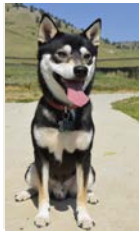


# AURORA LANDLORD HANDBOOK



City of Aurora  
AuroraGov.org  
303.739.7000





## INTRODUCTION

This Landlord Guide summarizes the rights and obligations of residential landlords in Aurora, Colorado. This guide does not constitute legal advice, and the information in this guide can change at any time. As a result, this guide does not represent an analysis of tenancy law. All references to city code, including Building and Zoning Code and Code of Ordinances, can be found online at [library.municode.com/co/aurora](http://library.municode.com/co/aurora).

## LANDLORD RIGHTS & OBLIGATIONS

- Maintain the property.
- Make and/or pay for necessary repairs.
- Provide notifications in writing when the property is being transferred to a new owner, or when other changes are made that potentially affect the tenant.
- Ensure the premises remain safe and deal with other tenants who are causing a problem or who are violating the terms and conditions of their lease.
- Provide 21 days' notice of rent increase and Notice to Quit where tenant holds a short-term lease (Colorado Revised Statutes).



- Provide tenants, regardless of immigration status, with the same rental processes and protections throughout the entire tenancy.
- Do not engage in criminal acts.

## SHORT-TERM RENTAL VS. LONG-TERM LEASE

### Short-term Rentals

Short term rental of residential rooms or properties on sites such as Airbnb or Homeaway is considered a business activity, and certain city codes apply.

Short-term rentals are permitted by city code in residential areas as a home occupation. However, they may be prohibited by the HOA. A home occupation only permits the resident of the home to engage in the business activity. This means that you cannot rent your property short-term if it is not your primary residence. In addition, a city business license is required and can be obtained at [AuroraGov.org/obl](http://AuroraGov.org/obl). In addition, the city's lodger's tax of 8 percent must be collected and remitted on either a quarterly or monthly basis. Note that some



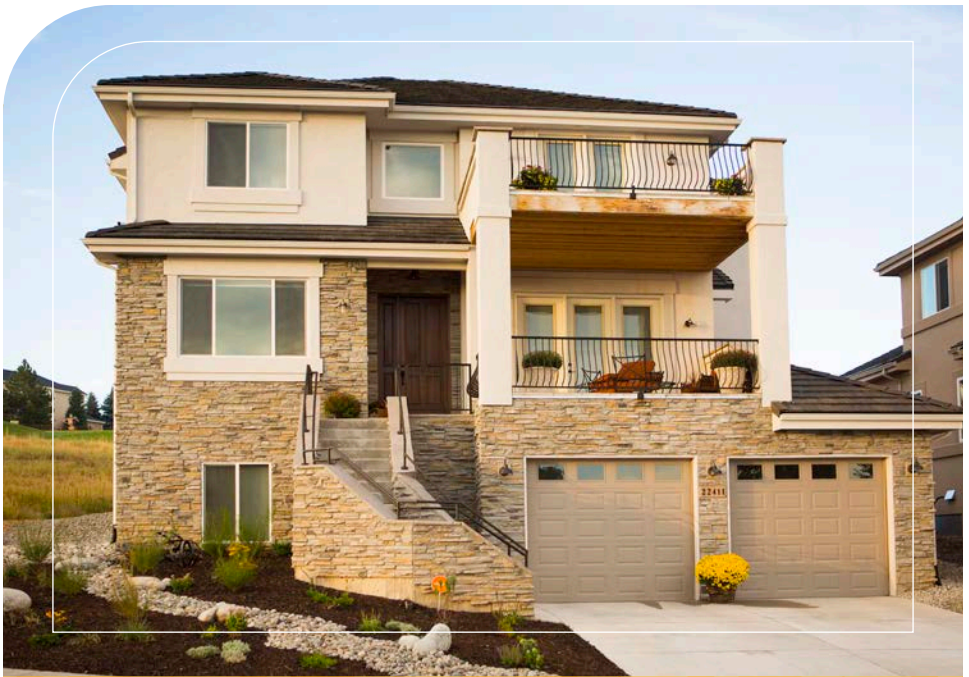
short-term rental websites may collect the state's lodgers tax but may not collect the city's.

You are responsible for any impacts your guests have on the neighborhood, including noise or other nuisance violations.

There are no limits on the number of days or the amount of the home that can be used in the short-term rental, but it must be your primary residence. Only one listing or booking at a time is allowed. The resident does not need to own the home. If you have a tenant who engages in short-term rentals, it is important for you to be aware that the tenant's use of the property for business activities may impact you. See the Tax and Licensing Obligations section.

