

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**BILL 5**

LLS NO. 18-0281.01 Duane Gall x4335

**COMMITTEE BILL**

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**Legislative Oversight Committee Concerning the Treatment of Persons with  
Mental Health Disorders in the Criminal and Juvenile Justice Systems**

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**BILL TOPIC: "Rental Application Disclose Selection Criteria"**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO EASE THE RENTAL APPLICATION PROCESS**  
102 **FOR PROSPECTIVE TENANTS, AND, IN CONNECTION THEREWITH,**  
103 **REQUIRING LANDLORDS TO DISCLOSE THEIR TENANT**  
104 **ELIGIBILITY CRITERIA BEFORE ACCEPTING RENTAL**  
105 **APPLICATIONS OR APPLICATION FEES.**

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**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/>.)*

**Legislative Oversight Committee Concerning the Treatment of**

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

**Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.** **Section 2** of the bill requires a landlord to provide each prospective tenant with written notice of the landlord's tenant selection criteria and the grounds upon which a rental application may be denied before accepting an application or collecting an application fee. The notice must also state the amount of the application fee, which must be uniform for all applicants. **Section 1** defines a violation of these requirements as a deceptive trade practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-105, **add**  
3 (1)(kkk) as follows:

4 **6-1-105. Deceptive trade practices.** (1) A person engages in a  
5 deceptive trade practice when, in the course of the person's business,  
6 vocation, or occupation, the person:

7 (kkk) VIOLATES ANY PROVISION OF PART 8 OF ARTICLE 12 OF TITLE  
8 38.

9 **SECTION 2.** In Colorado Revised Statutes, **add** part 8 to article  
10 12 of title 38 as follows:

11 **PART 8**

12 **NOTICE OF TENANT ELIGIBILITY REQUIREMENTS**

13 **38-12-801. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "DWELLING UNIT" MEANS A STRUCTURE OR THE PART OF A  
16 STRUCTURE THAT IS USED AS A HOME, RESIDENCE, OR SLEEPING PLACE.

17 (2) "LANDLORD" MEANS THE OWNER, MANAGER, LESSOR, OR  
18 SUBLESSOR OF A DWELLING UNIT.

19 (3) "RENTAL AGREEMENT" MEANS ANY AGREEMENT, WRITTEN OR  
20 ORAL, BETWEEN A LANDLORD AND A TENANT EMBODYING THE TERMS  
21 AND CONDITIONS CONCERNING THE USE AND OCCUPANCY OF A DWELLING

1 UNIT.

2 (4) "RENTAL APPLICATION" MEANS ANY INFORMATION, WRITTEN  
3 OR ORAL, SUBMITTED TO A LANDLORD BY A PROSPECTIVE TENANT FOR  
4 THE PURPOSE OF ENTERING INTO A RENTAL AGREEMENT.

5 (5) "RENTAL APPLICATION FEE" MEANS ANY SUM OF MONEY,  
6 HOWEVER DENOMINATED, CHARGED OR ACCEPTED BY A LANDLORD FROM  
7 A PROSPECTIVE TENANT IN CONNECTION WITH THE PROSPECTIVE TENANT'S  
8 SUBMISSION OF A RENTAL APPLICATION.

9 (6) "TENANT" MEANS A PERSON ENTITLED UNDER A RENTAL  
10 AGREEMENT TO OCCUPY A DWELLING UNIT TO THE EXCLUSION OF OTHERS.

11 **38-12-802. Rental applications - required disclosures to**  
12 **prospective tenants - eligibility requirements - acknowledgment of**

13 **receipt.** (1) (a) BEFORE ACCEPTING A RENTAL APPLICATION OR  
14 COLLECTING A RENTAL APPLICATION FEE FROM A PROSPECTIVE TENANT,  
15 A LANDLORD SHALL GIVE THE PROSPECTIVE TENANT WRITTEN NOTICE OF  
16 THE LANDLORD'S TENANT SELECTION CRITERIA AND THE GROUNDS ON  
17 WHICH A RENTAL APPLICATION MAY BE DENIED. IF ANY OF THE FOLLOWING  
18 ARE GROUNDS FOR DENIAL, THEY MUST BE CLEARLY STATED IN THE  
19 NOTICE:

20 (I) THE PROSPECTIVE TENANT'S:

21 (A) CRIMINAL HISTORY;

22 (B) RENTAL HISTORY;

23 (C) CREDIT HISTORY; OR

24 (D) CURRENT INCOME;

25 (II) FAILURE TO PROVIDE ACCURATE OR COMPLETE INFORMATION  
26 IN THE RENTAL APPLICATION; OR

27 (III) FAILURE TO PAY THE RENTAL APPLICATION FEE IN THE

1 AMOUNT SPECIFIED IN THE NOTICE.

2 (b) IF THE LANDLORD USES CRIMINAL HISTORY, RENTAL HISTORY,  
3 OR CREDIT HISTORY AS CRITERIA FOR DENIAL OF THE APPLICATION, THE  
4 LANDLORD SHALL NEITHER INQUIRE INTO NOR CONSIDER ANY HISTORY  
5 BEYOND FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.

6 (2) THE NOTICE MUST BE ACCOMPANIED BY AN ACKNOWLEDGMENT  
7 OF RECEIPT, TO BE SIGNED BY THE PROSPECTIVE TENANT. THE LACK OF A  
8 SIGNED ACKNOWLEDGMENT OF RECEIPT CREATES A REBUTTABLE  
9 PRESUMPTION THAT THE PROSPECTIVE TENANT WAS NOT GIVEN A COPY OF  
10 THE NOTICE.

11 **38-12-803. Rental application fees - uniformity required.** (1) A  
12 LANDLORD SHALL NOT CHARGE ONE PROSPECTIVE TENANT A RENTAL  
13 APPLICATION FEE THAT IS DIFFERENT FROM THE RENTAL APPLICATION FEE  
14 CHARGED TO ANOTHER PROSPECTIVE TENANT WHO APPLIES TO RENT:

15 (a) THE SAME DWELLING UNIT; OR

16 (b) IF THE LANDLORD OFFERS MORE THAN ONE DWELLING UNIT FOR  
17 RENT AT THE SAME TIME, ANY OTHER DWELLING UNIT OFFERED BY THE  
18 LANDLORD.

19 **38-12-804. Violations - penalties.** A VIOLATION OF THIS PART 8 IS  
20 A DECEPTIVE TRADE PRACTICE FOR WHICH ANY OF THE REMEDIES, CIVIL  
21 PENALTIES, AND DAMAGES SPECIFIED IN SECTIONS 6-1-110 TO 6-1-113  
22 MAY BE SOUGHT.

23 **SECTION 3. Act subject to petition - effective date -**  
24 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
25 the expiration of the ninety-day period after final adjournment of the  
26 general assembly (August 8, 2018, if adjournment sine die is on May 9,  
27 2018); except that, if a referendum petition is filed pursuant to section 1

1 (3) of article V of the state constitution against this act or an item, section,  
2 or part of this act within such period, then the act, item, section, or part  
3 will not take effect unless approved by the people at the general election  
4 to be held in November 2018 and, in such case, will take effect on the  
5 date of the official declaration of the vote thereon by the governor.

6 (2) This act applies to rental applications submitted on or after the  
7 applicable effective date of this act.