



Vote **NO! on SB18-015**

To Protect the Rights of People with Disabilities

March 21, 2018

BACKGROUND AND WHO WE ARE - Disability Law Colorado (“DLC”) is a Colorado nonprofit organization established to protect and promote the legal and human rights of persons with disabilities. It serves as the federally-mandated and state-designated Protection and Advocacy System for people with disabilities as authorized by the Developmental Disabilities Assistance and Bill of Rights Act of 2000, the Protection and Advocacy for Individuals with Mental Illness Act, and the Protection and Advocacy for Individuals Rights section of the Rehabilitation Act. Since Disability Law Colorado was founded in 1976, it has represented nearly 20,000 individuals with disabilities and has assisted more than 65,000 individuals with disabilities in advocating for themselves.

Disability Law Colorado opposes this bill because over 60% of residents in low income housing, who are often involved in insecure housing arrangements and the eviction process, are elderly or disabled and nearly two-fifths of people who are homeless have disabilities.

VOTE NO! - Disability Law Colorado strongly opposes Senate Bill 18-015, which allows owners or owner’s agents to engage police in removing allegedly “unauthorized” tenants from an owner’s premises with only a few hours’ notice. It requires a sworn declaration by the owner or agent and ultimately indemnifies the police throughout the entire process.

HOW THIS BILL AFFECTS PEOPLE WITH DISABILITIES – This bill provides a very concerning exception to our current, very expedient eviction process. It ultimately leaves tenants in a position where they are removed from their housing without any formal process, reasonable notice, or adequate legal protections. We have three main concerns about this bill:

1. We are aware of many landlord tenant agreements that are not in written form. The proposed bill would provide no protections for tenants with verbal housing agreements and actually puts them at a specific disadvantage as the only opportunity to contest the owner’s declaration is through “credible evidence.” Without a written agreement, the “reasonable opportunity to provide credible evidence” established in the bill is a fallacy.
2. Although we acknowledge that peace officers can be instrumental in legal processes, we are concerned that this bill places peace officers in a position as arbiters of an eviction process with prohibitively limited information and time.
3. This bill provides an exception to an already established eviction process. This exception will have significant negative impacts on all tenants, but especially

tenants with disabilities. Colorado's current eviction process provides for a three day notice period in which a tenant can leave the property without having to engage in an eviction proceeding. Even if the tenant does not leave within the notice period, the entire eviction process in Colorado takes, at a maximum, a mere 22 days (three weeks). This process is sufficiently expedient and already favors landlords and homeowners in its effectiveness and timeliness. In addition, there are already established legal protections for owners and landlords to guard against trespassing, civil and criminal.

As you are aware, the housing market in Colorado is extremely limited and even more so for tenants with disabilities who require accessible housing. This legislation places Colorado on a regressive path when it comes to providing equal opportunities for accessible housing and legal protections for people with disabilities.

REJECT UNREASONABLE EXCEPTIONS TO THE EVICTION PROCESS - By voting against SB 18-015, you are maintaining a reasonable legal process of eviction, so that all tenant's rights, including tenants with disabilities, are protected.

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