

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0212.01 Caroline Martin x5902

HOUSE BILL 26-1196

HOUSE SPONSORSHIP

English and Joseph,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TENANT DATA INFORMATION.**

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>.)

Section 2 of the bill provides that, prior to seeking to obtain information about a prospective tenant for a tenant screening, a landlord shall provide a written notice to the prospective tenant or post the notice in a conspicuous location. The notice must include the following:

- The information and data that the landlord will attempt to access to conduct the tenant screening; and
- The specific criteria that would result in the landlord's denial of the prospective tenant's application.

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.

Section 3 requires that, before entering into a lease agreement with a prospective tenant, a landlord that is responsible for 5 or more dwelling units or that receives certain financial assistance (covered landlord) shall offer to the prospective tenant the option for positive rent reporting to at least one consumer reporting agency. If a tenant declines a covered landlord's initial positive rent reporting offer and enters into a lease agreement with the covered landlord, the covered landlord shall offer to the tenant the option for positive rent reporting to at least one consumer reporting agency any time that the covered landlord and the tenant renew the lease agreement.

If a tenant accepts a covered landlord's offer of positive rent reporting, the covered landlord shall send the tenant's rental payment information, including the tenant's full name and date of rent payment, to at least one consumer reporting agency each time the tenant pays rent. A covered landlord shall not charge a tenant for positive rent reporting or pass on the cost of positive rent reporting to a tenant by raising rent prices. A tenant that has opted into positive rent reporting may opt out at any time by notifying the tenant's covered landlord.

Section 1 provides that the failure of a covered landlord to comply with new positive rent reporting requirements is an unfair and deceptive trade practice.

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

2 **SECTION 1. Legislative declaration.**

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

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

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

11 (c) According to the federal national mortgage association,
12 positive rent payment reporting, which occurs when tenants' on-time rent
13 payments are reported to consumer reporting agencies, helps renters to

1 establish, maintain, or improve credit scores, expands access to affordable
2 financing, and strengthens eligibility for home ownership, thereby
3 advancing financial empowerment, independence, and opportunity;

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

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

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

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

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

25 (a) Supports a renter's ability to find housing that will help the
26 renter build credit, achieve long-term financial stability, and access
27 opportunity; and

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

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

5 **13-40-110.2. Personal identifying information in eviction court**
6 **filings - landlord's duties - definition.**

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

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

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

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

22 (a) SOCIAL SECURITY NUMBER;

23 (b) BIRTH DATE;

24 (c) DRIVER'S LICENSE NUMBER;

25 (d) STATE IDENTIFICATION NUMBER;

26 (e) BANK ACCOUNT NUMBER;

27 (f) CREDIT CARD NUMBER; AND

1 (g) DEBIT CARD NUMBER.

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

4 38-12-904. Consideration of rental applications - limitations
5 - portable tenant screening report - notice to prospective tenants -
6 denial notice.

7 (1.7) A LANDLORD SHALL INCLUDE IN ALL RENTAL APPLICATIONS
8 A NOTICE TO PROSPECTIVE TENANTS REGARDING THE INFORMATION AND
9 DATA THE LANDLORD WILL ATTEMPT TO ACCESS WHEN CONDUCTING A
10 TENANT SCREENING AND THE SPECIFIC CRITERIA THAT WOULD RESULT IN
11 THE LANDLORD'S DENIAL OF A PROSPECTIVE TENANT'S APPLICATION.

12 SECTION 4. In Colorado Revised Statutes, add part 16 to article
13 12 of title 38 as follows:

14 PART 16

15 RENT REPORTING REQUIRED BY COVERED LANDLORDS

16 38-12-1601. Positive rent reporting disclosure required by
17 covered landlords - definitions.

18 (1) AS USED IN THIS SECTION:

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

21 (b) "COVERED LANDLORD" MEANS A PERSON WHO IS AN OWNER,
22 MANAGER, LESSOR, SUBLESSOR, SUCCESSOR IN INTEREST, OR AGENT OF
23 THE OWNER OF A DWELLING UNIT AND WHO IS RESPONSIBLE FOR FIVE OR
24 MORE DWELLING UNITS IN THE PERSON'S CAPACITY AS A LANDLORD OR
25 WHO RECEIVES LOANS, GRANTS, OR EQUITY PROVIDED FROM PUBLIC FUNDS
26 OF THE STATE TO SUPPORT THE CREATION OR PRESERVATION OF
27 AFFORDABLE HOUSING UNITS IN THE PERSON'S CAPACITY AS A LANDLORD.

1 A "COVERED LANDLORD" DOES NOT INCLUDE A PERSON WHO IS AN OWNER,
2 MANAGER, LESSOR, SUBLESSOR, SUCCESSOR IN INTEREST, OR AGENT OF
3 THE OWNER OF DWELLING UNITS THAT ARE RENTED EXCLUSIVELY BY
4 TENANTS WHO ARE SIXTY YEARS OLD OR OLDER.

5 (c) "DWELLING UNIT" HAS THE MEANING SET FORTH IN SECTION
6 38-12-502 (3).

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

10 (e) "POSITIVE RENT REPORTING" MEANS THE TRANSMITTAL OF
11 INFORMATION RELATING TO A TENANT'S TIMELY PAYMENT OF RENT
12 ACCORDING TO A LEASE AGREEMENT AND DOES NOT INCLUDE
13 TRANSMITTAL OF INFORMATION RELATING TO LATE PAYMENTS OR
14 NONPAYMENTS.

15 (2) (a) BEFORE ENTERING INTO A LEASE AGREEMENT WITH A
16 PROSPECTIVE TENANT, THE COVERED LANDLORD SHALL DISCLOSE IN
17 WRITING WHETHER THE COVERED LANDLORD OFFERS POSITIVE RENT
18 REPORTING, AND, IF THE COVERED LANDLORD DOES OFFER POSITIVE RENT
19 REPORTING, THE COVERED LANDLORD SHALL PROVIDE THE TENANT THE
20 OPTION TO PARTICIPATE WITH AT LEAST ONE CONSUMER REPORTING
21 AGENCY AVAILABLE TO THE COVERED LANDLORD IN THE STATE.

22 (b) IF A COVERED LANDLORD OFFERS POSITIVE RENT REPORTING,
23 THE COVERED LANDLORD SHALL PROVIDE WRITTEN NOTICE TO A
24 PROSPECTIVE TENANT REGARDING WHETHER THE COVERED LANDLORD
25 OFFERS POSITIVE RENT REPORTING AT A COST TO THE TENANT. A COVERED
26 LANDLORD MAY CHARGE A TENANT A FEE OR OTHER CHARGE THAT IS
27 EQUAL TO THE COVERED LANDLORD'S EXACT COST OF POSITIVE RENT

1 REPORTING FOR THE TENANT.

2 (3) IF A COVERED LANDLORD OFFERS POSITIVE RENT REPORTING AT
3 NO COST TO A TENANT, THE COVERED LANDLORD SHALL REPORT A
4 TENANT'S RENTAL PAYMENT INFORMATION TO AT LEAST ONE CONSUMER
5 REPORTING AGENCY UNLESS THE TENANT OPTS OUT OF POSITIVE RENT
6 REPORTING.

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

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

14 **SECTION 5. Effective date.** This act takes effect January 1,
15 2027.

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