

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0238.01 Bob Lackner x4350

HOUSE BILL 22-1082

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A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF STATE HOUSING LAWS BY THE**
102 **DEPARTMENT OF LAW, AND, IN CONNECTION THEREWITH,**
103 **ESTABLISHING A FAIR HOUSING UNIT WITHIN THE DEPARTMENT**
104 **OF LAW.**

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:

- Expands the statutory list of state laws for which the attorney general may bring civil and criminal enforcement

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.

SENATE
Amended 2nd Reading
April 21, 2022

HOUSE
3rd Reading Unamended
March 11, 2022

HOUSE
Amended 2nd Reading
March 4, 2022

- actions to include various statutory provisions relating to housing; and
- Creates the fair housing unit within the department of law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, declares, and determines that:

4 (a) According to the report issued by the affordable housing
5 transformational task force released in January 2022, an estimated
6 315,000 households in Colorado spend more than fifty percent of their
7 income on housing costs. The report also found that there are 162,557
8 households in the state that are considered to be extremely low income,
9 but only 48,767 housing units that are affordable and available to these
10 families.

11 (b) There is fewer than one legal aid attorney available for every
12 30,000 Coloradans experiencing poverty;

13 (c) This lack of legal assistance leaves Coloradans vulnerable to
14 abuses as they struggle to find stable and affordable housing;

15 (d) Even when a Coloradan is able to obtain relief, such
16 individualized relief often does not lead to systemic change or assist
17 another person similarly situated; and

18 (e) Without safe and stable housing, Coloradans struggle to
19 maintain employment, education outcomes suffer, and community support
20 is lost.

21 (2) By empowering the Colorado attorney general to enforce
22 critical housing laws, the attorney general will be able to provide
23 systematic protections for residents and provide system-wide support for
24 residents and businesses.

1 **SECTION 2.** In Colorado Revised Statutes, 24-31-101, **amend**
2 (1)(i) as follows:

3 **24-31-101. Powers and duties of attorney general.** (1) The
4 attorney general:

5 (i) May bring civil and criminal actions to enforce state laws,
6 including actions brought pursuant to:

7 (I) The "Colorado Antitrust Act of 1992" in article 4 of title 6;

8 (II) The "Colorado Consumer Protection Act" in article 1 of title
9 6;

10 (III) The "Unfair Practices Act" in article 2 of title 6;

11 (IV) Article 12 of title 6; ~~and sections 6-1-110, 11-51-603.5,~~
12 ~~24-34-505.5, and 25.5-4-306;~~

13 (V) SECTION 6-1-110;

14 (VI) SECTION 11-51-603.5;

15 (VII) SECTION 24-34-505.5;

16 (VIII) SECTION 25.5-4-306;

17 (IX) THE "IMMIGRANT TENANT PROTECTION ACT" IN PART 12 OF
18 ARTICLE 12 OF TITLE 38;

19 (X) THE "MOBILE HOME PARK ACT" IN PART 2 OF ARTICLE 12 OF
20 TITLE 38;

21 (XI) THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND
22 ENFORCEMENT PROGRAM" IN PART 11 OF ARTICLE 12 OF TITLE 38;

23 (XII) PART 1 OF ARTICLE 12 OF TITLE 38; ■

24 (XIII) PART 7 OF ARTICLE 12 OF TITLE 38; **AND**

25 (XIV) SECTION 38-12-904 (1)(b).

26 **SECTION 3.** In Colorado Revised Statutes, 24-31-102, **amend**
27 (1)(h) and (1)(i); and **add** (1)(j) as follows:

1 **24-31-102. Offices, boards, and divisions.** (1) The department
2 of law, the chief executive officer of which is the attorney general,
3 includes the following:

4 (h) The financial empowerment office, created in part 11 of this
5 article 31; and

6 (i) ~~Notwithstanding section 24-1-107, any other division, office,~~
7 ~~or unit established by the attorney general or by law.~~ THE FAIR HOUSING
8 UNIT; AND

9 (j) NOTWITHSTANDING SECTION 24-1-107, ANY OTHER DIVISION,
10 OFFICE, OR UNIT ESTABLISHED BY THE ATTORNEY GENERAL OR BY LAW.

