

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

ENGROSSED

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

LLS NO. 20-1333.01 Richard Sweetman x4333

SENATE BILL 20-224

SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON A LANDLORD ENGAGING IN CERTAIN**
102 **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", which prohibits a landlord from engaging in certain housing practices or related activities based on the immigration or citizenship status of a tenant.

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

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
2nd Reading Unamended
June 10, 2020

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

3 **PART 12**

4 **IMMIGRANT TENANT PROTECTION ACT**

5 **38-12-1201. Short title.** THE SHORT TITLE OF THIS PART 12 IS THE
6 "IMMIGRANT TENANT PROTECTION ACT".

7 **38-12-1202. Definitions.** AS USED IN THIS PART 12, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

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

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

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

21 (b) "LANDLORD" INCLUDES:

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

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

25 (4) (a) "TENANT" MEANS A PERSON ENTITLED BY WRITTEN OR
26 ORAL AGREEMENT, BY SUBTENANCY APPROVED BY THE LANDLORD, BY
27 TENANCY AT SUFFERANCE, OR BY LAW TO OCCUPY A DWELLING UNIT TO

1 THE EXCLUSION OF OTHERS.

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

5 **38-12-1203. Prohibition on activities related to a tenant's**
6 **immigration or citizenship status.** (1) ON AND AFTER JANUARY 1, 2021,
7 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR REQUIRED BY LAW
8 OR COURT ORDER, A LANDLORD SHALL NOT:

9 (a) DEMAND, REQUEST, OR COLLECT INFORMATION REGARDING OR
10 RELATING TO THE IMMIGRATION OR CITIZENSHIP STATUS OF A TENANT;
11 EXCEPT THAT A LANDLORD THAT IS ALSO THE TENANT'S EMPLOYER MAY
12 LAWFULLY COLLECT INFORMATION REQUIRED TO COMPLETE ANY
13 EMPLOYMENT FORM REQUIRED BY STATE OR FEDERAL LAW;

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

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

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

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

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

27 (e) REFUSE TO ENTER INTO A LEASE AGREEMENT OR TO APPROVE

1 A SUBTENANCY, OR TO OTHERWISE PRECLUDE A TENANT FROM OCCUPYING
2 A DWELLING UNIT, BASED SOLELY OR IN PART ON THE IMMIGRATION OR
3 CITIZENSHIP STATUS OF THE TENANT; OR

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

7 **38-12-1204. Authorized conduct.** (1) SECTION 38-12-1203 DOES
8 NOT PROHIBIT A LANDLORD FROM:

9 (a) COMPLYING WITH ANY LEGAL OBLIGATION UNDER:

10 (I) FEDERAL, STATE, OR LOCAL LAW, INCLUDING ANY LEGAL
11 OBLIGATION UNDER A GOVERNMENT PROGRAM OR PURSUANT TO A
12 CONDITION OF GOVERNMENT FUNDING, IF THE GOVERNMENT PROGRAM OR
13 GOVERNMENT FUNDING PROVIDES RENT LIMITATIONS OR RENTAL
14 ASSISTANCE TO A TENANT;

15 (II) A SUBPOENA;

16 (III) A WARRANT; OR

17 (IV) A COURT ORDER OF ANY KIND;

18 (b) REQUESTING INFORMATION OR DOCUMENTATION NECESSARY
19 TO DETERMINE OR VERIFY THE FINANCIAL QUALIFICATIONS OF A
20 PROSPECTIVE TENANT, PROVIDED THE LANDLORD REQUESTS THE SAME
21 INFORMATION OR DOCUMENTATION OF ALL PROSPECTIVE TENANTS
22 REGARDLESS OF IMMIGRATION OR CITIZENSHIP STATUS, INCLUDING
23 REQUESTING A SOCIAL SECURITY NUMBER OR RELEVANT TAXPAYER
24 IDENTIFICATION NUMBER; OR

25 (c) DELIVERING TO THE TENANT AN ORAL OR WRITTEN NOTICE
26 REGARDING CONDUCT BY THE TENANT THAT VIOLATES OR MAY VIOLATE
27 ANY APPLICABLE LEASE AGREEMENT OR LAW.

1 (2) SECTION 38-12-1203 DOES NOT ENLARGE OR DIMINISH A
2 LANDLORD'S RIGHT TO TERMINATE A TENANCY PURSUANT TO EXISTING
3 STATE OR LOCAL LAW OR THE ABILITY OF A UNIT OF FEDERAL, STATE, OR
4 LOCAL GOVERNMENT TO REGULATE OR ENFORCE A PROHIBITION AGAINST
5 A LANDLORD'S HARASSMENT OF A TENANT.

6 (3) NOTHING IN THIS PART 12:

7 (a) PREVENTS A LANDLORD FROM SEEKING TO COLLECT RENT DUE
8 UNDER THE LEASE AGREEMENT; OR

9 (b) PERMITS A LANDLORD TO VIOLATE SECTION 8-2-130.

10 (4) ANY WAIVER OF A RIGHT UNDER THIS PART 12 BY A TENANT IS
11 VOID AS A MATTER OF PUBLIC POLICY.

12 **38-12-1205. Remedies.** (1) IF A LANDLORD ENGAGES IN
13 PROHIBITED CONDUCT DESCRIBED IN SECTION 38-12-1203 AGAINST A
14 TENANT, THE TENANT MAY BRING A CIVIL ACTION TO SEEK ANY ONE OR
15 MORE OF THE FOLLOWING REMEDIES:

16 (a) COMPENSATORY DAMAGES FOR INJURY OR LOSS SUFFERED;

17 (b) A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TWO
18 THOUSAND DOLLARS FOR EACH VIOLATION, PAYABLE TO THE TENANT;

19 (c) COSTS, INCLUDING REASONABLE ATTORNEY FEES; AND

20 (d) OTHER EQUITABLE RELIEF THE COURT FINDS APPROPRIATE.

21 (2) NOTHING IN THIS PART 12 RENDERS THE IMMIGRATION OR
22 CITIZENSHIP STATUS OF A TENANT RELEVANT TO ANY ISSUE OF LIABILITY
23 OR REMEDY IN A CIVIL ACTION INVOLVING A TENANT'S HOUSING RIGHTS.
24 IN PROCEEDINGS OR DISCOVERY UNDERTAKEN IN A CIVIL ACTION
25 INVOLVING A TENANT'S HOUSING RIGHTS, NO INQUIRY SHALL BE
26 PERMITTED INTO THE TENANT'S IMMIGRATION OR CITIZENSHIP STATUS
27 UNLESS:

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

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

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

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