

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-020 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 13-40-110.5, add
3 (6) as follows:

4 **13-40-110.5. Automatic suppression of court records -**
5 **definition.** (6) IN ADDITION TO THE PERSONS DESCRIBED IN SUBSECTIONS
6 (1) AND (5) OF THIS SECTION, A COURT SHALL ALLOW A PERSON TO ACCESS
7 A SUPPRESSED COURT RECORD IF THE PERSON AFFIRMS TO THE COURT, IN
8 WRITING OR ELECTRONICALLY, THAT THE PERSON IS ACCESSING THE
9 SUPPRESSED COURT RECORD ON BEHALF OF THE ATTORNEY GENERAL FOR
10 THE PURPOSE OF INVESTIGATING ANY VIOLATION OF STATE LAW THAT THE
11 ATTORNEY GENERAL IS AUTHORIZED TO ENFORCE PURSUANT TO SECTION
12 24-31-101 (1)(i).".

13 Renumber succeeding sections accordingly.

14 Page 2, line 3, strike "and (1)(i)(XXVI)" and substitute "(1)(i)(XXVI),
15 and (5)".

16 Page 2, after line 15 insert:

17 "(5) THE ATTORNEY GENERAL SHALL CONDUCT ENFORCEMENT
18 ACTIONS AUTHORIZED BY SENATE BILL 25-020, IF ANY, WITHIN EXISTING
19 APPROPRIATIONS.".

20 Page 5, line 26, after "(1)(m)" insert "and (3)".

21 Page 6, after line 8 insert:

22 "(3) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A
23 CONTRACT BETWEEN A COUNTY AND A PRIVATE ATTORNEY WHO THE
24 COUNTY RETAINS IN RELATION TO A CIVIL ACTION DESCRIBED IN
25 SUBSECTION (1)(m) OF THIS SECTION SHALL SPECIFY AN HOURLY RATE,
26 NOT TO EXCEED FIVE HUNDRED DOLLARS PER HOUR, AT WHICH THE
27 COUNTY COMPENSATES THE PRIVATE ATTORNEY.

28 (b) A COUNTY MAY USE AN AMOUNT EQUAL TO OR LESS THAN TEN
29 PERCENT OF ANY MONETARY AWARD RECEIVED AS A RESULT OF A CIVIL OR
30 CRIMINAL ACTION COMMENCED PURSUANT TO SUBSECTION (1)(m) OF THIS
31 SECTION TO COVER THE COSTS OF THAT CIVIL ACTION, INCLUDING
32 ATTORNEY FEES.

33 (c) IN COMMENCING A CIVIL ACTION PURSUANT TO SUBSECTION

1 (1)(m) OF THIS SECTION, A COUNTY MAY CONFER WITH ANY HOUSING
2 AUTHORITY CREATED PURSUANT TO TITLE 29 THAT SERVES THE COUNTY
3 IN WHOLE OR IN PART."

4 Page 6, lines 3 and 4, strike "AND CRIMINAL".

5 Page 6, strike lines 9 through 17 and substitute:

6 "SECTION 5. In Colorado Revised Statutes, 31-15-401, add
7 (1)(r) and (2) as follows:

8 **31-15-401. General police powers.** (1) In relation to the general
9 police power, the governing bodies of municipalities have the following
10 powers:"

11 Page 6, line 18, strike "(g)" and substitute "(r)".

12 Page 6, lines 18 and 19, strike "AND CRIMINAL".

13 Page 6, after line 23 insert:

14 "(2) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A
15 CONTRACT BETWEEN A MUNICIPALITY AND A PRIVATE ATTORNEY WHO THE
16 COUNTY RETAINS IN RELATION TO A CIVIL ACTION DESCRIBED IN
17 SUBSECTION (1)(r) OF THIS SECTION SHALL SPECIFY AN HOURLY RATE, NOT
18 TO EXCEED FIVE HUNDRED DOLLARS PER HOUR, AT WHICH THE
19 MUNICIPALITY COMPENSATES THE PRIVATE ATTORNEY.

