

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1158 be amended as follows:

1 Amend printed bill, page 4, strike lines 11 through 15 and substitute
2 **"charges, costs, and attorney fees - limitations.** (7) (c) (I) IN
3 DETERMINING REASONABLE ATTORNEY FEES PURSUANT TO THIS
4 SUBSECTION (7) RELATING TO AN ASSOCIATION'S FORECLOSURE OF A LIEN
5 AGAINST A UNIT OWNER FOR UNPAID ASSESSMENTS, THE COURT SHALL
6 GIVE CONSIDERATION TO ALL RELEVANT FACTORS, INCLUDING:
7 (A) THE AMOUNT OF THE UNPAID ASSESSMENTS;
8 (B) WHETHER THE AMOUNT OF THE ATTORNEY FEES REQUESTED
9 EXCEEDS THE AMOUNT OF THE UNPAID ASSESSMENTS;
10 (C) WHETHER THE AMOUNT OF TIME SPENT OR FEES INCURRED BY
11 THE ATTORNEY ARE DISPROPORTIONATE TO THE NEEDS OF THE CASE,
12 CONSIDERING THE COMPLEXITY OF THE CASE OR THE EFFORTS REQUIRED
13 TO OBTAIN THE UNPAID ASSESSMENTS;
14 (D) WHETHER THE FORECLOSURE ACTION WAS CONTESTED OR
15 REQUIRED THE ASSOCIATION TO RESPOND TO UNMERITORIOUS DEFENSES;
16 AND
17 (E) OTHER FACTORS TYPICALLY CONSIDERED IN DETERMINING AN
18 AWARD OF ATTORNEY FEES.
19 (II) AFTER CONSIDERATION OF THE FACTORS SET FORTH IN
20 SUBSECTION (7)(c)(I) OF THIS SECTION, THE COURT MAY AWARD
21 ATTORNEYS FEES PURSUANT TO THIS SUBSECTION (7) IN AN AMOUNT NOT
22 TO EXCEED FIVE THOUSAND DOLLARS.".

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