

*The information provided in this handout does not, and is not intended to, constitute legal advice; instead, all information is for general informational purposes only. You should contact an attorney to obtain advice with respect to any particular legal matter.*



## **APPLYING FOR HOUSING** **(Updated September 28, 2021)**

This applies to all people applying for housing to rent in Colorado.

If you are applying for subsidized housing, there may be different rules.

If you think you've been wrongfully denied housing reach out to CPLP by filling out an intake form at [copovertylawproject.org](http://copovertylawproject.org) by clicking "get help" or emailing [contact@copovertylawproject.org](mailto:contact@copovertylawproject.org)

### **How much can a landlord charge someone to apply for housing?**

- A landlord can only charge for their actual costs of processing an application
  - Example: costs to run a background check, admin time, etc.
- A landlord must charge everyone applying the same amount for an application fee
- If they do not use all the money an applicant paid to process the application, the landlord has to return the money they did not spend

### **What sort of receipts should an applicant receive when applying for housing?**

- A receipt saying why the landlord is charging X amount of money, listing the costs of processing the application
- If a tenant's application is denied, the tenant should receive a written explanation of the denial saying why they were denied
- If a tenant is accepted, they need to receive a copy of the lease

### **Can a landlord deny an application because the tenant has a housing voucher or receives unemployment?**

- No! That is discrimination based on source of income

### **Can a landlord deny a tenant for their immigration/citizenship status?**

- No! That is a violation of the Immigrant Tenant Protection Act

### **What if a landlord requires every tenant to provide their social security number (SSN)?**

- As long as they require everyone to provide a SSN, they can request it.

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- However, a landlord cannot deny a tenant bc they provided an ITIN instead -- that would be denial due to someone's immigration/citizenship status

### **Can a landlord deny a person based on their gender, family status, race, religion, etc.?**

- If the landlord owns and rents out 4 or more units, they cannot deny an applicant because of their:
  - Disability
  - Race
  - Creed
  - Color
  - Sex
  - Sexual orientation
  - Gender identity
  - Gender expression
  - Marital status (if they are married or not)
  - Familial status (aka if they have kids)
  - Religion
  - National origin
  - Ancestry
- If a landlord owns and rents out more than 5 units, they cannot deny someone because of their source of income (voucher, unemployment, SSDI, student loans, etc.)

### **Can a landlord deny an applicant for a criminal record?**

- A landlord cannot deny an applicant because they have been arrested at any time in their life
- The landlord can deny an applicant if they have been *convicted* (found guilty by the courts) of a crime within the last 5 years
  - Exception -- a landlord can deny an applicant for a conviction at any time in their life if the conviction was for:
    - Stalking
    - Homicide (murder)
    - Production/distribution of meth
    - An offense that required the person to register as a sex offender

### **What if I get my record sealed?**

- If a record is sealed, it should not show up on a criminal background check or private company's tenant report. If it does, let us know!
- Additionally, if the record is sealed, an applicant does not need to disclose they were convicted for the offense that was sealed when applying for housing.

### **Can a landlord deny an applicant for credit history?**

- Only for credit history in the last 7 years

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**What if I'm unlawfully denied housing? What can I do?**

- First, ask for a written explanation of why you were denied (if not provided to you)!
- Then, call CPLP to see if you have a good claim
- If you do, you could sue for damages (money)
  - If the landlord violated the Colorado law around applying for housing, the tenant can get 3 times the application fee plus other damages

**What if my landlord says in the written explanation that they are denying a tenant for X reason, but they verbally said they were denying the application for an illegal reason?**

- Take notes of all your conversations with the landlord!
- You can also record a conversation. In Colorado, one party to a conversation needs to consent to recording. Aka if you're okay with it, you can record a conversation between you and a landlord.

**What if my "tenant report" produced by some company has wrong information?**

- Ask your landlord what company they use
- You can request a copy of it from the company
- Each company has different processes to change/contest information on their reports; email/call that company to ask how to do that

**What if I am looking for housing and see a complex that advertises that they will NOT rent to anyone with a criminal record or some other illegal reason listed above?**

- Reach out to CPLP! We want to know!!