

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0698.01 Kate Meyer

HOUSE BILL 11-1214

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HOUSE SPONSORSHIP

Gardner D.,

SENATE SPONSORSHIP

(None),

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House Committees  
State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING TRANSPARENCY IN THE ENERGY USE OF A RESIDENTIAL  
102 DWELLING OFFERED FOR RENT.

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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://www.leg.state.co.us/billsummaries>.)*

The bill requires a landlord to disclose to a potential tenant certain information regarding the energy use or efficiency of the dwelling unit offered for rent as follows:

- ! For a dwelling unit in a multi-family residence, beginning January 1, 2012, a landlord shall provide to a prospective

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.

tenant the prorated average utility cost history for the potential tenant's dwelling unit;

! For a single-family residence, beginning January 1, 2014, a landlord shall display the residence's energy efficiency rating in a manner that is visible to all prospective tenants and shall disclose the residence's energy efficiency evaluation prior to finalizing a rental agreement.

The disclosures required under the bill apply only to residences for which a tenant is responsible for paying all or a portion of the gas or electric costs.

The bill directs the state housing board in the division of housing under the department of local affairs to promulgate rules, in consultation with the governor's energy office, to administer the disclosure requirements for single-family residences.

The bill tasks the public utilities commission (commission) with administering the disclosures required for multi-family residences. Buildings served by municipally owned utilities or cooperative electric associations that are exempt from the jurisdiction of the commission are exempt.

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

2           **SECTION 1.** Part 5 of article 12 of title 38, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **38-12-510.5. Disclosure of energy consumption of dwelling**  
6 **unit - exceptions - rules - definitions.** (1) (a) A LANDLORD SHALL  
7 DISCLOSE INFORMATION REGARDING THE NATURAL GAS AND ELECTRIC  
8 CONSUMPTION OF A DWELLING UNIT IN ACCORDANCE WITH THIS SECTION  
9 AND RULES PROMULGATED UNDER THIS SECTION.

10           (b) THE DISCLOSURES REQUIRED UNDER THIS SECTION ARE  
11 REQUIRED ONLY IF THE POTENTIAL TENANT IS RESPONSIBLE FOR PAYING  
12 ALL OR A PORTION OF THE NATURAL GAS OR ELECTRIC UTILITY COSTS.

13           (c) A LANDLORD SHALL NOT ASSESS ANY FEE OR CHARGE TO A  
14 PERSON IN CONNECTION WITH DISCLOSING THE INFORMATION REQUIRED

1 UNDER THIS SECTION.

2 (2) **Multi-family residences.** (a) (I) EXCEPT AS OTHERWISE  
3 PROVIDED IN THIS SECTION, BEGINNING JANUARY 1, 2012, A LANDLORD OF  
4 A MULTI-FAMILY RESIDENCE SHALL PREPARE AND PROVIDE TO A  
5 PROSPECTIVE TENANT THE PRORATED AVERAGE UTILITY COST HISTORY  
6 FOR THE POTENTIAL TENANT'S DWELLING UNIT BASED UPON THE SQUARE  
7 FOOTAGE OF THE UNIT. THE COST HISTORY MUST COVER THE LIFE OF THE  
8 UNIT OR THE PRECEDING TWO CALENDAR YEARS, WHICHEVER IS SHORTER.

9 (II) A LANDLORD SHALL PROVIDE THE AVERAGE UTILITY COST  
10 HISTORY DESCRIBED UNDER THIS PARAGRAPH (a) PRIOR TO FINALIZING A  
11 RENTAL AGREEMENT WITH A PROSPECTIVE TENANT.

12 (b) (I) IN ADDITION TO FURNISHING THE COST HISTORY DESCRIBED  
13 UNDER PARAGRAPH (a) OF THIS SUBSECTION (2), UPON REQUEST OF A  
14 POTENTIAL TENANT, A LANDLORD SHALL PROVIDE COPIES OF PAST  
15 NATURAL GAS OR ELECTRICITY UTILITY BILLS FOR THE MULTI-FAMILY  
16 RESIDENCE, IF THE LANDLORD MAY ACCESS THEM LEGALLY, OR A  
17 SUMMARY OF THOSE BILLS.