11 **SECTION 4.** In Colorado Revised Statutes, **add 24-31-115** as
12 follows:

13 **24-31-115. Housing unit - powers of attorney general or**
14 **district attorney - subpoenas - document production - remedies -**
15 **injunctive relief - penalties.** (1) WHEN THERE IS REASON TO BELIEVE
16 THAT THERE IS A POTENTIAL VIOLATION OF LAW THAT RISKS HARM TO A
17 CONSUMER, PUBLIC HEALTH, OR PUBLIC SAFETY, == THAT IS BASED ON A
18 SUBSTANTIATED COMPLAINT, THE ATTORNEY GENERAL MAY INVESTIGATE
19 ANY PERSON OR ORGANIZATION SUBJECT TO THIS ARTICLE 31 A
20 COMPLAINT IS NOT NECESSARY IF THE INFORMATION IS PROVIDED BY AN
21 AGENCY OF THE FEDERAL, STATE, OR A LOCAL GOVERNMENT THAT
22 REGULATES OR PROVIDES PROTECTIONS FOR CONSUMERS, TENANTS, AND
23 MOBILE HOME RESIDENTS. == THE ATTORNEY GENERAL MAY DIRECT OR
24 SUBPOENA ANY PERSON WHOSE TESTIMONY MAY BE REQUIRED ABOUT
25 POTENTIAL VIOLATIONS OF LAW AND MAY DIRECT OR SUBPOENA THE
26 PERSON TO PRODUCE RECORDS THE ATTORNEY GENERAL CONSIDERS
27 RELEVANT TO THE INQUIRY. NOTHING IN THIS SECTION LIMITS THE SCOPE

1 OF THE ATTORNEY GENERAL'S AUTHORITY TO REVIEW AND INVESTIGATE
2 POTENTIAL VIOLATIONS OF LAW OR HARM DISCOVERED IN THE COURSE OF
3 AN INVESTIGATION.

4 (2) NOTHING IN THIS SECTION IMPACTS OR AFFECTS BANKING
5 EXAMINATIONS AND REGULATIONS PROMULGATED BY PRIMARY FEDERAL
6 AND STATE BANKING AUTHORITIES, NOTWITHSTANDING THE AUTHORITY
7 THAT MAY BE EXERCISED BY THE ATTORNEY GENERAL UNDER SECTION
8 11-51-603.5.

9 (3) Venue for actions. UNTIL THE COLORADO SUPREME COURT
10 ADOPTS A VENUE PROVISION RELATING TO THIS ARTICLE 31, ACTIONS
11 INSTITUTED PURSUANT TO THIS ARTICLE 31 MAY BE BROUGHT IN ANY
12 COUNTY IN WHICH:

13 (a) AN ALLEGED VIOLATION OCCURRED OR IN WHICH ANY PORTION
14 OF A TRANSACTION INVOLVING AN ALLEGED VIOLATION OCCURRED;

15 (b) THE PRINCIPAL PLACE OF BUSINESS OF ANY DEFENDANT IS
16 LOCATED; OR

17 (c) ANY DEFENDANT RESIDES.

