



## Human Services

### **Tips for Landlords and Tenants in Navigating Rental Issues Following Wind and Fire Damage**

*The following information addresses pertinent questions and concerns following the Marshall Fire and wind storm. The City of Boulder's Community Mediation and Resolution Center provides landlord/tenant information and mediation services for Boulder County, excluding Longmont. The following information is offered as general information and does not constitute legal advice.*

***To discuss your situation or for mediation services, call CMRC at 303-441-4364.***

***For issues in the City of Longmont, call 303-651-8444***

#### **I'm a tenant who lost personal property in this disaster. How can I recover my losses?**

- Start by reviewing your lease. Many written leases have terms that say what happens if a rental property is affected by a disaster. If you do not have a copy of your lease, ask your landlord.
- Under a typical lease, it is the tenant's responsibility to have maintained renter's insurance for their personal property. If there is damage to their personal property, the tenant should contact their insurance company. Homeowner's insurance policies do not typically cover a tenant's personal property.
- If there is no renter's insurance or other coverage, the tenant can submit a claim to FEMA. Those claims usually must be made within 50 days of the disaster declaration but be sure to check all deadlines with FEMA. In the event a claim is denied by FEMA, the claimant may appeal.
- A tenant can also apply for low-interest loans through the Small Business Administration (SBA) to cover residential losses not fully compensated by insurance. Loans are available up to \$200,000 for primary residence and \$40,000 for personal property, including renter losses. More information is available at <https://disasterloanassistance.sba.gov/> or call: 1-800-659-2955, email: [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or stop by the Disaster Assistance Center (DAC).
- There may be additional resources to cover property loss coming available in the coming weeks. Check back with Community Mediation and Resolution Center for updated resources.

### **The property was not destroyed but suffered damage. Who is responsible for repairs?**

- Debris, ash and residue should be considered hazardous. Follow the safety guidelines on the Boulder County website: <https://www.bouldercounty.org/safety/fire/safe-cleanup-after-a-fire/>. The county has coordinated a debris removal program and more information is available at <https://www.bouldercounty.org/disasters/wildfires/marshall/debris-removal-program>
- If your rental unit was damaged, make sure to immediately tell your landlord about the property damage; email, or text, or use the tenant portal, or other written method to describe the damage and request repairs. Request the repairs be made by a certain date within a reasonable time frame. Tenants should make an effort to cooperate with the completion of any repair work by allowing access to the property. If the tenant prevents entry for repairs; they may assume some responsibility for any damages that may result.
- If repairs are ineligible for the county's debris removal program, check the lease for any applicable language on who is responsible for maintaining and repairing the premises. Check if the property has insurance which may cover repairs.
- The tenant should present a written list of the needed repairs to the landlord requesting the repairs be made by a certain date within a reasonable timeframe.
- Tenants should make an effort to cooperate with the completion of any repair work by allowing access to the property. If the tenant prevents repairs to be done, they may assume some responsibility for any damages that may result.
- Grants for home repairs not covered by insurance to make damaged dwellings safe, sanitary and functional are available through FEMA. Call 1-800-621-3362 to apply for assistance.
- If the parties can't come to an agreement on the terms of the repair, mediation services are a good option for resolving the dispute. See mediation resources.

### **Do I still have to pay rent even if the unit is uninhabitable?**

- Rent is still due if you want to continue your tenancy. If the unit is not habitable, the landlord may need to provide you with an alternate living. If you are in this situation, we recommend seeking legal advice.
- The Warranty of Habitability (CRS 38-12-501) is a law which affords tenants protections when living conditions in a rental property are uninhabitable. A unit is uninhabitable when conditions are materially dangerous or hazardous to a tenant's life, health or

safety and the landlord has failed to address it within a reasonable time frame after receiving written notice from the tenant. If there are issues that affect the habitability of the residence, a written notice must be given to the landlord identifying the issues and requesting repairs. In these situations, tenants may have the option of breaking the lease, withholding rent, or suing for damages if the landlord does not respond within a specific time frame. We recommend seeking legal advice prior to pursuing these avenues.

- The landlord must employ “reasonable efforts” to make the property habitable. In the current circumstances where there is a high demand on restoration services and construction, it may reasonably take longer to get certain repairs made.

