

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Mabrey

1 Amend the Transportation, Housing, and Local Government Committee
2 Report, dated March 1, 2023, page 1, after line 8, insert:

3 "Page 3 of the printed bill, after line 14 insert:

4 "(6) "MISSION-DRIVEN ORGANIZATION" MEANS AN ORGANIZATION
5 IN GOOD STANDING WITH THE SECRETARY OF STATE THAT IS:

6 (a) A PUBLIC HOUSING AUTHORITY CREATED UNDER SECTION
7 29-1-204.5 OR PART 2 OR PART 5 OF ARTICLE 4 OF TITLE 29; OR

8 (b) EXEMPT FROM TAXATION PURSUANT TO SECTION 501 (a) OF
9 THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND
10 LISTED AS AN EXEMPT ORGANIZATION IN SECTION 501 (c)(3) OF THE
11 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED."

12 Renumber succeeding subsections accordingly."

13 Page 1 of the report, line 10, strike ""(7)" and substitute ""(8)".

14 Page 1 of the report, line 22, strike ""(11)" and substitute ""(12)".

15 Page 2 of the report, line 19, strike "EXIST." and substitute "OR WHEN
16 CONDITIONS EXIST FOR A NO-FAULT EVICTION, AS DESCRIBED IN
17 SUBSECTION (3) OF THIS SECTION."

18 Page 2 of the report, after line 24, insert:

19 "Page 6, line 2, strike "ONE HUNDRED TWENTY" and substitute "NINETY".

20 Page 2 of the report, after line 25, insert:

21 "Page 6 of the bill, lines 7 and 8, strike "ONE HUNDRED TWENTY" and
22 substitute "NINETY".

23 Page 6 of the bill, line 20, strike "ONE HUNDRED TWENTY" and substitute
24 "NINETY".

25 Page 2 of the report, after line 26, insert:

26 "Page 6 of the bill, line 25, strike "ONE HUNDRED TWENTY" and substitute
27 "NINETY".

1 Page 7 of the bill, line 2, after the semicolon add "AND".

2 Page 7 of the bill, strike lines 3 and 4.

3 Reletter succeeding sub-subparagraph accordingly."

4 Page 3 of the report, strike lines 2 and 3 and substitute:

5 "Page 8 of the bill, line 13, strike "PREMISES;" and substitute "PREMISES."

6 Page 8 of the bill, strike lines 14 through 18 and substitute:

7 "(d) **Time-limited housing.** WHEN A MISSION-DRIVEN
8 ORGANIZATION'S FUNDING OR AUTHORITY TO OPERATE TIME-LIMITED
9 HOUSING, INCLUDING THE TEMPORARY OPERATION OF HOTELS AND
10 MOTELS, IS TERMINATED, THE MISSION-DRIVEN ORGANIZATION MAY
11 PROCEED WITH A NO-FAULT EVICTION OF A TENANT OF THE RESIDENTIAL
12 PREMISES IF:

13 (I) THE MISSION-DRIVEN ORGANIZATION ALLOWS THE TENANT A
14 REASONABLE AMOUNT OF TIME TO VACATE THE RESIDENTIAL PREMISES;

15 (II) THE MISSION-DRIVEN ORGANIZATION PROVIDES THE TENANT
16 PROPER SERVICE OF A WRITTEN NOTICE OF THE NO-FAULT EVICTION IN
17 ENGLISH AND SPANISH WITH THE FOLLOWING INFORMATION:

18 (A) THE DATE BY WHICH THE TENANT MUST VACATE THE
19 PREMISES;

20 (B) THE REASON FOR THE NO-FAULT EVICTION AND AN
21 EXPLANATION THAT THE FUNDING OR AUTHORITY IS BEING TERMINATED
22 FOR THE MISSION-DRIVEN ORGANIZATION; AND

23 (C) ALTERNATIVE HOUSING OPTIONS AND OTHER AVAILABLE
24 RESOURCES FOR TENANTS.

25 (4) (a) A LANDLORD MAY PROCEED WITH A NO-FAULT EVICTION".

