

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0043.01 Yelana Love x2295

HOUSE BILL 24-1259

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House Committees

Transportation, Housing & Local Government

Senate Committees

Local Government & Housing

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits price gouging in the provision of housing during a declared disaster.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
April 16, 2024

SENATE
Amended 2nd Reading
April 10, 2024

HOUSE
3rd Reading Unamended
March 11, 2024

HOUSE
Amended 2nd Reading
March 8, 2024

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

3 **6-1-735. Rental price gouging during declared disaster**
4 **prohibited** - **definitions.** (1) A PERSON ENGAGES IN AN UNFAIR AND
5 UNCONSCIONABLE ACT OR PRACTICE WHEN, DURING A DISASTER PERIOD
6 AND WITHIN THE DESIGNATED AREA IF A DISASTER DECLARATION
7 SPECIFICALLY DECLARES A MATERIAL DECREASE IN RESIDENTIAL HOUSING
8 UNITS, THE PERSON ENGAGES IN PRICE GOUGING IN THE PROVISION OF OR
9 OFFER TO PROVIDE RENT-BASED HOUSING.

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

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

20 (3) AS USED IN THIS SECTION:

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

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

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

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

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

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

9 (e) "PRICE GOUGING" MEANS:

10 (I) FOR DWELLINGS THAT WERE ON THE MARKET IMMEDIATELY
11 PRECEDING THE DISASTER, AN INCREASE IN RENT FOR AN INDIVIDUAL
12 DWELLING IN A DESIGNATED AREA THAT IS MORE THAN THE GREATER OF
13 THE PERCENTAGE OF THE RENT INCREASE FOR THE IMMEDIATELY
14 PRECEDING YEAR OR TEN PERCENT COMPARED TO THE RENT FOR THE
15 INDIVIDUAL DWELLING IMMEDIATELY PRECEDING THE DISASTER; OR

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

23 **SECTION 2. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.