18 (II) A LANDLORD WHO LACKS ALL OR PART OF THE NATURAL GAS  
19 AND ELECTRICITY UTILITY BILLS SHALL REQUEST THE PUBLIC UTILITY TO  
20 PROVIDE THE LANDLORD WITH THE RESIDENCE'S NATURAL GAS AND  
21 ELECTRICITY BILLS, OR A SUMMARY OF THOSE BILLS, SUFFICIENT TO COVER  
22 THE NATURAL GAS AND ELECTRIC COST HISTORY FOR THE LIFE OF THE  
23 STRUCTURE OR FOR THE PRECEDING TWO YEARS, WHICHEVER IS SHORTER.  
24 IF, AFTER MAKING THE REQUEST, A LANDLORD IS STILL UNABLE TO  
25 FURNISH A PROSPECTIVE TENANT WITH A COMPLETE SET OF NATURAL GAS  
26 AND ELECTRICITY BILLS OR A SUMMARY OF THE BILLS, THE LANDLORD  
27 SHALL PROVIDE THE PROSPECTIVE TENANT WITH ANY PUBLIC UTILITY

1 RECORDS OR SUMMARIES THAT THE LANDLORD WAS ABLE TO OBTAIN AND  
2 SHALL INDICATE THE PERIODS OF TIME OR UTILITY SERVICES THAT ARE NOT  
3 COVERED BY THE INCOMPLETE RECORDS OR SUMMARY.

4 (III) A LANDLORD WHO PROVIDES UTILITY BILLS OR SUMMARIES  
5 UNDER THIS PARAGRAPH (b) SHALL DISCLOSE WHETHER, AND TO WHAT  
6 EXTENT, THE RESIDENCE WAS OCCUPIED OR UNOCCUPIED FOR THE TIME  
7 PERIODS REFLECTED IN THE BILLS OR SUMMARIES.

8 (c) (I) A PUBLIC UTILITY THAT RECEIVES A REQUEST FOR UTILITY  
9 BILLS OR SUMMARIES UNDER PARAGRAPH (b) OF THIS SUBSECTION (2)  
10 SHALL PROVIDE THE LANDLORD WITH EITHER DUPLICATE COPIES OF THE  
11 BILLS OR WITH SUMMARIES THAT COVER THE LIFE OF THE STRUCTURE OR  
12 THE PRECEDING TWO-YEAR PERIOD, WHICHEVER IS SHORTER, WITHIN TEN  
13 DAYS AFTER RECEIVING THE REQUEST.

14 (II) A PUBLIC UTILITY MAY CHARGE A FEE OF FIFTEEN DOLLARS  
15 FOR PROVIDING THE DUPLICATE COPIES OF NATURAL GAS AND ELECTRICITY  
16 BILLS, OR A SUMMARY OF THE BILLS, TO A LANDLORD.

17 (III) A PUBLIC UTILITY THAT PROVIDES ELECTRICITY OR NATURAL  
18 GAS TO MULTI-FAMILY RESIDENCES WITH AN ELECTRIC AND NATURAL GAS  
19 COMPOSITE METERING DEVICE SHALL MAINTAIN RECORDS, SUFFICIENT TO  
20 PROVIDE THE INFORMATION REQUIRED UNDER THIS SECTION, OF THE COST  
21 OF UTILITY SERVICES PROVIDED FOR AT LEAST TWO CALENDAR YEARS.

22 (d) THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES,  
23 INCLUDING RECORD RETENTION REQUIREMENTS AND UTILITY BILL  
24 SUMMARY CRITERIA, NECESSARY TO ADMINISTER THIS SUBSECTION (2).

25 (e) (I) THIS SUBSECTION (2) DOES NOT APPLY TO A MULTI-FAMILY  
26 RESIDENCE SERVED BY A MUNICIPAL UTILITY, AS DEFINED IN SECTION  
27 40-3.5-101, C.R.S., OR A COOPERATIVE ELECTRIC ASSOCIATION THAT HAS

1 VOTED TO EXEMPT ITSELF FROM REGULATION PURSUANT TO SECTION  
2 40-9.5-103, C.R.S.

3 (II) NOTHING IN THIS SUBSECTION (2) PROHIBITS THE GOVERNING  
4 BODY OF A MUNICIPAL UTILITY, AS DEFINED IN SECTION 40-3.5-101,  
5 C.R.S., OR A COOPERATIVE ELECTRIC ASSOCIATION THAT HAS VOTED TO  
6 EXEMPT ITSELF FROM REGULATION PURSUANT TO SECTION 40-9.5-103,  
7 C.R.S., FROM DEVELOPING ITS OWN PROGRAMS TO EVALUATE AND RATE  
8 OBJECTIVELY THE ENERGY EFFICIENCY OF RESIDENCES IT SERVES.

