A BILL FOR AN ACT

CONCERNING A PROHIBITION ON A LANDLORD ENGAGING IN CERTAIN ACTIVITIES RELATED TO A TENANT'S CITIZENSHIP STATUS.

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 "Immigrant Tenant Protection Act" (Act), which prohibits a landlord from:

! Demanding, requesting, or collecting information regarding or relating to the immigration or citizenship status of a tenant;
! Disclosing or threatening to disclose information regarding...
or relating to the immigration or citizenship status of a tenant to any person, entity, or immigration or law enforcement agency;

- Harassing, intimidating, or retaliating against a tenant for exercising the tenant's rights or opposing prohibited conduct;
- Interfering with a tenant's rights, including influencing or attempting to influence a tenant to surrender possession of a dwelling unit or to not seek to occupy a dwelling unit based solely or in part on the immigration or citizenship status of the tenant;
- Refusing to enter into a lease agreement or approve a subtenancy, or to otherwise preclude a tenant from occupying a dwelling unit, based solely or in part on the immigration or citizenship status of the tenant; and
- Bringing an action to recover possession of a dwelling unit based solely or in part on the immigration or citizenship status of a tenant.

The Act is enforceable through a private right of action.

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

SECTION 1. In Colorado Revised Statutes, add part 12 to article 2 of title 38 as follows:

PART 12

IMMIGRANT TENANT PROTECTION ACT

38-12-1201. Short title. The short title of this part 12 is the "IMMIGRANT TENANT PROTECTION ACT".

38-12-1202. Definitions. As used in this part 12, unless the context otherwise requires:

(1) "DWELLING UNIT" MEANS A ROOM OR SUITE OF ROOMS, A MOBILE HOME AS DEFINED IN SECTION 38-12-201.5 (2), OR OTHER RESIDENTIAL REAL ESTATE USED FOR HUMAN HABITATION AND FOR WHICH A LANDLORD AND A TENANT HAVE A WRITTEN OR ORAL AGREEMENT.

(2) "IMMIGRATION OR CITIZENSHIP STATUS" MEANS A PERSON'S
ACTUAL OR PERCEIVED IMMIGRATION OR CITIZENSHIP STATUS.

(3) (a) "LANDLORD" MEANS THE OWNER, AGENT, LESSOR, OR SUBLESSOR OF A DWELLING UNIT, OR THE BUILDING OF WHICH IT IS PART, AND ANY PERSON AUTHORIZED TO EXERCISE ANY ASPECT OF THE MANAGEMENT OF THE PREMISES, INCLUDING ANY PERSON WHO DIRECTLY OR INDIRECTLY RECEIVES RENTS AND HAS NO OBLIGATION TO DELIVER THE WHOLE OF THE RECEIPTS TO ANOTHER PERSON.

(b) "LANDLORD" INCLUDES:

(I) THE OWNER OF A MOBILE HOME PARK; AND

(II) A SUCCESSOR IN INTEREST TO ANY PERSON LISTED IN SUBSECTION (3)(a) OR (3)(b)(I) OF THIS SECTION.

(4) (a) "TENANT" MEANS A PERSON ENTITLED BY WRITTEN OR ORAL AGREEMENT, BY SUBTENANCY APPROVED BY THE LANDLORD OR BY SUFFERANCE, OR BY LAW TO OCCUPY A DWELLING UNIT TO THE EXCLUSION OF OTHERS.

(b) "TENANT" INCLUDES A PROSPECTIVE TENANT OR ANY OTHER PERSON SEEKING TO OCCUPY A DWELLING UNIT TO THE EXCLUSION OF OTHERS.

