



Bill number: Colorado HB 23 - 1254  
House Sponsors: Representative Brown and Representative Mabrey

**Problem:** After the Marshall Fire in December 2022, many fire survivors—both homeowners and tenants—whose homes were still standing experienced health issues from smoke, ash, and toxic fumes. Some renters experienced retaliation from landlords when they tried to get their homes further remediated. Some renters experienced delays in remediation because of battles between homeowners and their insurance companies. There is a need to create clarity in the statute for both tenants and homeowners after a disaster.

**Solution:** HB 1254 is designed to protect human health in times of disasters by:

- Requiring CDPHE to develop a standard for human health post-disaster for indoor air quality, water quality, and toxic contaminants.
- Pending the development of such standards, requiring landlords to hire an industrial hygienist to do testing and ensure the housing meets OSHA workplace standards. This will help both landlords and tenants know when a unit has been remediated. It will also help homeowners in their negotiations with insurance companies. We have done something similar for meth lab remediation in bipartisan legislation.
- Clarifying that simply submitting an insurance claim is not remediation under the law on warranty of habitability, which requires a unit to be habitable.
- Clarifying that if a tenant complains because a unit is uninhabitable and the landlord takes action against the tenant, such as terminating the lease, refusing to repair things, etc., that is retaliation, which is prohibited under the law.
- Striking a section of law that is sometimes used by landlords as a way to avoid repairs.

## Supporters of HB 1254

- The East County Housing Opportunity Coalition
- Colorado Poverty Law Project
- Denver Catholic Network
- Colorado Call to Action
- The Small Business Alliance
- ACLU of Colorado
- The League of Women Voters of Colorado
- System Change Not Climate Change