



COLORADO
WATER CONGRESS
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HB20-1233

SHORT TITLE: Basic Life Functions in Public Spaces

LONG TITLE: Concerning constitutional protections for conducting basic life functions in public spaces

SPONSORS: Reps. Melton and Benavidez

COMMITTEES: House Transportation & Local Government Committee

PURPOSE: To prohibit governmental bodies from enforcing restrictions on carrying out basic life functions in public space, such as resting, sitting, or sleeping on public property or in a legally parked vehicle unless the governmental body can provide alternative adequate shelter and the person denies that alternative.

PROPOSERS: Advocates for the homeless

POTENTIAL STAKEHOLDERS: All levels of government and its agencies who own property, law enforcement, civil liberties organizations, schools, special districts, water providers

BACKGROUND: Several previous bills referred to as “Right to Rest” have been defeated in the legislature. Cities have enacted and enforced ordinances against camping or sleeping in public spaces and enacted loitering ordinances. Many of those have been voided by the courts on the basis that such prohibitions cannot be enforced unless adequate shelter is provided as an alternative. Encampments on streets, parks, sidewalks etc. creates public health risks because of rodents, insects and spread of disease through unhygienic conditions. This presents a serious problem, particularly if extended to waterways or property on which public water supply is located.

Is the bill necessary this year? No, but it is a serious problem that society must address.

How is the bill implemented? It serves as a prohibition to enforcing any camping or public nuisance laws related to carrying out basic life functions in public. It would allow a person to bring a civil action against any governmental body that enacts an ordinance to prohibit such public resting, sleeping, etc. and to award actual and compensatory damages.

Does the bill affect prior appropriation? No.

Practical considerations: How can governmental agencies that own property comply with court decisions while protecting public health, including protection of water supply?

Fiscal impact: There is no fiscal note yet.