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Information on Landlord Liens

The following information is not intended to be legal advice and does not address the specific statutory and legal issues of landlord liens. Our only intent is to provide the public with general guideline for the questions we are generally asked. We recommend that you first personally research the statutes, or contact an attorney or the courts before proceeding with any action.

1. Landlord liens are not executed by the Sheriff's Office. The landlord may take, store, and sell the property on in accordance with Colorado statutes 38-20-102, 107, 108, 109, 111, 112, 113, 114, 115, and 116.
2. A landlord or agent can enter the premises while it is still occupied at any reasonable time for the purpose of asserting a lien. Entry must be in a reasonable manner and peaceably. 38-20-102(3)(c).
3. The lien cannot be asserted in a manner which would substantially interfere with the tenant's right to reasonably occupy and enjoy the premises, or the landlord or his agent is subject to forfeiture of the lien and possible action for damages. 38-20-102(3)(c). The landlord or agent cannot lock a tenant out of the premises. Such "lockouts" are illegal and subject the landlord or agent to civil action.
4. The property which is covered by the lien should be equal to the amount of unpaid board, lodging, or rent, and for reasonable costs incurred in enforcing the lien, not including attorney's fees. The lien shall be upon household furniture, goods, appliances, and other personal property of the tenant and members of his household then being upon the rental premises. 38-20-102.
5. The lien cannot be placed on small kitchen appliances, cooking utensils, beds, bedding, necessary wearing apparel, personal or business records and documents, and the personal effects of the tenant and the members of his household. 38-2-102(3)(a).
6. If the lien is placed after the tenants have vacated or when Sheriff's officers arrive to execute the Writ of Restitution, the landlord or agent must permit the tenant access to the premises to claim property which is not covered by the lien. 38-20-102(3)(b).
7. The landlord or agent must file with the county court within 30 days if they are not paid by the tenant. 38-20-108/109. Additional information can be obtained by calling the county court.