38-12-1203. Prohibition on activities related to a tenant's immigration or citizenship status. (1) Except as otherwise provided in this section or required by law or court order, a LANDLORD SHALL NOT:

(a) DEMAND, REQUEST, OR COLLECT INFORMATION REGARDING OR RELATING TO THE IMMIGRATION OR CITIZENSHIP STATUS OF A TENANT;

(b) DISCLOSE OR THREATEN TO DISCLOSE INFORMATION REGARDING OR RELATING TO THE IMMIGRATION OR CITIZENSHIP STATUS OF A TENANT TO ANY PERSON, ENTITY, OR IMMIGRATION OR LAW
ENFORCEMENT AGENCY;

(c) HARASS OR INTIMIDATE A TENANT OR RETALIATE AGAINST A TENANT FOR:

(I) EXERCISING THE TENANT’S RIGHTS UNDER THIS PART 12; OR

(II) OPPOSING ANY CONDUCT PROHIBITED BY THIS PART 12;

(d) INTERFERE WITH A TENANT’S RIGHTS UNDER THIS PART 12, INCLUDING INFLUENCING OR ATTEMPTING TO INFLUENCE A TENANT TO SURRENDER POSSESSION OF A DWELLING UNIT OR TO NOT SEEK TO OCCUPY A DWELLING UNIT BASED SOLELY OR IN PART ON THE IMMIGRATION OR CITIZENSHIP STATUS OF THE TENANT;

(e) REFUSE TO ENTER INTO A LEASE AGREEMENT OR TO APPROVE A SUBTENANCY, OR TO OTHERWISE PRECLUDE A TENANT FROM OCCUPYING A DWELLING UNIT, BASED SOLELY OR IN PART ON THE IMMIGRATION OR CITIZENSHIP STATUS OF THE TENANT; OR

(f) BRING AN ACTION TO RECOVER POSSESSION OF A DWELLING UNIT BASED SOLELY OR IN PART ON THE IMMIGRATION OR CITIZENSHIP STATUS OF A TENANT.

38-12-1204. Authorized conduct. (1) Section 38-12-1203 does not prohibit a landlord from:

(a) complying with any legal obligation under federal, state, or local law, including any legal obligation under a government program that provides rent limitations or rental assistance to a qualified tenant, a subpoena, a warrant, or a court order of any kind;

(b) requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant; or
38-12-1205. Remedies. (1) If a landlord engages in prohibited conduct described in section 38-12-1203 against a tenant, the tenant may bring a civil action to seek any one or more of the following remedies:

(a) Compensatory damages for injury or loss suffered;

(b) A civil penalty in an amount not to exceed two thousand dollars for each violation, payable to the tenant;

(c) Costs, including reasonable attorney fees; and

(d) Other equitable relief the court finds appropriate.

(2) Nothing in this part 12 renders the immigration or citizenship status of a tenant relevant to any issue of liability or remedy in a civil action involving a tenant's housing rights. In proceedings or discovery undertaken in a civil action involving a tenant's housing rights, no inquiry shall be permitted into the tenant's immigration or citizenship status.
UNLESS:

(a) THE CLAIMS OR DEFENSES RAISED BY THE TENANT PLACE THE
TENANT'S IMMIGRATION OR CITIZENSHIP STATUS DIRECTLY IN
CONTENTION; OR

(b) THE PERSON SEEKING TO MAKE THE INQUIRY DEMONSTRATES
BY CLEAR AND CONVINCING EVIDENCE THAT THE INQUIRY IS NECESSARY
IN ORDER TO COMPLY WITH FEDERAL LAW.

(3) IF A CIVIL ACTION IS COMMENCED PURSUANT TO THIS SECTION,
ANY PARTY TO THE CIVIL ACTION MAY DEMAND A TRIAL BY JURY.

SECTION 2. Act subject to petition - effective date -
applicability. (1) This act takes effect at 12:01 a.m. on the day following
the expiration of the ninety-day period after final adjournment of the
general assembly (August 5, 2020, if adjournment sine die is on May 6,
2020); except that, if a referendum petition is filed pursuant to section 1
(3) of article V of the state constitution against this act or an item, section,
or part of this act within such period, then the act, item, section, or part
will not take effect unless approved by the people at the general election
to be held in November 2020 and, in such case, will take effect on the
date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on and after the
applicable effective date of this act.