

THE INFORMATION PROVIDED IN THIS HANDOUT DOES NOT, AND IS NOT INTENDED TO, CONSTITUTE LEGAL ADVICE; INSTEAD, ALL INFORMATION IS FOR GENERAL INFORMATIONAL PURPOSES ONLY. YOU SHOULD CONTACT AN ATTORNEY TO OBTAIN ADVICE WITH RESPECT TO ANY PARTICULAR LEGAL MATTER. UPDATED AS OF MARCH 2021.

Immigrant Tenant Protection Act ("ITPA")

The ITPA is a brand new Colorado state law that protects tenants from disclosing their immigration status to landlords or having it used against them. In short, it bans landlords from demanding, requesting, collecting, or sharing information regarding or relating to the immigration or citizenship status of a tenant or prospective tenant.

WHO IS PROTECTED UNDER THE ITPA?

ITPA protects all tenants and prospective tenants. A tenant is a person entitled under a rental agreement to occupy a place to live to the exclusion of others. A prospective tenant is someone who seeks to occupy a place to live. In the mobile home context, the ITPA protects (1) tenants who rent their mobile home, (2) mobile home owners who rent lot space in the park, and (3) other individuals who reside in the park, even if they did not sign the rental agreement (for example, care givers and family members).

UNDER THE ITPA LANDLORDS CANNOT:

- Demand, request, or collect information regarding or relating to the immigration or citizenship status of a tenant.
- Disclose or threaten to disclose information regarding or relating to the immigration or citizenship status of a tenant to any person, entity, or immigration or law enforcement agency.
- Harass or intimidate a tenant for exercising their rights under the ITPA.
- Interfere with a tenant's rights under the ITPA, including influencing a tenant to surrender possession of a place to live or to not seek to occupy a place to live based solely or in part on the immigration or citizenship status of the tenant.

Contact Colorado Poverty Law Project at
contact@copovertylawproject.org or fill out an online intake form at
www.copovertylawproject.org

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UNDER THE ITPA LANDLORDS CANNOT (CONTINUED):

- Refuse to enter into a rental agreement or to approve a subtenancy, or to otherwise stop a tenant from occupying a place to live, based solely or in part on the immigration or citizenship status of the tenant
- Evict a tenant based solely or in part on the immigration or citizenship status of a tenant.

UNDER THE ITPA LANDLORDS CAN:

- Request immigration information IF the landlord is also the tenant's employer--in order to complete any employment form required by state or federal law.
- Request information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, provided the landlord requests the same information or documentation of all prospective tenants regardless of immigration or citizenship status. In other words, a landlord can require a social security number on a rental application but only if the landlord uniformly requires a SSN for all prospective tenants.
- All other landlord/tenant laws apply equally to landlords and tenants irrespective of immigration status. Meaning, a landlord can bring an eviction action for violation of the lease. Likewise, all tenants are entitled to protections such as the having the home fit for human habitation, notice requirements for eviction actions, and due process before an eviction can happen.

WHAT CAN YOU DO IF YOU THINK YOUR LANDLORD IS VIOLATING THE ITPA?

- Reach out to an attorney! Contact the Colorado Poverty Law Project or other pro bono legal services in your area for help.
- A landlord can be fined up to \$2,000 for a violation and you can be awarded damages for harm suffered because of the violation.

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