9 (3) **Single-family residences.** (a) EXCEPT AS OTHERWISE  
10 PROVIDED IN THIS SECTION, BEGINNING JANUARY 1, 2014, THE LANDLORD  
11 OF A SINGLE-FAMILY RESIDENCE SHALL DISCLOSE THE UNIT'S MOST RECENT  
12 ENERGY EFFICIENCY RATING AND ENERGY EFFICIENCY EVALUATION TO A  
13 PROSPECTIVE TENANT.

14 (b) THE LANDLORD SHALL MAKE THE DISCLOSURE BY:

15 (I) DISPLAYING, IN A CONSPICUOUS LOCATION VISIBLE TO ALL  
16 POTENTIAL TENANTS, THE MOST RECENT ENERGY EFFICIENCY RATING; AND

17 (II) PROVIDING TO A POTENTIAL TENANT A WRITTEN COPY OF THE  
18 COMPLETE ENERGY EFFICIENCY EVALUATION PRIOR TO FINALIZING A  
19 RENTAL AGREEMENT.

20 (c) THE INFORMATION PROVIDED UNDER THIS SUBSECTION (3)  
21 MUST CONFORM TO RULES PROMULGATED, AND BE MADE ON A FORM  
22 DEVELOPED OR APPROVED, BY THE STATE HOUSING BOARD UNDER SECTION  
23 24-32-707, C.R.S.

24 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
25 REQUIRES:

26 (a) "ENERGY EFFICIENCY EVALUATION" MEANS THE COMPLETE  
27 EVALUATION OF A RESIDENCE'S ENERGY CONSUMPTION AND RELATIVE

1 EFFICIENCY, BASED ON THE RESIDENCE'S STRUCTURE AND INTERNAL  
2 COMPONENTS AND IN ACCORDANCE WITH RULES PROMULGATED UNDER  
3 SECTION 24-32-707, C.R.S. AN EVALUATION MAY BE BASED ON THE  
4 UTILITY COST HISTORY AND THE RELEVANT STRUCTURE AND COMPONENTS  
5 OF THE BUILDING, SUCH AS THE EFFICIENCY LEVELS OF WATER HEATERS,  
6 FURNACES, WINDOWS, AND WALL INSULATION.

7 (b) "ENERGY EFFICIENCY RATING" MEANS THE NUMERICAL SCORE  
8 GENERATED UNDER THE SYSTEM DEVELOPED OR APPROVED UNDER  
9 SECTION 24-32-707, C.R.S., CONVEYING THE DWELLING UNIT'S ENERGY  
10 EFFICIENCY.

11 (c) (I) "MULTI-FAMILY RESIDENCE" MEANS IMPROVED REAL  
12 PROPERTY THAT:

13 (A) IS USED OR INTENDED TO BE USED AS A RESIDENCE;

14 (B) CONTAINS MORE THAN ONE DWELLING UNIT; AND

15 (C) IS EQUIPPED WITH A CENTRAL METER FOR ELECTRICITY,  
16 NATURAL GAS, OR BOTH, OR OTHER COMPOSITE METERING DEVICE.

17 (II) "MULTI-FAMILY RESIDENCE" INCLUDES A CONDOMINIUM OR  
18 COOPERATIVE.

19 (d) "PUBLIC UTILITIES COMMISSION" MEANS THE PUBLIC UTILITIES  
20 COMMISSION CREATED IN SECTION 40-2-101, C.R.S.

21 (e) "PUBLIC UTILITY" MEANS A PUBLIC UTILITY THAT PROVIDES  
22 GAS, ELECTRIC, OR GAS AND ELECTRIC SERVICE IN THE STATE.

23 (f) "SINGLE-FAMILY RESIDENCE" MEANS A DWELLING UNIT THAT  
24 IS USED FOR A SINGLE FAMILY OR THAT HAS AN INDIVIDUAL NATURAL GAS  
25 OR ELECTRICITY METER OR METERING DEVICE.

26 (g) "STATE HOUSING BOARD" MEANS THE STATE HOUSING BOARD  
27 WITHIN THE DIVISION OF HOUSING CREATED UNDER SECTION 24-32-706,

1 C.R.S.

2 **SECTION 2.** 24-32-707, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-32-707. Powers of board.** (4) (a) THE BOARD SHALL  
5 PROMULGATE RULES TO ADMINISTER SECTION 38-12-510.5 (3), C.R.S.