20 (b) A MUNICIPALITY MAY USE AN AMOUNT EQUAL TO OR LESS
21 THAN TEN PERCENT OF ANY MONETARY AWARD RECEIVED AS A RESULT OF
22 A CIVIL ACTION COMMENCED PURSUANT TO SUBSECTION (1)(r) OF THIS
23 SECTION TO COVER THE COSTS OF THAT CIVIL ACTION, INCLUDING
24 ATTORNEY FEES.

25 (c) IN COMMENCING A CIVIL ACTION PURSUANT TO SUBSECTION
26 (1)(r) OF THIS SECTION, A MUNICIPALITY MAY CONFER WITH ANY HOUSING
27 AUTHORITY CREATED PURSUANT TO TITLE 29 THAT SERVES THE
28 MUNICIPALITY IN WHOLE OR IN PART."

29 Page 7, line 3, after "PROPERTY." insert "THE DUTIES OF A RECEIVER ARE
30 TO ACHIEVE THE PURPOSES OF THIS PART 5 PURSUANT TO SECTION
31 38-12-501, TO ENSURE THAT MULTIFAMILY RESIDENTIAL PROPERTY IS FIT
32 FOR HUMAN HABITATION AS REQUIRED BY 38-12-503 (1), AND TO ENSURE
33 THAT THE MULTIFAMILY RESIDENTIAL PROPERTY COMPLIES WITH ALL
34 COUNTY OR MUNICIPAL PUBLIC HEALTH CODES OR MUNICIPAL ORDINANCES
35 REGULATING PUBLIC HEALTH AND SAFETY THAT APPLY TO MULTIFAMILY

- 1 RESIDENTIAL PROPERTY.".
- 2 Page 7, line 11, after "PROPERTY;" add "AND".
- 3 Page 7, strike lines 12 through 27.
- 4 Page 8, strike lines 1 through 3 and substitute:
- 5 "(b) A COUNTY, CITY AND COUNTY, OR MUNICIPALITY, WHEN THE
6 COUNTY, CITY AND COUNTY, OR MUNICIPALITY HAS REASONABLE CAUSE
7 TO BELIEVE THAT ANY PERSON, WHETHER IN THIS STATE OR ELSEWHERE,
8 HAS ENGAGED IN OR IS ENGAGING IN A PATTERN OR PRACTICE OF
9 VIOLATIONS OF THIS PART 5, OTHER THAN A VIOLATION OF SECTION
10 38-12-503 (5), IN CONNECTION WITH THE MULTIFAMILY RESIDENTIAL
11 PROPERTY.".
- 12 Page 8, line 10, strike "SEVENTY-TWO HOURS" and substitute "THREE
13 BUSINESS DAYS".
- 14 Page 8, line 13, strike "OWNER OF RECORD" and substitute "LANDLORD".
- 15 Page 8, line 16, strike "PROPERTY;" and substitute "PROPERTY, EXCEPT
16 THAT THE FAILURE TO SERVE ANY SUCH PARTY WHOSE NAME AND
17 ADDRESS IS NOT AVAILABLE TO THE PETITIONER DOES NOT PRECLUDE THE
18 COURT FROM HOLDING THE HEARING OR INVALIDATE THE PROCEEDING SO
19 LONG AS THE NOTICE IS POSTED AT THE PROPERTY;".
- 20 Page 8, line 17, after "CITY" insert "OR TOWN".
- 21 Page 8, after line 24 insert:
- 22 "(III) A PETITIONER SEEKING THE APPOINTMENT OF A RECEIVER
23 PURSUANT TO THIS SECTION MUST CONSPICUOUSLY POST NOTICE OF THE
24 PETITION ON AND AROUND THE RELEVANT MULTIFAMILY RESIDENTIAL
25 PROPERTY. THIS NOTICE SHALL INCLUDE THE PHONE NUMBER AND EMAIL
26 ADDRESS OF THE PETITIONER. THE PETITIONER IS STRONGLY ENCOURAGED
27 TO POST THE NOTICE IN LANGUAGES OTHER THAN ENGLISH, IF THE
28 PETITIONER IS AWARE THAT THOSE LANGUAGES ARE SPOKEN BY THE
29 PROPERTY'S TENANTS.".
- 30 Page 9, line 17, after "HOUSING." insert "THE RECEIVER MUST BE
31 FINANCIALLY AND LEGALLY INDEPENDENT OF THE MULTIFAMILY
32 RESIDENTIAL PROPERTY'S OWNERSHIP OR MANAGEMENT.".

