

SENATE COMMITTEE OF REFERENCE REPORT

March 16, 2021

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Chair of Committee

Date

Committee on State, Veterans, & Military Affairs.

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 printed bill, page 5, line 4, strike "OBTAINING" and substitute
- 2 "RESIDENTIAL TENANTS TO OBTAIN".
  
- 3 Page 5, line 8, strike "RESOURCES." and substitute "RESOURCES AND
- 4 PROVIDE SUCH RESOURCES TO THE DEPARTMENT OF LOCAL AFFAIRS FOR
- 5 PUBLICATION ON ITS WEBSITE".
  
- 6 Page 5, line 11, strike "THE" and substitute "A".
  
- 7 Page 5, lines 14 and 15, strike "THE TENANCY OR".
  
- 8 Page 5, line 20, strike "time" and substitute "~~time~~ DAY".
  
- 9 Page 6, strike line 10.
  
- 10 Page 6, line 11, strike "EARLIER DATE." and substitute "REQUESTS A
- 11 WAIVER OF THIS PROVISION IN THE DEFENDANT'S ANSWER OR AFTER FILING
- 12 AN ANSWER".
  
- 13 Page 6, line 15, after "LANDLORD" insert "OR TENANT".
  
- 14 Page 6, line 16, strike "THE TENANCY OR".
  
- 15 Page 6, line 17, strike "THE DEFENDANT" and substitute "EITHER PARTY".

- 1 Page 6, line 19, after "(4)" insert "and (5)".
- 2 Page 6, line 21, strike "(a)".
- 3 Page 7, strike lines 12 through 16.
- 4 Page 7, line 19, strike "NOTICE" and substitute "NOTICE, AS WELL AS ANY  
5 RENT THAT REMAINS DUE UNDER THE RENTAL AGREEMENT,".
- 6 Page 7, line 20, strike "UP TO FORTY-EIGHT HOURS AFTER" and substitute  
7 "UNTIL".
- 8 Page 7, after line 26, insert:
- 9 "(5) THE RIGHTS PROVIDED IN SUBSECTION (4) OF THIS SECTION  
10 MAY NOT BE WAIVED BY ANY WRITTEN AGREEMENT.".
- 11 Page 12, after line 22 insert:
- 12 "(2) A LEASE OF A LANDLORD OR PERSON ACTING ON BEHALF OF A  
13 LANDLORD THAT DOES NOT COMPLY WITH THE PROVISIONS OF SUBSECTION  
14 (1) OF THIS SECTION IS VOID AND UNENFORCEABLE. A TENANT WHO IS  
15 AGGRIEVED BY AN ACTION TAKEN BY A LANDLORD OR PERSON ACTING ON  
16 BEHALF OF THE LANDLORD IN VIOLATION OF SUBSECTION (1) OF THIS  
17 SECTION MAY BRING AN ACTION FOR INJUNCTIVE RELIEF PURSUANT TO  
18 SUBSECTION (5) OF THIS SECTION.".
- 19 Renumber succeeding subsections accordingly.
- 20 Page 12, line 26, strike "(2)" and substitute "(3)".
- 21 Page 13, line 3, after "RECEIVES" insert "WRITTEN OR ELECTRONIC".
- 22 Page 13, line 6, strike "(3)" and substitute "(4)".
- 23 Page 13, line 21, strike "(3)" and substitute "(4)".
- 24 Page 16, line 1, strike "ACTUAL OR LEGAL" and substitute "WRITTEN OR  
25 ELECTRONIC".
- 26 Page 16, line 15, after "PAYMENT" insert "TO EITHER THE COURT OR THE  
27 LANDLORD".

1 Page 18, line 3, strike "DAMAGES" and substitute "DAMAGES, ATTORNEY  
2 FEES,".

3 Page 18, after line 4 insert:

4 "(3) A COURT MAY ALSO ORDER THAT POSSESSION BE RESTORED  
5 TO A TENANT WHO WAS AFFECTED BY A VIOLATION OF THIS SECTION.".

6 Renumber succeeding subsection accordingly.

7 Page 18, strike line 15 and substitute "FROM A VIOLATION OF THE RENTAL  
8 AGREEMENT;".

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