18 (4) (a) Powers. WHEN THE ATTORNEY GENERAL HAS REASONABLE
19 CAUSE TO BELIEVE THAT ANY PERSON, WHETHER IN THIS STATE OR
20 ELSEWHERE, HAS ENGAGED IN OR IS ENGAGING IN A VIOLATION OF ANY OF
21 THE PROVISIONS LISTED IN SECTION 24-31-101 (1)(i)(IX) TO (1)(i)(XIV),
22 THE ATTORNEY GENERAL MAY:

23 (I) REQUEST THE PERSON TO FILE A STATEMENT OR A REPORT IN
24 WRITING, UNDER OATH OR OTHERWISE, ON FORMS PRESCRIBED BY THE
25 ATTORNEY GENERAL, WITH RESPECT TO ALL FACTS AND CIRCUMSTANCES
26 CONCERNING THE ADVERTISEMENT OF PROPERTY BY THE PERSON AND ANY
27 OTHER DATA AND INFORMATION THE ATTORNEY GENERAL DEEMS

1 NECESSARY;
2 (II) EXAMINE UNDER OATH ANY PERSON IN CONNECTION WITH THE
3 SALE OR ADVERTISEMENT OF ANY PROPERTY;
4 (III) EXAMINE ANY PROPERTY OR SAMPLE THEREOF, RECORD,
5 BOOK, DOCUMENT, ACCOUNT, OR PAPER THE ATTORNEY GENERAL DEEMS
6 NECESSARY; AND
7 (IV) MAKE TRUE COPIES, AT THE EXPENSE OF THE ATTORNEY
8 GENERAL, OF ANY RECORD, BOOK, DOCUMENT, ACCOUNT, OR PAPER
9 EXAMINED PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION, WHICH
10 COPIES MAY BE OFFERED INTO EVIDENCE IN LIEU OF PRODUCING THE
11 ORIGINALS IN ANY ACTIONS BROUGHT BY THE ATTORNEY GENERAL.
12 (b) FOR PURPOSES OF THIS SECTION, "REASONABLE CAUSE" IS
13 BASED UPON A COMPLAINT CONCERNING A POTENTIAL VIOLATION OF THE
14 LAW WHEN THE ATTORNEY GENERAL BELIEVES THE ALLEGED VIOLATION
15 MAY AFFECT MORE THAN ONE PERSON OR BE PART OF A SERIES OF RELATED
16 VIOLATIONS AFFECTING MULTIPLE PERSONS.
17 (c) ANY REQUEST FOR PERSONALLY IDENTIFIABLE INFORMATION
18 MADE PURSUANT TO THIS SUBSECTION (4) IS SUBJECT TO THE
19 REQUIREMENTS OF SUBSECTION (5) OF THIS SECTION.
20 (5) Subpoenas - production of documents. (a) WHEN THE
21 ATTORNEY GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON,
22 WHETHER IN THIS STATE OR ELSEWHERE, HAS ENGAGED IN OR IS ENGAGING
23 IN A VIOLATION OF ANY OF THE PROVISIONS LISTED IN SECTION 24-31-101
24 (1)(i)(IX) TO (1)(i)(XIV), THE ATTORNEY GENERAL, IN ADDITION TO ANY
25 OTHER POWERS CONFERRED UPON THE ATTORNEY GENERAL BY THIS
26 ARTICLE 31, MAY ISSUE SUBPOENAS TO REQUIRE THE ATTENDANCE OF
27 WITNESSES OR THE PRODUCTION OF DOCUMENTS, ADMINISTER OATHS,

1 CONDUCT HEARINGS IN AID OF ANY INVESTIGATION OR INQUIRY, AND
2 PREScribe SUCH FORMS AND PROMULGATE SUCH RULES AS MAY BE
3 NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ARTICLE 31.

4 (b) SERVICE OF ANY NOTICE OR SUBPOENA MUST BE MADE IN THE
5 MANNER PRESCRIBED BY LAW OR AS PROVIDED IN RULE 4 OF THE
6 COLORADO RULES OF CIVIL PROCEDURE.

