

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
- 3 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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