

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0607.01 Brita Darling x2241

HOUSE BILL 23-1099

HOUSE SPONSORSHIP

Vigil and Weissman, Velasco

SENATE SPONSORSHIP

Fields and Exum,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING TENANT SCREENING DOCUMENTATION FOR RESIDENTIAL**
102 **LEASES.**

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>.)

The bill requires a landlord to accept from a prospective tenant a portable tenant screening report (screening report). A screening report must have been prepared by a consumer reporting agency (agency) within the previous 30 days at the prospective tenant's request and expense and include certain information about the prospective tenant.

If a prospective tenant provides a screening report, the landlord

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.

shall not charge the prospective tenant either an application fee or a fee for the landlord to access or use the screening report.

Prior to collecting any tenant information that would generate an application fee, a landlord shall advise a prospective tenant that the landlord accepts screening reports and is prohibited from charging an application fee or other fee to a prospective tenant who provides a screening report.

If a prospective tenant's rental application is denied, and the landlord charged the prospective tenant an application fee to obtain a consumer report, the landlord shall provide a copy of the consumer report to the prospective tenant, along with a notice of the prospective tenant's right to dispute the accuracy of the consumer report. If the prospective tenant did not pay an application fee for the landlord to obtain a consumer report, the landlord's notice of denial must include either a copy of the consumer report or the agency's contact information and notice of the prospective tenant's right to receive a free copy of the consumer report and to dispute the accuracy of the consumer report.

The bill authorizes the attorney general's office to independently initiate and bring an action to enforce the "Rental Application Fairness Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-12-902, **amend**
3 (1) and (4); and **add** (1.3), (1.7), and (2.5) as follows:

4 **38-12-902. Definitions.** As used in this part 9, unless the context
5 otherwise requires:

6 (1) ~~"Dwelling unit" means a structure or the part of a structure that~~
7 ~~is used as a home, residence, or sleeping place~~ "CONSUMER REPORT" HAS
8 THE MEANING SET FORTH IN SECTION 5-18-103 (3).

9 (1.3) "CONSUMER REPORTING AGENCY" HAS THE MEANING SET
10 FORTH IN SECTION 5-18-103 (4).

11 (1.7) "DWELLING UNIT" MEANS A STRUCTURE OR THE PART OF A
12 STRUCTURE THAT IS USED AS A HOME, RESIDENCE, OR SLEEPING PLACE.

13 (2.5) "PORTABLE TENANT SCREENING REPORT" OR "SCREENING
14 REPORT" MEANS A CONSUMER REPORT PREPARED AT THE REQUEST AND

1 EXPENSE OF A PROSPECTIVE TENANT BY A CONSUMER REPORTING AGENCY,
2 WHICH REPORT INCLUDES THE FOLLOWING INFORMATION ABOUT A
3 PROSPECTIVE TENANT AND THE DATE THROUGH WHICH THE INFORMATION
4 CONTAINED IN THE REPORT IS CURRENT:

- 5 (a) NAME;
- 6 (b) CONTACT INFORMATION;
- 7 (c) VERIFICATION OF EMPLOYMENT AND INCOME;
- 8 (d) LAST-KNOWN ADDRESS;
- 9 (e) FOR EACH JURISDICTION INDICATED IN THE CONSUMER REPORT
10 AS A PRIOR RESIDENCE OF THE PROSPECTIVE TENANT, REGARDLESS OF
11 WHETHER THE RESIDENCE IS REPORTED BY THE PROSPECTIVE TENANT OR
12 BY THE CONSUMER REPORTING AGENCY PREPARING THE CONSUMER
13 REPORT:

14 (I) A RENTAL AND CREDIT HISTORY REPORT FOR THE PROSPECTIVE
15 TENANT THAT COMPLIES WITH SECTION 38-12-904 (1)(a) CONCERNING A
16 LANDLORD'S CONSIDERATION OF A PROSPECTIVE TENANT'S RENTAL
17 HISTORY; AND

18 (II) A CRIMINAL HISTORY RECORD CHECK FOR ALL FEDERAL,
19 STATE, AND LOCAL CONVICTIONS OF THE PROSPECTIVE TENANT THAT
20 COMPLIES WITH SECTION 38-12-904 (1)(b) CONCERNING A LANDLORD'S
21 CONSIDERATION OF A PROSPECTIVE TENANT'S ARREST RECORDS.