7 (c) IF THE RECORDS OF A PERSON WHO HAS BEEN ISSUED A
8 SUBPOENA ARE LOCATED OUTSIDE THIS STATE, THE PERSON SHALL EITHER:

9 (I) MAKE THEM AVAILABLE TO THE ATTORNEY GENERAL AT A
10 CONVENIENT LOCATION WITHIN THIS STATE; OR

11 (II) PAY THE REASONABLE AND NECESSARY EXPENSES FOR THE
12 ATTORNEY GENERAL OR DISTRICT ATTORNEY, OR THE ATTORNEY
13 GENERAL'S OR DISTRICT ATTORNEY'S DESIGNEE, TO EXAMINE THE RECORDS
14 AT THE LOCATION AT WHICH THE DOCUMENTS ARE MAINTAINED.

15 (d) THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY
16 DESIGNATE REPRESENTATIVES, INCLUDING COMPARABLE OFFICIALS OF THE
17 STATE IN WHICH THE RECORDS ARE LOCATED, TO INSPECT THE RECORDS ON
18 BEHALF OF THE ATTORNEY GENERAL OR DISTRICT ATTORNEY.

19 (6) **Inadmissible testimony.** (a) ANY TESTIMONY OBTAINED BY
20 THE ATTORNEY GENERAL PURSUANT TO COMPULSORY PROCESS UNDER
21 THIS ARTICLE 31 OR ANY INFORMATION DERIVED DIRECTLY OR INDIRECTLY
22 FROM SUCH TESTIMONY SHALL NOT BE ADMISSIBLE IN EVIDENCE IN ANY
23 CRIMINAL PROSECUTION AGAINST THE PERSON SO COMPELLED TO TESTIFY.
24 THIS SUBSECTION (6) SHALL NOT BE CONSTRUED TO PREVENT ANY LAW
25 ENFORCEMENT OFFICER FROM INDEPENDENTLY PRODUCING OR OBTAINING
26 THE SAME OR SIMILAR FACTS, INFORMATION, OR EVIDENCE FOR USE IN ANY
27 CRIMINAL PROSECUTION.

1 (b) SUBJECT TO SUBSECTION (8) OF THIS SECTION, THE RECORDS OF
2 INVESTIGATIONS OR INTELLIGENCE INFORMATION OF THE ATTORNEY
3 GENERAL OBTAINED UNDER THIS ARTICLE 31 MAY CONSTITUTE PUBLIC
4 RECORDS AVAILABLE FOR INSPECTION BY THE PUBLIC AT THE SOLE
5 DISCRETION OF THE ATTORNEY GENERAL. THIS SUBSECTION (6)(b) SHALL
6 NOT BE CONSTRUED TO PREVENT THE ATTORNEY GENERAL FROM ISSUING
7 PUBLIC STATEMENTS DESCRIBING OR WARNING OF ANY COURSE OF
8 CONDUCT OR ANY CONSPIRACY THAT CONSTITUTES A VIOLATION OF ANY
9 OF THE PROVISIONS LISTED IN SECTION 24-31-101 (1)(i)(IX) TO
10 (1)(i)(XIV), WHETHER ON A LOCAL, STATEWIDE, REGIONAL, OR
11 NATIONWIDE BASIS.

12 (7) Remedies. IF ANY PERSON FAILS TO COOPERATE WITH ANY
13 INVESTIGATION PURSUANT TO THIS ARTICLE 31 OR FAILS TO OBEY ANY
14 SUBPOENA PURSUANT TO THIS ARTICLE 31, THE ATTORNEY GENERAL MAY
15 APPLY TO THE APPLICABLE DISTRICT COURT FOR AN APPROPRIATE ORDER
16 TO EFFECT THE PURPOSES OF THIS ARTICLE. THE APPLICATION MUST STATE
17 THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE ORDER
18 APPLIED FOR IS NECESSARY TO INVESTIGATE A VIOLATION OF THIS ARTICLE
19 31. IF THE COURT IS SATISFIED THAT REASONABLE GROUNDS EXIST, THE
20 COURT IN ITS ORDER MAY:

21 (a) GRANT INJUNCTIVE RELIEF RESTRAINING THE ADVERTISEMENT
22 OF ANY PROPERTY BY SUCH PERSON;

23 (b) REQUIRE THE ATTENDANCE OF OR THE PRODUCTION OF
24 DOCUMENTS BY SUCH PERSON, OR BOTH; OR

25 (c) GRANT SUCH OTHER OR FURTHER RELIEF AS MAY BE
26 NECESSARY TO OBTAIN COMPLIANCE BY SUCH PERSON.