### Long-term Rentals (leases)

Long-term leases (longer than 30 days with upfront written agreement) do not require a business license or collection of lodger's tax.



## Tax & License Obligations

Business activities in a residential home are allowed in certain circumstances and as long as they comply with the home occupation guidelines. Business activities may generate liability for certain city taxes and licenses. Anyone engaged in business in the city is required to obtain a general business license at [AuroraGov.org/obl](http://AuroraGov.org/obl).

The city requires that a 3.75 percent sales tax be remitted on sales of tangible personal property. Items used in your business also require that a 3.75 percent use tax be paid if sales tax was not previously paid on the item. The city has an occupational privilege tax of \$2 per month per employee that is matched by \$2 per month by the

employer. Failure to collect or pay these taxes may result in a lien and a potential distraint (seizure) of assets to cover the tax liability. As a landlord, a business activity by a tenant that fails to remit taxes may result in the posting of a lien for the undue tax balance. The city expects assistance from the landlord in helping to gain compliance or eliminate any unlawful business activities engaged in by the tenant.

A home office would only require a general business license. The city does not have any special registrations for home offices or most home occupations. Short-term rentals require a city business license and collection of the city's lodger's tax. See Short-term Rentals section for more information.

## Requirements for a “Home Occupation” Business

The home occupation guidelines are listed below:

Home Occupation is a secondary use that operates business activities within a residential dwelling and follows the Supplemental Regulations for Home Occupations set forth within the Building and Zoning Code [Section 146-1220](#) and [Section 146-2001](#).

Home Occupations require a Business License and must meet the following regulations:

- 1 The residents of the dwelling unit shall be the only people engaged in the activity;
- 2 The activity is carried on only in the principal building and is incidental and secondary to the primary purpose served by the dwelling;
- 3 The storage of materials to be used in the activity shall be inside either the principal building or an accessory building;
- 4 There shall be no external evidence, which in any way advertises or evidences the performance of the activity;



- 5 Except for parties entering the dwelling unit as a result of prior individual invitation, in no way shall the general public be invited or solicited upon the premises;
- 6 Performance of any personal service including, but not limited to, insurance agents, tax consultants and instruction in the arts, shall be limited to one pupil, client (which may include a partnership, married couple or parties engaged in a joint venture) or customer, at any one time;
- 7 In no way shall the use jeopardize the health, safety or welfare of the occupants or of the surrounding neighborhood; and
- 8 The operation of a Home Occupation shall not cause or encourage an amount of vehicular or pedestrian traffic above what is normally associated with the residential area in which the Home Occupation is conducted. Commercial vehicles less than 7,000 pounds empty weight are permitted on a residentially zoned lot (Building and Zoning Code [Section 146-1501](#)). Truck tractors, semitrailers and tow trucks are not permitted on residentially zoned lots.

*Note: The conducting of an animal hospital, barbershop, beauty parlor, day care, health clinic, hospital, kennel or tearoom shall not be deemed to be a home occupation.*



Day-care homes/centers, group homes, schools, places of worship or other uses listed in the Building and Zoning Code [Sec. 146-501 Residential Use Table \(5.1\)](#) within Residential zones are not regarded as home occupations because they are categorized as Live/Work and are regulated separately within the

Building and Zoning Code. All licenses referred to here and issued by the Tax and Licensing Division are not transferable to a new owner. Any change of ownership requires a new application and license, with fees paid according to the provisions applying to that particular license.

## AURORA WATER

### Water Billing

(water, wastewater & storm drain)  
**303.739.7388**  
[aurorawater@auroragov.org](mailto:aurorawater@auroragov.org)

The property owner is the primary account holder for water services, including all potable water connections, sewer service and storm drain charges. The account is established at the time of sale of the property and title transfer. Confirmation of property ownership is verified by using the appropriate county assessor's web pages.

If a spouse or family member of a property owner wants to be added as a primary account holder:

- They must either be listed on the County Assessor's web page as an owner; or
- The primary account holder must call the billing office to request this change.
- For a tenant to be added as a "Third Party designee" and receive a copy of the bill in his/her name:
- The account must be in current status on all payments; and
- The tenant can verify the account number and the owner or Management Company's name and phone number.

If a tenant cannot verify the requested information, they are not able to add themselves as a third party designee. The primary account holder or management company must call the billing office to add them to the account.

The third-party account number will be the same as the primary account holder.

A management company of a property can add themselves to an account as long as they can verify name, phone number and the account number. If the management company cannot verify the requested

information, the management company must submit via email, fax or in person, a copy of the management company agreement. Once received, the management company will be added to the water account as a third party.

