HB1141_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB20-1141 be amended as follows:

1 Amend printed bill, page 3, line 7, after "(2)" insert "(a)".

2 Page 6, line 2, strike "and 38-12-107" and substitute "38-12-107, and
3 38-12-108".

4 Page 3, after line 9, insert:
5 "(b) "LANDLORD" DOES NOT INCLUDE A PERSON WHO OWNS AND
6 RENTS FIVE OR FEWER SINGLE-FAMILY HOMES TO TENANTS.".

7 Page 7, strike lines 9 through 20.

8 Page 7, line 21, strike "(c)" and substitute "(3)".

9 Page 8, before line 17, insert:

10 "**38-12-108. Private right of action - period to cure - remedies.**
11 (1) A TENANT OR HOME OWNER HAS A PRIVATE RIGHT OF ACTION AGAINST
12 A LANDLORD THAT VIOLATES SECTION 38-12-105 (1), 38-12-106 (1), OR
13 38-12-107 (1). IN ANY SUCH ACTION, EXCEPT AS DESCRIBED OTHERWISE
14 IN THIS SECTION, THE TENANT OR HOME OWNER IS ENTITLED TO ACTUAL
15 ECONOMIC DAMAGES AND REASONABLE ATTORNEY FEES AND COSTS IF THE
16 TENANT OR HOME OWNER IS SUCCESSFUL IN THE ACTION.
17 (2) NOTWITHSTANDING ANY PROVISION OF THIS PART 1 TO THE
18 CONTRARY, A LANDLORD WHO VIOLATES SECTION 38-12-105 (1),
19 38-12-106 (1), OR 38-12-107 (1) HAS SEVEN DAYS TO CURE THE
20 VIOLATION, WHICH SEVEN DAYS BEGINS WHEN THE LANDLORD RECEIVES
21 NOTICE OF THE VIOLATION.
22 (3) A TENANT OR HOME OWNER WHO PREVAILS IN AN ACTION THAT
23 INVOLVES A LANDLORD'S VIOLATION OF SECTION 38-12-105 (1), 38-12-106
24 (1), OR 38-12-107 (1) IS ENTITLED TO TWICE THE ACTUAL ECONOMIC
25 DAMAGES IF THE COURT DETERMINES THAT THE LANDLORD CAUSED THE
26 DAMAGES IN BAD FAITH.
27 (4) IN AN ACTION THAT INVOLVES A LANDLORD'S VIOLATION OF
28 SECTION 38-12-105 (1), 38-12-106 (1), OR 38-12-107 (1), THE PREVAILING
29 PARTY IS ENTITLED TO REASONABLE ATTORNEY FEES AND COSTS.
30 (5) A VIOLATION OF SECTION 38-12-105 (1), 38-12-106 (1), OR
31 38-12-107 (1), THAT IS NOT CURED WITHIN THE PERIOD DESCRIBED IN
32 SUBSECTION (2) OF THIS SECTION IS AN UNFAIR OR DECEPTIVE TRADE
33 PRACTICE FOR THE PURPOSES OF THE "COLORADO CONSUMER PROTECTION
34 ACT", ARTICLE 1 OF TITLE 6, AS DESCRIBED IN SECTION 6-1-105 (1)(nnn).".

1 Page 10, line 6, after "action," insert "EXCEPT AS DESCRIBED IN SECTION
2 38-12-108,".

3 Page 10, after line 8, insert:

4 "**SECTION 10.** In Colorado Revised Statutes, 6-1-105, **add**
5 (1)(nnn) as follows:
6 **6-1-105. Unfair or deceptive trade practices.** (1) A person
7 engages in a deceptive trade practice when, in the course of the person's
8 business, vocation, or occupation, the person:
9 (nnn) VIOLATES SECTION 38-12-105 (1), 38-12-106 (1), OR
10 38-12-107 (1) CONCERNING FEES CHARGED TO TENANTS AND MOBILE
11 HOME OWNERS.".

12 Renumber succeeding section accordingly.

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