

CHAPTER 11

PROPERTY

HOUSE BILL 26-1013

BY REPRESENTATIVE(S) Sirota and Mabrey, Ricks, Bacon, Brown, Clifford, Espenoza, Froelich, Garcia, Nguyen, Paschal, Rutinel, Story, Zokaie, Lindsay, Carter, Duran, McCluskie;
also SENATOR(S) Cutter and Weissman, Gonzales J., Jodeh, Kipp, Kolker, Lindstedt, Marchman, Sullivan, Wallace, Coleman.

AN ACT**CONCERNING THE USE OF A RATIO UTILITY BILLING SYSTEM BY A LANDLORD TO ALLOCATE UTILITY CHARGES TO TENANTS.**

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

SECTION 1. In Colorado Revised Statutes, 6-1-737, **amend** (4)(a); and **add** (4.5) as follows:

6-1-737. Requirement to disclose certain pricing information - landlords and tenants - remedies - rules - definitions.

(4) A landlord or the landlord's agent shall not require a tenant to pay a fee, charge, or amount:

(a) Related to the provision of utilities that is above the amount charged by the utility provider for service to the tenant's dwelling unit, ~~except FOR FEES, CHARGES, OR AMOUNTS RELATED TO THE PROVISION OF UTILITIES THAT ARE CHARGED TO A TENANT~~ in accordance with:

(I) Section 38-12-801 (3)(a)(VI); OR

(II) SUBSECTION (4.5) OF THIS SECTION.

(4.5) (a) EXCEPT AS PROVIDED IN SUBSECTION (4.5)(b) OF THIS SECTION, THIS SECTION DOES NOT PROHIBIT A LANDLORD OR LANDLORD'S AGENT FROM ALLOCATING UTILITY COSTS AMONG TENANTS OF THE SAME RESIDENTIAL PREMISES USING A RATIO UTILITY BILLING SYSTEM IF:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) THE AGGREGATE AMOUNT BILLED TO ALL TENANTS OF THE RESIDENTIAL PREMISES DOES NOT EXCEED THE TOTAL AMOUNT CHARGED BY THE UTILITY PROVIDER FOR SERVICE TO THE ENTIRE RESIDENTIAL PREMISES;

(II) THE LANDLORD OR LANDLORD'S AGENT DOES NOT APPLY ANY MARKUP, SURCHARGE, ADMINISTRATIVE FEE, OR OTHER AMOUNT IN EXCESS OF THE ACTUAL CHARGES FROM THE UTILITY, EXCEPT AS OTHERWISE PERMITTED BY LAW;

(III) THE UTILITY COSTS FOR COMMON AREAS OR SHARED FACILITIES AT THE RESIDENTIAL PREMISES ARE EXCLUDED FROM ANY TENANT ALLOCATION; AND

(IV) THE LANDLORD CLEARLY AND CONSPICUOUSLY DISCLOSES THE METHOD OF ALLOCATION FOR THE DWELLING UNIT IN A TENANT'S RENTAL AGREEMENT OR AN ADDENDUM TO THE TENANT'S RENTAL AGREEMENT.

(b) FOR RESIDENTIAL PREMISES CONSTRUCTED WITH PERMITS APPLIED FOR ON OR AFTER JULY 1, 2027, GAS, ELECTRIC, AND WATER UTILITY SERVICE DELIVERED TO A RESIDENTIAL PREMISES MUST BE METERED EITHER DIRECTLY BY THE UTILITY PROVIDER OR BY A SUBMETER.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: March 26, 2026