As referenced in the city code below, all final balances are ultimately the responsibility of the primary account holder. Aurora Water does not collect deposits on water accounts. Any security deposits or water deposits collected from tenants are the responsibility of the property owner.

#### Code of Ordinances Section 138-225 - Authorizing collections by county treasurer;

*"The city council finds and determines that the policy of the city is that **all water services provided by the city shall be deemed to be provided to the real property so served without regard to the person billed for the service.** All unpaid fees and rates for water services are declared to be delinquent 40 days after the payment due date. There is declared to be a lien on the real property so served in the amount of all unpaid fees and rates, including an administrative fee not to exceed ten percent of the total amount of such unpaid fees and rates. All liens created by this section shall relate back to the time that the water services for which payment is still due and owing were provided to the real property. The city clerk is authorized and empowered to certify to the treasurer of the proper county the legal description of the premises so served and the amount of the delinquency assessable to the premises. **Certification of the unpaid fees and rates to the county treasurer shall serve as notice to the property owner of said delinquency. The lien created by this section of the Code shall be a first lien upon the subject property and shall be superior to all other liens, or claims against such property of whatever kind or nature regardless of date, except any lien for general property taxes or special improvement district assessments.** Upon receipt of said certification, the county treasurer shall proceed to collect such unpaid fees and rates certified in the same manner as general property taxes and the redemption thereof."*





## Water Conservation

Aurora Water has a robust conservation program that can be utilized by both property owners and tenants. Property owners are eligible to participate in toilet rebates, water-wise landscape design consultations and rebates, irrigation rebates and indoor/outdoor water use assessment programs. Tenants may participate in the indoor/outdoor water use assessment programs, but are not eligible for the rebates or design consultations. Visit [AuroraGov.org/Residents/Water/water\\_conservation](https://AuroraGov.org/Residents/Water/water_conservation) or call 303.739.7195 for details.

## Water Wasting Violations

Aurora City Council passed a Water Wasting ordinance, which can be found at Code of Ordinances [Sec. 138-190](#), that includes penalties for violations. These penalties are assessed on the water bill and are subject to the same terms and conditions as the water bill. Details on the Water Wasting Ordinance can be found in the Aurora Water Management Plan at [AuroraGov.org/Residents/Water/Water\\_System/Aurora\\_Water\\_Facts](https://AuroraGov.org/Residents/Water/Water_System/Aurora_Water_Facts).



## CODE ENFORCEMENT

### Occupancy

It is unlawful for any person to occupy or lease for occupancy any dwelling or dwelling unit which does not contain at least 150 square feet of floor space for each occupant thereof. The floor space is calculated on the basis of total enclosed space within the dwelling. No attached garage, basement or cellar space shall be used for floor space under this section unless such space was lawfully improved and finished for occupancy in compliance with all applicable requirements of the city code as it existed at the time of the improvement. Accessory buildings, including but not limited to detached garages and storage sheds, shall not be used for occupancy. Space and occupancy standards are defined in the Building and Zoning Code [Sec. 22-637](#).

### Substandard Living

The Code Enforcement Division is committed to provide a high quality of life and ensure the health and safety of its residents. The city established a Multi-Family Systematic Housing Program and responds to complaints to safeguard the life, limb and health and safety for all tenants. If a tenant/renter is experiencing housing issues, no heat, no water, plumbing issues, etc., they should contact Access Aurora at 303.739.7000 to submit a customer request, at which time a code officer will inspect for any violations and address the concerns with the property owner. See the Building and Zoning Code [Sec. 22-636](#) for details on substandard buildings or premises.



## Property Maintenance

### Trash/Litter Removal

Each business/residence is responsible for removing trash, litter and garbage from its property. Trash must be removed from the property on a weekly basis, or more often if necessary. Trash dumpsters and containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers should be placed so that they are not visible from the public street.

### Outdoor Storage

Placing materials such as appliances, auto parts, building material or other items outdoors on any property for storage purposes in commercial or business zones is prohibited unless specified on a site plan.

## Fences and Walls

Fences and walls must be kept in good condition at all times. This includes the replacement of broken or missing portions of the fence or wall. Fences must be installed and maintained according to approved plans.

### Graffiti

Graffiti located on windows, dumpsters, fences or walls should be removed as soon as possible (within 24 hours) to reduce blight and probability of reoccurrence.

## Landscape Maintenance

In the event that landscaping, including grasses, bushes and trees, becomes diseased or dead, the owner or occupant must remove, revive, restore or replace the landscaping in accordance with city landscaping standards. Lots with an approved site plan must maintain the

landscaping according to the plan. Trees must be trimmed to a clear height of 13 feet 6 inches above the surface of any public street, alley or highway, and 8 feet above any sidewalk. On corner lots, no vegetative material or other objects more than 26 inches in height may be installed or maintained in the visibility triangle.

