

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0238.01 Bob Lackner x4350

HOUSE BILL 22-1082

HOUSE SPONSORSHIP

Hooton,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF STATE HOUSING LAWS BY THE**
102 **DEPARTMENT OF LAW, AND, IN CONNECTION THEREWITH,**
103 **ESTABLISHING A FAIR HOUSING UNIT WITHIN THE DEPARTMENT**
104 **OF LAW.**

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:

- Expands the statutory list of state laws for which the attorney general may bring civil and criminal enforcement

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.

- actions to include various statutory provisions relating to housing; and
- Creates the fair housing unit within the department of law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, declares, and determines that:

4 (a) According to the report issued by the affordable housing
5 transformational task force released in January 2022, an estimated
6 315,000 households in Colorado spend more than fifty percent of their
7 income on housing costs. The report also found that there are 162,557
8 households in the state that are considered to be extremely low income,
9 but only 48,767 housing units that are affordable and available to these
10 families.

11 (b) There is fewer than one legal aid attorney available for every
12 30,000 Coloradans experiencing poverty;

13 (c) This lack of legal assistance leaves Coloradans vulnerable to
14 abuses as they struggle to find stable and affordable housing;

15 (d) Even when a Coloradan is able to obtain relief, such
16 individualized relief often does not lead to systemic change or assist
17 another person similarly situated; and

18 (e) Without safe and stable housing, Coloradans struggle to
19 maintain employment, education outcomes suffer, and community support
20 is lost.

21 (2) By empowering the Colorado attorney general to enforce
22 critical housing laws, the attorney general will be able to provide
23 systematic protections for residents and provide system-wide support for
24 residents and businesses.

1 **SECTION 2.** In Colorado Revised Statutes, 24-31-101, **amend**
2 (1)(i) as follows:

3 **24-31-101. Powers and duties of attorney general.** (1) The
4 attorney general:

5 (i) May bring civil and criminal actions to enforce state laws,
6 including actions brought pursuant to:

7 (I) The "Colorado Antitrust Act of 1992" in article 4 of title 6;

8 (II) The "Colorado Consumer Protection Act" in article 1 of title
9 6;

10 (III) The "Unfair Practices Act" in article 2 of title 6;

11 (IV) Article 12 of title 6; ~~and sections 6-1-110, 11-51-603.5,~~
12 ~~24-34-505.5, and 25.5-4-306;~~

13 (V) SECTION 6-1-110;

14 (VI) SECTION 11-51-603.5;

15 (VII) SECTION 24-34-505.5;

16 (VIII) SECTION 25.5-4-306;

17 (IX) THE "IMMIGRANT TENANT PROTECTION ACT" IN PART 12 OF
18 ARTICLE 12 OF TITLE 38;

19 (X) THE "MOBILE HOME PARK ACT" IN PART 2 OF ARTICLE 12 OF
20 TITLE 38;

21 (XI) THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND
22 ENFORCEMENT PROGRAM" IN PART 11 OF ARTICLE 12 OF TITLE 38;

23 (XII) PART 1 OF ARTICLE 12 OF TITLE 38; █

24 (XIII) PART 7 OF ARTICLE 12 OF TITLE 38; **AND**

25 (XIV) SECTION 38-12-904 (1)(b).

26 **SECTION 3.** In Colorado Revised Statutes, 24-31-102, **amend**
27 (1)(h) and (1)(i); and **add** (1)(j) as follows:

1 **24-31-102. Offices, boards, and divisions.** (1) The department
2 of law, the chief executive officer of which is the attorney general,
3 includes the following:

4 (h) The financial empowerment office, created in part 11 of this
5 article 31; and

6 (i) ~~Notwithstanding section 24-1-107, any other division, office,~~
7 ~~or unit established by the attorney general or by law.~~ THE FAIR HOUSING
8 UNIT; AND

9 (j) NOTWITHSTANDING SECTION 24-1-107, ANY OTHER DIVISION,
10 OFFICE, OR UNIT ESTABLISHED BY THE ATTORNEY GENERAL OR BY LAW.

11 **SECTION 4.** In Colorado Revised Statutes, **add 24-31-115** as
12 follows:

13 **24-31-115. Housing unit.** (1) WHEN THERE IS REASON TO
14 BELIEVE THAT THERE IS A POTENTIAL VIOLATION OF LAW THAT RISKS
15 CONSUMER HARM, PUBLIC HEALTH, OR PUBLIC SAFETY, OR THAT IS BASED
16 ON A SUBSTANTIATED COMPLAINT, THE ATTORNEY GENERAL MAY
17 INVESTIGATE ANY PERSON OR ORGANIZATION SUBJECT TO THIS ARTICLE 31
18 AS OFTEN AS NECESSARY IN ORDER TO CARRY OUT THE PURPOSES OF THIS
19 ARTICLE 31. THE ATTORNEY GENERAL MAY DIRECT OR SUBPOENA ANY
20 PERSON WHOSE TESTIMONY MAY BE REQUIRED ABOUT POTENTIAL
21 VIOLATIONS OF LAW AND MAY DIRECT OR SUBPOENA THE PERSON TO
22 PRODUCE RECORDS THE ATTORNEY GENERAL CONSIDERS RELEVANT TO
23 THE INQUIRY. NOTHING IN THIS SECTION LIMITS THE SCOPE OF THE
24 ATTORNEY GENERAL'S AUTHORITY TO REVIEW AND INVESTIGATE
25 POTENTIAL VIOLATIONS OF LAW OR HARM DISCOVERED IN THE COURSE OF
26 AN INVESTIGATION.

27 (2) NOTHING IN THIS SECTION IMPACTS OR AFFECTS BANKING

1 EXAMINATIONS AND REGULATIONS PROMULGATED BY PRIMARY FEDERAL
2 AND STATE BANKING AUTHORITIES, NOTWITHSTANDING THE AUTHORITY
3 THAT MAY BE EXERCISED BY THE ATTORNEY GENERAL UNDER SECTION
4 11-51-603.5.

5 **SECTION 5. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.