

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 20, 2021

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

SB21-173 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 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 5, line 15, strike "THE DEFENDANT" and substitute "EITHER PARTY".
- 5 Page 6, strike lines 20 and 21 and substitute "COURT MAY EXTEND
- 6 BEYOND TEN DAYS IF EITHER PARTY DEMONSTRATES GOOD CAUSE FOR AN
- 7 EXTENSION OR IF THE COURT OTHERWISE FINDS JUSTIFICATION FOR THE
- 8 EXTENSION."
- 9 Page 8, strike lines 25 through 27.
- 10 Page 9, strike lines 1 through 25.
- 11 Renumber succeeding sections accordingly.
- 12 Page 10, line 16, strike "(7)," and substitute "(6),".
- 13 Page 11, strike lines 3 through 5.
- 14 Page 11, line 6, strike "(2)" and substitute "(1)".

- 1 Page 11, line 8, strike "(3)" and substitute "(2)".
- 2 Page 11, line 11, strike "(4)" and substitute "(3)".
- 3 Page 11, line 16, strike "(5)" and substitute "(4)".
- 4 Page 11, line 22, strike "(6)" and substitute "(5)".
- 5 Page 11, line 26, strike "(7)" and substitute "(6)".
- 6 Page 12, line 3, strike "(8)" and substitute "(7)".
- 7 Page 14, strike lines 22 through 27.
- 8 Page 15, strike lines 1 and 2.
- 9 Renumber succeeding subsections accordingly.
- 10 Page 15, strike lines 6 and 7.
- 11 Page 15, line 21, strike "(4)." and substitute "(3).".
- 12 Page 16, line 24, strike "(c)" and substitute "(c) (I)".
- 13 Page 16, strike lines 25 through 27 and substitute "nonpayment of rent,
14 in which the tenant asserts a defense to possession based upon the
15 landlord's alleged breach of the warranty of habitability, upon the filing
16 of the tenant's answer the court shall order the tenant to".
- 17 Page 17, line 11, strike "SECTION 13-16-103," and substitute "SUBSECTION
18 (1)(c)(II) OF THIS SECTION,".
- 19 Page 17, after line 13 insert:
20 "(II) A DEFENDANT IS INDIGENT FOR THE PURPOSES OF THIS
21 SECTION IF THE DEFENDANT HAS A NET INCOME THAT IS:
22 (A) FIVE TIMES OR LESS THE ANNUAL RENTAL OF THE DEFENDANT'S
23 PREMISES, AFTER ALLOWING ALL EXEMPTIONS AVAILABLE TO FAMILIES
24 OCCUPYING DWELLINGS IN LOW-RENT HOUSING AUTHORIZED UNDER THE
25 ACT OF THE CONGRESS OF THE UNITED STATES KNOWN AS THE "UNITED
26 STATES HOUSING ACT OF 1937", AS AMENDED. FOR THE PURPOSE OF



1 MAKING AN INDIGENT DETERMINATION IN COMPUTING THE ANNUAL
2 RENTAL, THERE MUST BE INCLUDED IN THE CALCULATION THE AVERAGE
3 ANNUAL COST TO THE DEFENDANT, AS DETERMINED BY THE COURT, OF
4 HEAT, WATER, ELECTRICITY, GAS, AND OTHER NECESSARY SERVICES OR
5 FACILITIES, WHETHER OR NOT THE CHARGE FOR SUCH SERVICES AND
6 FACILITIES IS IN FACT INCLUDED IN THE RENTAL; OR

7 (B) LESS THAN TWO HUNDRED FIFTY PERCENT OF THE FEDERAL
8 POVERTY LINE; EXCEPT THAT, FOR PURPOSES OF CALCULATION, A
9 DEFENDANT'S ASSETS MUST NOT BE TAKEN INTO ACCOUNT."

10 Page 19, strike lines 18 through 21.

11 Page 19, line 26, strike "A" and substitute "AN UNREASONABLE".

12 Page 20, after line 8 insert:

13 "SECTION 16. In Colorado Revised Statutes, 24-34-501, **amend**
14 (2) as follows:

15 **24-34-501. Definitions.** As used in this part 5, unless the context
16 otherwise requires:

17 (2) "Housing" means any building, structure, vacant land, or part
18 thereof offered for sale, lease, rent, or transfer of ownership. ~~except that~~
19 ~~"housing" does not include any room offered for rent or lease in a~~
20 ~~single-family dwelling maintained and occupied in part by the owner or~~
21 ~~lessee of said dwelling as his household."~~

22 Renumber succeeding sections accordingly.

23 Page 20, line 15, strike "January 1, 2022;" and substitute "October 1,
24 2021;".

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