

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Bird

1 Amend the Transportation, Housing, and Local Government Committee
2 Report, dated March 18, 2025, page 6, strike lines 13 and 14 and
3 substitute "VIOLATION OF THE APPLICABLE STANDARD.

4 (9) (a) FOR PROPERTY IN WHICH THE BUILDER IS A PARTICIPANT IN
5 THE MULTIFAMILY CONSTRUCTION INCENTIVE PROGRAM, WITHIN THIRTY
6 DAYS AFTER THE COMPLETION OF THE INSPECTION PROCESS CONDUCTED
7 PURSUANT TO THIS SECTION, A CONSTRUCTION PROFESSIONAL SHALL SEND
8 OR DELIVER TO THE CLAIMANT, BY CERTIFIED MAIL, RETURN RECEIPT
9 REQUESTED, OR BY PERSONAL SERVICE:

10 (I) AN OFFER TO SETTLE THE CLAIM BY:

11 (A) PAYMENT OF A SUM CERTAIN; OR

12 (B) AGREEING TO REMEDY THE CLAIMED DEFECT DESCRIBED IN
13 THE NOTICE OF CLAIM;

14 (II) A WRITTEN RESPONSE THAT:

15 (A) IDENTIFIES THE STANDARDS THAT APPLY TO THE CLAIMED
16 DEFECT'S CONSTRUCTION OR PERFORMANCE; AND

17 (B) EXPLAINS WHY THE CLAIMED DEFECT DOES NOT REQUIRE
18 REPAIR; OR

19 (III) A WRITTEN RESPONSE THAT EXPLAINS THE CONSTRUCTION
20 PROFESSIONAL'S SCOPE OF WORK AND WHY THE CLAIMED DEFECT IS NOT
21 WITHIN THE WORK AND RESPONSIBILITY OF THE CONSTRUCTION
22 PROFESSIONAL.

23 (b) A WRITTEN OFFER TO REMEDY A CONSTRUCTION DEFECT MUST
24 INCLUDE A REPORT OF THE SCOPE OF THE INSPECTION, THE FINDINGS AND
25 RESULTS OF THE INSPECTION, A DESCRIPTION OF THE ADDITIONAL
26 CONSTRUCTION WORK NECESSARY TO REMEDY THE DEFECT DESCRIBED IN
27 THE NOTICE OF CLAIM AND ALL DAMAGE TO THE IMPROVEMENT TO REAL
28 PROPERTY CAUSED BY THE DEFECT, AND A TIMETABLE FOR THE
29 COMPLETION OF THE REMEDIAL CONSTRUCTION WORK.

30 (10) (a) WITHIN THIRTY DAYS AFTER THE REJECTION OF AN OFFER
31 MADE PURSUANT TO SUBSECTION (9) OF THIS SECTION, A CLAIMANT SHALL
32 PROVIDE A CONSTRUCTION PROFESSIONAL WITH A WRITTEN PROPOSAL TO
33 HAVE THE CONSTRUCTION DEFECT REPAIRED AT THE CONSTRUCTION
34 PROFESSIONAL'S EXPENSE OR TO SETTLE THE CLAIM.

35 (b) IF THE CONSTRUCTION PROFESSIONAL DOES NOT ACCEPT THE
36 PROPOSAL PROVIDED BY THE CLAIMANT PURSUANT TO SUBSECTION (10)(a)
37 OF THIS SECTION IN WRITING WITHIN FIFTEEN DAYS AFTER DELIVERY OF
38 THE PROPOSAL, THE PROPOSAL IS DEEMED TO HAVE BEEN REJECTED.

39 (c) IF THE CONSTRUCTION PROFESSIONAL ACCEPTS THE PROPOSAL
40 PROVIDED BY THE CLAIMANT PURSUANT TO SUBSECTION (10)(a) OF THIS
41 SECTION, THE CONSTRUCTION PROFESSIONAL SHALL PAY THE CLAIMANT'S

- 1 REASONABLE ATTORNEY FEES AND COSTS INCURRED IN INVESTIGATING
2 THE DEFECT AND PROPOSING THE REPAIR.".
- 3 Page 9 of the printed bill, line 22, strike "(2)" and substitute "(11)".
- 4 Page 6 of the report, line 15, strike "(4.5)".
- 5 Page 6 of the report, strike lines 20 through 25 and substitute:
- 6 "Page 10 of the bill, strike line 27.
- 7 Page 11 of the bill, strike lines 1 through 20 and substitute:
- 8 "(3) EXCEPT AS PROVIDED IN SECTION 13-20-803.3 (9), within
9 thirty days ~~following~~ AFTER the completion of the inspection process
10 conducted pursuant to subsection (2) of this section, or within forty-five
11 days ~~following~~ AFTER the completion of the inspection process in the case
12 of a commercial property, a construction professional may send or deliver
13 to the claimant, by certified mail, return receipt requested, or personal
14 service, an offer to settle the claim by payment of a sum certain or by
15 agreeing to remedy the claimed defect described in the notice of claim. A
16 written offer to remedy the construction defect shall include a report of
17 the scope of the inspection, the findings and results of the inspection, a
18 description of the additional construction work necessary to remedy the
19 defect described in the notice of claim and all damage to the improvement
20 to real property caused by the defect, and a timetable for the completion
21 of the remedial construction work.".
- 22 Page 8 of the report, strike line 1 and substitute:
- 23 "Page 12 of the bill, strike lines 26 and 27.
- 24 Page 13 of the bill, strike lines 1 through 10."

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