HB1170_L.007   Amendment No. _____
HB19-1170
HOUSE FLOOR AMENDMENT
Second Reading   BY REPRESENTATIVE Weissman

1   Amend printed bill, page 3, strike line 16.

2   Page 4, strike lines 1 through 12.

3   Renumber succeeding sections accordingly.

4   Page 13, after line 25 insert:

5   "(XI) A TENANT WHO DEDUCTS RENT AS A RESULT OF A BREACH OF
6   THE WARRANTY OF HABITABILITY, WHICH BREACH IS BASED ON A
7   CONDITION DESCRIBED IN SECTION 38-12-505 (1)(b)(I), MAY, IN LIEU OF
8   REPAIRING THE MALFUNCTIONING APPLIANCE, REPLACE THE
9   MALFUNCTIONING APPLIANCE SO LONG AS THE REPLACEMENT APPLIANCE
10   IS AT LEAST OF SUBSTANTIALLY COMPARABLE QUALITY AND HAS
11   SUBSTANTIALLY THE SAME FEATURES AS THE ORIGINAL APPLIANCE.".

12   Page 14, strike lines 21 and 22 and substitute:

13   "**SECTION 8.** In Colorado Revised Statutes, **amend** 38-12-509
14   as follows:".

15   Page 15, line 22, after "~~action.~~" add "IF A LANDLORD ELECTS TO REPLACE
16   A MALFUNCTIONING APPLIANCE, BUT DOES SO WITH A NEW APPLIANCE
17   THAT IS NOT IDENTICAL TO THE APPLIANCE BEING REPLACED, THERE IS A
18   REBUTTABLE PRESUMPTION IN FAVOR OF THE LANDLORD THAT THE
19   LANDLORD'S SELECTION OF A DIFFERENT APPLIANCE WAS NOT
20   RETALIATORY SO LONG AS THE REPLACEMENT APPLIANCE PROVIDES
21   SUBSTANTIALLY THE SAME FEATURES AS THE ORIGINAL APPLIANCE.".

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