

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB20-1141 be amended as follows:

- 1 Amend printed bill, page 3, line 7, after "(2)" insert "(a)".
- 2 Page 6, line 2, strike "and 38-12-107" and substitute "38-12-107, and 38-12-108".
- 4 Page 3, after line 9, insert:  
5        "(b) "LANDLORD" DOES NOT INCLUDE A PERSON WHO OWNS AND 6 RENTS FIVE OR FEWER SINGLE-FAMILY HOMES TO TENANTS.".
- 7 Page 7, strike lines 9 through 20.
- 8 Page 7, line 21, strike "(c)" and substitute "(3)".
- 9 Page 8, before line 17, insert:  
**10        "38-12-108. Private right of action - period to cure - remedies.**  
11        (1) A TENANT OR HOME OWNER HAS A PRIVATE RIGHT OF ACTION AGAINST 12 A LANDLORD THAT VIOLATES SECTION 38-12-105 (1), 38-12-106 (1), OR 13 38-12-107 (1). IN ANY SUCH ACTION, EXCEPT AS DESCRIBED OTHERWISE 14 IN THIS SECTION, THE TENANT OR HOME OWNER IS ENTITLED TO ACTUAL 15 ECONOMIC DAMAGES AND REASONABLE ATTORNEY FEES AND COSTS IF THE 16 TENANT OR HOME OWNER IS SUCCESSFUL IN THE ACTION.  
17        (2) NOTWITHSTANDING ANY PROVISION OF THIS PART 1 TO THE 18 CONTRARY, A LANDLORD WHO VIOLATES SECTION 38-12-105 (1), 19 38-12-106 (1), OR 38-12-107 (1) HAS SEVEN DAYS TO CURE THE 20 VIOLATION, WHICH SEVEN DAYS BEGINS WHEN THE LANDLORD RECEIVES 21 NOTICE OF THE VIOLATION.  
22        (3) A TENANT OR HOME OWNER WHO PREVAILS IN AN ACTION THAT 23 INVOLVES A LANDLORD'S VIOLATION OF SECTION 38-12-105(1), 38-12-106 24 (1), OR 38-12-107 (1) IS ENTITLED TO TWICE THE ACTUAL ECONOMIC 25 DAMAGES IF THE COURT DETERMINES THAT THE LANDLORD CAUSED THE 26 DAMAGES IN BAD FAITH.  
27        (4) IN AN ACTION THAT INVOLVES A LANDLORD'S VIOLATION OF 28 SECTION 38-12-105(1), 38-12-106(1), OR 38-12-107(1), THE PREVAILING 29 PARTY IS ENTITLED TO REASONABLE ATTORNEY FEES AND COSTS.  
30        (5) A VIOLATION OF SECTION 38-12-105 (1), 38-12-106 (1), OR 31 38-12-107 (1), THAT IS NOT CURED WITHIN THE PERIOD DESCRIBED IN 32 SUBSECTION (2) OF THIS SECTION IS AN UNFAIR OR DECEPTIVE TRADE 33 PRACTICE FOR THE PURPOSES OF THE "COLORADO CONSUMER PROTECTION 34 ACT", ARTICLE 1 OF TITLE 6, AS DESCRIBED IN SECTION 6-1-105 (1)(nnn).".

1      Page 10, line 6, after "action," insert "EXCEPT AS DESCRIBED IN SECTION  
2      38-12-108,".

3      Page 10, after line 8, insert:

4            "**SECTION 10.** In Colorado Revised Statutes, 6-1-105, **add**  
5      (1)(nnn) as follows:

6            **6-1-105. Unfair or deceptive trade practices.** (1) A person  
7      engages in a deceptive trade practice when, in the course of the person's  
8      business, vocation, or occupation, the person:

9            (nnn) VIOLATES SECTION 38-12-105 (1), 38-12-106 (1), OR  
10     38-12-107 (1) CONCERNING FEES CHARGED TO TENANTS AND MOBILE  
11     HOME OWNERS.".

12     Renumber succeeding section accordingly.

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