

HB1098\_L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1098 be amended as follows:

1 Amend printed bill, page 16, line10, after "(1)(e.8)" insert "and (1)(j)".

2 Page 18, after line 2 insert:

3       "(j) (I) WHEN A TENANT OR LESSEE HOLDS OVER WITHOUT  
4 PERMISSION OF THE LANDLORD AFTER THE TENANT HAS ENGAGED IN  
5 CONDUCT THAT IS DISTURBING OTHERS OR CAUSING A NUISANCE, WHICH  
6 CONDUCT INTERFERES WITH THE QUIET ENJOYMENT OF THE LANDLORD, IF  
7 THE LANDLORD LIVES IN THE SAME OR AN IMMEDIATELY ADJACENT  
8 PROPERTY, OR OTHER TENANTS OR OCCUPANTS OF THE SAME PROPERTY,  
9 OR BY REASON OF NEGLIGENCE DAMAGED THE HOUSING  
10 ACCOMMODATION, AND TEN DAYS' NOTICE IN WRITING HAS BEEN DULY  
11 SERVED UPON THE TENANT OR LESSEE HOLDING OVER, WHICH NOTICE  
12 CONTAINS A DESCRIPTION OF THE SPECIFIC CONDUCT THAT DISTURBED  
13 OTHERS OR CAUSED A NUISANCE, REQUIRING IN THE ALTERNATIVE  
14 CESSATION OF THE CONDUCT THAT IS DISTURBING OTHERS OR CAUSING A  
15 NUISANCE THAT INTERFERES WITH THE QUIET ENJOYMENT OF THE  
16 LANDLORD, IF THE LANDLORD LIVES IN THE SAME OR IMMEDIATELY  
17 ADJACENT PROPERTY, OR OTHER TENANTS OR OCCUPANTS OF THE SAME  
18 PROPERTY, OR MALICIOUSLY OR BY REASON OF NEGLIGENCE DAMAGED  
19 THE HOUSING ACCOMMODATION OR POSSESSION OF THE PREMISES SO  
20 HELD; EXCEPT THAT, FOR A NONRESIDENTIAL AGREEMENT OR AN  
21 EMPLOYER-PROVIDED HOUSING AGREEMENT, THREE DAYS' NOTICE IS  
22 REQUIRED PURSUANT TO THIS SUBSECTION (1)(j), AND FOR AN EXEMPT  
23 RESIDENTIAL AGREEMENT, FIVE DAYS' NOTICE IS REQUIRED PURSUANT TO  
24 THIS SECTION.

25       (II) THE LAWFUL EXERCISE BY A TENANT OF ANY RIGHTS  
26 PURSUANT TO ANY LAW OR RULE RELATING TO OCCUPANCY OF A  
27 PROPERTY, INCLUDING THIS SUBSECTION (1)(j), SHALL NOT BE DEEMED TO  
28 INTERFERE WITH THE QUIET ENJOYMENT OF THE LANDLORD OR OTHER  
29 TENANTS OR OTHER GROUND FOR EVICTION PURSUANT TO THIS  
30 SUBSECTION (1)(j).

31       (III) IT SHALL NOT CONSTITUTE A NUISANCE OR DISTURBANCE FOR  
32 PURPOSES OF THIS SUBSECTION (1)(j) IF A VICTIM OF DOMESTIC VIOLENCE  
33 IS BEING ACCUSED OF CAUSING A DISTURBANCE OR NUISANCE AS A DIRECT  
34 RESULT OF BEING A VICTIM OF DOMESTIC VIOLENCE. THIS EXCEPTION  
35 APPLIES ONLY TO VICTIMS OF DOMESTIC VIOLENCE AND NOT TO  
36 PERPETRATORS."

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