

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB26-1196 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.**

4 (1) The general assembly finds and declares that:

5 (a) Rent is one of the largest recurring expenses for many
6 households in Colorado, and rent payment has profound implications for
7 tenants' financial stability, opportunity, and long-term wealth-building;

8 (b) Everyone has the right to fair treatment and transparency in
9 housing. Affording tenants better opportunities to understand information
10 landlords access and criteria landlords use to grant or deny applications
11 will reduce uncertainty, arbitrary denials, and discrimination;

12 (c) According to the federal national mortgage association,
13 positive rent payment reporting, which occurs when tenants' on-time rent
14 payments are reported to consumer reporting agencies, helps renters to
15 establish, maintain, or improve credit scores, expands access to affordable
16 financing, and strengthens eligibility for home ownership, thereby
17 advancing financial empowerment, independence, and opportunity;

18 (d) Encouraging and facilitating on-time rent payments benefits
19 tenants, property owners, and lenders by fostering financial responsibility,
20 reducing delinquencies, increasing tenant retention, and enhancing
21 confidence in the housing market;

22 (e) Protecting tenants' personal identifying information in eviction
23 court filings is necessary to reduce the risk of identity theft, financial
24 harm, and misuse of sensitive data when court records become publicly
25 accessible;

26 (f) Providing tenants with notice regarding whether a landlord
27 offers positive rent reporting facilitates equitable access to these benefits,
28 particularly for households that have historically faced barriers to credit
29 or wealth-building, including low-income renters, women, and
30 communities of color; and

31 (g) Renters who can leverage their rental payment history have
32 more opportunities to buy a home, start a business, access education, and
33 participate fully in economic life, while landlords and lenders are better
34 able to make informed, fair, and transparent decisions.

35 (2) Therefore, the general assembly finds and declares that
36 requiring covered landlords to provide transparency in tenant screening
37 and to notify tenants regarding whether or not the covered landlord offers
38 positive rent reporting:

39 (a) Supports a renter's ability to find housing that will help the
40 renter build credit, achieve long-term financial stability, and access

1 opportunity; and
2 (b) Is essential to protecting and promoting the rights, financial
3 well-being, and dignity of all renters in Colorado.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 13-40-110.2 as
5 follows:

6 **13-40-110.2. Personal identifying information in eviction court**
7 **filings - landlord's duties - definition.**

8 (1) A LANDLORD SHALL COMPLY WITH APPLICABLE COURT RULES
9 GOVERNING THE PROTECTION AND REDACTION OF PERSONAL IDENTIFYING
10 INFORMATION IN EVICTION FILINGS.

11 (2) A LANDLORD SHALL REDACT PERSONAL IDENTIFYING
12 INFORMATION FROM ANY SUPPORTING DOCUMENTS SUBMITTED TO A
13 COURT THAT MAY BECOME PUBLICLY ACCESSIBLE. A LANDLORD MAY
14 SUBMIT PERSONAL IDENTIFYING INFORMATION IN A CONFIDENTIAL
15 MANNER CONSISTENT WITH JUDICIAL DEPARTMENT PROCEDURES IF A
16 COURT REQUIRES SUCH INFORMATION.

17 (3) NOTHING IN THIS SECTION PROHIBITS A LANDLORD FROM
18 INCLUDING PERSONAL IDENTIFYING INFORMATION EXPLICITLY REQUIRED
19 BY A COURT. ALL OTHER SUPPORTING DOCUMENTS SUBMITTED MUST
20 COMPLY WITH SUBSECTION (2) OF THIS SECTION.

21 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES, "PERSONAL IDENTIFYING INFORMATION" INCLUDES A:

- 23 (a) SOCIAL SECURITY NUMBER;
- 24 (b) BIRTH DATE;
- 25 (c) DRIVER'S LICENSE NUMBER;
- 26 (d) STATE IDENTIFICATION NUMBER;
- 27 (e) BANK ACCOUNT NUMBER;
- 28 (f) CREDIT CARD NUMBER; AND
- 29 (g) DEBIT CARD NUMBER.

30 **SECTION 3.** In Colorado Revised Statutes, 38-12-904, **add** (1.7)
31 as follows:

32 **38-12-904. Consideration of rental applications - limitations**
33 **- portable tenant screening report - notice to prospective tenants -**
34 **denial notice.**

35 (1.7) A LANDLORD SHALL INCLUDE IN ALL RENTAL APPLICATIONS
36 A NOTICE TO PROSPECTIVE TENANTS REGARDING THE INFORMATION AND
37 DATA THE LANDLORD WILL ATTEMPT TO ACCESS WHEN CONDUCTING A
38 TENANT SCREENING AND THE SPECIFIC CRITERIA THAT WOULD RESULT IN
39 THE LANDLORD'S DENIAL OF A PROSPECTIVE TENANT'S APPLICATION.

