

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 23-0607.01 Brita Darling x2241

**HOUSE BILL 23-1099**

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**A BILL FOR AN ACT**

101 **CONCERNING TENANT SCREENING DOCUMENTATION FOR RESIDENTIAL**  
102 **LEASES.**

**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 requires a landlord to accept from a prospective tenant a portable tenant screening report (screening report). A screening report must have been prepared by a consumer reporting agency (agency) within the previous 30 days at the prospective tenant's request and expense and include certain information about the prospective tenant.

If a prospective tenant provides a screening report, the landlord

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  
March 31, 2023

SENATE  
Amended 2nd Reading  
March 30, 2023

HOUSE  
3rd Reading Unamended  
February 27, 2023

HOUSE  
Amended 2nd Reading  
February 24, 2023

shall not charge the prospective tenant either an application fee or a fee for the landlord to access or use the screening report.

Prior to collecting any tenant information that would generate an application fee, a landlord shall advise a prospective tenant that the landlord accepts screening reports and is prohibited from charging an application fee or other fee to a prospective tenant who provides a screening report.

If a prospective tenant's rental application is denied, and the landlord charged the prospective tenant an application fee to obtain a consumer report, the landlord shall provide a copy of the consumer report to the prospective tenant, along with a notice of the prospective tenant's right to dispute the accuracy of the consumer report. If the prospective tenant did not pay an application fee for the landlord to obtain a consumer report, the landlord's notice of denial must include either a copy of the consumer report or the agency's contact information and notice of the prospective tenant's right to receive a free copy of the consumer report and to dispute the accuracy of the consumer report.

The bill authorizes the attorney general's office to independently initiate and bring an action to enforce the "Rental Application Fairness Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-12-902, **amend**  
3 (1) and (4); and **add** (1.3), (1.7), and (2.5) as follows:

4 **38-12-902. Definitions.** As used in this part 9, unless the context  
5 otherwise requires:

6 (1) ~~"Dwelling unit" means a structure or the part of a structure that~~  
7 ~~is used as a home, residence, or sleeping place~~ "CONSUMER REPORT" HAS  
8 THE MEANING SET FORTH IN SECTION 5-18-103 (3).

9 (1.3) "CONSUMER REPORTING AGENCY" HAS THE MEANING SET  
10 FORTH IN SECTION 5-18-103 (4).

11 (1.7) "DWELLING UNIT" MEANS A STRUCTURE OR THE PART OF A  
12 STRUCTURE THAT IS USED AS A HOME, RESIDENCE, OR SLEEPING PLACE.

13 (2.5) "PORTABLE TENANT SCREENING REPORT" OR "SCREENING  
14 REPORT" MEANS A CONSUMER REPORT PREPARED AT THE REQUEST OF A

1 PROSPECTIVE TENANT THAT INCLUDES INFORMATION PROVIDED BY A  
2 CONSUMER REPORTING AGENCY, WHICH REPORT INCLUDES THE  
3 FOLLOWING INFORMATION ABOUT A PROSPECTIVE TENANT AND THE DATE  
4 THROUGH WHICH THE INFORMATION CONTAINED IN THE REPORT IS  
5 CURRENT:

- 6 (a) NAME;
- 7 (b) CONTACT INFORMATION;
- 8 (c) VERIFICATION OF EMPLOYMENT AND INCOME;
- 9 (d) LAST-KNOWN ADDRESS;
- 10 (e) FOR EACH JURISDICTION INDICATED IN THE CONSUMER REPORT  
11 AS A PRIOR RESIDENCE OF THE PROSPECTIVE TENANT, REGARDLESS OF  
12 WHETHER THE RESIDENCE IS REPORTED BY THE PROSPECTIVE TENANT OR  
13 BY THE CONSUMER REPORTING AGENCY PREPARING THE CONSUMER  
14 REPORT:

