

LONGMONT POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE
200-PATROL, 219-CIVIL MATTERS

Landlord/Tenant Disputes

Landlord Lien

- A landlord of apartments or rooms may assert a lien against the personal property of a tenant (other than personal necessities) as security against unpaid rent owned by tenants, pursuant to C.R.S. § 8-20-102.
- Personal necessities are defined as “small kitchen appliances, cooking utensils, beds, bedding, necessary wearing apparel and personal effects or records (documents).”
- Landlord seizures must be done peaceably. If the tenant(s) is present and objects, advise the landlord to stop.
- Officers do not take sides when a landlord is enforcing a lien. The primary role of the officer is to ensure that violence or a breach of the peace does not occur. In such situations, officers are to advise all parties that the officers are not there to enforce the lien, but merely to prevent a breach of the peace.

Lockouts and Trespass

- Landlords may not (absent a court order) lock tenants out of their apartments or room. A tenant who is illegally locked out may use reasonable and necessary force to regain entry.
- Landlords may enter a rental without permission only to demand rent, assess a lien, or make emergency repairs. Landlord entry for other reasons is criminal if not allowed by a lease.

Vandalism

- Tenants vandalizing or removing furnishings from rental properties are not immune from prosecution, even though a damage deposit exists. Evidence of intent, such as the nature or severity of damage, may indicate a criminal act.
- Officers may advise disputants to consult their leases for guidelines, but should avoid interpreting leases. The remedy for lease violations is civil.

Evictions

- Evictions are handled by Boulder County Sheriff’s Department. Officers do not evict or remove any person who:
 - ✓ Has paid rent to the landlord or other tenant(s); or
 - ✓ Is named in a lease, or
 - ✓ Is a welcome guest of any tenant, or
 - ✓ Otherwise can establish tenant status.
- Officers may consult or refer complaints to the Boulder County Sheriff’s Department Civil
- Division in such cases.
- Adults staying as a resident in a non-paying capacity may be required to leave if no longer welcome as guests of the tenants.