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SENATE BILL 26-177

BY SENATOR(S) Ball and Benavidez, Cutter, Gonzales J., Hinrichsen, Kipp, Snyder, Wallace, Coleman;  
also REPRESENTATIVE(S) Gilchrist and Mabrey, Boesenecker.

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

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

**SECTION 1.** In Colorado Revised Statutes, **add** 13-20-1304 as follows:

**13-20-1304. Action for access to adjoining property to accomplish repairs or maintenance - applicability - definitions.**

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

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

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

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

(d) "SINGLE-FAMILY RESIDENCE" MEANS A PRIVATE RESIDENCE THAT IS A SEPARATE BUILDING OR AN INDIVIDUAL RESIDENCE THAT IS PART OF A ROW OF RESIDENCES JOINED BY COMMON SIDEWALLS.

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

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

(4) IN AN ACTION BROUGHT PURSUANT TO SUBSECTION (2) OF THIS

SECTION:

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

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

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

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

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

(b) REASONABLE COMPENSATION TO THE ADJOINING OWNER;

(c) THAT THE REQUESTING OWNER PURCHASE INSURANCE OR POST BOND TO COVER ANY DAMAGE TO PROPERTY, PERSONAL INJURY, OR LOSS OF LIFE, THAT MAY OCCUR BECAUSE OF THE REPAIR OR MAINTENANCE; OR

(d) ANY OTHER CONDITION DEEMED NECESSARY BY THE COURT.

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

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

approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO