

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

**INTRODUCED**

LLS NO. 17-0833.01 Jane Ritter x4342

**HOUSE BILL 17-1314**

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**HOUSE SPONSORSHIP**

**Melton and Salazar,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF THE "COLORADO RIGHT TO REST**  
102 **ACT".**

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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://leg.colorado.gov>.)*

The bill creates the "Colorado Right to Rest Act", which establishes basic rights for persons experiencing homelessness, including, but not limited to, the right to use and move freely in public spaces, to rest in public spaces, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of privacy of one's property. The bill does not

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.*

create an obligation for a provider of services for persons experiencing homelessness to provide shelter or services when none are available.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 4.5 to title  
3 24 as follows:

4 **ARTICLE 4.5**

5 **Colorado Right to Rest Act**

6 **24-4.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 4.5 IS  
7 THE "COLORADO RIGHT TO REST ACT".

8 **24-4.5-102. Legislative declaration.** (1) THE GENERAL  
9 ASSEMBLY FINDS AND DECLARES THAT:

10 (a) MANY PERSONS EXPERIENCE HOMELESSNESS BECAUSE OF  
11 ECONOMIC HARDSHIP, A SEVERE SHORTAGE OF SAFE AND AFFORDABLE  
12 HOUSING, THE INABILITY TO SECURE GAINFUL EMPLOYMENT, AND A  
13 DISINTEGRATING AND SHRINKING SOCIAL SAFETY NET;

14 (b) RESPONDING TO THE GROWING CRISIS OF HOMELESSNESS WITH  
15 CRIMINAL SANCTIONS TO PUSH PEOPLE OUT OF PUBLIC SPACES AND INTO  
16 COURTS AND JAILS IS COSTLY, INHUMANE, INEFFECTIVE, AND VIOLATES  
17 BASIC CIVIL, HUMAN, AND CONSTITUTIONAL RIGHTS;

18 (c) THE EXISTENCE OF HOMELESSNESS REQUIRES THAT CIVIL AND  
19 HUMAN RIGHTS THAT ARE AMPLY PROTECTED IN THE HOME AND IN OTHER  
20 PRIVATE PLACES BE EXTENDED TO THE PUBLIC SPACES IN WHICH PERSONS  
21 EXPERIENCING HOMELESSNESS LIVE TO ENSURE THE EQUAL RIGHTS OF ALL  
22 COLORADANS;

23 (d) CITIES THROUGHOUT COLORADO ARE ENACTING AND  
24 ENFORCING LAWS THAT CRIMINALIZE BASIC ACTS OF SURVIVAL, SUCH AS  
25 SLEEPING, SITTING, LOITERING, SLEEPING IN A LEGALLY PARKED VEHICLE,

1 HAVING A REASONABLE EXPECTATION OF PRIVACY IN PERSONAL  
2 PROPERTY, STORING BELONGINGS, ASKING FOR HELP, AND USING A  
3 BLANKET, SLEEPING BAG, TENT, OR OTHER STRUCTURE TO PROTECT  
4 ONESELF IN A NON-OBSTRUCTIVE MANNER FROM THE ELEMENTS  
5 REGARDLESS OF OUTDOOR TEMPERATURE. SUCH LAWS RESULT IN PEOPLE  
6 IN COLORADO BEING CRIMINALLY PUNISHED FOR DOING WHAT ANY  
7 PERSON MUST DO TO SURVIVE.

8 (e) LOCAL ORDINANCES OF THIS KIND DO NOT REDUCE THE  
9 INCIDENCE OF HOMELESSNESS OR CRIME. INSTEAD, THEY INCREASE  
10 INCARCERATION RATES AND THE FINANCIAL INDEBTEDNESS OF PEOPLE  
11 WHO SIMPLY HAVE NO MEANS OF SUPPORTING THEMSELVES. THE LOCAL  
12 ORDINANCES PROLONG HOMELESSNESS BY MAKING IT MORE DIFFICULT FOR  
13 PEOPLE TO SECURE HOUSING, EMPLOYMENT, AND MEDICAL CARE.

14 (f) WHILE THESE LOCAL ORDINANCES APPLY TO ALL RESIDENTS OF  
15 A CITY OR MUNICIPALITY, THEY DISPROPORTIONATELY IMPACT PEOPLE  
16 EXPERIENCING HOMELESSNESS. THEY ARE OFTEN SELECTIVELY ENFORCED  
17 AGAINST PEOPLE BASED UPON THEIR APPEARANCE OR AN ASSUMPTION OF  
18 HOMELESSNESS.

19 (g) PROHIBITING LOCAL GOVERNMENTS FROM PASSING OR  
20 ENFORCING LAWS THAT DISPROPORTIONATELY IMPACT PERSONS  
21 EXPERIENCING HOMELESSNESS, OR THAT HAVE THE DIRECT INTENT TO  
22 IMPACT PERSONS EXPERIENCING HOMELESSNESS, ALLOWS LOCAL  
23 GOVERNMENTS TO REDIRECT RESOURCES AND SHIFT THE FOCUS FROM LAW  
24 ENFORCEMENT TO POSITIVE APPROACHES THAT DIRECTLY ADDRESS  
25 HOMELESSNESS AND POVERTY.

26 **24-4.5-103. Definitions.** AS USED IN THIS ARTICLE 4.5, UNLESS  
27 THE CONTEXT OTHERWISE REQUIRES:

1           (1) "DISTRICT" MEANS A BUSINESS IMPROVEMENT DISTRICT AS  
2     DEFINED IN SECTION 31-25-1203 (3).

3           (2) "DISTRICT AGENT" MEANS A PERSON HIRED BY A DISTRICT.

4           (3) "HARASSMENT" HAS THE SAME MEANING AS SET FORTH IN  
5     SECTION 18-9-111.

6           (4) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN  
7     SECTION 42-1-102 (58), AND INCLUDES AUTOMOBILES, CAMPER TRAILERS,  
8     COMMERCIAL VEHICLES, AND MOTOR HOMES, AS THOSE MOTOR VEHICLES  
9     ARE DEFINED IN SECTION 42-1-102.

10          (5) "OBSTRUCTION" OR "OBSTRUCTING THE USE OF OR ACCESS TO  
11     PRIVATE SPACE" DOES NOT INCLUDE CONDUCT UNDERTAKEN ON PUBLIC  
12     SPACE, UNLESS SUCH CONDUCT RESULTS IN THE BLOCKING OF AN  
13     ENTRYWAY TO PRIVATE PROPERTY OR RENDERS A STREET, SIDEWALK, OR  
14     PASSAGEWAY IMPASSABLE OR HAZARDOUS.

15          (6) "PERSON EXPERIENCING HOMELESSNESS" MEANS A PERSON  
16     WHO DOES NOT HAVE A FIXED OR REGULAR RESIDENCE AND WHO MAY LIVE  
17     ON THE STREET OR OUTDOORS, IN A HOMELESS SHELTER OR OTHER  
18     TEMPORARY RESIDENCE, IN A VEHICLE, OR IN AN ENCLOSURE OR  
19     STRUCTURE THAT IS NOT AUTHORIZED OR FIT FOR HUMAN HABITATION.

20          (7) "PUBLIC SPACE" MEANS ANY PROPERTY THAT IS OWNED OR  
21     LEASED BY A STATE OR LOCAL GOVERNMENT ENTITY OR ANY PROPERTY  
22     UPON WHICH THERE IS AN EASEMENT FOR PUBLIC USE. WHEN USED IN THE  
23     CONTEXT OF AN ENCLOSED BUILDING OR STRUCTURE, THE TERM "PUBLIC  
24     SPACE" APPLIES ONLY WHEN THE BUILDING OR STRUCTURE IS OPEN TO THE  
25     PUBLIC.