22 (4) "Rental application" means any information, written or oral,
23 submitted to a landlord by a prospective tenant for the purpose of entering
24 into a rental agreement. "RENTAL APPLICATION" INCLUDES A PORTABLE
25 TENANT SCREENING REPORT.

26 **SECTION 2.** In Colorado Revised Statutes, 38-12-903, **amend**
27 (2) as follows:

1 **38-12-903. Rental application fee - limitations.** (2) A landlord
2 shall not charge a prospective tenant a rental application fee:

3 (a) That is in a different amount than a rental application fee
4 charged to another prospective tenant who applies to rent:

5 ~~(a)~~ (I) The same dwelling unit; or

6 ~~(b)~~ (II) If the landlord offers more than one dwelling unit for rent
7 at the same time, any other dwelling unit offered by the landlord; OR

8 (b) IF THE PROSPECTIVE TENANT PROVIDES TO THE LANDLORD A
9 PORTABLE TENANT SCREENING REPORT PURSUANT TO SECTION 38-12-904
10 (1.5).

11 **SECTION 3.** In Colorado Revised Statutes, 38-12-904, **amend**
12 (2)(a); and **add** (1.5) as follows:

13 **38-12-904. Consideration of rental applications - limitations**
14 **- portable tenant screening report - notice to prospective tenants -**
15 **denial notice.** (1.5) (a) A LANDLORD SHALL ACCEPT A PORTABLE TENANT
16 SCREENING REPORT FROM A PROSPECTIVE TENANT.

17 (b) A LANDLORD RECEIVING A PORTABLE TENANT SCREENING
18 REPORT MAY REQUIRE:

19 (I) THAT THE SCREENING REPORT WAS COMPLETED WITHIN THE
20 PREVIOUS THIRTY DAYS;

21 (II) THAT THE SCREENING REPORT IS MADE DIRECTLY AVAILABLE
22 TO THE LANDLORD FOR USE IN THE RENTAL APPLICATION PROCESS OR
23 PROVIDED THROUGH A THIRD-PARTY WEBSITE THAT REGULARLY ENGAGES
24 IN THE BUSINESS OF PROVIDING CONSUMER REPORTS AND COMPLIES WITH
25 ALL STATE AND FEDERAL LAWS PERTAINING TO USE AND DISCLOSURE OF
26 INFORMATION CONTAINED IN A CONSUMER REPORT BY A CONSUMER
27 REPORTING AGENCY;

1 (III) THAT THE SCREENING REPORT IS MADE AVAILABLE TO THE
2 LANDLORD AT NO COST TO ACCESS OR USE IN THE RENTAL APPLICATION
3 PROCESS; AND

4 (IV) A STATEMENT FROM THE PROSPECTIVE TENANT THAT THERE
5 HAS NOT BEEN A MATERIAL CHANGE IN THE INFORMATION IN THE
6 SCREENING REPORT, INCLUDING THE PROSPECTIVE TENANT'S NAME,
7 ADDRESS, BANKRUPTCY STATUS, CRIMINAL HISTORY, OR EVICTION
8 HISTORY, SINCE THE REPORT WAS GENERATED.

9 (c) A LANDLORD SHALL NOT CHARGE A PROSPECTIVE TENANT A
10 FEE TO ACCESS OR USE THE SCREENING REPORT.

11 (d) PRIOR TO TAKING ANY ACTION RELATING TO TENANT
12 SCREENING FOR WHICH A LANDLORD WOULD EXPECT TO COLLECT AN
13 APPLICATION FEE, A LANDLORD SHALL ADVISE A PROSPECTIVE TENANT OF
14 THE FOLLOWING, USING SUBSTANTIALLY SIMILAR LANGUAGE:

15 1. THE PROSPECTIVE TENANT HAS THE RIGHT TO
16 PROVIDE TO THE LANDLORD A PORTABLE TENANT
17 SCREENING REPORT, AS DEFINED IN SECTION 38-12-902
18 (2.5), COLORADO REVISED STATUTES; AND

19 2. IF THE PROSPECTIVE TENANT PROVIDES THE
20 LANDLORD WITH A PORTABLE TENANT SCREENING REPORT,
21 THE LANDLORD IS PROHIBITED FROM:

