

Court <input type="checkbox"/> District <input type="checkbox"/> County Colorado County: _____ Court Address: _____	▲ Court Use Only ▲
Plaintiffs: _____ & Defendants: _____	
Filed by: Name: _____ Address: _____ Phone _____ Fax: _____ Email: _____ Bar Number: _____ <small>(For lawyers)</small>	Case Number: _____ Division: _____ Courtroom: _____
Unlivable Conditions at Home - Affidavit (AFFI) <i>(Affirmative Defense)</i>	

I submit a breach of warranty of habitability affirmative defense, under C.R.S. § 38-12-507(1)(c), to the Plaintiff's eviction claims for non-payment of rent.

I state:

1. Our rental agreement was entered into, extended, or renewed on or after September 1, 2008.
2. The landlord has breached the warranty of habitability.
3. The residential premises was / is uninhabitable, because it substantially lacks the following characteristics: *(check all that apply)*

- Waterproofing and weather protection of roof and exterior walls** were not maintained in good working order (includes windows and doors).
- Plumbing or gas facilities** were not maintained in good working order or did not comply with the applicable building codes when they were installed.
- Running water and reasonable amounts of hot water** were not furnished to the appropriate fixtures and/or were not connected to the appropriate sewer system.
- Functioning heating facilities** were not in good working order and/or did not comply with the applicable building codes when they were installed.

- Electrical lighting** was not maintained in good working order and/or did not comply with the applicable building codes at the time it was installed.
- Common Areas** (if any) were not kept reasonably clean, sanitary, free of trash, rubbish and debris, and/or bugs and pests.
- Appropriate extermination** was not done that was needed to eliminate infestations of rodents or “vermin.”
- An appropriate **number of outdoor trash receptacles** in good repair.
- Floors, stairways and railings** in good repair.
- Locks or security devices** on all exterior doors and openable windows were not in good working order.
- Compliance with building, housing and health codes** applicable to the property, the violation of which created a condition that materially interfered with my life, health or safety.
- Functioning appliances** maintained in good working order.
- Free of mold**, or conditions that cause the premises to be damp which interferes with my health or safety.
- Other:** _____

4. Notice

I informed my landlord, or an agent acting on behalf of my landlord, about these conditions, by:
(check at least one)

- Written Note or Letter. Email or E-portal System. Other: _____

On: *(enter dates)* _____.

5. Retaliation

Did the landlord retaliate against you for reporting the conditions to them, a government agency, or for joining a tenant’s association? *(yes or no*)* _____.

***If yes**, how did they retaliate?

- Increasing Rent. Decreasing Services. Bringing / Threatening Eviction.

6. Rent Due and Expenses

I owe this much in back-due rent: \$ _____.

I spent this much because the home was uninhabitable (*expenses*): \$ _____.

The difference is (*total rent-due minus expenses*): \$ _____.

7. Deposit Waiver

Note: If the rent you owe is more than the expenses you incurred:

- You must pay the difference to the Court.
- The Court will hold the money in its registry until the case is resolved.

Can you afford to deposit the difference with the Court? (*yes or no**) _____.

***If no:** [See C.R.S. § 38-12-507\(1\)\(c\)\(II\).](#)

I request that the court find me indigent and waive the requirement.

1) My net monthly income is: \$ _____.

2) Including me, I have this many dependents: _____.

2) The monthly rent is: \$ _____.

3) The monthly utility expense is: (*heat, water, electricity, gas, and other necessary services or facilities*) \$ _____.

8. Remedies

I would like the court to: [see C.R.S. § 38-12-507\(2\)\(d.5\)](#)

- 1) Determine the premises rental value, in its uninhabitable state, to the date of trial.
- 2) Deny possession of the premises to the landlord, conditioned on that I pay the adjusted rental value to the date of trial.

I would also like the court to do the following: [see C.R.S. § 38-12-507\(2\)\(d\),\(d.5\)](#)

(*check all that apply*)

- Order the landlord to make repairs.
- Order the landlord to pay a rent refund for past rent paid.

- Order the landlord to make a reduction in rent until repairs are completed.
- Order the landlord to pay my attorney fees.
- Order the landlord to pay for a hotel room until repairs are complete or move me to a comparable unit.
- Find that deductions made from the rent were compliant with the law.
- Find that the Notice to Quit or Demand given by the Landlord is retaliatory and unenforceable and award me damages and/or terminate the lease.
- Other: _____.

Certificate of Service

I certify that on *(enter date)* _____ a copy of this document was sent to the other parties by:

- Hand Delivery Colorado Courts E-Filing *(where available)*
- Email or Fax to: _____
- Regular Mail, addressed to: *(Name, full mailing address.)*

Verified Signatures

Tenant 1

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____, _____, at
(date) (month) (year)
 _____,
(city or other location, and state or country)

Print Your Name: _____

Your Signature: _____

Attorney Signature: _____
(If any)

Tenant 2

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____, _____, at
(date) *(month)* *(year)*
_____, _____
(city or other location, *and state or country)*

Print Your Name: _____

Your Signature: _____

Attorney Signature: _____
(If any)

Tenant 3

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____, _____, at
(date) *(month)* *(year)*
_____, _____
(city or other location, *and state or country)*

Print Your Name: _____

Your Signature: _____

Attorney Signature: _____
(If any)