40 **SECTION 4.** In Colorado Revised Statutes, **add** part 16 to article
41 12 of title 38 as follows:

42 **PART 16**
43 **RENT REPORTING REQUIRED BY COVERED LANDLORDS**

1 **38-12-1601. Positive rent reporting disclosure required by**
2 **covered landlords - definitions.**

3 (1) AS USED IN THIS SECTION:

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

6 (b) "COVERED LANDLORD" MEANS A PERSON WHO IS AN OWNER,
7 MANAGER, LESSOR, SUBLESSOR, SUCCESSOR IN INTEREST, OR AGENT OF
8 THE OWNER OF A DWELLING UNIT AND WHO IS RESPONSIBLE FOR FIVE OR
9 MORE DWELLING UNITS IN THE PERSON'S CAPACITY AS A LANDLORD OR
10 WHO RECEIVES LOANS, GRANTS, OR EQUITY PROVIDED FROM PUBLIC FUNDS
11 OF THE STATE TO SUPPORT THE CREATION OR PRESERVATION OF
12 AFFORDABLE HOUSING UNITS IN THE PERSON'S CAPACITY AS A LANDLORD.
13 A "COVERED LANDLORD" DOES NOT INCLUDE A PERSON WHO IS AN OWNER,
14 MANAGER, LESSOR, SUBLESSOR, SUCCESSOR IN INTEREST, OR AGENT OF
15 THE OWNER OF DWELLING UNITS THAT ARE RENTED EXCLUSIVELY BY
16 TENANTS WHO ARE SIXTY YEARS OLD OR OLDER.

17 (c) "DWELLING UNIT" HAS THE MEANING SET FORTH IN SECTION
18 38-12-502 (3).

19 (d) "EXACT COST" MEANS THE COST A COVERED LANDLORD PAYS
20 TO A CONSUMER REPORTING AGENCY OR A THIRD-PARTY SERVICE TO
21 REPORT A TENANT'S RENTAL PAYMENT INFORMATION.

22 (e) "POSITIVE RENT REPORTING" MEANS THE TRANSMITTAL OF
23 INFORMATION RELATING TO A TENANT'S TIMELY PAYMENT OF RENT
24 ACCORDING TO A LEASE AGREEMENT AND DOES NOT INCLUDE
25 TRANSMITTAL OF INFORMATION RELATING TO LATE PAYMENTS OR
26 NONPAYMENTS.

27 (2) (a) BEFORE ENTERING INTO A LEASE AGREEMENT WITH A
28 PROSPECTIVE TENANT, THE COVERED LANDLORD SHALL DISCLOSE IN
29 WRITING WHETHER THE COVERED LANDLORD OFFERS POSITIVE RENT
30 REPORTING, AND, IF THE COVERED LANDLORD DOES OFFER POSITIVE RENT
31 REPORTING, THE COVERED LANDLORD SHALL PROVIDE THE TENANT THE
32 OPTION TO PARTICIPATE WITH AT LEAST ONE CONSUMER REPORTING
33 AGENCY AVAILABLE TO THE COVERED LANDLORD IN THE STATE.

34 (b) IF A COVERED LANDLORD OFFERS POSITIVE RENT REPORTING,
35 THE COVERED LANDLORD SHALL PROVIDE WRITTEN NOTICE TO A
36 PROSPECTIVE TENANT REGARDING WHETHER THE COVERED LANDLORD
37 OFFERS POSITIVE RENT REPORTING AT A COST TO THE TENANT. A COVERED
38 LANDLORD MAY CHARGE A TENANT A FEE OR OTHER CHARGE THAT IS
39 EQUAL TO THE COVERED LANDLORD'S EXACT COST OF POSITIVE RENT
40 REPORTING FOR THE TENANT.

41 (3) IF A COVERED LANDLORD OFFERS POSITIVE RENT REPORTING AT
42 NO COST TO A TENANT, THE COVERED LANDLORD SHALL REPORT A
43 TENANT'S RENTAL PAYMENT INFORMATION TO AT LEAST ONE CONSUMER

1 REPORTING AGENCY UNLESS THE TENANT OPTS OUT OF POSITIVE RENT
2 REPORTING.

3 (4) IF A COVERED LANDLORD OFFERS POSITIVE RENT REPORTING AT
4 A COST TO A TENANT, THE COVERED LANDLORD SHALL OBTAIN THE
5 TENANT'S AFFIRMATIVE CONSENT BEFORE REPORTING THE TENANT'S
6 RENTAL INFORMATION OR CHARGING THE TENANT A FEE OR CHARGE
7 ASSOCIATED WITH POSITIVE RENT REPORTING.

8 (5) A TENANT MAY OPT OUT OF POSITIVE RENT REPORTING AT ANY
9 TIME BY NOTIFYING THE TENANT'S COVERED LANDLORD IN WRITING.

10 **SECTION 5. Effective date.** This act takes effect January 1,
11 2027.

12 **SECTION 6. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions."

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