

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 9, 2023
Date

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

HB23-1095 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, after "(4)" insert "and (5)".
- 2 Page 2, line 5, strike "**definition.**" and substitute "**applicability -**
3 **definitions.**".
- 4 Amend printed bill, page 3, line 9, after "TRIAL;" add "EXCEPT THAT THE
5 PARTIES MAY AGREE TO A WAIVER OF A JURY TRIAL IN A HEARING TO
6 DETERMINE POSSESSION OF A DWELLING UNIT;".
- 7 Amend printed bill, page 3, line 19, strike "AGREEMENT;" and substitute
8 "AGREEMENT, EXCEPT FOR ACTUAL LOSSES INCURRED BY THE LANDLORD
9 AS A RESULT OF THE TENANT'S FAILURE TO PROVIDE ANY SUCH NOTICE
10 REQUIRED PURSUANT TO THE RENTAL AGREEMENT;".
- 11 Amend printed bill, page 3, line 26, after "PAY A" insert "MARKUP OR".
- 12 Page 3, line 27, strike "PARTY, WHICH" and substitute "PARTY; EXCEPT
13 THAT A WRITTEN RENTAL AGREEMENT MAY INCLUDE A PROVISION THAT
14 REQUIRES A TENANT TO PAY EITHER A MARKUP OR FEE IN AN AMOUNT
15 THAT DOES NOT EXCEED TWO PERCENT OF THE AMOUNT THAT THE
16 LANDLORD WAS BILLED OR A MARKUP OR FEE IN AN AMOUNT THAT DOES
17 NOT EXCEED A TOTAL OF TEN DOLLARS PER MONTH, BUT NOT BOTH THIS
18 SUBSECTION (3)(a)(VI) DOES NOT PRECLUDE A PREVAILING PARTY FROM
19 RECOVERING REASONABLE ATTORNEY FEES AWARDED BY A COURT
20 PURSUANT TO SUBSECTION (3)(a)(II) OF THIS SECTION.".
- 21 Page 4, strike lines 1 through 3.

1 Page 4, after line 6 insert:

2 "(4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
3 CONTRARY, WITH THE EXCEPTION OF SUBSECTION (3)(a)(III)(B) OF THIS
4 SECTION, THIS SECTION DOES NOT APPLY TO A RENTAL AGREEMENT
5 CONCERNING THE OCCUPANCY OF A MOBILE HOME, AS DEFINED IN SECTION
6 38-12-201.5 (5), IN A MOBILE HOME PARK, AS DEFINED IN SECTION
7 38-12-201.5 (6).".

8 Renumber succeeding subsection accordingly.

9 Amend printed bill, page 4, strike lines 8 through 10 and substitute:
10 "REQUIRES:

11 (a) "DWELLING UNIT" HAS THE MEANING SET FORTH IN SECTION 38-
12 12-502 (3).

13 (b) "RENT" MEANS ANY MONEY OR OTHER CONSIDERATION TO BE
14 PAID TO A LANDLORD FOR THE RIGHT TO USE, POSSESS, AND OCCUPY A
15 DWELLING UNIT.

16 (c) "RENTAL AGREEMENT" HAS THE MEANING SET FORTH IN
17 SECTION 38-12-902 (3).

18 (d) "RESIDENTIAL PREMISES" HAS THE MEANING SET FORTH IN
19 SECTION 38-12-1202 (5).".

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