### Exterior Maintenance

Every wall, window, roof, door and projection must be weather and water tight and must be kept free of holes, loose or rotting boards or timbers. Faded walls and doors must be painted and stained.

### Driveways and Parking Lots

All parking surfaces must be maintained free of weeds, potholes, dirt, trash and debris. Businesses must paint and mark parking spaces and maintain the markings on the pavement. For more information on Aurora's codes and rules, visit [AuroraGov.org/business\\_services/development\\_center/code\\_\\_\\_rules](http://AuroraGov.org/business_services/development_center/code___rules)



### Animal Issues

#### Stay Within the Limits

Aurora has a limit per residence of:

- 3 adult dogs
- 5 adult cats
- 3 ferrets and/or 2 rabbits



#### Purchase a City Pet License

All dogs and cats over 6 months of age must have a city license. To acquire a license, you must provide proof of your animal's current rabies vaccination. The license tag must be worn by the pet at all times.

Licenses may be purchased at the Aurora Animal Shelter or at [AuroraAnimalShelter.org](http://AuroraAnimalShelter.org). Call 303.326.8280 for license fees or additional information.



### **Avoid Prohibited Breeds**

American Pit Bull Terriers, American Staffordshire Terriers and Staffordshire Bull Terriers are restricted breeds and may not be kept within Aurora city limits. If you are unsure whether your animal qualifies as a restricted breed, DNA testing can be used to identify your animal's breed lineage.

### **Control Excessive Barking**

Barking problems are handled in three steps:

- 1** Calmly discuss the barking with the dog owner.
- 2** Call 303.326.8288 with an address and description of the barking dog. A written warning will be mailed.

- 3** A summons may be issued if two residents from separate households come to the shelter and sign formal complaints. Both parties must have been disturbed by the same barking episode and be willing to testify in municipal court.

If your pet barks excessively, there are resources that may be able to help. Go to [AuroraAnimalShelter.org](http://AuroraAnimalShelter.org) for more information.

### **Clean Up After Your Pets**

On any property, it is unlawful for excrement to accumulate to the degree that it becomes offensive or injurious to health. Owners must remove feces in public spaces immediately after it is deposited. Animal excrement may not be placed in storm sewers or street gutters.



## Public Nuisance

### Definition

As a property owner you are required by law to take steps to eliminate public nuisances at your property. Under the Aurora Code of Ordinances Chapter 62-26, it is a crime to intentionally, knowingly, recklessly or through criminal negligence permit or encourage any property occupant or guests to engage in any of the proscribed acts outlined in chapter. These proscribed acts include:

- Prostitution
- Gambling
- Cultivation or sale of drugs
- Felony theft
- Violations of Colorado liquor code
- Possession, use or removal of explosive or incendiary devices

- Offensive smell
- Excessive noise
- Animal filth
- Cross connection with city water supply leading to contamination
- Dilapidated or dangerous building
- Maintain, use or rent any property where people are allowed to gather in such a manner as to disturb the peace of other persons lawfully on the property itself or lawfully in the vicinity.

Failure to take action to eliminate a public nuisance may lead to a summons. It may also result in a city abatement including assessed costs of abatement.

## Drug Manufacturing/ Grow Operations

### How to identify a marijuana grow operation

It is important to note that a positive response to some of these questions does not mean it is a grow op house and that the residents are involved in criminal activity. Please use this questionnaire as a basic guideline only.

- Occupants don't appear to have regular job hours and drive expensive automobiles.
- Dark window coverings on many windows.
- Illuminated rooms or outbuildings nearly 24 hours a day.
- Heavy condensation on windows, lack of frost or snow on roofs of houses when others have frost and snow. Blowing curtains from fans.
- Abnormal number of roof vents or unusual amount of steam in cold weather.
- Extra security such as large fences or guard dogs.
- Entry is always through the automatic garage doors and residents are always in their cars.
- Strange smell or odor coming from the home.
- Electrical humming sounds, numerous fans and running water.





- Unusual wiring to the exterior of the home and or the electrical meter spins at a faster than normal rate.
- Commonly experienced localized power surges or browning. Lights often dim or appliances slow down with lack of power.
- Avoid making any contact with neighbors.
- Toys are often outside the home but no children are ever seen at the home.
- Large quantities of growing equipment & supplies are seen taken into the home/outbuildings but there are no flowers or gardens at the home. Often purchased in winter months.
- Numerous pots, soil, garden hoses and fertilizers around the property.
- Appears to be vacant, yard poorly kept and newspapers build up at the front door.
- Hoses run from doors and windows to the outside of the home.
- Visitors often park down the street and walk to the home.
- In condominiums owners move in at night, disappear for long periods of time or you never see them move in.
- Garbage days there is no garbage ever or there is no noticeable activity in the home but a lot of garbage.
- Grow ops can either be lived in or maintained by visiting gardeners.
- Growing marijuana outdoors is not legal!

