

SB173\_L.028

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

SB21-173 be amended as follows:

- 1 Amend reengrossed bill, page 3, strike lines 2 through 4.
- 2 Page 4, strike lines 1 through 4.
- 3 Renumber succeeding sections accordingly.
- 4 Page 14, strike lines 22 through 27.
- 5 Page 15, strike lines 1 and 2.
- 6 Renumber succeeding subsections accordingly.
- 7 Page 16, line 24, strike "(c)" and substitute "(c) (I)".
- 8 Page 16, strike lines 25 through 27 and substitute "nonpayment of rent,  
9 in which the tenant asserts a defense to possession based upon the  
10 landlord's alleged breach of the warranty of habitability, upon the filing  
11 of the tenant's answer the court shall order the tenant to".
- 12 Page 17, line 11, strike "SECTION 13-16-103," and substitute "SUBSECTION  
13 (1)(c)(II) OF THIS SECTION,".
- 14 Page 17, after line 13 insert:  
15 "(II) A DEFENDANT IS INDIGENT FOR THE PURPOSES OF THIS  
16 SECTION IF THE DEFENDANT HAS A NET INCOME THAT IS:  
17 (A) FIVE TIMES OR LESS THE ANNUAL RENTAL OF THE DEFENDANT'S  
18 PREMISES, AFTER ALLOWING ALL EXEMPTIONS AVAILABLE TO FAMILIES  
19 OCCUPYING DWELLINGS IN LOW-RENT HOUSING AUTHORIZED UNDER THE  
20 ACT OF THE CONGRESS OF THE UNITED STATES KNOWN AS THE "UNITED  
21 STATES HOUSING ACT OF 1937", AS AMENDED. FOR THE PURPOSE OF  
22 MAKING AN INDIGENT DETERMINATION IN COMPUTING THE ANNUAL  
23 RENTAL, THERE MUST BE INCLUDED IN THE CALCULATION THE AVERAGE  
24 ANNUAL COST TO THE DEFENDANT, AS DETERMINED BY THE COURT, OF  
25 HEAT, WATER, ELECTRICITY, GAS, AND OTHER NECESSARY SERVICES OR  
26 FACILITIES, WHETHER OR NOT THE CHARGE FOR SUCH SERVICES AND  
27 FACILITIES IS IN FACT INCLUDED IN THE RENTAL; OR  
28 (B) LESS THAN TWO HUNDRED FIFTY PERCENT OF THE FEDERAL  
29 POVERTY LINE; EXCEPT THAT, FOR PURPOSES OF CALCULATION, A  
30 DEFENDANT'S ASSETS MUST NOT BE TAKEN INTO ACCOUNT.".
- 31 Page 19, strike lines 18 through 21.

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