

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 04-1153

BY REPRESENTATIVE(S) Stengel, Borodkin, Boyd, Butcher, Carroll, Coleman, Frangas, Garcia, Jahn, Marshall, McFadyen, McGihon, Merrifield, Paccione, Plant, Romanoff, Vigil, Weissmann, Williams S., Stafford, and Weddig;  
also SENATOR(S) Kester, Evans, Groff, Grossman, Hanna, Tupa, and Veiga.

CONCERNING HOUSING ISSUES FOR VICTIMS OF DOMESTIC VIOLENCE.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Article 12 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

## PART 4 VICTIMS OF DOMESTIC VIOLENCE

**38-12-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "DOMESTIC ABUSE" SHALL HAVE THE SAME MEANING AS

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROVIDED IN SECTION 13-14-101 (2), C.R.S.

(2) "DOMESTIC VIOLENCE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 18-6-800.3 (1), C.R.S.

**38-12-402. Protection for victims of domestic violence.** A LANDLORD SHALL NOT INCLUDE IN A RESIDENTIAL RENTAL AGREEMENT OR LEASE AGREEMENT FOR HOUSING A PROVISION AUTHORIZING THE LANDLORD TO TERMINATE THE AGREEMENT OR TO IMPOSE A PENALTY ON A RESIDENTIAL TENANT FOR CALLS MADE BY THE RESIDENTIAL TENANT FOR PEACE OFFICER ASSISTANCE OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO A DOMESTIC VIOLENCE OR DOMESTIC ABUSE SITUATION. A RESIDENTIAL TENANT MAY NOT WAIVE THE RESIDENTIAL TENANT'S RIGHT TO CALL FOR POLICE OR OTHER EMERGENCY ASSISTANCE.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to lease agreements and rental agreements entered into on or after the applicable effective date of this act.

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Lola Spradley  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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John Andrews  
PRESIDENT OF  
THE SENATE

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Judith Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Mona Heustis  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Owens  
GOVERNOR OF THE STATE OF COLORADO