**Should you have concerns or questions, please contact the Aurora Police Department Narcotics Section at 303.739.1650.**





### Legality of marijuana grows

Marijuana can only be grown in a single-family or multi-family dwelling unit. It is illegal to grow marijuana outside. Residents who lease their residence should check with their landlord or property management company to determine whether growing marijuana is permitted inside of their property.

Per Colorado's Amendment 20, a medical patient can possess six plants and/or 2 ounces of marijuana. Per Colorado's Amendment 64, a person 21 or older can possess six plants and/or 1 ounce of marijuana. Therefore, a medical patient age 21 or older can possess 12 plants and 3 ounces. Only half of the plants at a grow facility can be flowering (mature).



Marijuana grows must not be perceptible from the exterior of the primary residence, including but not limited to:

- 1 Common visual observation, which prohibits signage.
- 2 Unusual odors or smells.
- 3 Light pollution, glare that disturbs the repose of another.
- 4 Undue vehicular or foot traffic, including excess parking.
- 5 Bothersome noise from fans.

Cultivation, production or possession of marijuana plants shall be limited to the following space limitations:

- 1 Single family dwelling: A secure, defined, contiguous 150 square foot area.
- 2 Multi-family dwelling: A secure, defined, contiguous 100 square foot area.

Garages (attached or detached) are not considered to be part of a primary residence. All grows must be able to be secured (locked) to prohibit the entry of children/visitors.

# KEY PHONE NUMBERS

## Access Aurora • 303.739.7000

Aurora's customer service center

## Visit AuroraGov.org

From water bill payments to building permits, Aurora offers a variety of online services

## EMERGENCY 911

### City of Aurora Services/Offices

Animal Protection Dispatch	303.326.8288
Aurora Center for Active Adults	303.739.7950
Aurora Detention Center	303.739.6194
Aurora Economic Development	303.755.2223
Aurora Fox Arts Center	303.739.1970
Aurora History Museum	303.739.6660
Aurora Municipal Court	303.739.6444
Aurora Public Library	303.739.6600
Building Permits/Inspections	303.739.7420
Business/Liquor Licenses	303.739.7057
City Attorney's Office	303.739.7030
City Clerk	303.739.7094
City Clerk Municipal Records	303.739.7074
City Job Line	303.739.7222
City Manager's Office	303.739.7010
Code Enforcement Requests	303.739.7000
Communications	303.739.7046
Community Development	303.739.7900
Community Relations	303.739.7580
Cultural Services Division	303.739.6640
Development Assistance	303.739.7345
Fire Administration	303.326.8999
Fire Non-Emergency	303.627.3100
Forestry	303.739.7177
Golf Courses	303.739.7888
Graffiti Hotline	303.739.7000
Library & Cultural Administration	303.739.6640
Mayor & City Council	303.739.7015
Neighborhood Services	303.739.7280
PAR (Police Area Representative)	303.739.6000
Parks, Recreation & Open Space	303.739.7160
Park Shelter Reservations	303.739.7213
Planning & Development Services	303.739.7250

Police Administration	303.739.6000
Police Non-Emergency	303.627.3100
Police Records	303.739.6308
Public Works	303.739.7300
Purchasing	303.739.7100
Recycling Hotline	303.739.7173
Recreation Registration	303.326.8650
Small Business Development Center	303.326.8686
Sports Office	303.326.8700
Television Services/AuroraTV	303.326.8888
Volunteer Center	303.739.7248
Water Administration	303.739.7370
Water Billing	303.739.7388
Water Conservation	303.739.7195
Water Main Breaks	303.326.8645

### Other Resources in the Area

Adams County Information	303.659.2120
Arapahoe County Information	303.795.4400
Aurora Chamber of Commerce	303.344.1500
Aurora Housing Authority	720.251.2100
Aurora Sister Cities International	303.739.7120
Douglas County Information	303.660.7400
Driver's License	303.344.8400
Gas & Electric Services-Xcel	800.895.4999
License Plates-Adams County	720.523.6010
License Plates-Arapahoe County	303.795.4500
Streetlight Outages-Xcel	800.895.4999
Voter Registration-Adams County	720.523.6500
Voter Registration-Arapahoe County	303.795.4511
Visit Aurora	720.484.8902







March 2019