26 Page 3 of the report, line 10, strike "(3)(b), OR (3)(c)" and substitute
27 "(3)(b), (3)(c), OR (3)(d)".

28 Page 3 of the report, after line 11 insert:

29 "Page 8 of the bill, strike line 20 and substitute:

30 "**landlords - exemption.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF
31 THIS SECTION, A LANDLORD THAT PROCEEDS WITH A NO-FAULT EVICTION".

32 Page 9 of the bill, after line 9 insert:

1 (3) THIS SECTION DOES NOT APPLY:
2 (a) IF THE RENTAL AGREEMENT CONCERNS THE OCCUPANCY OF A
3 RESIDENTIAL PREMISES THAT IS NOT THE TENANT'S PRIMARY RESIDENCE,
4 WHICH IS THE ADDRESS LISTED WHEN A VALID NO-FAULT EVICTION IS
5 EXERCISED BY THE LANDLORD PURSUANT TO SECTION 38-12-1303 (3):
6 (I) ON THE TENANT'S COLORADO DRIVER'S LICENSE OR
7 IDENTIFICATION CARD;
8 (II) ON THE TENANT'S VOTER REGISTRATION;
9 (III) FOR PURPOSES OF THE TENANT'S PAYMENT OF STATE AND
10 FEDERAL TAXES; OR
11 (IV) FOR THE PURPOSE OF PUBLIC SCHOOL REGISTRATION.
12 (b) TO A HOME OWNER, AS DEFINED IN SECTION 38-12-201.5 (2);
13 (c) IF:
14 (I) THE LANDLORD IS A MISSION-DRIVEN ORGANIZATION THAT:
15 (A) IS SUBJECT TO THE FEDERAL "UNIFORM RELOCATION
16 ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970",
17 42 U.S.C. 4601 ET SEQ., AS AMENDED; AND
18 (B) RECEIVES FUNDING FROM THE UNITED STATES DEPARTMENT
19 OF HOUSING AND URBAN DEVELOPMENT OR THE UNITED STATES
20 DEPARTMENT OF AGRICULTURE; AND
21 (II) THE TOTAL FEDERAL RELOCATION ASSISTANCE BENEFITS
22 RECEIVED BY THE LANDLORD FROM FEDERAL PROGRAMS AND FEDERAL
23 FUNDING FOR RELOCATION ARE MORE BENEFICIAL TO THE TENANT THAN
24 THE RELOCATION ASSISTANCE PROVIDED BY THIS SECTION.
25 (d) IF THE LANDLORD IS A MISSION-DRIVEN ORGANIZATION THAT
26 EXERCISES A NO-FAULT EVICTION UNDER 38-12-1303 (3)(d);
27 (e) IF THE LANDLORD CAN DEMONSTRATE AND ATTEST THAT THE
28 ACTUAL MONTHLY AMOUNT OF RENTAL REVENUE RECEIVED IS LESS THAN
29 SIX THOUSAND FIVE HUNDRED DOLLARS PER MONTH AFTER PAYMENT OF
30 ANY REQUIRED HOA FEES AND MONTHLY MORTGAGE AND ESCROW
31 PAYMENTS DUE FOR A MORTGAGE THAT WAS SECURED BY THE LANDLORD
32 FOR THE ORIGINAL PURCHASE OF THAT PROPERTY; OR
33 (f) THE LANDLORD CAN PROVIDE SUBSTANTIALLY SIMILAR
34 HOUSING AND AMENITIES TO THE TENANT FOR A SIMILAR AMOUNT OF TIME
35 AND THE TENANT AGREES TO THIS ARRANGEMENT IN LIEU OF REQUIRED
36 RELOCATION ASSISTANCE."."