22 CHARGING THE PROSPECTIVE TENANT A RENTAL
23 APPLICATION FEE; OR

24 CHARGING THE PROSPECTIVE TENANT A FEE FOR THE
25 LANDLORD TO ACCESS OR USE THE PORTABLE TENANT
26 SCREENING REPORT.

27 (e) A LANDLORD SHALL PROVIDE THE ADVISEMENT REQUIRED IN

1 SUBSECTION (1.5)(d) OF THIS SECTION IN A LOCATION AND USING A
2 METHOD REASONABLY LIKELY TO REACH PROSPECTIVE TENANTS,
3 INCLUDING:

4 (I) IN ADVERTISEMENTS AND OTHER PUBLIC NOTICES OF THE
5 DWELLING UNIT'S AVAILABILITY;

6 (II) ON THE HOME PAGE OF A WEBSITE MAINTAINED BY THE
7 LANDLORD OR THE LANDLORD'S AGENT, INCLUDING A PROPERTY
8 MANAGEMENT COMPANY;

9 (III) IN A PAPER OR AN ONLINE RENTAL APPLICATION FOR THE
10 DWELLING UNIT; OR

11 (IV) ORALLY, DIRECTLY TO A PROSPECTIVE TENANT, WITH A
12 WRITTEN CONFIRMATION OF RECEIPT BY THE PROSPECTIVE TENANT OF THE
13 ADVISEMENT.

14 (2) (a) (I) If a landlord denies a rental application, the landlord
15 shall provide TO the prospective tenant a written notice of the denial that
16 states the reasons for the denial, AND:

17 (A) IF THE PROSPECTIVE TENANT WAS CHARGED AN APPLICATION
18 FEE ASSOCIATED WITH THE LANDLORD OBTAINING A CONSUMER REPORT
19 RELATING TO THE PROSPECTIVE TENANT, THE LANDLORD SHALL ALSO
20 PROVIDE A COPY OF THE CONSUMER REPORT RELATING TO THE
21 PROSPECTIVE TENANT AND AN ADVISEMENT OF THE PROSPECTIVE
22 TENANT'S RIGHT TO DISPUTE THE ACCURACY OF THE CONSUMER REPORT
23 WITH THE CONSUMER REPORTING AGENCY PURSUANT TO SECTION
24 5-18-106; OR

25 (B) IF THE PROSPECTIVE TENANT WAS NOT CHARGED AN
26 APPLICATION FEE ASSOCIATED WITH THE LANDLORD OBTAINING A
27 CONSUMER REPORT, THE LANDLORD SHALL ALSO PROVIDE EITHER A COPY

1 OF THE CONSUMER REPORT RELATING TO THE PROSPECTIVE TENANT OR
2 THE NAME AND ADDRESS OF THE CONSUMER REPORTING AGENCY USED.
3 THE LANDLORD SHALL ALSO PROVIDE AN ADVISEMENT OF THE
4 PROSPECTIVE TENANT'S RIGHT, PURSUANT TO SECTION 5-18-106, TO
5 OBTAIN A FREE COPY OF THE CONSUMER REPORT AND TO DISPUTE THE
6 ACCURACY OF THE CONSUMER REPORT.

7 (II) If the specific screening criteria cannot be directly cited
8 because of the use of a proprietary screening system, the landlord shall
9 instead provide the prospective tenant with a copy of the report from the
10 screening company that uses the proprietary screening system, WITH ONLY
11 THE PROPRIETARY INFORMATION REDACTED.

12 (III) A landlord may provide a prospective tenant an electronic
13 version of the denial notice required in this subsection (2) unless the
14 prospective tenant requests a paper denial notice, in which case the
15 landlord shall provide the prospective tenant a paper denial notice.

16 **SECTION 4.** In Colorado Revised Statutes, 24-31-101, **amend**
17 (1)(i)(XVII) as follows:

18 **24-31-101. Powers and duties of attorney general.** (1) The
19 attorney general:

20 (i) May independently initiate and bring civil and criminal actions
21 to enforce state laws, including actions brought pursuant to:

22 (XVII) ~~Section 38-12-904 (1)(b)~~ THE "RENTAL APPLICATION
23 FAIRNESS ACT", PART 9 OF ARTICLE 12 OF TITLE 38.

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.