

HB25-1168- Housing Justice for Victim–Survivors of Gender-Based Violence

Frequently Asked Questions (FAQ's)

Bill Summary

Experiences of gender-based violence often lead to economic hardship, legal barriers, and unsafe situations that can lead to the loss of housing. As a result, gender-based violence is a leading cause of housing instability across Colorado. While Colorado law provides some protections, they are insufficient in preventing people from facing eviction and entering the cycle of homelessness. HB-1168 aims to strengthen housing security by clarifying and enforcing lease-break protections, safeguarding security deposits from damages caused by abusers, extending the period to move out after an eviction, and increasing options for repayment of rent. To ensure due process, the bill expands eviction defenses to include more forms of GBV, and improves court access for victim-survivors facing legal delays. Additionally, it enhances safety by allowing lock changes and suppressing eviction records to protect privacy. By addressing these critical gaps, HB-1168 seeks to provide greater housing stability, legal protection, and safety for victim-survivors of GBV in Colorado.

Abbreviated Summary

HB25-1168 seeks to build on existing legal protections and establish new mechanisms to protect victim-survivors of gender-based violence from housing instability, eviction, and homelessness. The bill will improve housing security, expand access to justice and mitigate legal barriers, and help keep victim-survivors safe.

Frequently Asked Questions

- **Why “victim-survivor” and not just “victim” or “survivor?”**
 - We use the term “victim-survivor” to reflect that some might prefer “victim” and others may prefer “survivor.” Especially in the aftermath of gender-based violence, autonomy over one’s story and experience is crucial. Neither term is perfect, and we hope that the hyphenated term allows for a more nuanced understanding of the spectrum of individual responses to trauma.
 - The term “victim” acknowledges the harm or trauma that a person has experienced and highlights that this was through no fault of their own. Unlike the term “survivor,” people who identify with the “victim” label might feel as though they’re still experiencing and processing harm. At the same time, the term is sometimes associated with feelings of being powerless or helpless and is often associated with a recently committed crime/incident. On the other hand, “survivor” recognizes the strength and resilience of an individual and describes

people beyond their victimization. In some ways, this can help to empower people in their recovery or healing.

- At certain points, a person may feel more victimized, especially after a recent event where healing has not yet occurred. Over time, people can draw strength and resilience from the experience and identify more as a survivor. The term "victim-survivor" recognizes both the suffering someone has endured and the strength they demonstrate in surviving and continuing on in life.
- **How many people may need these additional protections?**
 - We know that domestic violence is a primary driver of homelessness and is one of the leading causes of homelessness for women and their children. Approximately 11% of people experiencing homelessness reported fleeing domestic violence in the Denver-metro area.¹ That rate is similar for people experiencing homelessness in Colorado's 54 rural and non-metro counties.²
 - Additionally, the number of evictions in Denver has reached an all-time high, with 15,960 filed in 2024, up from 12,910 Denver evictions filed in 2023.
 - According to the Sexual Violence Law Center and National Housing Law Project, roughly 60 million American women have experienced sexual violence, physical violence, and/or stalking in their lifetime.³
 - According to the 2024 Point in Time Count of individuals experiencing homelessness, there are 1,172 people experiencing homelessness who reported experiencing domestic violence. This number is likely far higher, as some may fear reporting their experience of DV and it is estimated that the PIT count underrepresents the number of unhoused individuals overall.⁴
 - Because state-level housing protections have not fully extended to tenants who have experienced unlawful sexual behavior and stalking, we don't have any statewide data on that population. However, nationwide data makes a clear correlation between domestic violence and housing instability. We hope our bill will expand the discussion of how various kinds of gender-based violence impacts housing insecurity, and how we can better support tenants who experience that abuse.
- **How will tenants learn about their new rights under this law? Is there currently/would there be disclosure required by landlords?**
 - The bill does not require landlords to disclose these new rights to the tenant. However, it does require additional information to be included in an eviction summons (page 12). The language would inform victim-survivors facing eviction

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<https://static1.squarespace.com/static/5fea50c73853910bc4679c13/t/65a97b759426763893db64c3/1705606013237/MDHI+State+of+Homelessness+Report+2023.pdf>

² <https://drive.google.com/file/d/1EJAWMPsiJLCzFuFwjRL1qYOqH6i2gLY-/view>

³ <https://www.nhlp.org/wp-content/uploads/23-175.-Advocates-for-Survivors-of-Gender-Based-Violence-Amici-Apr-02-2024.pdf>

⁴ https://files.hudexchange.info/reports/published/CoC_PopSub_State_CO_2024.pdf

of their rights, such as entitlement to a repayment plan, and would provide information on enrollment in the Address Confidentiality Program.

