



Human  
Services

## **Tips for Landlords and Tenants in Navigating Rental Issues Following the Recent Flooding**

*The following information addresses pertinent questions and concerns following the recent flooding. The City of Boulder's Community Mediation Service provides landlord/tenant information and mediation services for the City of Boulder residents. The following information is offered as general information and does not constitute legal advice.*

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

### **How will repairs be made and who is responsible?**

- Always check the lease to determine if there is any applicable language on who is responsible for maintaining and repairing the premises.
- Check if the property has any flood 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.
- Assistance for tenants is available through FEMA. Grants for home repairs and replacement of essential household items not covered by insurance to make damaged dwellings safe, sanitary and functional are available. Call 1-800-621-3362 to apply for assistance.
- During a flood cleanup, it is important to protect the indoor air quality by removing contaminated materials and reducing moisture and humidity. Standing water and wet materials are a breeding ground for microorganisms, such as viruses, bacteria, and mold. They can cause disease, trigger allergic reactions, and continue to damage materials long after the flood. For resources about what to look for, how to clean up, and a list of professionals who can help, visit [www.bouldercountyflood.org](http://www.bouldercountyflood.org) and select "Indoor Air Quality."

### **What if repairs are not being made in a timely fashion?**

- The Warranty of Habitability (CRS 38-12-501) is a law which affords tenants protections when living conditions in a rental property are deemed uninhabitable. The law stipulates that a

breach of warranty of habitability exists when conditions become materially dangerous or hazardous to a tenant's life, health or safety and that the landlord has failed to cure within a reasonable time frame after having received written notice of the condition by the tenant. In these situations, tenants may have the option of breaking the lease, withholding rent, or suing for damages however these are all considered risky options and a tenant should seek legal advice prior to pursuing any of these avenues.

- Be aware that the reasonable time frame for making the repairs is based on facts and surrounding circumstances. In the current circumstances where there is a high demand on repair/flood restoration services, it may take longer to get the repairs made. A reasonable time frame is "reasonable under the circumstances". However, a landlord would be wise to keep a record of all attempts to contact contractors so they can demonstrate their efforts.

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

- The law provides for a landlord to terminate the lease if there is damage as a result of catastrophe. However, the law does not set a defined standard regarding the extent of damage that clearly defines whether a landlord can or cannot terminate the lease. (CRS 38-12-503).
- Tenants have recourse to break their lease if the landlord fails to make repairs within a reasonable timeframe (see previous section on Warranty of habitability). However, tenants should exercise extreme caution and seek legal advice before pursuing this option as this issue may have to be brought up in court before a tenant is released from their lease obligation.
- Ideally the tenant and landlord could negotiate between themselves and come up with an agreement on terminating the lease. This agreement should be in writing and signed by all parties. If negotiating is unsuccessful, mediation services are a good option for resolving the dispute. The City of Boulder Mediation Services are available for properties located within the City of Boulder (303-441-4364)

#### **Who pays for alternate accommodations if a tenant is displaced?**

- The Warranty of Habitability law as written does not adequately address who would pay for temporary housing and it is best for landlords and tenants to negotiate this issue between them. Mediation is also an option for settling a dispute on this issue. Seeking legal advice to resolve issues around alternate accommodations is another option.
- FEMA may provide reimbursement for temporary housing and renters should apply for assistance by calling 1-800-621-3362.

### **Rental Assistance through Federal Aid Programs**

- Rental payments for temporary housing for those whose homes are unlivable. Initial assistance may be provided for up to three months for homeowners and at least one month for renters. Assistance may be extended if requested after the initial period based on a review of individual applicant requirements. (Source: FEMA funded and administered.)
- Grants for home repairs and replacement of essential household items not covered by insurance to make damaged dwellings safe, sanitary and functional. (Source: FEMA funded and administered.)
- Grants to replace personal property and help meet medical, dental, funeral, transportation and other serious disaster-related needs not covered by insurance or other federal, state and charitable aid programs. (Source: FEMA funded at 75 percent of total eligible costs; 25 percent funded by the state.)
- Low-interest loans to cover residential losses not fully compensated by insurance. Loans available up to \$200,000 for primary residence; \$40,000 for personal property, including renter losses. Loans available up to \$2 million for business property losses not fully compensated by insurance. (Source: U.S. Small Business Administration.)

#### **How to Apply for Assistance:**

Those in the area designated for assistance to affected individuals and business owners can begin the disaster application process by registering online at [www.DisasterAssistance.gov](http://www.DisasterAssistance.gov) or by calling 1-800-621-FEMA (3362) or by web enabled mobile device at [m.fema.gov](http://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.

### **Legal Resources for Flood Victims**

The Colorado Bar Association Disaster Relief Program is offering no-cost, disaster-related legal advice to those impacted in Adams, Boulder, Clear Creek, El Paso, Larimer, and Weld Counties. Victims seeking legal advice can visit [www.ColoFloodLegalRelief.org](http://www.ColoFloodLegalRelief.org) to complete a legal assistance form. The toll-free helpline is 855-424-5347, 24 hours a day. Those seeking assistance are asked to provide as many details about their situations in the online form or message as possible.

### **Additional Resources**

Community Mediation Service– (303) 441-4364 [www.bouldercolorado.gov](http://www.bouldercolorado.gov)

Longmont Mediation Service – (303) 651-8444 [www.ci.longmont.co.us](http://www.ci.longmont.co.us)

Boulder County Health Department Indoor Air Quality (Mold, etc.) – (303) 441-1564

Housing Inspection and Rental Licensing – (303) 441-3152

Boulder County Legal Services (Low-income only) – (303) 449-7575

CU Legal Aid and Defender Program (Low-income only) – (303) 492-8126

Colorado Revised Statutes [www.michie.com/colorado/](http://www.michie.com/colorado/)

Boulder Revised Code [www.colocode.com/boulder2/index.htm](http://www.colocode.com/boulder2/index.htm)