27 (8) Injunctive authority - assurances of discontinuance.

1 (a) WHENEVER THE ATTORNEY GENERAL HAS CAUSE TO BELIEVE THAT A
2 PERSON HAS ENGAGED IN OR IS ENGAGING IN A VIOLATION OF ANY OF THE
3 PROVISIONS LISTED IN SECTION 24-31-101 (1)(i)(IX) TO (1)(i)(XIV), THE
4 ATTORNEY GENERAL MAY APPLY FOR AND OBTAIN, IN AN ACTION IN THE
5 APPROPRIATE DISTRICT COURT OF THIS STATE, A TEMPORARY RESTRAINING
6 ORDER OR INJUNCTION, OR BOTH, PURSUANT TO THE COLORADO RULES OF
7 CIVIL PROCEDURE, PROHIBITING THE PERSON FROM CONTINUING OR
8 ENGAGING IN SUCH PRACTICES, OR DOING ANY ACT IN FURTHERANCE OF
9 SUCH PRACTICES. THE COURT MAY MAKE SUCH ORDERS OR JUDGMENTS AS
10 IS NECESSARY TO:

11 (I) PREVENT THE USE OR EMPLOYMENT BY SUCH PERSON OF ANY
12 SUCH PRACTICES;

13 (II) COMPLETELY COMPENSATE OR RESTORE THE ORIGINAL
14 POSITION OF ANY PERSON INJURED BY MEANS OF ANY SUCH PRACTICE; OR

15 (III) PREVENT ANY UNJUST ENRICHMENT BY ANY PERSON
16 THROUGH THE USE OR EMPLOYMENT OF ANY PRACTICE THAT IS IN
17 VIOLATION OF ANY OF THE PROVISIONS LISTED IN SECTION 24-31-101
18 (1)(i)(IX) TO (1)(i)(XIV).

19 (b) WHERE THE ATTORNEY GENERAL HAS AUTHORITY TO
20 INSTITUTE A CIVIL ACTION OR OTHER PROCEEDING PURSUANT TO THE
21 PROVISIONS OF THIS ARTICLE, THE ATTORNEY GENERAL MAY ACCEPT, IN
22 LIEU THEREOF OR AS A PART THEREOF, AN ASSURANCE OF
23 DISCONTINUANCE OF ANY PRACTICE THAT CONSTITUTES A VIOLATION OF
24 ANY OF THE PROVISIONS THAT ARE LISTED IN SECTION 24-31-101 (1)(i)(IX)
25 TO (1)(i)(XIV). ANY SUCH ASSURANCE OF DISCONTINUANCE MAY INCLUDE
26 A STIPULATION FOR THE VOLUNTARY PAYMENT BY THE ALLEGED
27 VIOLATOR OF THE COSTS OF INVESTIGATION AND THE COSTS OF ANY