26          (8) "REST" MEANS THE STATE OF NOT MOVING AND HOLDING  
27     CERTAIN POSTURES THAT INCLUDE SITTING, STANDING, LEANING,

1 KNEELING, SQUATTING, SLEEPING, OR LYING DOWN.

2 **24-4.5-104. Protected rights - prohibition of laws, rules,**  
3 **regulations, and ordinances that abridge rights.** (1) THE STATE OF  
4 COLORADO AND THE COUNTIES, CITIES, MUNICIPALITIES, AND OTHER  
5 SUBDIVISIONS OF THE STATE SHALL NOT ENACT ANY LAW, ORDINANCE,  
6 RULE, OR REGULATION THAT LIMITS, PROHIBITS, OR PENALIZES:

7 (a) THE RIGHT TO USE AND MOVE FREELY IN PUBLIC SPACES;

8 (b) THE RIGHT TO REST IN PUBLIC SPACES AND PROTECT ONESELF  
9 FROM THE ELEMENTS IN A MANNER THAT DOES NOT OBSTRUCT THE USE OF  
10 OR ACCESS TO PRIVATE PROPERTY;

11 (c) THE RIGHT TO EAT, SHARE, ACCEPT, OR GIVE FOOD IN ANY  
12 PUBLIC SPACE WHERE FOOD IS NOT PROHIBITED;

13 (d) THE RIGHT TO OCCUPY A PERSON'S OWN MOTOR VEHICLE OR  
14 OCCUPY A MOTOR VEHICLE WITH THE OWNER'S PERMISSION, PROVIDED  
15 THAT THE MOTOR VEHICLE IS LEGALLY PARKED ON PUBLIC PROPERTY OR  
16 PARKED ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY  
17 OWNER; AND

18 (e) THE RIGHT TO A REASONABLE EXPECTATION OF PRIVACY ON  
19 ONE'S PERSONAL PROPERTY IN PUBLIC SPACES TO THE SAME EXTENT AS  
20 PERSONAL PROPERTY IN A PRIVATE RESIDENCE OR OTHER PRIVATE PLACE.

21 (2) THE STATE, AND ANY COUNTY, CITY, MUNICIPALITY, OR OTHER  
22 SUBDIVISION THAT HAS LAWS, ORDINANCES, RULES, OR REGULATIONS  
23 THAT LIMIT, PROHIBIT, OR PENALIZE ANY OF THE ACTIVITIES SET FORTH IN  
24 SUBSECTION (1) OF THIS SECTION SHALL CEASE ENFORCEMENT OF SUCH  
25 LAWS, ORDINANCES, RULES, OR REGULATIONS UPON THE EFFECTIVE DATE  
26 OF THIS SECTION.

27 (3) EVERY PERSON HAS THE RIGHTS ENUMERATED IN SUBSECTION

1 (1) OF THIS SECTION AND MAY EXERCISE THOSE RIGHTS WITHOUT BEING  
2 SUBJECT TO CRIMINAL OR CIVIL SANCTIONS OR HARASSMENT BY LAW  
3 ENFORCEMENT, PUBLIC OR PRIVATE SECURITY PERSONNEL, OR DISTRICT  
4 AGENTS, OR ANY OTHER ACTIVITIES FOR THE PURPOSE OF MAKING THE  
5 PERSON MOVE ALONG.

6 **24-4.5-105. Liability.** THE PROVISIONS OF THIS ARTICLE 4.5 DO  
7 NOT CREATE AN OBLIGATION ON THE PART OF ANY PROVIDER OF SERVICES  
8 TO PERSONS EXPERIENCING HOMELESSNESS TO PROVIDE SHELTER OR  
9 OTHER SERVICES WHEN NO SUCH SERVICES ARE AVAILABLE OR WHEN THE  
10 RULES OR POLICIES OF THE PROVIDER DISQUALIFY THE PERSON FROM  
11 RECEIVING SERVICES.

12 **SECTION 2. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.