

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1333.01 Richard Sweetman x4333

SENATE BILL 20-224

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SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

(None),

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

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

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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 "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.

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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.



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.