1 ACTION OR PROCEEDING BY THE ATTORNEY GENERAL OR A DISTRICT
2 ATTORNEY AND ANY AMOUNT NECESSARY TO RESTORE TO ANY PERSON
3 ANY MONEY OR PROPERTY THAT MAY HAVE BEEN ACQUIRED BY THE
4 ALLEGED VIOLATOR BY MEANS OF A VIOLATION OF ANY OF THE
5 PROVISIONS THAT ARE LISTED IN SECTION 24-31-101 (1)(i)(IX) TO
6 (1)(i)(XIV). ANY SUCH ASSURANCE OR DISCONTINUANCE ACCEPTED BY
7 THE ATTORNEY GENERAL AND ANY SUCH STIPULATION FILED WITH THE
8 COURT AS A PART OF ANY SUCH ACTION OR PROCEEDING IS A MATTER OF
9 PUBLIC RECORD UNLESS THE ATTORNEY GENERAL DETERMINES, IN THE
10 ATTORNEY GENERAL'S SOLE DISCRETION, THAT THE ASSURANCE OF
11 DISCONTINUANCE AND ANY STIPULATION ARE CONFIDENTIAL TO THE
12 PARTIES TO THE ACTION OR PROCEEDING AND TO THE COURT AND ITS
13 EMPLOYEES. UPON THE FILING OF A CIVIL ACTION BY THE ATTORNEY
14 GENERAL ALLEGING THAT A CONFIDENTIAL ASSURANCE OF
15 DISCONTINUANCE OR STIPULATION ACCEPTED PURSUANT TO THIS
16 SUBSECTION (8)(b) HAS BEEN VIOLATED, THE ASSURANCE OF
17 DISCONTINUANCE OR STIPULATION IS DEEMED A PUBLIC RECORD AND OPEN
18 TO INSPECTION BY ANY PERSON. PROOF BY A PREPONDERANCE OF THE
19 EVIDENCE OF A VIOLATION OF ANY SUCH ASSURANCE OR STIPULATION
20 CONSTITUTES PRIMA FACIE EVIDENCE OF A DECEPTIVE TRADE PRACTICE
21 FOR THE PURPOSES OF ANY CIVIL ACTION OR PROCEEDING BROUGHT
22 THEREAFTER BY THE ATTORNEY GENERAL, WHETHER A NEW ACTION OR A
23 SUBSEQUENT MOTION OR PETITION IN ANY PENDING ACTION OR
24 PROCEEDING.

25 (9) Penalties. IN ORDER TO ENFORCE THE PROVISIONS OF THIS
26 ARTICLE 31, IN ADDITION TO ANY PENALTIES STATED IN THIS ARTICLE 31,
27 THE ATTORNEY GENERAL MAY SEEK ANY OF THE PENALTIES OR OTHER

1 ENFORCEMENT MECHANISMS SPECIFIED IN THE "IMMIGRANT TENANT
2 PROTECTION ACT", PART 12 OF ARTICLE 12 OF TITLE 38; THE "MOBILE
3 HOME PARK ACT", PART 2 OF ARTICLE 12 OF TITLE 38; THE "MOBILE
4 HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM",
5 PART 11 OF ARTICLE 12 OF TITLE 38; PART 1 OF ARTICLE 12 OF TITLE 38;
6 PART 7 OF ARTICLE 12 OF TITLE 38; AND SECTION 38-12-904 (1)(b), ALONG
7 WITH COSTS TO ENFORCE THESE PROVISIONS.

8 (10) **Limitations.** ALL ACTIONS BROUGHT UNDER THIS ARTICLE 31
9 MUST BE COMMENCED WITHIN THREE YEARS AFTER THE DATE ON WHICH
10 A VIOLATION OCCURRED OR THE DATE ON WHICH THE LAST IN A SERIES OF
11 SUCH ACTS OR PRACTICES OCCURRED OR WITHIN THREE YEARS AFTER THE
12 CONSUMER DISCOVERED OR IN THE EXERCISE OF REASONABLE DILIGENCE
13 SHOULD HAVE DISCOVERED THE VIOLATION. THE PERIOD OF LIMITATION
14 PROVIDED IN THIS SECTION MAY BE EXTENDED FOR A PERIOD OF ONE YEAR
15 IF THE ATTORNEY GENERAL PROVES THAT FAILURE TO TIMELY COMMENCE
16 THE ACTION WAS CAUSED BY THE DEFENDANT ENGAGING IN CONDUCT
17 CALCULATED TO INDUCE THE ATTORNEY GENERAL TO REFRAIN FROM OR
18 POSTPONE THE COMMENCEMENT OF THE ACTION.

19 **SECTION 5. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2022 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.