

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

HB19-1118 be amended as follows:

1 Amend reengrossed bill, page 2, strike line 3 and substitute "(1)(d) as
2 follows:"

3 Page 2, line 6, after "(d)" insert "(I)".

4 Page 2, line 9, strike "~~three~~ TEN" and substitute "three".

5 Page 2, strike lines 11 through 13, and substitute "of the rent PURSUANT
6 TO SUBSECTION (1)(d)(II) OF THIS SECTION or the possession of the
7 premises."

8 Page 2, line 14, strike "SECTION."

9 Page 2, after line 19 insert:

10 "(II) (A) EXCEPT FOR A SECOND OR SUBSEQUENT DEFAULT IN THE
11 PAYMENT OF RENT PURSUANT TO THE RESIDENTIAL AGREEMENT UNDER
12 WHICH THE TENANT HOLDS WITHIN SIX MONTHS OF A PREVIOUS VIOLATION
13 OF THE SAME AGREEMENT, THE NOTICE REQUIRED BY THIS SUBSECTION
14 (1)(d) MUST ALLOW A TENANT THE OPPORTUNITY TO CURE ANY DEFAULT
15 IN THE PAYMENT OF RENT WITHIN FOURTEEN DAYS AFTER THE NOTICE OR
16 BY THE DATE AT WHICH AN ANSWER IS DUE PURSUANT TO SECTION
17 13-40-113 IN AN ACTION ARISING FROM THE DEFAULT IN THE PAYMENT OF
18 RENT, WHICHEVER IS SOONER. NOTHING IN THIS SUBSECTION (1)(d)(II)
19 PROHIBITS A LANDLORD FROM INITIATING AN ACTION PURSUANT TO THIS
20 ARTICLE 40 FOLLOWING THE EXPIRATION OF THE THREE DAYS' NOTICE
21 PERIOD DESCRIBED IN SUBSECTION (1)(d)(I) OF THIS SECTION. FOR A
22 SECOND OR SUBSEQUENT DEFAULT IN THE PAYMENT OF RENT PURSUANT
23 TO THE AGREEMENT UNDER WHICH THE TENANT HOLDS WITHIN SIX
24 MONTHS OF A PREVIOUS VIOLATION OF THE SAME AGREEMENT, THE NOTICE
25 REQUIRED BY THIS SUBSECTION (1)(d) MAY REQUIRE PAYMENT WITHIN
26 THREE DAYS. THIS SUBSECTION (1)(d)(II) DOES NOT APPLY TO A DEFAULT
27 IN THE PAYMENT OF RENT FOR A NONRESIDENTIAL AGREEMENT.

28 (B) A LANDLORD OR ANY OTHER PERSON SHALL NOT USE AN
29 ACTION BROUGHT BY A LANDLORD PURSUANT TO THIS ARTICLE 40 AS THE
30 SOLE BASIS TO MAKE HOUSING UNAVAILABLE TO THE TENANT OR TAKE
31 ANY OTHER ADVERSE CREDIT ACTION AGAINST THE TENANT IF THE TENANT
32 CURES THE LEASE VIOLATION SO THAT THERE IS NO JUDGMENT FOR
33 POSSESSION IN FAVOR OF THE LANDLORD IN THE ACTION."

34 Page 2, strike lines 20 through 22.

35 Page 3, strike lines 1 through 23.

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