

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB20-1141 be amended as follows:

- 1 Amend printed bill, page 3, line 11, strike "TENANT AS A RESULT OF THE
- 2 TENANT'S" and substitute "TENANT OR HOME OWNER AS A RESULT OF THE
- 3 TENANT'S OR HOME OWNER'S".
- 4 Page 3, line 13, strike "TENANT." and substitute "TENANT OR HOME
- 5 OWNER.".
- 6 Page 3, line 15, after "unit" insert "OR MOBILE HOME SPACE".
- 7 Page 3, line 17, strike "tenant or members of ~~his~~ THE TENANT'S" and
- 8 substitute "tenant OR HOME OWNER or members of ~~his~~ THE TENANT'S OR
- 9 HOME OWNER'S".
- 10 Page 4, line 18, strike "(1)" and substitute "(1), (3), (4), and (7)".
- 11 Page 5, line 19, after "OF THE" insert "TENANT'S OR".
- 12 Page 5, after line 27, insert:
 - 13 "(3) (a) The willful retention of a security deposit in violation of
 - 14 this section ~~shall render~~ RENDERS a landlord liable for treble the amount
 - 15 of that portion of the security deposit wrongfully withheld from the tenant
 - 16 OR HOME OWNER, together with reasonable attorney fees and court costs;
 - 17 except that the tenant ~~has the obligation to~~ OR HOME OWNER MUST give
 - 18 notice to the landlord of ~~his~~ THE TENANT'S OR HOME OWNER'S intention to
 - 19 file legal proceedings ~~a minimum of~~ AT LEAST seven days ~~prior to~~ BEFORE
 - 20 filing ~~said~~ THE action.
- 21 "(b) In any court action brought by a tenant OR HOME OWNER under
- 22 this section, the landlord ~~shall bear~~ BEARS the burden of proving that ~~his~~
- 23 THE LANDLORD'S withholding of the security deposit or any portion of it
- 24 was not wrongful.
- 25 "(4) Upon cessation of ~~his~~ A PERSON'S interest in ~~the~~ A dwelling
- 26 unit, whether by sale, assignment, death, appointment of a receiver, or
- 27 otherwise, the person in possession of the security deposit, including but
- 28 not limited to the landlord, ~~his~~ THE LANDLORD'S agent, or ~~his~~ THE
- 29 LANDLORD'S executor, shall, within a reasonable time:
 - 30 (a) Transfer the funds, or any remainder after lawful deductions
 - 31 under subsection (1) of this section, to the landlord's successor in interest
 - 32 and notify the tenant OR HOME OWNER by mail of ~~such~~ THE transfer and
 - 33 of the transferee's name and address; or
 - 34 (b) Return the funds, or any remainder after lawful deductions
 - 35 under subsection (1) of this section, to the tenant OR HOME OWNER.

6 Page 6, line 23, after "TENANT" insert "OR HOME OWNER".

7 Page 6, line 25, strike "TENANT," and substitute "TENANT OR HOME
8 OWNER,".

9 Page 7, line 7, after "DEPOSIT" insert "AFTER THE EXPIRATION OF THE
10 TENANT'S OR HOME OWNER'S TENANCY".

*** *** *** ***