

CHAPTER 61

PROPERTY

SENATE BILL 26-054

BY SENATOR(S) Catlin and Snyder, Kipp;
also REPRESENTATIVE(S) Ricks and Richardson, Joseph.

AN ACT

CONCERNING AN EXCEPTION TO THE STATUTORY LIMIT ON THE AMOUNT THAT A LANDLORD MAY REQUIRE A TENANT TO PROVIDE AS A SECURITY DEPOSIT IN CASES WHERE THE LANDLORD AND TENANT HAVE EXECUTED A POST-CLOSING OCCUPANCY AGREEMENT.

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

SECTION 1. In Colorado Revised Statutes, **amend** 38-12-102.5 as follows:

38-12-102.5. Security deposits - maximum amount - exception for post-closing occupancy agreements - rules.

(1) ~~On and after August 7, 2023~~ EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, a landlord shall not require a tenant to submit a security deposit in an amount that exceeds the amount of two monthly rent payments under the rental agreement.

(2) ON AND AFTER JANUARY 1, 2027, SUBSECTION (1) OF THIS SECTION DOES NOT APPLY IF THE LANDLORD AND TENANT HAVE EXECUTED A POST-CLOSING OCCUPANCY AGREEMENT PURSUANT TO A PURCHASE CONTRACT WHEREBY THE LANDLORD PURCHASED THE RESIDENCE FROM THE TENANT.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026

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.

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 20, 2026