

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0114.01 Jane Ritter x4342

HOUSE BILL 16-1191

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HOUSE SPONSORSHIP

Salazar and Melton,

SENATE SPONSORSHIP

(None),

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House Committees  
Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A BILL OF RIGHTS FOR PERSONS  
102 EXPERIENCING HOMELESSNESS.

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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://www.leg.state.co.us/billsummaries>.)*

The bill creates the "Colorado Right to Rest Act", which establishes basic rights for persons experiencing homelessness, including, but not limited to, the right to use and move freely in public spaces without discrimination, to rest in public spaces without discrimination, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*



1 SLEEPING, SITTING, LOITERING, SLEEPING IN A LEGALLY PARKED VEHICLE,  
2 HAVING A REASONABLE EXPECTATION OF PRIVACY IN PERSONAL  
3 PROPERTY, STORING BELONGINGS, ASKING FOR HELP, AND USING A  
4 BLANKET TO COVER ONESELF IN A NON-OBSTRUCTIVE MANNER  
5 REGARDLESS OF OUTDOOR TEMPERATURE. SUCH LAWS RESULT IN PEOPLE  
6 IN COLORADO BEING CRIMINALLY PUNISHED FOR DOING WHAT ANY  
7 PERSON MUST DO TO SURVIVE.

8 (e) LOCAL ORDINANCES OF THIS KIND DO NOT REDUCE THE  
9 INCIDENCE OF HOMELESSNESS OR CRIME. INSTEAD, THEY INCREASE  
10 INCARCERATION RATES AND THE FINANCIAL INDEBTEDNESS OF PEOPLE  
11 WHO SIMPLY HAVE NO MEANS OF SUPPORTING THEMSELVES. THE LOCAL  
12 ORDINANCES PROLONG HOMELESSNESS BY MAKING IT MORE DIFFICULT FOR  
13 PEOPLE TO SECURE HOUSING, EMPLOYMENT, AND MEDICAL CARE.

14 (f) WHILE THESE LOCAL ORDINANCES APPLY TO ALL RESIDENTS OF  
15 A CITY OR MUNICIPALITY, THEY DISPROPORTIONATELY IMPACT PEOPLE  
16 EXPERIENCING HOMELESSNESS. THEY ARE OFTEN SELECTIVELY ENFORCED  
17 AGAINST PEOPLE BASED UPON THEIR APPEARANCE OR AN ASSUMPTION OF  
18 HOMELESSNESS.

19 (g) PROHIBITING LOCAL GOVERNMENTS FROM PASSING OR  
20 ENFORCING LAWS THAT DISPROPORTIONATELY IMPACT PERSONS  
21 EXPERIENCING HOMELESSNESS, OR THAT HAVE THE DIRECT INTENT TO  
22 IMPACT PERSONS EXPERIENCING HOMELESSNESS, ALLOWS LOCAL  
23 GOVERNMENTS TO REDIRECT RESOURCES AND SHIFT THE FOCUS FROM LAW  
24 ENFORCEMENT TO POSITIVE APPROACHES THAT DIRECTLY ADDRESS  
25 HOMELESSNESS AND POVERTY.

26 **24-4.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

1           (1) "DISCRIMINATION BASED ON HOUSING STATUS" MEANS ANY  
2           DISTINCTION, EXCLUSION, OR RESTRICTION BASED SOLELY ON WHETHER  
3           AN INDIVIDUAL HAS A FIXED OR REGULAR RESIDENCE. "DISCRIMINATION  
4           BASED ON HOUSING STATUS" ALSO INCLUDES ANY ACTION THAT  
5           DISPROPORTIONATELY IMPACTS PERSONS OF A PARTICULAR HOUSING  
6           STATUS. MEASURES TAKEN TO ENSURE EQUAL ENJOYMENT OR TO  
7           EXERCISE THE HUMAN RIGHT TO REST ARE NOT CONSIDERED  
8           DISCRIMINATORY.

9           (2) "DISTRICT" MEANS A BUSINESS IMPROVEMENT DISTRICT AS  
10          DEFINED IN SECTION 31-25-1203 (3), C.R.S.

11          (3) "DISTRICT AGENT" MEANS A PERSON HIRED BY A DISTRICT.

12          (4) "HARASSMENT" MEANS A KNOWING OR WILLFUL COURSE OF  
13          CONDUCT BY LAW ENFORCEMENT, PUBLIC OR PRIVATE SECURITY  
14          PERSONNEL, OR A DISTRICT AGENT THAT IS DIRECTED AT A SPECIFIC  
15          PERSON AND THAT A REASONABLE PERSON WOULD CONSIDER SERIOUSLY  
16          ALARMING, THREATENING, TORMENTING, OR TERRORIZING, OR CONDUCT  
17          THAT PREVENTS OR DISRUPTS A PERSON CONDUCTING NONCRIMINAL  
18          ACTIVITIES FOR THE PURPOSE OF MAKING THE PERSON MOVE ALONG.

19          (5) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN  
20          SECTION 42-1-102 (58), C.R.S., AND INCLUDES AUTOMOBILES, CAMPER  
21          TRAILERS, COMMERCIAL VEHICLES, AND MOTOR HOMES, AS THOSE MOTOR  
22          VEHICLES ARE DEFINED IN SECTION 42-1-102, C.R.S.

