

Landlords and Lockouts in Colorado

What is a lockout?

A lockout is when the landlord has changed the locks or is denying you access to your rental unit without an eviction order from the Court.

Can a landlord lock me out of my home without a court-ordered eviction?

Landlords occasionally lockout tenants without first obtaining an order from a court authorizing an eviction. A landlord who locks a tenant out or removes a tenant's possessions without obtaining an order from a court is violating Colorado Landlord-Tenant laws. Colorado Law requires landlords to file an eviction action against the tenant giving the tenant notice of the proceeding and obtaining an order from a court authorizing an eviction before they can change the locks or remove a tenant's belongings. A landlord should not "lockout" a tenant for any reason, without a court ordered eviction. Even if a tenant has breached the lease and the landlord wrongfully locks out a tenant, the tenant may have legal claims for breach of contract, breach of implied right to quiet enjoyment and for wrongful eviction.

A landlord who illegally locks out a tenant risks being sued for damages and loses the right to exercise a lien. This means that, although in some circumstances a landlord can hold your personal property if you have not paid rent, they would lose the right to do this if they illegally locked you out.

What should I do if I have been locked out?

If your landlord has locked you out without a court order:

1) Call the police: You can call the police and ask for assistance. It would be helpful if you have a lease or mail or other proof you reside at that address. Depending on the

police officer, he or she may be willing to try to persuade the landlord to allow you back in your home.

2) Contact your landlord: You can contact your landlord and advise him or her that s/he has illegally locked you out and that you should be allowed back in your home.

3) Contact an attorney: If these methods are unsuccessful, you should consult a private attorney. You can go to the Colorado Bar Association website and use their "Find a Lawyer" service [here](#). (Choose that you need help w/ "My Home", and that you are being evicted, and select the option that suits you as far as payment on approx. the 4th screen on that site.) You should see whether the attorney can assist you in either getting restored to your home, obtaining your possessions and/or suing the landlord for damages.

You can also contact Colorado Legal Services (CLS) to see if a lawyer is available to assist you. **Click here** for a list of CLS offices statewide.

4) Sue your landlord:

(a) If all you are seeking is money damages from your landlord, you can sue the landlord. If your money damages are not more than \$7,500, you can sue the landlord in Small Claims Court. [Click here](#) for information about Small Claims on the state court website, or [click here](#) to fill out a Small Claims form online. If your damages are more than \$7,500 but do not exceed \$25,000, you can sue in County Court. If your damages exceed \$25,000, you will have to sue your landlord in District Court. Your damages may include amounts you have paid for an alternative living arrangement after you were locked out and for other expenses you incurred as a result of the lockout.

(b) If you just want your property back from the landlord (like technology, furniture, etc.), you can file a Replevin action against your landlord. A Replevin action is a lawsuit seeking return of your possessions. Find more information about and forms for filing a Replevin action [by clicking here](#). If you decide to file a Replevin action, it is a good idea to also put in a claim for money damages just in case your landlord has thrown out or damaged your personal property.

(c) If you want to be restored to possession of the rental premise, you are going to have to file an action in the District Court of the County in which the rental premise is located seeking an "injunction" (court order) telling the landlord that s/he must allow you to return to the property.

When you file such an action, you can ask the Court to issue an Order immediately restoring you to the rental property. Unfortunately, filing this type of lawsuit is very difficult to do without the assistance of an attorney. If you'd like to request legal help from CLS, you can complete an online application by clicking [here](#).

5) Negotiate with the landlord: You should be aware, however, that your landlord would need to agree to negotiate.

Can I break the locks to get into my house after I have been locked out?

If you have been locked out by a landlord who did not obtain a court order authorizing the eviction, you still have the legal right to possession of the home and should be able to reenter the home, provided the reentry results in only minimal damage to the home and if you are able to enter without causing a "breach of the peace". However, if you reenter the home after being illegally locked out, you need to be aware of the risk of police involvement.

In order to prevent the police from mistakenly charging you with trespassing or damaging the home, you must be able to provide the officer documentation to show that you have a legal right to possession of your home (for example a lease, rent receipts, etc.) and advise the officer that the landlord did not obtain a court ordered eviction. It is recommended that you call the county court in which the home is located to be sure that the landlord did not file an eviction action and obtain a proper court order.

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