

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

REVISED

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

LLS NO. 20-1333.01 Richard Sweetman x4333

SENATE BILL 20-224

SENATE SPONSORSHIP

Gonzales, Danielson, Donovan, Fenberg, Foote, Hansen, Moreno, Pettersen, Priola, Story,
Winter

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Veterans, & Military Affairs

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.

HOUSE
Amended 2nd Reading
June 11, 2020

SENATE
3rd Reading Unamended
June 11, 2020

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 STRUCTURE OR THE PART OF A
10 STRUCTURE THAT IS USED AS A HOME, RESIDENCE, OR SLEEPING PLACE BY
11 A TENANT. "DWELLING UNIT" INCLUDES A MOBILE HOME, AS DEFINED
12 SECTION 38-12-201.5 (2).

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

15 (3) "LANDLORD" MEANS THE OWNER, MANAGER, LESSOR, OR
16 SUBLESSOR OF A RESIDENTIAL PREMISES.

17 (4) "RENTAL AGREEMENT" MEANS ANY AGREEMENT, WRITTEN OR
18 IMPLIED BY LAW, BETWEEN A LANDLORD AND A TENANT EMBODYING THE
19 TERMS AND CONDITIONS CONCERNING THE USE AND OCCUPANCY OF A
20 RESIDENTIAL PREMISES.

21 (5) "RESIDENTIAL PREMISES" MEANS A STRUCTURE OF WHICH ONE
22 OR MORE DWELLING UNITS ARE PART, INCLUDING ANY IMMEDIATELY
23 SURROUNDING PROPERTY THAT IS OWNED BY OR SUBJECT TO THE
24 EXCLUSIVE CONTROL OF A PERSON WHO CONTROLS SUCH A DWELLING
25 UNIT.

26 (6) (a) "TENANT" MEANS A PERSON ENTITLED UNDER A RENTAL
27 AGREEMENT TO OCCUPY A DWELLING UNIT TO THE EXCLUSION OF OTHERS.

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

4 **38-12-1203. Prohibition on activities related to a tenant's**
5 **immigration or citizenship status.** (1) ON AND AFTER JANUARY 1, 2021,
6 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR REQUIRED BY LAW
7 OR COURT ORDER, A LANDLORD SHALL NOT:

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

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

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

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

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

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

26 (e) REFUSE TO ENTER INTO A RENTAL AGREEMENT OR TO APPROVE
27 A SUBTENANCY, OR TO OTHERWISE PRECLUDE A TENANT FROM OCCUPYING

1 A DWELLING UNIT, BASED SOLELY OR IN PART ON THE IMMIGRATION OR
2 CITIZENSHIP STATUS OF THE TENANT; OR

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

6 **38-12-1204. Authorized conduct.** (1) SECTION 38-12-1203 DOES
7 NOT PROHIBIT A LANDLORD FROM:

8 (a) COMPLYING WITH ANY LEGAL OBLIGATION UNDER:

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

14 (II) A SUBPOENA;

15 (III) A WARRANT; OR

16 (IV) A COURT ORDER OF ANY KIND;

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

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

27 (2) SECTION 38-12-1203 DOES NOT ENLARGE OR DIMINISH A

1 LANDLORD'S RIGHT TO TERMINATE A TENANCY PURSUANT TO EXISTING
2 STATE OR LOCAL LAW OR THE ABILITY OF A UNIT OF FEDERAL, STATE, OR
3 LOCAL GOVERNMENT TO REGULATE OR ENFORCE A PROHIBITION AGAINST
4 A LANDLORD'S HARASSMENT OF A TENANT.

5 (3) NOTHING IN THIS PART 12:

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

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

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

11 **38-12-1205. Remedies.** (1) IF A LANDLORD ENGAGES IN
12 PROHIBITED CONDUCT DESCRIBED IN SECTION 38-12-1203 AGAINST A
13 TENANT, THE TENANT MAY BRING A CIVIL ACTION TO SEEK ANY ONE OR
14 MORE OF THE FOLLOWING REMEDIES:

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

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

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

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

20 (2) NOTHING IN THIS PART 12 RENDERS THE IMMIGRATION OR
21 CITIZENSHIP STATUS OF A TENANT RELEVANT TO ANY ISSUE OF LIABILITY
22 OR REMEDY IN A CIVIL ACTION INVOLVING A TENANT'S HOUSING RIGHTS.

23 IN PROCEEDINGS OR DISCOVERY UNDERTAKEN IN A CIVIL ACTION
24 INVOLVING A TENANT'S HOUSING RIGHTS, NO INQUIRY SHALL BE
25 PERMITTED INTO THE TENANT'S IMMIGRATION OR CITIZENSHIP STATUS
26 UNLESS:

27 (a) THE CLAIMS OR DEFENSES RAISED BY THE TENANT PLACE THE

1 TENANT'S IMMIGRATION OR CITIZENSHIP STATUS DIRECTLY IN
2 CONTENTION; OR

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

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

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