1 Page 11, strike lines 5 through 11 and substitute "RESIDENTIAL PROPERTY;
2 AND".

3 Page 12, line 11, after "PROPERTY." insert "IN SO DOING, THE RECEIVER:

4 (a) SHALL PERFORM THEIR DUTIES IN A WAY THAT MINIMIZES, TO
5 THE GREATEST EXTENT POSSIBLE, FURTHER DISRUPTION OF THE
6 MULTIFAMILY RESIDENTIAL PROPERTY'S TENANTS;

7 (b) SHALL COMMUNICATE, AT LEAST ONCE A WEEK, IN A MANNER
8 REASONABLY CALCULATED TO BE RECEIVED BY THE MULTIFAMILY
9 RESIDENTIAL PROPERTY'S TENANTS, SUCH AS BY CONSPICUOUSLY POSTING
10 COMMUNICATIONS ON AND AROUND THE PROPERTY OR ON THE PROPERTY'S
11 ONLINE TENANT PORTAL, CONCERNING WHAT MEASURES THE RECEIVER IS
12 TAKING TO BRING THE PROPERTY INTO COMPLIANCE WITH A COUNTY OR
13 CITY AND COUNTY PUBLIC HEALTH CODE, OR A MUNICIPAL ORDINANCE
14 AND OTHERWISE BRINGING THE PROPERTY INTO COMPLIANCE WITH THIS
15 PART;

16 (c) SHALL FIRST APPLY RENTS RECEIVED PURSUANT TO
17 SUBSECTION (5)(a)(II)(D) OF THIS SECTION TOWARDS THE PAYMENT OF
18 ANY UTILITIES OR SERVICES FOR THE MULTIFAMILY RESIDENTIAL
19 PROPERTY;

20 (d) AFTER APPLYING RENTS RECEIVED PURSUANT TO SUBSECTION
21 (5)(a)(II)(D) OF THIS SECTION AS DESCRIBED IN SUBSECTION (6)(c) OF THIS
22 SECTION, SHALL APPLY RENTS RECEIVED PURSUANT TO SUBSECTION
23 (5)(a)(II)(D) OF THIS SECTION TOWARD THE COST OF REMEDIATING ANY
24 VIOLATION BY THE MULTIFAMILY RESIDENTIAL PROPERTY OF THIS PART 5,
25 A COUNTY OR CITY AND COUNTY PUBLIC HEALTH CODE, OR A MUNICIPAL
26 ORDINANCE AND OTHERWISE BRINGING THE PROPERTY INTO COMPLIANCE
27 WITH THIS PART 5;

28 (e) SHALL NOT INITIATE A FORCIBLE ENTRY OR DETAINER ACTION
29 OR PROCEEDING RELATED TO THE NONPAYMENT OF BEFORE THE
30 BEGINNING OF THE RECEIVERSHIP;

31 (f) MAY INITIATE A FORCIBLE ENTRY OR DETAINER ACTION OR
32 PROCEEDING RELATED TO THE NONPAYMENT OF RENT THAT OCCURS
33 DURING THE RECEIVERSHIP; AND

34 (g) SHALL NOT INCREASE RENTS, FEES, OR COSTS CHARGED TO THE
35 THE MULTIFAMILY RESIDENTIAL PROPERTY'S TENANTS BEYOND THE
36 LEVELS OF THE RENTS, FEES, AND COSTS CHARGED WHEN THE COURT
37 APPOINTED THE RECEIVER."

