

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 24-1259

BY REPRESENTATIVE(S) Brown and Weissman, Amabile, Bird, Boesenecker, Clifford, deGruy Kennedy, Duran, Froelich, Hernandez, Herod, Jodeh, Kipp, Lindsay, Mabrey, Marvin, McCormick, Rutinel, Sirota, Titone, Velasco, Willford, Woodrow, McCluskie, Bacon, Garcia, Hamrick, Joseph, Lieder, Lindstedt, Parenti, Story, Vigil;
also SENATOR(S) Cutter, Buckner, Exum, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Michaelson Jenet, Winter F.

CONCERNING PRICE GOUGING IN HOUSING RENTAL PRICES DURING A DECLARED DISASTER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 6-1-735 as follows:

6-1-735. Rental price gouging during declared disaster prohibited - definitions. (1) A PERSON ENGAGES IN AN UNFAIR AND UNCONSCIONABLE ACT OR PRACTICE WHEN, DURING A DISASTER PERIOD AND WITHIN THE DESIGNATED AREA IF A DISASTER DECLARATION SPECIFICALLY DECLARES A MATERIAL DECREASE IN RESIDENTIAL HOUSING UNITS, THE PERSON ENGAGES IN PRICE GOUGING IN THE PROVISION OF OR OFFER TO

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PROVIDE RENT-BASED HOUSING.

(2) (a) A VIOLATION OF THIS SECTION MAY BE ENFORCED BY THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY WITH JURISDICTION OVER THE CONDUCT AT ISSUE OR BY AN AGGRIEVED PARTY.

(b) NOTWITHSTANDING SECTION 6-1-113, A TENANT AFFECTED BY A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION TO RESTRAIN FURTHER VIOLATIONS AND TO RECOVER DAMAGES, COSTS, AND REASONABLE ATTORNEY FEES. IF A COURT OR JURY FINDS THAT A VIOLATION OCCURRED, THE TENANT MUST BE AWARDED STATUTORY DAMAGES EQUAL TO THE TENANT'S ACTUAL DAMAGES, ATTORNEY FEES, AND COSTS THAT MAY BE OWED.

(3) AS USED IN THIS SECTION:

(a) "DESIGNATED AREA" MEANS A SPECIFIC GEOGRAPHIC AREA IDENTIFIED IN A DISASTER DECLARATION.

(b) "DISASTER" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-33.5-703 (3).

(c) "DISASTER DECLARATION" MEANS A DECLARATION OF ONE OF THE FOLLOWING, WHICH RESULTS IN A MATERIAL DECREASE IN RESIDENTIAL HOUSING UNITS:

(I) A NATIONAL EMERGENCY BY THE PRESIDENT OF THE UNITED STATES PURSUANT TO THE "NATIONAL EMERGENCIES ACT", 50 U.S.C. SEC. 1601 ET SEQ., AS AMENDED; OR

(II) A DISASTER EMERGENCY BY THE GOVERNOR PURSUANT TO SECTION 24-33.5-704 (4).

(d) "DISASTER PERIOD" MEANS THE DATE A DISASTER DECLARATION BEGINS AND CONTINUING FOR ONE YEAR AFTER THE DATE OF THE INITIAL DISASTER.

(e) "PRICE GOUGING" MEANS:

(I) FOR DWELLINGS THAT WERE ON THE MARKET IMMEDIATELY

PRECEDING THE DISASTER, AN INCREASE IN RENT FOR AN INDIVIDUAL DWELLING IN A DESIGNATED AREA THAT IS MORE THAN THE GREATER OF THE PERCENTAGE OF THE RENT INCREASE FOR THE IMMEDIATELY PRECEDING YEAR OR TEN PERCENT COMPARED TO THE RENT FOR THE INDIVIDUAL DWELLING IMMEDIATELY PRECEDING THE DISASTER; OR

(II) FOR DWELLINGS THAT WERE NOT ON THE MARKET IMMEDIATELY PRECEDING THE DISASTER, RENT FOR AN INDIVIDUAL DWELLING IN A DESIGNATED AREA THAT IS MORE THAN THE GREATER OF THE PERCENTAGE OF THE RENT INCREASE FOR THE IMMEDIATELY PRECEDING YEAR OR TEN PERCENT HIGHER THAN RENT FOR SIMILAR DWELLINGS LOCATED IN THE DESIGNATED AREA AND THAT WERE ON THE MARKET IMMEDIATELY PRECEDING THE DISASTER.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO