

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL C

LLS NO. 18-0281.01 Duane Gall x4335

HOUSE BILL

HOUSE SPONSORSHIP

Singer, Benavidez

SENATE SPONSORSHIP

Fields,

House Committees

Senate Committees

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.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of 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.

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) "CRIMINAL HISTORY" MEANS AN INDIVIDUAL'S RECORD OF
16 CONVICTIONS. "CRIMINAL HISTORY" DOES NOT INCLUDE:

17 (a) ARRESTS THAT DO NOT RESULT IN CONVICTIONS; OR

18 (b) DEFERRED JUDGMENTS OR DEFERRED PROSECUTIONS THAT ARE
19 SUCCESSFULLY COMPLETED OR AS TO WHICH THE INDIVIDUAL HAS
20 SATISFIED ALL CONDITIONS TO DATE.

21 (2) "DWELLING UNIT" MEANS A STRUCTURE OR THE PART OF A

1 STRUCTURE THAT IS USED AS A HOME, RESIDENCE, OR SLEEPING PLACE.

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

4 (4) "RENTAL AGREEMENT" MEANS ANY AGREEMENT, WRITTEN OR
5 ORAL, BETWEEN A LANDLORD AND A TENANT EMBODYING THE TERMS AND
6 CONDITIONS CONCERNING THE USE AND OCCUPANCY OF A DWELLING UNIT.

7 (5) "RENTAL APPLICATION" MEANS ANY INFORMATION, WRITTEN
8 OR ORAL, SUBMITTED TO A LANDLORD BY A PROSPECTIVE TENANT FOR THE
9 PURPOSE OF ENTERING INTO A RENTAL AGREEMENT.

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

14 (7) "TENANT" MEANS A PERSON ENTITLED UNDER A RENTAL
15 AGREEMENT TO OCCUPY A DWELLING UNIT TO THE EXCLUSION OF OTHERS.

16 **38-12-802. Rental applications - required disclosures to**
17 **prospective tenants - eligibility requirements - acknowledgment of**

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

25 (I) THE PROSPECTIVE TENANT'S:

26 (A) CRIMINAL HISTORY;

27 (B) RENTAL HISTORY;

1 (C) CREDIT HISTORY; OR
2 (D) CURRENT INCOME;
3 (II) FAILURE TO PROVIDE ACCURATE OR COMPLETE INFORMATION
4 IN THE RENTAL APPLICATION; OR
5 (III) FAILURE TO PAY THE RENTAL APPLICATION FEE IN THE
6 AMOUNT SPECIFIED IN THE NOTICE.

7 (b) IF THE LANDLORD USES RENTAL HISTORY OR CREDIT HISTORY
8 AS CRITERIA IN CONSIDERATION OF AN APPLICATION, THE LANDLORD
9 SHALL NEITHER INQUIRE INTO NOR CONSIDER ANY HISTORY BEYOND FIVE
10 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.

11 (c) IF THE LANDLORD USES CRIMINAL HISTORY AS A CRITERION IN
12 CONSIDERATION OF AN APPLICATION, THE LANDLORD SHALL NEITHER
13 INQUIRE INTO NOR CONSIDER ANY CRIMINAL HISTORY FOR WHICH THE
14 DATE OF CONVICTION WAS MORE THAN FIVE YEARS BEFORE THE DATE OF
15 THE APPLICATION.

16 (2) THE NOTICE MUST BE ACCOMPANIED BY AN ACKNOWLEDGMENT
17 OF RECEIPT, TO BE SIGNED BY THE PROSPECTIVE TENANT. THE LACK OF A
18 SIGNED ACKNOWLEDGMENT OF RECEIPT CREATES A REBUTTABLE
19 PRESUMPTION THAT THE PROSPECTIVE TENANT WAS NOT GIVEN A COPY OF
20 THE NOTICE.

21 **38-12-803. Rental application fees - requirements of**
22 **reasonableness and uniformity.** (1) A RENTAL APPLICATION FEE MUST
23 BE REASONABLE AND MUST NOT EXCEED THE LANDLORD'S ACTUAL COSTS
24 INCURRED IN PROCESSING THE APPLICATION.

25 (2) A LANDLORD SHALL NOT CHARGE ONE PROSPECTIVE TENANT
26 A RENTAL APPLICATION FEE THAT IS DIFFERENT FROM THE RENTAL
27 APPLICATION FEE CHARGED TO ANOTHER PROSPECTIVE TENANT WHO

1 APPLIES TO RENT:

2 (a) THE SAME DWELLING UNIT; OR

3 (b) IF THE LANDLORD OFFERS MORE THAN ONE DWELLING UNIT FOR
4 RENT AT THE SAME TIME, ANY OTHER DWELLING UNIT OFFERED BY THE
5 LANDLORD.

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

10 **SECTION 3. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 8, 2018, if adjournment sine die is on May 9,
14 2018); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2018 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

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