

What does HB08-1356 do (in the simplest terms)?

- In every rental agreement, the landlord is warranting that the premises are fit for human habitation
- Defines a breach of warranty of habitability to require an uninhabitable premises, in a condition that is materially dangerous or hazardous to a tenant's life, health or safety, that the landlord has failed to cure within a reasonable time after having received written notice of the condition by the tenant
- Provides list of requirements for housing which if not properly maintained could result in a condition that breaches the warranty of habitability providing the condition is sufficiently hazardous or dangerous.
- Grants tenants remedies if their landlord fails to timely repair a dangerous condition including allowing tenants to terminate lease after giving second written notice and opportunity to correct; sue for damages; seek an order to correct condition by filing action in District Court after notifying local government; and allows tenant to use breach of warranty of habitability as a defense to an eviction action for nonpayment of rent, provided tenant pays into the court, the rent due less any expenses already incurred as result of the breach of the warranty of habitability
- Provides for small landlords (1-4 units) to opt out of the requirements of the bill
- Requires a tenant to maintain the unit in a clean, safe and sanitary condition and not to cause damage to the unit and grants landlords the right to evict the tenant for failure to comply with this provision.
- States that a landlord shall not retaliate against a tenant for asserting rights under the Act, but requires tenant to prove breach (dangerous or hazardous condition, written notice and landlord's failure to repair in a timely manner) and grants rebuttable presumption in favor of the landlord that actions were not retaliatory when a tenant raises retaliation as a claim or defense.
- States it is unlawful for landlord to remove a tenant without resorting to court process or to willfully terminate utilities, remove doors, windows or locks for the purpose of getting the tenant to vacate
- Lists exclusions from coverage of the bill, but clarifies that these exclusions do not prevent occupants of the excluded housing from seeking relief elsewhere in the law