

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

INTRODUCED

LLS NO. 21-0649.01 Richard Sweetman x4333

HOUSE BILL 21-1134

HOUSE SPONSORSHIP

Ricks, Bacon

SENATE SPONSORSHIP

Bridges,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FACILITATING THE REPORTING OF TENANTS' RENT**
102 **PAYMENT INFORMATION TO CONSUMER REPORTING AGENCIES**
103 **AT THE TENANTS' REQUEST.**

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 creates the tenants' rent payment information pilot program (pilot program) and directs the Colorado housing and finance authority (authority) to contract with a third party to administer the pilot program in accordance with rules promulgated by the authority.

The administrator shall recruit no more than 10 landlords to

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

participate in the pilot program. A tenant may participate in the pilot program only if the tenant elects to participate and completes a financial education course.

On or before January 1, 2024, the authority, in consultation with the administrator, shall submit to applicable legislative committees of reference a report concerning the pilot program.

The pilot program is repealed, effective June 1, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-4-736 as
3 follows:

4 **29-4-736. Tenants' rent payment information pilot program**
5 **- created - administrator - financial education courses required -**
6 **rules - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "ADMINISTRATOR" MEANS THE ADMINISTRATOR WITH WHICH
9 THE AUTHORITY CONTRACTS TO ADMINISTER THE PILOT PROGRAM
10 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

11 (b) "CONSUMER REPORTING AGENCY" MEANS:

12 (I) A CONSUMER REPORTING AGENCY THAT COMPILES AND
13 MAINTAINS FILES ON CONSUMERS ON A NATIONWIDE BASIS, AS DEFINED IN
14 15 U.S.C. SEC. 1681a (p); OR

15 (II) A CONSUMER REPORTING AGENCY, AS DEFINED IN 15 U.S.C.
16 SEC. 1681a (f), SO LONG AS THE CONSUMER REPORTING AGENCY RESELLS
17 OR OTHERWISE FURNISHES THE RENT PAYMENT INFORMATION TO A
18 CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS FILES ON
19 CONSUMERS ON A NATIONWIDE BASIS, AS DEFINED IN 15 U.S.C. SEC. 1681a
20 (p).

21 (c) "DWELLING UNIT" HAS THE MEANING SET FORTH IN SECTION
22 38-12-502 (3).

1 (d) "FINANCIAL EDUCATION COURSE" MEANS AN EDUCATIONAL
2 COURSE THAT PROVIDES INFORMATION ABOUT THE IMPORTANCE OF
3 BUILDING AND MAINTAINING GOOD CREDIT, INCLUDING A FINANCIAL
4 EDUCATION COURSE OFFERED BY A LOCAL BANK, A NONPROFIT
5 ORGANIZATION, A HOUSING AUTHORITY, A STATE GOVERNMENT AGENCY
6 SUCH AS THE AUTHORITY, OR A LOCAL GOVERNMENT AGENCY.

7 (e) "LANDLORD" HAS THE MEANING SET FORTH IN SECTION
8 38-12-502 (5).

9 (f) "PARTICIPANT LANDLORD" MEANS A LANDLORD THAT HAS
10 ELECTED TO PARTICIPATE IN THE PILOT PROGRAM. A PARTICIPANT
11 LANDLORD MAY BE A PERSON, A PUBLIC HOUSING AUTHORITY, OR A
12 NONPROFIT ORGANIZATION THAT IS A LANDLORD.

13 (g) "PARTICIPANT TENANT" MEANS A TENANT THAT HAS ELECTED
14 TO PARTICIPATE IN THE PILOT PROGRAM AND WHOSE LANDLORD IS A
15 PARTICIPANT LANDLORD.

16 (h) "PILOT PROGRAM" MEANS THE TENANTS' RENT PAYMENT
17 INFORMATION PILOT PROGRAM CREATED IN SUBSECTION (2) OF THIS
18 SECTION.

19 (i) "RENT PAYMENT INFORMATION" MEANS INFORMATION
20 CONCERNING A TENANT'S TIMELY PAYMENT OF RENT, UNTIMELY PAYMENT
21 OF RENT, AND NONPAYMENT OF RENT. "RENT PAYMENT INFORMATION"
22 DOES NOT INCLUDE INFORMATION CONCERNING A TENANT'S PAYMENT OR
23 NONPAYMENT OF ANY FEES.

24 (j) "TENANT" HAS THE MEANING SET FORTH IN SECTION 38-12-502
25 (9).