23          (6) "PERSON EXPERIENCING HOMELESSNESS" MEANS A PERSON  
24          WHO DOES NOT HAVE A FIXED OR REGULAR RESIDENCE AND WHO MAY LIVE  
25          ON THE STREET OR OUTDOORS, IN A HOMELESS SHELTER OR OTHER  
26          TEMPORARY RESIDENCE, IN A VEHICLE, OR IN AN ENCLOSURE OR  
27          STRUCTURE THAT IS NOT AUTHORIZED OR FIT FOR HUMAN HABITATION.

1           (7) "PUBLIC SPACE" MEANS ANY PROPERTY THAT IS OWNED, IN  
2           WHOLE OR IN PART, BY A STATE OR LOCAL GOVERNMENT ENTITY, OR ANY  
3           PROPERTY UPON WHICH THERE IS AN EASEMENT FOR PUBLIC USE, AND  
4           THAT IS OPEN TO THE PUBLIC, INCLUDING PLAZAS, COURTYARDS, PARKING  
5           LOTS, SIDEWALKS, PUBLIC TRANSPORTATION FACILITIES AND SERVICES,  
6           PUBLIC BUILDINGS, SHOPPING CENTERS, AND PARKS. WHEN USED IN THE  
7           CONTEXT OF AN ENCLOSED BUILDING OR STRUCTURE, THE TERM "PUBLIC  
8           SPACE" APPLIES ONLY WHEN THE BUILDING OR STRUCTURE IS OPEN TO THE  
9           PUBLIC.

10           (8) "REST" MEANS THE STATE OF NOT MOVING AND HOLDING  
11           CERTAIN POSTURES THAT INCLUDE SITTING, STANDING, LEANING,  
12           KNEELING, SQUATTING, SLEEPING, OR LYING DOWN.

13           **24-4.5-104. Protected rights of persons experiencing**  
14           **homelessness - prohibition of laws, rules, regulations, and ordinances**  
15           **that abridge rights.** (1) A PERSON EXPERIENCING HOMELESSNESS IS  
16           PERMITTED TO USE PUBLIC SPACE IN THE SAME MANNER AS ANY OTHER  
17           PERSON AND IS TO BE FREE FROM DISCRIMINATION ON THE BASIS OF  
18           HOUSING STATUS.

19           (2) THE STATE OF COLORADO AND THE COUNTIES, CITIES,  
20           MUNICIPALITIES, AND OTHER SUBDIVISIONS OF THE STATE ARE  
21           ENCOURAGED NOT TO ENACT ANY LAW, ORDINANCE, RULE, OR  
22           REGULATION THAT LIMITS, PROHIBITS, OR PENALIZES:

23           (a) THE RIGHT TO USE AND MOVE FREELY IN PUBLIC SPACES;

24           (b) THE RIGHT TO REST IN PUBLIC SPACES AND PROTECT ONESELF  
25           FROM THE ELEMENTS IN A MANNER THAT DOES NOT OBSTRUCT THE USE OF  
26           OR ACCESS TO PRIVATE PROPERTY;

27           (c) THE RIGHT TO EAT, SHARE, ACCEPT, OR GIVE FOOD IN ANY

1 PUBLIC SPACE WHERE FOOD IS NOT PROHIBITED;

2 (d) THE RIGHT TO OCCUPY A PERSON'S OWN MOTOR VEHICLE OR  
3 OCCUPY A MOTOR VEHICLE WITH THE OWNER'S PERMISSION, PROVIDED  
4 THAT THE MOTOR VEHICLE IS LEGALLY PARKED ON PUBLIC PROPERTY OR  
5 PARKED ON PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY  
6 OWNER; AND

7 (e) THE RIGHT TO A REASONABLE EXPECTATION OF PRIVACY ON  
8 ONE'S PERSONAL PROPERTY IN PUBLIC SPACES TO THE SAME EXTENT AS  
9 PERSONAL PROPERTY IN A PRIVATE RESIDENCE OR OTHER PRIVATE PLACE.

10 (3) THE STATE, AND ANY COUNTY, CITY, MUNICIPALITY, OR OTHER  
11 SUBDIVISION THAT HAS LAWS, ORDINANCES, RULES, OR REGULATIONS  
12 THAT LIMIT, PROHIBIT, OR PENALIZE ANY OF THE ACTIVITIES SET FORTH IN  
13 SUBSECTION (2) OF THIS SECTION SHALL CEASE ENFORCEMENT OF SUCH  
14 LAWS, ORDINANCES, RULES, OR REGULATIONS UPON THE EFFECTIVE DATE  
15 OF THIS SECTION.

16 (4) EVERY PERSON HAS THE RIGHTS ENUMERATED IN SUBSECTION  
17 (2) OF THIS SECTION AND MAY EXERCISE THOSE RIGHTS WITHOUT BEING  
18 SUBJECT TO CRIMINAL OR CIVIL SANCTIONS OR HARASSMENT BY LAW  
19 ENFORCEMENT, PUBLIC OR PRIVATE SECURITY PERSONNEL, OR DISTRICT  
20 AGENTS.

21 **24-4.5-105. Liability.** THE PROVISIONS OF THIS ARTICLE DO NOT  
22 CREATE AN OBLIGATION ON THE PART OF ANY PROVIDER OF SERVICES TO  
23 PERSONS EXPERIENCING HOMELESSNESS TO PROVIDE SHELTER OR OTHER  
24 SERVICES WHEN NO SUCH SERVICES ARE AVAILABLE OR WHEN THE RULES  
25 OR POLICIES OF THE PROVIDER DISQUALIFY THE PERSON FROM RECEIVING  
26 SERVICES.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part will not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2016 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.