37 Page 3 of the report, line 13, strike ""SECTION" and substitute:

38 **""38-12-1307. Affirmative defense. A LANDLORD'S FAILURE TO**
39 **COMPLY WITH THIS PART 13 IS AN AFFIRMATIVE DEFENSE FOR A TENANT TO**
40 **AN EVICTION PROCEEDING.**
41 **SECTION".**

1 Page 3 of the report, line 14, strike "(1)(e.7)" and substitute "(1)(e.7) and
2 (1)(e.8)".

3 Page 3 of the report, line 30, after "PREMISES" insert "FOR A REASONABLE
4 BUSINESS PURPOSE, TIME, AND FREQUENCY".

5 Page 4 of the report, strike lines 4 and 5 and substitute "RESIDENTIAL
6 RENTAL AGREEMENT IF:

7 (A) THE LANDLORD HAS PROVIDED A COPY OF THE NEW
8 RESIDENTIAL RENTAL AGREEMENT, WHICH THE LANDLORD MUST NOT
9 CHANGE DURING THE SIXTY-DAY NOTICE PERIOD, TO THE TENANT AT
10 LEAST SIXTY DAYS BEFORE THE EXPIRATION OF THE CURRENT RESIDENTIAL
11 RENTAL AGREEMENT;

12 (B) THE RENT DOES NOT CHANGE BASED ON WHEN THE TENANT
13 ACCEPTS THE RESIDENTIAL RENTAL AGREEMENT; AND

14 (C) THE TERMS ARE SUBSTANTIALLY".

15 Page 4 of the report, line 8, strike "AMOUNT; AND" and substitute
16 "AMOUNT; EXCEPT THAT THIS SECTION DOES NOT APPLY TO A HOME
17 OWNER, AS DEFINED IN SECTION 38-12-201.5 (2); AND".

18 Page 4 of the report, strike line 16 and substitute "REQUIRED;

19 (e.8) WHEN:

20 (I) THE LANDLORD HAS PROVIDED THE TENANT OR LESSEE NINETY
21 DAYS' ADVANCE WRITTEN NOTICE, IN ENGLISH AND SPANISH, THAT
22 REQUIRES THE TENANT TO DELIVER POSSESSION OF THE PREMISES TO THE
23 LANDLORD UPON THE EXPIRATION OR AFTER THE EXPIRATION OF THE
24 RESIDENTIAL RENTAL AGREEMENT IF THE NOTICE STATES THAT THE
25 LANDLORD PLANS TO RECOVER POSSESSION OF THE PREMISES FOR THE
26 LANDLORD'S USE AND OCCUPANCY AS A PRINCIPAL RESIDENCE OR FOR THE
27 USE AND OCCUPANCY AS A PRINCIPAL RESIDENCE BY THE LANDLORD'S
28 SPOUSE, DOMESTIC PARTNER, CHILD, PARENT, OR GRANDPARENT; OR

29 (II) THE LANDLORD HAS PROVIDED THE TENANT OR LESSEE NINETY
30 DAYS' ADVANCE WRITTEN NOTICE, IN ENGLISH AND SPANISH, THAT
31 REQUIRES THE TENANT TO DELIVER POSSESSION OF THE PREMISES TO THE
32 LANDLORD UPON THE EXPIRATION OR AFTER THE EXPIRATION OF THE
33 RESIDENTIAL RENTAL AGREEMENT IF NOTICE STATES THAT THE LANDLORD
34 INTENDS TO CONVERT THE PROPERTY TO A NONRESIDENTIAL USE, OR
35 CONVERT IT TO A SHORT-TERM RENTAL PROPERTY AS DEFINED IN SECTION
36 38-12-1301 (12) OR CONDUCT SUBSTANTIAL REPAIRS AS DESCRIBED IN
37 38-12-1301 (13)(a).".

38 Page 5 of the report, after line 8, insert:

1 "Renumber succeeding sections accordingly.

2 Page 11 of the bill, after line 4 insert:

3 "SECTION 7. In Colorado Revised Statutes, 38-12-222, **amend**
4 (3) as follows:

5 **38-12-222. Residents' right to privacy.** (3) Except when posting
6 notices that are required by law or by a rental agreement, the management
7 shall make a reasonable effort to notify a resident of the management's
8 intention to enter the mobile home space at least ~~forty-eight~~
9 SEVENTY-TWO hours before entry. The notification must include the date
10 and approximate time of the planned entry and must be delivered in a
11 manner that is reasonably likely to be seen or heard by the resident in a
12 timely manner."

13 Renumber succeeding sections accordingly."

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