26 (2) (a) THE TENANTS' RENT PAYMENT INFORMATION PILOT
27 PROGRAM IS CREATED TO FACILITATE THE REPORTING OF PARTICIPANT

1 TENANTS' RENT PAYMENT INFORMATION TO CONSUMER REPORTING
2 AGENCIES.

3 (b) ON OR BEFORE OCTOBER 1, 2021, THE AUTHORITY SHALL
4 CONTRACT WITH A THIRD PARTY TO ADMINISTER THE PILOT PROGRAM. THE
5 ADMINISTRATOR SHALL ADMINISTER THE PILOT PROGRAM IN ACCORDANCE
6 WITH THIS SECTION AND RULES PROMULGATED BY THE AUTHORITY
7 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

8 (c) (I) ON OR BEFORE OCTOBER 15, 2021, THE ADMINISTRATOR, IN
9 CONSULTATION WITH THE AUTHORITY, SHALL COMMENCE RECRUITING
10 LANDLORDS AND TENANTS TO PARTICIPATE IN THE PILOT PROGRAM.

11 (II) THE ADMINISTRATOR SHALL RECRUIT NO MORE THAN TEN
12 LANDLORDS TO PARTICIPATE IN THE PILOT PROGRAM. TO THE EXTENT
13 PRACTICABLE, THE ADMINISTRATOR SHALL RECRUIT PARTICIPANT
14 LANDLORDS WHO:

15 (A) OFFER A VARIETY OF TYPES OF DWELLING UNITS FOR RENT,
16 INCLUDING DWELLING UNITS OF VARIOUS SIZES;

17 (B) OFFER DWELLING UNITS FOR RENT THAT ARE LOCATED IN
18 DIVERSE AREAS OF THE STATE;

19 (C) OFFER AT LEAST FIVE DWELLING UNITS FOR RENT; AND

20 (D) AGREE TO COMPLY WITH RULES PROMULGATED BY THE
21 AUTHORITY PURSUANT TO SUBSECTION (3) OF THIS SECTION.

22 (III) THE ADMINISTRATOR MAY WORK WITH STATEWIDE OR
23 NATIONAL ASSOCIATIONS OF LANDLORDS TO IDENTIFY POTENTIAL
24 PARTICIPANT LANDLORDS.

25 (IV) THE ADMINISTRATOR SHALL RECRUIT AT LEAST ONE HUNDRED
26 TENANTS TO PARTICIPATE IN THE PILOT PROGRAM.

27 (d) (I) A TENANT MAY PARTICIPATE IN THE PILOT PROGRAM ONLY

1 IF THE TENANT ELECTS TO PARTICIPATE AND COMPLETES A FINANCIAL
2 EDUCATION COURSE. THE ADMINISTRATOR SHALL ENSURE THAT EACH
3 PARTICIPANT TENANT COMPLETES A FINANCIAL EDUCATION COURSE
4 BEFORE THE PARTICIPANT TENANT MAY HAVE A PARTICIPANT LANDLORD
5 REPORT THE PARTICIPANT TENANT'S RENT PAYMENT INFORMATION.

6 (II) ON AND AFTER OCTOBER 15, 2021, THE ADMINISTRATOR
7 SHALL:

8 (A) DIRECT EACH POTENTIAL PARTICIPANT TENANT TO THE LIST OF
9 FINANCIAL EDUCATION COURSES ESTABLISHED PURSUANT TO RULES
10 PROMULGATED BY THE AUTHORITY PURSUANT TO SUBSECTION (3) OF THIS
11 SECTION; AND

12 (B) PROVIDE EDUCATION TO PARTICIPANT LANDLORDS AND
13 POTENTIAL PARTICIPANT LANDLORDS CONCERNING THE REQUIREMENTS OF
14 PARTICIPATION IN THE PILOT PROGRAM.

15 (3) (a) ON OR BEFORE OCTOBER 1, 2021, THE AUTHORITY SHALL
16 PROMULGATE RULES FOR THE ADMINISTRATION OF THE PILOT PROGRAM.
17 AT A MINIMUM, THE RULES MUST:

18 (I) INCLUDE A LIST OF FINANCIAL EDUCATION COURSES THAT
19 TENANTS MAY COMPLETE IN ORDER TO PARTICIPATE IN THE PILOT
20 PROGRAM, INCLUDING ONLINE CLASSES SORTED BY LOCATION AND, TO THE
21 EXTENT PRACTICABLE, ADDRESSES, PHONE NUMBERS, WEBSITES, AND
22 OTHER CONTACT INFORMATION;

23 (II) ENSURE THAT EACH PARTICIPANT LANDLORD REPORTS ONLY
24 RENT PAYMENT INFORMATION CONCERNING A PARTICIPANT TENANT'S
25 PAYMENT OR NONPAYMENT OF RENT AFTER THE DATE UPON WHICH THE
26 PARTICIPANT TENANT ELECTED TO PARTICIPATE IN THE PILOT PROGRAM;
27 AND

