

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Weissman

1 Amend printed bill, page 13, after line 25 insert:

2 "(XI) A TENANT WHO DEDUCTS RENT AS A RESULT OF A BREACH OF  
3 THE WARRANTY OF HABITABILITY, WHICH BREACH IS BASED ON A  
4 CONDITION DESCRIBED IN SECTION 38-12-505 (1)(b)(I), MAY, IN LIEU OF  
5 REPAIRING THE MALFUNCTIONING APPLIANCE, REPLACE THE  
6 MALFUNCTIONING APPLIANCE SO LONG AS THE REPLACEMENT APPLIANCE  
7 IS AT LEAST OF SUBSTANTIALLY COMPARABLE QUALITY AND HAS  
8 SUBSTANTIALLY THE SAME FEATURES AS THE ORIGINAL APPLIANCE."

9 Page 14, strike lines 21 and 22 and substitute:

10 "SECTION 9. In Colorado Revised Statutes, amend 38-12-509  
11 as follows:"

12 Page 15, line 22, after "~~action.~~" add "IF A LANDLORD ELECTS TO REPLACE  
13 A MALFUNCTIONING APPLIANCE, BUT DOES SO WITH A NEW APPLIANCE  
14 THAT IS NOT IDENTICAL TO THE APPLIANCE BEING REPLACED, THERE IS A  
15 REBUTTABLE PRESUMPTION IN FAVOR OF THE LANDLORD THAT THE  
16 LANDLORD'S SELECTION OF A DIFFERENT APPLIANCE WAS NOT  
17 RETALIATORY SO LONG AS THE REPLACEMENT APPLIANCE PROVIDES  
18 SUBSTANTIALLY THE SAME FEATURES AS THE ORIGINAL APPLIANCE."

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