### **At what point can the lease be terminated?**

- Most written leases say how the lease can be terminated. Start by reviewing the lease.
- Additionally, Colorado law also allows for a landlord to terminate the lease as a result of a catastrophe to the unit. If the lease is terminated, the tenant’s obligation to pay rent would end. However, the law does not define exactly how much damage is necessary for the landlord to have the right to terminate a lease. If the unit is completely destroyed, the landlord can likely terminate the lease (unless the lease itself says otherwise). If the unit is damaged but not destroyed, whether the landlord has the right to terminate the lease will depend on the circumstances. See C.R.S. § 38-12-503(6).
- Ideally, if the tenant and landlord desire to terminate the lease, they could negotiate an agreement between themselves. Any agreement should be in writing and signed by all parties. Mediation services are available to help facilitate negotiation. See below for information about mediation resources and legal help.

### **How can I access alternate housing?**

[Boulder Area Rental Housing Association](#) is currently the primary source for all available housing for community members impacted by the Marshall Fire. Displaced residents can visit the BARHA page for available properties and resources. Please note that Boulder County is sharing this list as a resource and is not coordinating or vetting these listing.

[Marshall Fire Facebook group](#) is also an option for posting housing needs and to connect with available housing. Please note that Boulder County is sharing this list as a resource and is not coordinating or vetting these listing.

### **Where can I report landlords who are taking advantage of the lack of housing caused by the disaster and charging excessive rent?**

The Boulder County District Attorney's Community Protection Division is committed to ensuring that all residents, including low-wage earners, are not victimized during this incredibly difficult time. Community members can contact the Community Protection Division, 303-441-3700 to request an investigation if they believe that they are a victim of [criminal rent gouging](#) and/or file a claim with the Attorney General's office, <https://coag.gov/file-complaint/>

### **City of Boulder Rental Licensing Exemptions**

To ease the process for first time landlords providing housing to those displaced by the fires, the city of Boulder has waived certain licensing requirements. First time landlords in the city of Boulder offering housing can fill out an [affidavit](#) through the rental licensing program in order to bypass the licensing requirement. A third-party inspection of the property is still required.

If the owner will be occupying the home and renting out a room or portion of the home, no rental license is required regardless of the fire, and they can simply fill out the [standard long-term exemption](#). More information can be found on the Rental Licensing page: <https://bouldercolorado.gov/services/rental-housing-licensing-long-term>

### **Rental Assistance**

- FEMA - assistance for temporary housing. Register at the Disaster Assistance Center 1755 S Public Rd, Lafayette, CO 80026 or online at [Disaster Assistance](#) or by calling 1-800-621-FEMA (3362) or by web enabled mobile device at m.fema.gov. Disaster assistance applicants, who have a speech disability or hearing loss and use TTY, should call 1-800-462-7585 directly; for those who use 711 or Video Relay Service (VRS), call 1-800-621-3362. The toll-free telephone numbers will operate from 7 a.m. to 10 p.m. (local time) seven days a week until further notice.
- Sister Carmen (Lafayette) - motel vouchers and rental assistance. Call 303-665-4342 between 9:00am – 4:00pm to make an appointment, 655 Aspen Ridge Drive, Lafayette, 80026.
- Housing Stabilization Program (Boulder County) - deposit and rent assistance. Contact 303-441-1206 or [HousingHelpline@bouldercounty.org](mailto:HousingHelpline@bouldercounty.org).
- Emergency Family Assistance Association (Boulder) - financial assistance. Call 303-442-3042 for an appointment.
- Our Center (Longmont) – financial assistance Call 303-772-5529 or [info@ourcenter.org](mailto:info@ourcenter.org)

## **Legal Resources**

The Boulder County Bar Association is offering no-cost appointments for disaster-related legal advice regarding insurance, construction, estate planning, family law, etc. In person consultations at the Disaster Assistance Center will be available on January 17<sup>th</sup>. In the meantime, community members can access the virtual legal clinic and attorneys will respond typically within 48 hours. Access the online form [www.boulder-bar.org](http://www.boulder-bar.org).

Boulder County Legal Services – provides civil legal assistance primarily to low-income individuals and seniors – (303) 449-7575.

## **Mediation Resources**

Community Mediation and Resolution Center – (303) 441-4364 [www.bouldercolorado.gov](http://www.bouldercolorado.gov)  
*For properties in Boulder County, excluding the city of Longmont*

Longmont Mediation Service – (303) 651-8444 [www.ci.longmont.co.us](http://www.ci.longmont.co.us)  
*For properties in the city of Longmont*