1 (III) ESTABLISH A STANDARD FORM FOR PARTICIPANT TENANTS TO
2 USE TO ELECT TO PARTICIPATE IN THE PILOT PROGRAM, WHICH STANDARD
3 FORM MUST INCLUDE:

4 (A) A STATEMENT THAT THE PARTICIPANT TENANT'S
5 PARTICIPATION IN THE PILOT PROGRAM IS VOLUNTARY AND THAT A
6 PARTICIPANT TENANT MAY CEASE PARTICIPATING IN THE PILOT PROGRAM
7 AT ANY TIME AND FOR ANY REASON BY PROVIDING NOTICE TO THE
8 PARTICIPANT TENANT'S PARTICIPANT LANDLORD;

9 (B) A STATEMENT THAT ALL OF THE PARTICIPANT TENANT'S RENT
10 PAYMENTS WILL BE REPORTED, REGARDLESS OF WHETHER THE PAYMENTS
11 ARE TIMELY, LATE, OR MISSED, AND THAT REPORTING WILL COMMENCE
12 WITHIN THIRTY DAYS AFTER THE PARTICIPANT TENANT ELECTS TO
13 PARTICIPATE IN THE PILOT PROGRAM;

14 (C) INSTRUCTIONS DESCRIBING HOW TO SUBMIT THE FORM TO THE
15 PARTICIPANT LANDLORD;

16 (D) A STATEMENT THAT IF THE PARTICIPANT TENANT ELECTS TO
17 CEASE PARTICIPATING IN THE PILOT PROGRAM, THE PARTICIPANT TENANT
18 MAY NOT RESUME PARTICIPATING IN THE PILOT PROGRAM;

19 (E) INSTRUCTIONS DESCRIBING HOW TO ELECT TO CEASE
20 PARTICIPATING IN THE PILOT PROGRAM; AND

21 (F) A SIGNATURE BLOCK WHERE THE PARTICIPANT TENANT MAY
22 SIGN AND DATE THE FORM.

23 (b) THE AUTHORITY SHALL MAKE THE LIST OF FINANCIAL
24 EDUCATION COURSES DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS SECTION
25 AND THE STANDARD FORM DESCRIBED IN SUBSECTION (3)(a)(III) OF THIS
26 SECTION AVAILABLE TO BE DOWNLOADED FROM THE AUTHORITY'S PUBLIC
27 WEBSITE.

1 (4) (a) ON OR BEFORE JANUARY 1, 2024, THE AUTHORITY, IN
2 CONSULTATION WITH THE ADMINISTRATOR, SHALL SUBMIT TO THE
3 TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE
4 OF REPRESENTATIVES AND TO THE LOCAL GOVERNMENT COMMITTEE OF
5 THE SENATE, OR TO ANY SUCCESSOR COMMITTEE, A REPORT CONCERNING
6 THE PILOT PROGRAM. AT A MINIMUM, THE REPORT MUST INDICATE:

7 (I) THE NUMBER OF PARTICIPANT LANDLORDS, INCLUDING AN
8 INDICATION AS TO WHETHER MORE THAN TEN LANDLORDS EXPRESSED AN
9 INTEREST IN PARTICIPATING;

10 (II) THE NUMBER OF PARTICIPANT TENANTS;

11 (III) THE COST OF ADMINISTERING THE PILOT PROGRAM;

12 (IV) FOR EACH PARTICIPANT LANDLORD:

13 (A) THE NUMBER OF RESIDENTIAL PROPERTIES OFFERED BY THE
14 LANDLORD; AND

15 (B) THE LOCATION OF EACH PROPERTY OFFERED BY THE
16 LANDLORD; AND

17 (V) THE NATURE OF THE REPORTING MECHANISM USED BY THE
18 ADMINISTRATOR TO REPORT TENANTS' RENT PAYMENT INFORMATION TO
19 CONSUMER REPORTING AGENCIES.

20 (b) IN ADDITION TO THE INFORMATION DESCRIBED IN SUBSECTION
21 (4)(a) OF THIS SECTION, THE REPORT MAY INCLUDE ANY
22 RECOMMENDATIONS OF THE AUTHORITY CONCERNING THE CONTINUATION
23 OR REPEAL OF THE PILOT PROGRAM.

24 (c) THE AUTHORITY SHALL MAKE THE REPORT DESCRIBED IN
25 SUBSECTION (4)(a) OF THIS SECTION AVAILABLE ON ITS PUBLIC WEBSITE.

26 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 1, 2024.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.