

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 14, 2023  
Date

Committee on Judiciary.

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

HB23-1120 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 8, strike "OR".
- 2 Page 4, line 23, strike "26." and substitute "26; OR".
- 3 Page 4, after line 23 insert:
  - 4 "(III) THE COMPLAINANT AND RESIDENTIAL TENANT DID NOT
  - 5 PARTICIPATE IN MANDATORY MEDIATION BECAUSE THE COMPLAINANT IS:
  - 6 (A) A 501(c)(3) NONPROFIT ORGANIZATION THAT OFFERS
  - 7 OPPORTUNITIES FOR MEDIATION TO RESIDENTIAL TENANTS PRIOR TO FILING
  - 8 A RESIDENTIAL EVICTION IN COURT; OR
  - 9 (B) A LANDLORD WITH FIVE OR FEWER SINGLE-FAMILY RENTAL
  - 10 HOMES AND NO MORE THAN FIVE TOTAL RENTAL UNITS, INCLUDING ANY
  - 11 SINGLE-FAMILY HOMES."
- 12 Page 4, line 25, strike "PARTY." and substitute "PARTY AND BE PROVIDED
- 13 AT NO COST TO THE RESIDENTIAL TENANT."
- 14 Page 5, after line 4 insert:
  - 15 "(c) THE OFFICE OF ALTERNATIVE DISPUTE RESOLUTION SHALL
  - 16 SCHEDULE THE MANDATORY MEDIATION AT THE FIRST AVAILABLE DATE,
  - 17 BUT NO LATER THAN FOURTEEN DAYS AFTER THE LANDLORD REQUESTS
  - 18 THE MEDIATION."
- 19 Reletter succeeding paragraphs accordingly.
- 20 Page 6, line 1, strike "SECTION." and substitute "SECTION; EXCEPT IN THE

1 CASE:  
2 (I) IN WHICH A COURT HAS ORDERED A JUDGMENT FOR POSSESSION  
3 FOR A SUBSTANTIAL VIOLATION PURSUANT TO SECTION 13-40-107.5; OR  
4 (II) OF A LANDLORD WITH FIVE OR FEWER SINGLE FAMILY RENTAL  
5 HOMES AND NO MORE THAN FIVE TOTAL RENTAL UNITS INCLUDING ANY  
6 SINGLE FAMILY HOMES."

7 Page 6, strike line 13 and substitute "THE WRIT; EXCEPT IN THE CASE:  
8 (I) IN WHICH A COURT HAS ORDERED A JUDGMENT FOR POSSESSION  
9 FOR A SUBSTANTIAL VIOLATION PURSUANT TO SECTION 13-40-107.5; OR  
10 (II) OF A LANDLORD WITH FIVE OR FEWER SINGLE FAMILY RENTAL  
11 HOMES AND NO MORE THAN FIVE TOTAL RENTAL UNITS INCLUDING ANY  
12 SINGLE FAMILY HOMES."

13 Page 6, after line 18 insert:

14 "SECTION 4. In Colorado Revised Statutes, amend 13-40-106  
15 as follows:

16 **13-40-106. Written demand.** (1) The demand required by  
17 section 13-40-104 shall be made in writing, specifying the grounds of the  
18 demandant's right to the possession of such premises, describing the  
19 same, and the time when the same shall be delivered up, and shall be  
20 signed by the person claiming such possession, his agent, or his attorney.

21 (2) THE DEMAND MUST ALSO INCLUDE A STATEMENT THAT A  
22 RESIDENTIAL TENANT WHO RECEIVES SUPPLEMENTAL SECURITY INCOME,  
23 SOCIAL SECURITY DISABILITY INSURANCE UNDER TITLE II OF THE FEDERAL  
24 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ., AS AMENDED, OR  
25 CASH ASSISTANCE THROUGH THE COLORADO WORKS PROGRAM CREATED  
26 IN PART 7 OF ARTICLE 2 OF TITLE 26 HAS A RIGHT TO MEDIATION PRIOR TO  
27 THE LANDLORD FILING AN EVICTION COMPLAINT WITH THE COURT  
28 PURSUANT TO SECTION 13-40-110.

29 **SECTION 5.** In Colorado Revised Statutes, 24-34-502, add (1.8)  
30 as follows:

31 **24-34-502. Unfair housing practices prohibited - definitions.**

32 (1.8) IT IS NOT A VIOLATION OF THIS SECTION FOR A LANDLORD TO ASK A  
33 RESIDENTIAL TENANT WHETHER THE TENANT RECEIVES SUPPLEMENTAL  
34 SECURITY INCOME, SOCIAL SECURITY DISABILITY INSURANCE UNDER TITLE  
35 II OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ.,  
36 AS AMENDED, OR CASH ASSISTANCE THROUGH THE COLORADO WORKS  
37 PROGRAM CREATED IN PART 7 OF ARTICLE 2 OF TITLE 26 FOR THE PURPOSES  
38 OF COMPLYING WITH SECTION 13-40-110 (1)."

39 Renumber succeeding sections accordingly.

1 Page 6, line 22, after "(2.5)" insert "(a)".

2 Page 6, strike lines 23 through 27 and substitute "STATEMENT THAT  
3 SECTION 24-34-502 (1) PROHIBITS SOURCE OF INCOME DISCRIMINATION  
4 AND REQUIRES A NON-EXEMPT LANDLORD TO ACCEPT ANY LAWFUL AND  
5 VERIFIABLE SOURCE OF MONEY PAID DIRECTLY, INDIRECTLY, OR ON  
6 BEHALF OF A PERSON, INCLUDING INCOME DERIVED FROM ANY LAWFUL  
7 PROFESSION OR OCCUPATION AND INCOME OR RENTAL PAYMENTS DERIVED  
8 FROM ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, OR LOAN  
9 PROGRAM."

10 Page 7, strike lines 1 and 2 and substitute:

11 "(b) THIS SUBSECTION (2.5) DOES NOT APPLY TO A LANDLORD WITH  
12 FIVE OR FEWER SINGLE FAMILY RENTAL HOMES AND NO MORE THAN FIVE  
13 TOTAL RENTAL UNITS INCLUDING ANY SINGLE FAMILY HOMES."

14 Page 7, strike line 13 and substitute "TO SECTION 13-40-110 (1); OR  
15 (IV) A CLAUSE THAT ALLOWS A LANDLORD TO RECOUP ANY COSTS  
16 ASSOCIATED WITH MANDATORY MEDIATION REQUIRED PURSUANT TO  
17 SECTION 13-40-110 (1)."

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