

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0839.01 Jane Ritter x4342

HOUSE BILL 15-1264

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HOUSE SPONSORSHIP

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

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

15 (f) WHILE THESE LOCAL ORDINANCES APPLY TO ALL RESIDENTS OF  
16 A CITY OR MUNICIPALITY, THEY DISPROPORTIONATELY IMPACT PEOPLE  
17 WITHOUT HOMES AND PEOPLE WHO HAVE NO PRIVATE PLACE TO REST OR  
18 SEEK NOURISHMENT. THEY ARE OFTEN SELECTIVELY ENFORCED AGAINST  
19 PEOPLE BASED UPON THEIR APPEARANCE OR AN ASSUMPTION OF  
20 HOMELESSNESS.

21 (g) THE DECRIMINALIZATION OF REST WILL ALLOW LOCAL  
22 GOVERNMENTS TO REDIRECT RESOURCES AND SHIFT THEIR FOCUS FROM  
23 LAW ENFORCEMENT ACTIVITIES TO ADDRESSING THE ROOT CAUSES OF  
24 HOMELESSNESS AND POVERTY.

25 **24-4.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "DISCRIMINATION BASED ON HOUSING STATUS" MEANS ANY

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

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

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

11 (4) "HARASSMENT" MEANS A KNOWING OR WILLFUL COURSE OF  
12 CONDUCT BY LAW ENFORCEMENT, PUBLIC OR PRIVATE SECURITY  
13 PERSONNEL, OR A DISTRICT AGENT THAT IS DIRECTED AT A SPECIFIC  
14 PERSON AND THAT A REASONABLE PERSON WOULD CONSIDER SERIOUSLY  
15 ALARMING, THREATENING, TORMENTING, OR TERRORIZING.

16 (5) "MOTOR VEHICLE" HAS THE SAME MEANING AS SET FORTH IN  
17 SECTION 42-1-102 (58), C.R.S., AND INCLUDES, BUT IS NOT LIMITED TO,  
18 AUTOMOBILES, CAMPER TRAILERS, COMMERCIAL VEHICLES, AND MOTOR  
19 HOMES, AS THOSE MOTOR VEHICLES ARE DEFINED IN SECTION 42-1-102,  
20 C.R.S.

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

26 (7) "PUBLIC SPACE" MEANS ANY PROPERTY THAT IS OWNED, IN  
27 WHOLE OR IN PART, BY A STATE OR LOCAL GOVERNMENT ENTITY, OR ANY

1 PROPERTY UPON WHICH THERE IS AN EASEMENT FOR PUBLIC USE, AND  
2 THAT IS OPEN TO THE PUBLIC, INCLUDING, BUT NOT LIMITED TO, PLAZAS,  
3 COURTYARDS, PARKING LOTS, SIDEWALKS, PUBLIC TRANSPORTATION  
4 FACILITIES AND SERVICES, PUBLIC BUILDINGS, SHOPPING CENTERS, AND  
5 PARKS.

6 (8) "REST" MEANS THE STATE OF NOT MOVING AND HOLDING  
7 CERTAIN POSTURES THAT INCLUDE, BUT ARE NOT LIMITED TO, SITTING,  
8 STANDING, LEANING, KNEELING, SQUATTING, SLEEPING, OR LYING DOWN.

9 **24-4.5-104. Protected rights of persons experiencing**  
10 **homelessness.** (1) A PERSON EXPERIENCING HOMELESSNESS IS  
11 PERMITTED TO USE PUBLIC SPACE IN THE SAME MANNER AS ANY OTHER  
12 PERSON, WITHOUT DISCRIMINATION BASED ON HOUSING STATUS. EVERY  
13 PERSON IN THE STATE SHALL HAVE THE FOLLOWING BASIC HUMAN AND  
14 CIVIL RIGHTS, WHICH MAY BE EXERCISED WITHOUT BEING SUBJECT TO  
15 CRIMINAL OR CIVIL SANCTIONS OR HARASSMENT BY LAW ENFORCEMENT,  
16 PUBLIC OR PRIVATE SECURITY PERSONNEL, OR DISTRICT AGENTS:

17 (a) THE RIGHT TO USE AND MOVE FREELY IN PUBLIC SPACES  
18 WITHOUT DISCRIMINATION OR TIME LIMITATIONS THAT DISCRIMINATE  
19 BASED ON HOUSING STATUS;

20 (b) THE RIGHT TO REST IN PUBLIC SPACES AND PROTECT ONESELF  
21 FROM THE ELEMENTS IN A NON-OBSTRUCTIVE MANNER;

22 (c) THE RIGHT TO EAT, SHARE, ACCEPT, OR GIVE FOOD IN ANY  
23 PUBLIC SPACE WHERE FOOD IS NOT PROHIBITED;

24 (d) THE RIGHT TO OCCUPY A MOTOR VEHICLE, PROVIDED THAT THE  
25 VEHICLE IS LEGALLY PARKED ON PUBLIC PROPERTY OR PARKED ON  
26 PRIVATE PROPERTY WITH THE PERMISSION OF THE PROPERTY OWNER; AND

27 (e) THE RIGHT TO A REASONABLE EXPECTATION OF PRIVACY ON

1 ONE'S PERSONAL PROPERTY IN PUBLIC SPACES TO THE SAME EXTENT AS  
2 PERSONAL PROPERTY IN A PRIVATE RESIDENCE OR OTHER PRIVATE PLACE.

3 **24-4.5-105. Enforcement - relief.** A PERSON WHOSE RIGHTS HAVE  
4 BEEN VIOLATED PURSUANT TO THIS ARTICLE MAY SEEK ENFORCEMENT OF  
5 THOSE RIGHTS IN A CIVIL ACTION. THE COURT MAY AWARD APPROPRIATE  
6 INJUNCTIVE AND DECLARATORY RELIEF, RESTITUTION FOR LOSS OF  
7 PROPERTY, AND ACTUAL AND COMPENSATORY DAMAGES OF UP TO ONE  
8 THOUSAND DOLLARS PER VIOLATION. THE COURT MAY AWARD  
9 REASONABLE ATTORNEY FEES AND COSTS TO THE PREVAILING PARTY.

10 **24-4.5-106. Liability.** THE PROVISIONS OF THIS ARTICLE DO NOT  
11 CREATE AN OBLIGATION ON THE PART OF ANY PROVIDER OF SERVICES FOR  
12 PERSONS EXPERIENCING HOMELESSNESS TO PROVIDE SHELTER OR OTHER  
13 SERVICES TO AN INDIVIDUAL WHEN NONE IS AVAILABLE.

14 **SECTION 2. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly  
17 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,  
18 if a referendum petition is filed pursuant to section 1 (3) of article V of  
19 the state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2016 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.