

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Smallwood

1 Amend reengrossed bill, page 10, line 19, strike "FEDERAL, STATE, OR
2 LOCAL" and substitute "FEDERAL OR STATE".

3 Page 10, line 20, strike "ORDER." and substitute "ORDER IN WHICH THE
4 LANDLORD HAS BEEN FOUND TO BE AT FAULT DUE TO THE ACTIONS OF THE
5 LANDLORD OR THE LANDLORD'S AGENT.".

6 Page 10, line 27, strike "ORDER." and substitute "ORDER AND SHALL NOT
7 APPLY TO A FINAL AGENCY OR COURT ORDER WHERE A HOMEOWNER OR
8 RESIDENT HAS BEEN FOUND TO BE AT FAULT FOR THE UNDERLYING
9 VIOLATION OF SECTION 38-12-212.3.".

10 Page 14, line 18, after "38-12-203(1)(f)." add "FOR EVICTIONS FILED
11 PURSUANT TO SECTIONS 38-12-203 (1)(a) THROUGH (1)(e), THE
12 HOMEOWNER OR RESIDENT SHALL CONTINUE TO PAY TO THE LANDLORD
13 ALL RENT AND OTHER CHARGES WHEN DUE FOLLOWING THE NOTICE TO
14 QUIT AND DURING THE PENDENCY OF THE EVICTION ACTION, AND THE
15 LANDLORD MAY ACCEPT ALL SUCH PAYMENTS OF RENT AND OTHER
16 CHARGES WITHOUT PREJUDICE TO THE EVICTION ACTION. IF SUCH A
17 PAYMENT IS NOT TIMELY PAID, THE LANDLORD MAY PROVIDE NOTICE TO
18 TERMINATE PURSUANT TO SECTION 38-12-204 (1) WITHOUT PREJUDICE TO
19 THE EVICTION ACTION.".

20 Page 29, line 6, strike "THEREAFTER," and substitute "THEREAFTER AND
21 FOLLOWING A FINDING THAT THE REQUIREMENTS OF SUBSECTION (6)(b) OF
22 THIS SECTION HAVE BEEN SATISFIED,".

23 Page 29, after line 19 insert:

24 **"(b) BEFORE A COURT ORDERS A LANDLORD TO CEASE INCREASING
25 RENT ON A MOBILE HOME PARK LOT OR ISSUING A NOTICE OF A RENT
26 INCREASE PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, THE COURT
27 MUST FIND THAT:**

28 **(I) THERE IS A REASONABLE PROBABILITY OF SUCCESS ON THE
29 MERITS;**

30 **(II) THERE IS A DANGER OF REAL, IMMEDIATE, AND IRREPARABLE
31 INJURY WHICH MAY BE PREVENTED BY AN ORDER TO CEASE RENT
32 INCREASES;**

33 **(III) THERE IS NOT A PLAIN, SPEEDY, AND ADEQUATE REMEDY AT
34 LAW;**

35 **(IV) GRANTING THE REQUEST TO CEASE RENT WILL NOT DISERVE**

1 THE PUBLIC INTEREST;
2 (V) THE BALANCE OF EQUITIES FAVORS THE ORDER; AND
3 (VI) THE ORDER WILL PRESERVE THE STATUS QUO PENDING A
4 TRIAL ON THE MERITS.".

5 Reletter succeeding paragraph accordingly.

*** * * * *