15 (I) A RENTAL AND CREDIT HISTORY REPORT FOR THE PROSPECTIVE  
16 TENANT THAT COMPLIES WITH SECTION 38-12-904 (1)(a) CONCERNING A  
17 LANDLORD'S CONSIDERATION OF A PROSPECTIVE TENANT'S RENTAL  
18 HISTORY; AND

19 (II) A CRIMINAL HISTORY RECORD CHECK FOR ALL FEDERAL,  
20 STATE, AND LOCAL CONVICTIONS OF THE PROSPECTIVE TENANT THAT  
21 COMPLIES WITH SECTION 38-12-904 (1)(b) CONCERNING A LANDLORD'S  
22 CONSIDERATION OF A PROSPECTIVE TENANT'S ARREST RECORDS.

23 (4) "Rental application" means any information, written or oral,  
24 submitted to a landlord by a prospective tenant for the purpose of entering  
25 into a rental agreement. "RENTAL APPLICATION" INCLUDES A PORTABLE  
26 TENANT SCREENING REPORT.

27 **SECTION 2.** In Colorado Revised Statutes, 38-12-903, **amend**

1 (2) as follows:

2 **38-12-903. Rental application fee - limitations.** (2) A landlord  
3 shall not charge a prospective tenant a rental application fee:

4 (a) That is in a different amount than a rental application fee  
5 charged to another prospective tenant who applies to rent:

6 ~~(a)~~ (I) The same dwelling unit; or

7 ~~(b)~~ (II) If the landlord offers more than one dwelling unit for rent  
8 at the same time, any other dwelling unit offered by the landlord; OR

9 (b) IF THE PROSPECTIVE TENANT PROVIDES TO THE LANDLORD A  
10 PORTABLE TENANT SCREENING REPORT PURSUANT TO SECTION 38-12-904  
11 (1.5).

12 **SECTION 3.** In Colorado Revised Statutes, 38-12-904, **amend**  
13 (2)(a); and **add** (1.5) as follows:

14 **38-12-904. Consideration of rental applications - limitations**  
15 **- portable tenant screening report - notice to prospective tenants -**  
16 **denial notice.** (1.5) (a) ~~EXCEPT AS PROVIDED IN SUBSECTION (1.5)(f) OF~~  
17 ~~THIS SECTION, A~~ LANDLORD SHALL ACCEPT A PORTABLE TENANT  
18 SCREENING REPORT FROM A PROSPECTIVE TENANT.

19 (b) A LANDLORD RECEIVING A PORTABLE TENANT SCREENING  
20 REPORT MAY REQUIRE:

21 (I) THAT THE SCREENING REPORT WAS COMPLETED WITHIN THE  
22 PREVIOUS THIRTY DAYS;

23 (II) THAT THE SCREENING REPORT IS MADE DIRECTLY AVAILABLE  
24 TO THE LANDLORD BY THE CONSUMER REPORTING AGENCY FOR USE IN THE  
25 RENTAL APPLICATION PROCESS OR PROVIDED THROUGH A THIRD-PARTY  
26 WEBSITE THAT REGULARLY ENGAGES IN THE BUSINESS OF PROVIDING  
27 CONSUMER REPORTS AND COMPLIES WITH ALL STATE AND FEDERAL LAWS

1 PERTAINING TO USE AND DISCLOSURE OF INFORMATION CONTAINED IN A  
2 CONSUMER REPORT BY A CONSUMER REPORTING AGENCY;

3 (III) THAT THE SCREENING REPORT IS MADE AVAILABLE TO THE  
4 LANDLORD AT NO COST TO ACCESS OR USE IN THE RENTAL APPLICATION  
5 PROCESS; AND

6 (IV) A STATEMENT FROM THE PROSPECTIVE TENANT THAT THERE  
7 HAS NOT BEEN A MATERIAL CHANGE IN THE INFORMATION IN THE  
8 SCREENING REPORT, INCLUDING THE PROSPECTIVE TENANT'S NAME,  
9 ADDRESS, BANKRUPTCY STATUS, CRIMINAL HISTORY, OR EVICTION  
10 HISTORY, SINCE THE REPORT WAS GENERATED.

