

HB1098_L.006

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1098 be amended as follows:

1 Amend printed bill, page 16, line10, after "(1)(e.8)" insert "and (1)(j)".

2 Page 18, after line 2 insert:

3 "(j) (I) WHEN A TENANT OR LESSEE HOLDS OVER WITHOUT
4 PERMISSION OF THE LANDLORD AFTER THE TENANT HAS ENGAGED IN
5 CONDUCT THAT IS DISTURBING OTHERS OR CAUSING A NUISANCE, WHICH
6 CONDUCT INTERFERES WITH THE QUIET ENJOYMENT OF THE LANDLORD, IF
7 THE LANDLORD LIVES IN THE SAME OR AN IMMEDIATELY ADJACENT
8 PROPERTY, OR OTHER TENANTS OR OCCUPANTS OF THE SAME PROPERTY,
9 OR BY REASON OF NEGLIGENCE DAMAGED THE HOUSING
10 ACCOMMODATION, AND TEN DAYS' NOTICE IN WRITING HAS BEEN DULY
11 SERVED UPON THE TENANT OR LESSEE HOLDING OVER, WHICH NOTICE
12 CONTAINS A DESCRIPTION OF THE SPECIFIC CONDUCT THAT DISTURBED
13 OTHERS OR CAUSED A NUISANCE, REQUIRING IN THE ALTERNATIVE
14 CESSATION OF THE CONDUCT THAT IS DISTURBING OTHERS OR CAUSING A
15 NUISANCE THAT INTERFERES WITH THE QUIET ENJOYMENT OF THE
16 LANDLORD, IF THE LANDLORD LIVES IN THE SAME OR IMMEDIATELY
17 ADJACENT PROPERTY, OR OTHER TENANTS OR OCCUPANTS OF THE SAME
18 PROPERTY, OR MALICIOUSLY OR BY REASON OF NEGLIGENCE DAMAGED
19 THE HOUSING ACCOMMODATION OR POSSESSION OF THE PREMISES SO
20 HELD; EXCEPT THAT, FOR A NONRESIDENTIAL AGREEMENT OR AN
21 EMPLOYER-PROVIDED HOUSING AGREEMENT, THREE DAYS' NOTICE IS
22 REQUIRED PURSUANT TO THIS SUBSECTION (1)(j), AND FOR AN EXEMPT
23 RESIDENTIAL AGREEMENT, FIVE DAYS' NOTICE IS REQUIRED PURSUANT TO
24 THIS SECTION.

25 (II) THE LAWFUL EXERCISE BY A TENANT OF ANY RIGHTS
26 PURSUANT TO ANY LAW OR RULE RELATING TO OCCUPANCY OF A
27 PROPERTY, INCLUDING THIS SUBSECTION (1)(j), SHALL NOT BE DEEMED TO
28 INTERFERE WITH THE QUIET ENJOYMENT OF THE LANDLORD OR OTHER
29 TENANTS OR OTHER GROUND FOR EVICTION PURSUANT TO THIS
30 SUBSECTION (1)(j).

31 (III) IT SHALL NOT CONSTITUTE A NUISANCE OR DISTURBANCE FOR
32 PURPOSES OF THIS SUBSECTION (1)(j) IF A VICTIM OF DOMESTIC VIOLENCE
33 IS BEING ACCUSED OF CAUSING A DISTURBANCE OR NUISANCE AS A DIRECT
34 RESULT OF BEING A VICTIM OF DOMESTIC VIOLENCE. THIS EXCEPTION
35 APPLIES ONLY TO VICTIMS OF DOMESTIC VIOLENCE AND NOT TO
36 PERPETRATORS."

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