs unless the issue poses a threat to the life, health or safety of the tenant.

Cost of remediation is at the landlord's expense unless the situation was caused by the misconduct of the tenant in which case it is not a breach of the warranty of habitability.

The Landlord has 14 days after receipt of notice to resolve the issue. If the condition interferes with the tenants life, health or safety, the landlord has 7 calendar days to resolve it unless the ability to repair is beyond the control of the landlord or situation is caused by the tenant.

Coupled with these requirements, there are new record retention requirements. Landlords should keep records of all notices, correspondence and documentation pertaining to the requests and remedial action taken for three years after the tenant's occupancy and must be provided to the tenant within 10 days of the tenant's request.

Examples of life threatening/safety issues:

- 1) Mold, water intrusion, lack of weather protection
- 2) Failure of gas lines, gas equipment or gas appliances
- 3) Lack of heat
- 4) Lack of hot water or running water for more than 4 hours within the Landlord's control
- 5) Electricity, failure to electric wiring or electrical appliances.
- 6) Plumbing and sewage failure
- 7) No-working elevator for a persons with disability
- 8) Infestation of rodents, pests, insects or vermin
- 9) Improper venting of chimneys, venting on fuel fired equipment or cooling systems, etc.
- 10) Inaccessible fire exits or egress windows
- 11) Lack of working locks or security devices on exterior doors and working windows

The Tenant now has

## Warranty of Habitability (continued)

remedies available to them to address habitability issues if the Landlord does not respond and mitigate within the stated timeframes. Among the remedies they have available are:

- Terminate the lease
- Make the repair and take it out of their rent payment
- Request Reimbursement for the repair
- A claim for actual damages, court costs, attorney’s fees, *punitive damages* and any other damages ordered by a court.
- Injunctive relief from the court, including an order from the court requiring a landlord to remedy the condition as it applies to the tenant and any other similarly situated tenants and prohibiting the renting of any non-complying unit to any tenant.
- A breach of the warranty of habitability may be used as an affirmative defense to an eviction for non-payment of rent or certain non-monetary breaches of the lease agreement, except for substantial violations, even if the condition no longer exists at the time of trial.

There is a lot more included in this bill as this is a very general summary. If you are a long term rental landlord, it is recommended to get with your attorney and get a revised Lease for 2025. After January 1, 2025, all new leases are required to have the revised Warranty of Habitability language in it as well as information on how the tenant can notify the landlord of habitability issues.

## Upcoming Summit County

Date	Event
Mondays thru Sept 22nd	Dillon– Mountain Music Mondays - Free Concerts—Lake Dillon Amphitheater—6:30 PM to 10:00 PM Check out <a href="https://www.dillonamp.com/">https://www.dillonamp.com/</a> for the Lake Dillon Amphitheater concert schedule
Tuesdays thru Sept. 10th	Dillon—Country Dancing at the AMP with Summit Country Dancing—6 to 7 PM—Dance Lessons—Open Dance to 8:30 PM—Lake Dillon Amphitheater—Admission \$10—No experience necessary—No Partner necessary Rain or Shine!
Wednesdays thru Sept. 18th	Dillon—Yoga at the Amp with Summit Sol Wellness—Lake Dillon Amphitheater—6:30 to 7:30 PM—Happy Hour follows—\$20
Fridays thru Sept. 13th	Dillon Farmers Market—Dillon Town Park—9 am to 2 PM
September 5, 2024	ABasin - Burger Night with Live Music—6th Alley Grill—5 to 8 PM
September 6, 2024	Copper Mountain—Apres’ at Aerie—3:00—5:30 PM Silverthorne—First Friday—Concert with Neal Francis—Rainbow Park - 5:30 PM to 9:00 PM—Free
September 6-7, 2024	Copper Mountain—Union Peak Festival– Music-Arts & Sports Frisco—Arts at Altitude and Fall Festival—Frisco Historic Park—10 AM to 5 PM
September 13 -15, 2024	Breckenridge Oktoberfest—Breck Main Street
September 14, 2024	ABasin—Dave Watts & Friends—Mountain Goat Plaza—1 to 3:30 PM FREE
Sept. 14, 28 & Oct. 5, 2024	ABasin—Ski Boot Camp—Ski Tunes & Work Outs—Mountain Goat Plaza—10 Am to 1 PM
September 19-22, 2024	Breckenridge Film Festival –Eclipse Theater, Riverwalk Center & Backstage Theater—Advance Tickets required
September 21, 2024	Frisco –Park after Dark Silent Disco—Frisco Historic Park—6:30 PM to 9:30 PM—FREE
Sept. 21-22, 2024	ABasin—Oktoberfest—Mountain Goat Plaza—11 AM to 4 PM
October 4, 2024	Silverthorne—First Friday—Film Festival—Silverthorne Pavilion—5:30 PM to 8:30 PM
October 6, 2024	Silverthorne—Pumpkin Festival –Rainbow Park 11AM to 2 PM—FREE
October 11-13, 2024	Breckenridge - “Still on the Hill” Crafts & Spirits Festival—various locations around town
October 25, 2024	Silverthorne—Halloween Dance with Summit Country Dancing –7 to 8 PM—Dance Lessons—Open Dance to 10:30 PM—Costume Contest—Silverthorne Pavilion—Admission \$10—No experience or Partner necessary

FOR SALE



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Keystone CO 80435**

**\$414,900**

- Cozy Studio at Slopeside Condos with Full Bath -361 Sq Ft
- Base of Keystone’s Mountain House area. A few steps to the lifts offering breathtaking views of Buffalo Mountain
- Contemporary furnishings and thoughtfully designed to maximize space (Sleeps 4)
- Close to skiing, hiking , golf and Keystone’s vibrant village attractions. Short Term Rentals are allowed.
- Building Exterior Special Assessment paid off resulting in lower monthly HOA fees.