11 (c) A LANDLORD SHALL NOT CHARGE A PROSPECTIVE TENANT A  
12 FEE TO ACCESS OR USE THE SCREENING REPORT.

13 (d) PRIOR TO TAKING ANY ACTION RELATING TO TENANT  
14 SCREENING FOR WHICH A LANDLORD WOULD EXPECT TO COLLECT AN  
15 APPLICATION FEE, A LANDLORD SHALL ADVISE A PROSPECTIVE TENANT OF  
16 THE FOLLOWING, USING SUBSTANTIALLY SIMILAR LANGUAGE:

17 1. THE PROSPECTIVE TENANT HAS THE RIGHT TO  
18 PROVIDE TO THE LANDLORD A PORTABLE TENANT  
19 SCREENING REPORT, AS DEFINED IN SECTION 38-12-902  
20 (2.5), COLORADO REVISED STATUTES; AND

21 2. IF THE PROSPECTIVE TENANT PROVIDES THE  
22 LANDLORD WITH A PORTABLE TENANT SCREENING REPORT,  
23 THE LANDLORD IS PROHIBITED FROM:

24 CHARGING THE PROSPECTIVE TENANT A RENTAL  
25 APPLICATION FEE; OR

26 CHARGING THE PROSPECTIVE TENANT A FEE FOR THE  
27 LANDLORD TO ACCESS OR USE THE PORTABLE TENANT

1 SCREENING REPORT.

2 (e) A LANDLORD SHALL PROVIDE THE ADVISEMENT REQUIRED IN  
3 SUBSECTION (1.5)(d) OF THIS SECTION IN A LOCATION AND USING A  
4 METHOD REASONABLY LIKELY TO REACH PROSPECTIVE TENANTS,  
5 INCLUDING:

6 (I) IN ADVERTISEMENTS AND OTHER PUBLIC NOTICES OF THE  
7 DWELLING UNIT'S AVAILABILITY, DISPLAYED IN AT LEAST TWELVE-POINT,  
8 BOLD-FACED TYPE UNLESS THE SIZE, FORMAT, OR DISPLAY REQUIREMENTS  
9 OF THE ADVERTISEMENT OR OTHER PUBLIC NOTICE MAKE THIS  
10 REQUIREMENT IMPRACTICABLE, IN WHICH CASE THE FONT AND SIZE OF THE  
11 ADVISEMENT MUST MATCH THE REST OF THE ADVERTISEMENT OR OTHER  
12 PUBLIC NOTICE;

13 (II) ON THE HOME PAGE OF A WEBSITE MAINTAINED BY THE  
14 LANDLORD OR THE LANDLORD'S AGENT, INCLUDING A PROPERTY  
15 MANAGEMENT COMPANY, DISPLAYED IN AT LEAST TWELVE-POINT,  
16 BOLD-FACED TYPE;

17 (III) IN A PAPER OR AN ONLINE RENTAL APPLICATION FOR THE  
18 DWELLING "UNIT, DISPLAYED IN AT LEAST TWELVE-POINT, BOLD-FACED  
19 TYPE; OR

20 (IV) ORALLY, DIRECTLY TO A PROSPECTIVE TENANT, WITH A  
21 WRITTEN CONFIRMATION OF RECEIPT BY THE PROSPECTIVE TENANT OF THE  
22 ADVISEMENT.

