

The General Assembly considered several measures related to housing during the 2023 legislative session, including bills regarding landlords and tenants, housing transactions, local governments, and land use.

Landlords and Tenants

Senate Bill 23-184 restricts landlords from considering or inquiring about certain information related to a prospective tenant's income and credit history. A landlord may only ask about a prospective tenant's income for the purpose of determining that a tenant's annual income equals or exceeds 200 percent of the annual cost of rent. If a prospective tenant plans to use a housing subsidy, a landlord should not consider the prospective tenant's credit score, adverse credit event, or lack of credit score unless the landlord is required by federal law to consider a credit score.

House Bill 23-1099 requires a landlord to accept from a prospective tenant a portable tenant screening report available to the landlord from a consumer reporting agency. A screening report must be prepared by an agency within the previous 30 days at the prospective tenant's request and expense and include certain information about the

prospective tenant, such as verification of employment and income, last-known address, and contact information. If a prospective tenant provides a screening report, the landlord shall not charge the prospective tenant an application fee or a fee for the landlord to access the report.

House Bill 23-1095 prohibits certain provisions from in rental agreements. The prohibited provisions include, but are not limited to:

- assignment of a penalty from an eviction notice or an eviction action that results from a violation of the rental agreement;
- any fee, damages, or penalty for a tenant's failure to provide notice of nonrenewal of a rental agreement prior to the end of the rental agreement; or
- descriptions of any fee as "rent" for which all remedies to collect rent, including eviction, are available, except the set monthly payment for occupancy.

House Bill 23-1068 limits the amount of an additional security deposit to a refundable \$300 for a tenant's animal. Additionally, landlords may not demand or receive additional rent in an amount that exceeds \$35 per month or 1 percent of the tenant's monthly rent, whichever is greater.

House Bill 23-1120 requires a landlord and residential tenant to participate in



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mandatory mediation prior to commencing an eviction action if the residential tenant receives supplemental security income, federal social security disability insurance, or cash assistance through the Colorado Works program. The bill includes several exemptions. Additionally, written rental agreements must include a statement that current law prohibits source of income discrimination and requires a nonexempt landlord to accept any lawful and verifiable source of money paid directly, indirectly, or on behalf of a person.

House Bill 23-1254 expands conditions covered under the warranty of habitability for residential premises to include damage due to an environmental public health event, such as a wildfire, a flood, or a release of toxic contaminants. Landlords are required to have a residential premises remediated to a condition that complies with applicable remediation standards and clean-up of residential premises after damage due to an environmental public health event.

The General Assembly considered *House Bill 23-1115*. The bill was deemed lost in the Senate. The bill would repeal state laws that prohibit counties and municipalities from enacting any ordinance or resolution that would control the rents of private residential property and housing units (i.e., rent control).

Finally, the General Assembly considered *House Bill 23-1171*. The bill was deemed lost in the Senate. The bill would, among other

things, prohibit a landlord from evicting a tenant unless there is a just cause.

Homeowner Associations

House Bill 23-1105 creates two task forces: the HOA Homeowners' Rights Task Force and the Metropolitan District Homeowners' Rights Task Force. The task forces will study several issues related to homeowners' rights and the practices of HOAs and metropolitan districts.

Housing Transactions

Senate Bill 23-148 requires the Department of Public Health and Environment to create a public database of buildings that were used as illegal drug laboratories. Current law creates a warranty of habitability that authorizes tenants to void a lease if the property is not habitable. The bill adds to the warranty a failure to remediate a residential property that has been used as an illegal drug laboratory to make methamphetamine.

House Bill 23-1266 adds a new exception to the principal-residence requirement for a borrower in a reverse mortgage transaction that covers a natural disaster or other serious incident beyond the borrower's control that renders the property uninhabitable, in which case the reverse mortgage does not become due and payable in certain circumstances. Lenders are required to disclose these conditions to the borrower in writing at the time of closing.



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Local Governments and Housing

House Bill 23-1255 preempts any existing government entities' housing growth restrictions and forbids government entities from enacting or enforcing any future local housing growth restrictions. However, a government entity may implement a growth-cap for up to 24 months in a 5-year period in certain situations, such as a disaster emergency.

House Bill 23-1304 modifies the affordable housing programs created by voters' approval of Proposition 123. The modifications to the affordable housing programs include, but are not limited to:

- allowing tribal governments to participate in the program;
- clarifying the description of how money is transferred or allocated; and
- establishing a process for rural resort communities to petition to use different percentages of area median income.

Finally, the General Assembly considered *House Bill 23-1190*, which was vetoed by the Governor. The bill would have created a right of first refusal of a local government to match an acceptable offer for the sale of a residential or mixed-use multifamily property.

Land Use

The General Assembly considered *Senate Bill 23-213*. The bill was deemed lost in the Senate. The bill would have, among other things, required the Executive Director

of the Department of Local Affairs (DOLA) to:

- issue methodology for developing statewide, regional, and local housing needs assessments;
- issue guidance on creating a housing needs plan for both rural and urban municipalities;
- develop a menu of affordability strategies to address housing production, preservation, and affordability;
- develop a menu of displacement mitigation measures; and
- publish a report that identifies strategic growth.

The bill would have also required the Executive Director of DOLA to create a set of model codes and minimum standards that relevant municipalities must adopt, even if the municipality has a home rule charter.

The bill also included provisions that would have:

- prohibited a local government from enacting or enforcing residential occupancy limits based on the relationship of the occupants;
- allowed a municipality to sell public property to provide property for affordable housing without voter approval; and
- created the Housing Plans Assistance Cash Fund to provide assistance to local governments and appropriating \$15.0 million to the fund