6 (b) (I) THE RULES REQUIRED UNDER PARAGRAPH (a) OF THIS  
7 SUBSECTION (4) MUST INCLUDE ESTABLISHING A PROCESS OR  
8 METHODOLOGY TO EVALUATE AND RATE THE RELATIVE NATURAL GAS AND  
9 ELECTRICITY USE, COST, AND EFFICIENCY OF RESIDENTIAL BUILDINGS IN  
10 THE STATE. IN DEVELOPING THE ENERGY EFFICIENCY EVALUATION  
11 PROCESS AND RATINGS, THE BOARD SHALL CONSULT WITH THE  
12 GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101. THE  
13 BOARD SHALL CONSIDER WHETHER AND HOW TO REQUIRE USE OF THE  
14 NATIONAL HOME ENERGY RATING SYSTEM, THE BUILDING PERFORMANCE  
15 INSTITUTE ENERGY AUDIT PROCESS, AND THE UNITED STATES  
16 DEPARTMENT OF ENERGY'S HOME ENERGY SCORE, OR THEIR SUCCESSOR  
17 PROGRAMS. THE BOARD SHALL TAKE INTO ACCOUNT USEFULNESS,  
18 PRACTICALITY, AND COST IN PROVIDING ENERGY EFFICIENCY  
19 EVALUATIONS AND RATINGS.

20 (II) A BUILDING SUBJECT TO SECTION 38-12-510.5, C.R.S., MUST  
21 BE RATED FOR ENERGY EFFICIENCY AT LEAST ONCE EVERY FIVE YEARS,  
22 AND UPON REQUEST FROM A LANDLORD FOLLOWING CHANGES THAT ARE  
23 LIKELY TO ALTER THE BUILDING'S ENERGY EFFICIENCY.

24 (c) (I) THE BOARD MAY DEVELOP ENERGY EVALUATION AND  
25 ENERGY RATING FORMS OR MAY SPECIFY THE MINIMUM CRITERIA THAT A  
26 LANDLORD MAY USE TO COMPLY WITH THE REQUIREMENT TO FURNISH AN  
27 ENERGY EFFICIENCY RATING OR EVALUATION UNDER SECTION 38-12-510.5

1 (2) (b), C.R.S.

2 (II) THE BOARD SHALL APPROVE ALTERNATIVE FORMS AND  
3 RATINGS DEVELOPED BY FEDERAL, STATE, OR LOCAL GOVERNMENTAL  
4 ENTITIES, UTILITIES, OR THIRD-PARTY ENERGY EFFICIENCY AUDITORS THAT  
5 PROVIDE, AT A MINIMUM, THE INFORMATION REQUIRED UNDER SECTION  
6 38-12-510.5, C.R.S.; EXCEPT THAT A THIRD-PARTY AUDITOR MUST BE  
7 APPROVED BY THE RESIDENTIAL ENERGY SERVICES NETWORK OR ITS  
8 SUCCESSOR ENTITY OR AN APPROPRIATE ACCREDITING FEDERAL, STATE, OR  
9 LOCAL GOVERNMENTAL ENTITY.

10 **SECTION 3.** Article 2 of title 40, Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF A NEW SECTION to read:

12 **40-2-130. Rules regarding energy use disclosure to prospective**  
13 **tenants of multi-family residences - notification to affected utilities.**

14 (1) THE COMMISSION SHALL PROMULGATE RULES NECESSARY TO  
15 ADMINISTER SECTION 38-12-510.5 (2), C.R.S. THE RULES MUST INCLUDE  
16 RECORD RETENTION REQUIREMENTS FOR A PUBLIC UTILITY SUBJECT TO  
17 SECTION 38-12-510.5 (2), C.R.S., AND THE MINIMUM INFORMATION THAT  
18 A UTILITY MUST PROVIDE TO A LANDLORD TO CONSTITUTE AN ADEQUATE  
19 UTILITY COST SUMMARY UNDER SECTION 38-12-510.5 (2) (b), C.R.S. THE  
20 COMMISSION MAY DEVELOP A STANDARDIZED PROCESS OR FORM THAT A  
21 PUBLIC UTILITY MAY USE TO FURNISH THE REQUIRED INFORMATION.

22 (2) PRIOR TO JANUARY 1, 2012, THE COMMISSION SHALL NOTIFY  
23 ALL PUBLIC UTILITIES SUBJECT TO SECTION 38-12-510.5, C.R.S., OF THE  
24 REQUIREMENTS OF THAT SECTION, INCLUDING THE OBLIGATION TO  
25 MAINTAIN AND PROVIDE NATURAL GAS AND ELECTRICITY BILLS, OR  
26 SUMMARIES THEREOF, UNDER THIS SECTION.

27 **SECTION 4. Act subject to petition - effective date.** This act



1 shall take 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 (August  
3 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part shall not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2012 and shall take effect on the date of the official  
9 declaration of the vote thereon by the governor.