23 (f) A LANDLORD IS EXEMPT FROM THE REQUIREMENTS SET FORTH  
24 IN SUBSECTIONS (1.5)(a) TO (1.5)(e) OF THIS SECTION IF THE LANDLORD:

25 (I) DOES NOT ACCEPT MORE THAN ONE APPLICATION FEE AT A TIME  
26 FOR A DWELLING UNIT OR, IF A DWELLING UNIT IS RENTED TO MORE THAN  
27 ONE OCCUPANT, DOES NOT ACCEPT MORE THAN ONE APPLICATION FEE AT

1 A TIME FROM EACH PROSPECTIVE TENANT OR TENANT GROUP FOR THE  
2 DWELLING UNIT; AND

3 (II) REFUNDS THE TOTAL AMOUNT OF THE APPLICATION FEE TO  
4 EACH PROSPECTIVE TENANT WITHIN TWENTY CALENDAR DAYS AFTER  
5 WRITTEN COMMUNICATION FROM EITHER THE LANDLORD OR LANDLORD'S  
6 AGENT OR THE PROSPECTIVE TENANT DECLINING TO ENTER INTO A LEASE  
7 AGREEMENT FOR THE DWELLING UNIT.

8 (2) (a) (I) (A) If a landlord denies a rental application, the landlord  
9 shall provide TO the prospective tenant a written notice of the denial that  
10 states the reasons for the denial.

11 (B) IF THE PROSPECTIVE TENANT SUBMITS AN APPLICATION THAT  
12 RESULTS IN A LANDLORD OBTAINING A CONSUMER REPORT RELATING TO  
13 THE PROSPECTIVE TENANT, THE LANDLORD SHALL ALSO PROVIDE A COPY  
14 OF THE CONSUMER REPORT RELATING TO THE PROSPECTIVE TENANT AND  
15 AN ADVISEMENT OF THE PROSPECTIVE TENANT'S RIGHT TO DISPUTE THE  
16 ACCURACY OF THE CONSUMER REPORT WITH THE CONSUMER REPORTING  
17 AGENCY PURSUANT TO SECTION 5-18-106.

18  

19 (II) If the specific screening criteria cannot be directly cited  
20 because of the use of a proprietary screening system, the landlord shall  
21 instead provide the prospective tenant with a copy of the report from the  
22 screening company that uses the proprietary screening system, WITH ONLY  
23 THE PROPRIETARY INFORMATION REDACTED.

24 (III) A landlord may provide a prospective tenant an electronic  
25 version of the denial notice required in this subsection (2) unless the  
26 prospective tenant requests a paper denial notice, in which case the  
27 landlord shall provide the prospective tenant a paper denial notice.

1           **SECTION 4.** In Colorado Revised Statutes, 38-12-905, **amend**  
2 (1) and (3) as follows:

3           **38-12-905. Violations - liability - notice required - exception.**

4 (1) Except as described in subsection (3) of this section, a landlord who  
5 violates any provision of this part 9 is liable to the ~~person who is charged~~  
6 ~~a rental application fee for treble the amount of the rental application fee~~  
7 PROSPECTIVE TENANT AGGRIEVED BY THE VIOLATION FOR TWO THOUSAND  
8 FIVE HUNDRED DOLLARS, plus court costs and reasonable attorney fees.

9           (3) A landlord who corrects or cures a violation of this part 9 not  
10 more than seven calendar days after receiving notice of the violation  
11 SHALL PAY THE PROSPECTIVE TENANT AGGRIEVED BY THE VIOLATION A  
12 PENALTY OF FIFTY DOLLARS BUT OTHERWISE is not liable for damages as  
13 described in subsection (1) of this section.

14           **SECTION 5.** In Colorado Revised Statutes, 24-31-101, **amend**  
15 (1)(i)(XVII) as follows:

16           **24-31-101. Powers and duties of attorney general.** (1) The  
17 attorney general:

18           (i) May independently initiate and bring civil and criminal actions  
19 to enforce state laws, including actions brought pursuant to:

20           (XVII) ~~Section 38-12-904 (1)(b)~~ THE "RENTAL APPLICATION  
21 FAIRNESS ACT", PART 9 OF ARTICLE 12 OF TITLE 38.

22           **SECTION 6. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly; except  
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
26 of the state constitution against this act or an item, section, or part of this  
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in  
2 November 2024 and, in such case, will take effect on the date of the  
3 official declaration of the vote thereon by the governor.