

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0043.01 Yelana Love x2295

HOUSE BILL 24-1259

HOUSE SPONSORSHIP

Brown and Weissman,

SENATE SPONSORSHIP

Cutter,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PRICE GOUGING IN HOUSING RENTAL PRICES DURING A**
102 **DECLARED DISASTER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits price gouging in the provision of housing during a declared disaster.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 **SECTION 1.** In Colorado Revised Statutes, **add 6-1-735** as
2 follows:

3 **6-1-735. Rental price gouging during declared disaster**
4 **prohibited - deceptive trade practice - definitions.** (1) A PERSON
5 ENGAGES IN A DECEPTIVE TRADE PRACTICE WHEN, DURING A DISASTER
6 PERIOD AND WITHIN THE DESIGNATED AREA, THE PERSON ENGAGES IN
7 PRICE GOUGING IN THE PROVISION OF OR OFFER TO PROVIDE RENT-BASED
8 HOUSING.

9 (2) (a) A VIOLATION OF THIS SECTION MAY BE ENFORCED BY THE
10 ATTORNEY GENERAL OR THE DISTRICT ATTORNEY WITH JURISDICTION
11 OVER THE CONDUCT AT ISSUE OR BY AN AGGRIEVED PARTY.

12 (b) NOTWITHSTANDING SECTION 6-1-113, A TENANT AFFECTED BY
13 A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION TO RESTRAIN
14 FURTHER VIOLATIONS AND TO RECOVER DAMAGES, COSTS, AND
15 REASONABLE ATTORNEY FEES. IF A COURT OR JURY FINDS THAT A
16 VIOLATION OCCURRED, THE TENANT MUST BE AWARDED STATUTORY
17 DAMAGES EQUAL TO THE TENANT'S ACTUAL DAMAGES, ATTORNEY FEES,
18 AND COSTS THAT MAY BE OWED.

19 (3) AS USED IN THIS SECTION:

20 (a) "DESIGNATED AREA" MEANS A SPECIFIC GEOGRAPHIC AREA
21 IDENTIFIED IN A DISASTER DECLARATION.

22 (b) "DISASTER" HAS THE SAME MEANING AS SET FORTH IN SECTION
23 24-33.5-703 (3).

24 (c) "DISASTER DECLARATION" MEANS A DECLARATION OF ONE OF
25 THE FOLLOWING, WHICH RESULTS IN A MATERIAL DECREASE IN
26 RESIDENTIAL HOUSING UNITS:

27 (I) A NATIONAL EMERGENCY BY THE PRESIDENT OF THE UNITED

1 STATES PURSUANT TO THE "NATIONAL EMERGENCIES ACT", 50 U.S.C.
2 SEC. 1601 ET SEQ., AS AMENDED; OR

3 (II) A DISASTER EMERGENCY BY THE GOVERNOR PURSUANT TO
4 SECTION 24-33.5-704 (4).

5 (d) "DISASTER PERIOD" MEANS THE DATE A DISASTER
6 DECLARATION BEGINS AND CONTINUING FOR TWO YEARS AFTER THE DATE
7 OF THE INITIAL DISASTER.

8 (e) "PRICE GOUGING" MEANS:

9 (I) FOR DWELLINGS THAT WERE ON THE MARKET IMMEDIATELY
10 PRECEDING THE DISASTER, AN INCREASE IN RENT FOR AN INDIVIDUAL
11 DWELLING IN A DESIGNATED AREA THAT IS MORE THAN THE GREATER OF
12 THE PERCENTAGE OF THE RENT INCREASE FOR THE IMMEDIATELY
13 PRECEDING YEAR OR TEN PERCENT COMPARED TO THE RENT FOR THE
14 INDIVIDUAL DWELLING IMMEDIATELY PRECEDING THE DISASTER; OR

15 (II) FOR DWELLINGS THAT WERE NOT ON THE MARKET
16 IMMEDIATELY PRECEDING THE DISASTER, RENT FOR AN INDIVIDUAL
17 DWELLING IN A DESIGNATED AREA THAT IS MORE THAN THE GREATER OF
18 THE PERCENTAGE OF THE RENT INCREASE FOR THE IMMEDIATELY
19 PRECEDING YEAR OR TEN PERCENT HIGHER THAN RENT FOR SIMILAR
20 DWELLINGS LOCATED IN THE DESIGNATED AREA AND THAT WERE ON THE
21 MARKET IMMEDIATELY PRECEDING THE DISASTER.

22 **SECTION 2. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.