

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-1001.01 Sam Anderson x4218

SENATE BILL 26-177

SENATE SPONSORSHIP

Ball,

HOUSE SPONSORSHIP

Gilchrist,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROPERTY OWNER'S ABILITY TO PETITION A COURT**
102 **FOR LIMITED ACCESS TO AN ADJOINING PROPERTY TO MAKE**
103 **REPAIRS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a process for a single-family residence owner to petition a district court for a limited access to an adjoining property to complete repairs or maintenance to the single-family residence if the owner of the adjoining property has denied such access.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-20-1302 as
3 follows:

4 **13-20-1302. Action for access to adjoining property to**
5 **accomplish repairs or maintenance - applicability - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "ADJOINING OWNER" MEANS THE OWNER OF REAL PROPERTY
9 THAT ADJOINS A REQUESTING OWNER'S PROPERTY AND ONTO WHICH A
10 REQUESTING OWNER SEEKS ENTRY.

11 (b) "REFUSE" MEANS AN ADJOINING OWNER'S:

12 (I) DENIAL TO THE REQUESTING OWNER, VERBALLY OR IN WRITING,
13 OF ACCESS TO THE ADJOINING PROPERTY FOR THE PURPOSE OF
14 ACCOMPLISHING REPAIRS OR MAINTENANCE OF THE REQUESTING OWNER'S
15 PROPERTY; OR

16 (II) FAILURE TO RESPOND WITHIN SIXTY DAYS OF RECEIPT OF
17 WRITTEN NOTICE SENT VIA CERTIFIED MAIL FROM THE REQUESTING OWNER
18 TO THE ADJOINING OWNER REGARDING ACCESS TO THE ADJOINING
19 PROPERTY FOR THE PURPOSE OF ACCOMPLISHING REPAIRS OR
20 MAINTENANCE OF THE REQUESTING OWNER'S PROPERTY.

21 (c) "REQUESTING OWNER" MEANS THE OWNER OF A SINGLE-FAMILY
22 RESIDENCE WHO SEEKS ENTRY ONTO AN ADJOINING PROPERTY FOR THE
23 PURPOSE OF ACCOMPLISHING REPAIRS OR MAINTENANCE OF THE
24 REQUESTING OWNER'S PROPERTY.

25 (d) "SINGLE-FAMILY RESIDENCE" MEANS A PRIVATE RESIDENCE
26 THAT IS A SEPARATE BUILDING OR AN INDIVIDUAL RESIDENCE THAT IS PART

1 OF A ROW OF RESIDENCES JOINED BY COMMON SIDEWALLS.

2 (2) IF A REQUESTING OWNER SEEKS TO MAKE REPAIRS TO OR
3 COMPLETE MAINTENANCE ON THE REQUESTING OWNER'S PROPERTY, THE
4 REPAIRS OR MAINTENANCE CANNOT REASONABLY BE ACCOMPLISHED
5 WITHOUT ENTERING ONTO AN ADJOINING OWNER'S PROPERTY, AND THE
6 ADJOINING OWNER REFUSES TO PERMIT ENTRY ONTO THE ADJOINING
7 OWNER'S PROPERTY FOR THE PURPOSE OF THE REPAIR OR MAINTENANCE,
8 THE REQUESTING OWNER MAY PETITION THE DISTRICT COURT OF THE
9 COUNTY IN WHICH THE PROPERTIES ARE LOCATED TO PERMIT THE
10 REQUESTING OWNER TO ENTER ONTO THE ADJOINING OWNER'S PROPERTY
11 FOR THE PURPOSE OF THE REPAIR OR MAINTENANCE OF THE REQUESTING
12 OWNER'S PROPERTY.

13 (3) BEFORE BRINGING AN ACTION PURSUANT SUBSECTION (2) OF
14 THIS SECTION, THE REQUESTING OWNER IS ENCOURAGED TO ENGAGE IN
15 ALTERNATIVE DISPUTE RESOLUTION, SUCH AS MEDIATION, WITH THE
16 ADJOINING PROPERTY OWNER, TO ACCESS THE ADJOINING PROPERTY TO
17 MAKE REPAIRS OR MAINTENANCE.

18 (4) IN AN ACTION BROUGHT PURSUANT TO SUBSECTION (2) OF THIS
19 SECTION:

20 (a) THE REQUESTING OWNER MUST SPECIFY THE NATURE OF THE
21 REPAIRS OR MAINTENANCE THEY SEEK TO COMPLETE AND DESCRIBE WHY
22 THE REPAIRS OR MAINTENANCE CANNOT BE MADE WITHOUT ACCESSING
23 THE ADJOINING OWNER'S PROPERTY;

24 (b) THE REQUESTING OWNER MUST DEMONSTRATE THAT THEY
25 HAVE MADE REASONABLE EFFORTS TO OBTAIN PERMISSION FROM THE
26 ADJOINING OWNER TO ACCESS THE ADJOINING OWNER'S PROPERTY AND
27 THAT THE ADJOINING OWNER HAS REFUSED SUCH ACCESS; AND

1 (c) THE ADJOINING OWNER MAY PRESENT EVIDENCE THAT ACCESS
2 TO THE ADJOINING OWNER'S PROPERTY IS NOT NECESSARY TO COMPLETE
3 THE REPAIRS OR MAINTENANCE.

4 (5) IF THE COURT DETERMINES THAT ACCESS TO THE ADJOINING
5 OWNER'S PROPERTY IS NECESSARY TO ALLOW REPAIR TO OR MAINTENANCE
6 ON THE REQUESTING OWNER'S PROPERTY AND WILL NOT NEGATIVELY
7 AFFECT ANY EASEMENT ON THE ADJOINING OWNER'S PROPERTY, THE
8 COURT SHALL GRANT ACCESS AS THE COURT DEEMS NECESSARY TO ALLOW
9 COMPLETION OF THE REPAIR OR MAINTENANCE. THE COURT SHALL
10 PRESCRIBE THE CONDITIONS AND DURATION OF THE REQUESTING OWNER'S
11 ACCESS TO THE ADJOINING OWNER'S PROPERTY AND MAY REQUIRE:

12 (a) REASONABLE NOTICE TO THE ADJOINING OWNER IN ADVANCE
13 OF THE ACCESS;

14 (b) REASONABLE COMPENSATION TO THE ADJOINING OWNER; OR

15 (c) ANY OTHER CONDITION DEEMED NECESSARY BY THE COURT.

16 (6) THIS SECTION DOES NOT APPLY IF THE ADJOINING PROPERTY IS
17 OWNED OR CONTROLLED BY THE FEDERAL GOVERNMENT, THE STATE, OR
18 A POLITICAL SUBDIVISION OF THE STATE.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.