38 Page 12, line 21, strike "ONE HUNDRED EIGHTY" and substitute "NINETY".

39 Page 12, after line 26 insert:

- 1 "(II) ANY LESSEE OF THE ENTIRE MULTIFAMILY RESIDENTIAL
2 PROPERTY;".
- 3 Renumber succeeding subparagraphs accordingly.
- 4 Page 13, line 1, after "CITY" insert "OR TOWN".
- 5 Page 13, strike line 10 and substitute "INTEREST AND IN THE BEST
6 INTEREST OF THE MULTIFAMILY RESIDENTIAL PROPERTY'S TENANTS; AND".
- 7 Page 13, line 11, strike "OWNER" and substitute "OWNER, OPERATOR, OR
8 MANAGER".
- 9 Page 13, line 13, strike "OUT" and substitute "OUT, IN THE TIME FRAME
10 MOST RECENTLY APPROVED BY THE COURT PURSUANT TO SUBSECTION (4)
11 OR (7) OF THIS SECTION,".
- 12 Page 13, line 22, strike "DEBT," and substitute "DEBT OR LIENS,".
- 13 Page 13, lines 24 and 25, strike "ALL LIENS ON THE MULTIFAMILY
14 PROPERTY, AS WELL AS".
- 15 Page 15, line 4, strike "AND".
- 16 Page 15, line 7, strike "HEARD." and substitute "HEARD; AND".
- 17 Page 15, after line 7 insert:
- 18 "(III) SHALL REQUIRE THE RECEIVER TO COMMUNICATE IN A
19 MANNER REASONABLY CALCULATED TO BE AVAILABLE TO THE
20 MULTIFAMILY RESIDENTIAL PROPERTY'S TENANTS, SUCH AS BY
21 CONSPICUOUSLY POSTING COMMUNICATIONS ON AND AROUND THE
22 PROPERTY OR ON THE PROPERTY'S ONLINE TENANT PORTAL, THAT THE
23 RECEIVERSHIP HAS BEEN TERMINATED AND THE NAME, PHONE NUMBER,
24 AND EMAIL ADDRESS OF THE OWNER, MANAGER, OR OTHER ENTITY THAT
25 WILL ASSUME THE RESPONSIBILITY OF MAKING THE PROPERTY COMPLIANT
26 WITH THIS PART 5, A COUNTY OR CITY AND COUNTY PUBLIC HEALTH CODE,
27 OR A MUNICIPAL ORDINANCE.".
- 28 Page 16, line 1, strike "AND".
- 29 Page 16, after line 1 insert:

1 "(e) NOTHING IN THIS SECTION LIMITS THE RIGHT OF TENANTS TO
2 SEEK A REMEDY FOR A VIOLATION OF THIS PART 5, INCLUDING A BREACH
3 OF THE WARRANTY OF HABITABILITY, THAT OCCURRED BEFORE THE
4 APPOINTMENT OF A RECEIVER PURSUANT TO THIS SECTION;

5 (f) NOTHING IN THIS SECTION LIMITS THE POWERS OF ANY HOME
6 RULE MUNICIPALITY TO ENACT ORDINANCES OR OTHERWISE SAFEGUARD
7 THE HEALTH, SAFETY, AND WELFARE OF RESIDENTS OF MULTIFAMILY
8 RESIDENTIAL PROPERTIES; AND".

9 Reletter the succeeding paragraph accordingly.

10 Strike "owner" and substitute "landlord" on: **Page 7**, line 2; **Page 12**, line
11 26; **Page 13**, line 11; **Page 14**, line 21; and **Page 15**, lines 2, 10, 13, 14,
12 and 20.

13 Strike "PART 5," and substitute "PART 5, OTHER THAN A VIOLATION OF
14 SECTION 28-12-503 (5),": **Page 7**, line 10; **Page 10**, lines 2, 6, 12, 18, and
15 23; **Page 11**, lines 7 and 9 and 10; **Page 13**, line 16; and **Page 14**, lines
16 5, 7, 15 and 16, and 18.

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