

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

PREAMENDED

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

LLS NO. 17-0915.01 Ed DeCecco x4216

HOUSE BILL 17-1310

HOUSE SPONSORSHIP

Kennedy and Jackson,

SENATE SPONSORSHIP

Fenberg,

House Committees

Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN APPLICATION SCREENING FEE THAT A RESIDENTIAL**
102 **LANDLORD CHARGES A PROSPECTIVE TENANT.**

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/>.)

With respect to an application screening fee that a landlord may charge a prospective tenant, the bill:

- ! Limits the fee to cover the landlord's actual costs for a personal reference check or for obtaining a consumer credit report or tenant screening report;
- ! Requires the landlord to provide any person who has paid

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

the fee with a receipt that itemizes the landlord's actual expenses incurred. The landlord may provide the person with an electronic receipt, unless the person requests a paper receipt.

- ! Requires the landlord to return any amount of the fee that is not used as authorized by law; and
- ! Establishes a penalty for a landlord that does not comply with the requirements related to the fee.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-12-502, **amend**
3 the introductory portion as follows:

4 **38-12-502. Definitions.** As used in this part 5 AND PART 7 OF THIS
5 ARTICLE 12, unless the context otherwise requires:

6 **SECTION 2.** In Colorado Revised Statutes, **add** part 7 to article
7 12 of title 38 as follows:

8 PART 7

9 RENTAL APPLICATION

10 SCREENING FEE

11 **38-12-701. Rental application screening fee - definition.** (1) AS
12 USED IN THIS SECTION, "APPLICATION SCREENING FEE" OR "FEE" MEANS
13 ANY AMOUNT CHARGED BY A LANDLORD TO A PROSPECTIVE TENANT
14 RELATED TO AN APPLICATION TO RENT OR LEASE A RESIDENTIAL PREMISES.

15 (2) A LANDLORD SHALL NOT CHARGE A PROSPECTIVE TENANT AN
16 APPLICATION SCREENING FEE UNLESS THE LANDLORD USES THE FEE TO
17 COVER THE LANDLORD'S ACTUAL COSTS.

18
19 (3) THE LANDLORD SHALL PROVIDE ANY PERSON WHO HAS PAID AN
20 APPLICATION SCREENING FEE WITH EITHER A DISCLOSURE OF THE
21 LANDLORD'S ANTICIPATED EXPENSES FOR WHICH THE FEE WILL BE USED OR

1 A RECEIPT THAT ITEMIZES THE LANDLORD'S ACTUAL EXPENSES INCURRED.
2 THE LANDLORD MAY PROVIDE THE PERSON WITH AN ELECTRONIC RECEIPT,
3 UNLESS HE OR SHE REQUESTS A PAPER RECEIPT.

4 (4) A LANDLORD SHALL RETURN ANY AMOUNT OF THE
5 APPLICATION SCREENING FEE THAT IS NOT USED TO COVER THE
6 LANDLORD'S ACTUAL COSTS THAT ARE ALLOWABLE UNDER SUBSECTION (2)
7 OF THIS SECTION.

8 (5) A LANDLORD WHO VIOLATES ANY PROVISION OF THIS SECTION
9 IS LIABLE TO THE PERSON WHO IS CHARGED AN APPLICATION SCREENING
10 FEE FOR TWO TIMES THE AMOUNT OF THE APPLICATION SCREENING FEE,
11 PLUS COURT COSTS AND REASONABLE ATTORNEY FEES.

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.