

AMENDMENT TO REPORT OF THE COMMITTEE OF THE WHOLE

HB1098\_S.004

DATE 3/25/2024

Senator Lundeen moved to amend the Report of the Committee of the Whole to show that the following Mullica floor amendment, (L.033) to HB24-1098, did pass.

Amend reengrossed bill, strike everything below the enacting clause and substitute:

**"SECTION 1.** In Colorado Revised Statutes, 38-12-509, **amend** (1)(b)(III) and (1)(b)(IV); and **add** (1)(b)(V) as follows:

**38-12-509. Prohibition on retaliation.** (1) (b) Prohibited retaliation includes:

(III) Bringing or threatening to bring an action for possession; ~~or~~

(IV) Taking action that in any manner intimidates, threatens, discriminates against, or retaliates against a tenant; OR

(V) REFUSING TO RENEW A TENANT'S RENTAL AGREEMENT UPON THE EXPIRATION OF THE RENTAL AGREEMENT.

**SECTION 2.** In Colorado Revised Statutes, 24-34-502, **amend** (1)(a)(I) as follows:

**24-34-502. Unfair housing practices prohibited - definition.** (1) It is an unfair housing practice, unlawful, and prohibited:

(a) (I) For any person to refuse to show, sell, transfer, rent, ~~or~~ lease, OR RENEW A RENTAL AGREEMENT FOR any housing; refuse to receive and transmit any bona fide offer to buy, sell, rent, ~~or~~ lease, OR RENEW A RENTAL AGREEMENT FOR any housing; or otherwise make unavailable or deny or withhold from an individual any housing because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry; to discriminate against an individual because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease of OR RENEWAL OF A RENTAL AGREEMENT FOR housing or in furnishing facilities or services in connection with housing; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of an individual seeking to purchase, rent, ~~or~~ lease, OR RENEW A RENTAL AGREEMENT FOR any housing; however, nothing in this subsection (1)(a) requires a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

**SECTION 3.** In Colorado Revised Statutes, **add** part 13 to article 12 of title 38 as follows:

PART 13

NOTICE OF NONRENEWAL OF RENTAL AGREEMENT

**38-12-1301. Notice of nonrenewal of rental agreement required - tenant renewal option - definition.** (1) A LANDLORD SHALL PROVIDE A TENANT PROPER SERVICE OF A WRITTEN NOTICE OF THE NONRENEWAL OF A RENTAL AGREEMENT AT LEAST ONE HUNDRED TWENTY DAYS BEFORE THE TERMINATION OF THE RENTAL AGREEMENT. THE WRITTEN NOTICE MUST INCLUDE THE DATE BY WHICH THE TENANT MUST VACATE THE PREMISES, WHICH DATE MUST BE AT LEAST ONE HUNDRED TWENTY DAYS AFTER THE DATE UPON WHICH THE LANDLORD PROVIDES THE WRITTEN NOTICE TO THE TENANT.

(2) IF A LANDLORD FAILS TO PROVIDE A TENANT NOTICE OF THE LANDLORD'S INTENT TO NOT RENEW THE TENANT'S RENTAL AGREEMENT AT LEAST ONE HUNDRED TWENTY DAYS BEFORE THE TERMINATION OF THE RENTAL AGREEMENT AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE LANDLORD SHALL PAY THE TENANT THE AMOUNT OF ONE MONTH'S RENT UNDER THE RENTAL AGREEMENT AND ANY REMAINING DEPOSIT PAID BY THE TENANT AND HELD BY THE LANDLORD.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "RENTAL AGREEMENT" MEANS A RENTAL AGREEMENT, AS DEFINED IN SECTION 38-12-502 (7), THAT IS AT LEAST ONE YEAR IN LENGTH.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor."

Page 1, line 101, strike "TENANTS, AND, IN" and substitute "TENANTS."

Page 1, strike lines 102 and 103.

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