- As is the case with many other bills regarding housing protections and changes to landlord-tenant law, it will be important for advocacy organizations, legal aid providers, and other organizations to educate tenants on their new rights. In practice, many tenants will be informed by their legal defense providers who are often connected to victim-survivors through partnerships with gender-based violence advocacy organizations.
- We plan to provide Know Your Rights presentations for tenants and continuing legal education seminars for legal aid providers where we would educate tenants on changes to the law and rights available to them.

- **Aren't victim-survivors already protected under current law?**

- Current law does include some protections, including:
 - A 2017 law, HB17-1035, allowed victims of domestic violence, domestic abuse, stalking and unlawful sexual behavior to break their lease and only be responsible for one month's rent. In practice, landlords may not be aware of this law or are knowingly violating it in some instances. The current law lacks enforcement mechanisms, leaving tenants with limited recourse when their rights are violated.
 - Tenants can raise their experience of gender-based violence as a defense against an eviction, but only in cases of a lease break violation. This means that if a tenant can demonstrate that the violation and abuse were related, it serves as a defense against an eviction. However, the law doesn't apply in situations of nonpayment of rent, which is one of the most common reasons for eviction. Often, the abuser is also the breadwinner, and a tenant can be forced to choose between staying and facing further harm or escaping and facing the potential loss of housing.
 - The defense against an eviction is currently only extended to victim-survivors of domestic violence or domestic abuse. The bill would expand this to include those who have experienced stalking or other unlawful sexual behavior.
- By building on these existing protections, this bill will remedy shortcomings with the current law and allow it to better serve people who have experienced gender-based violence.

- **Why would a victim-survivor be offered a repayment plan?**

- Many people who experience gender-based violence, particularly when the abuser is also the primary income earner, are forced to confront an untenable choice: financial safety (staying with the abuser) or physical safety (fleeing the abuser). Fleeing the abuser often entails forgoing income, which results in a rent debt. Unfortunately, abusers often target victim-survivors' financial stability through coerced debt, intentional depletion of savings, or otherwise impacting credit. Tenants who experience gender-based violence are also often unable to

work, as their physical and emotional injuries make work impossible. Abusers may also harass victim-survivors at work or prevent them from seeking employment altogether.

- A similar concern also arises when someone experiences gender-based violence from someone who is not a co-tenant, such as stalking or unlawful sexual behavior. Experiencing that type of trauma can disrupt one's ability to maintain employment and a steady income which can contribute to rent debt.
- The goal of the repayment plan policy is to prevent people from having to make the seemingly impossible choice between staying housed or attaining physical and psychological safety, while also ensuring that the landlord is ultimately made whole.
- Under the payment plan, tenants are required to make a monthly payment toward their debt. The plan is also structured similarly to non-judgment stipulations offered by PHAs in eviction cases.

- **Will this bill make it so that landlords don't want to rent to a victim-survivor?**

- The bill prevents a landlord from asking a prospective tenant about their status as a victim-survivor. Specifically, it adds a section 5 in 38-12-402 which says: "A landlord shall not inquire about, consider, or require disclosure of any information from a rental applicant regarding the applicant's status as a victim-survivor or experience with unlawful sexual behavior, stalking, domestic violence, or domestic abuse."
- The bill also prevents a landlord from evicting a tenant because they are a victim-survivor of gender-based violence. This is addressed in 38-12-402(3).

- **What about due process for abusers?**

- This bill does not impact the right to due process for the perpetrator. Nothing in this bill changes the criminal or civil standard of proof for the abuser. This piece of legislation only addresses rights and remedies for the victim-survivor; it doesn't change any standards of burden of proof for the other party. If an abuser faces civil action stemming from a victim-survivor asserting their own rights under this bill, the abuser will have the opportunity for their day in court as well.

- **Is a self-attestation secure? What is to prevent someone from lying?**

- False reports of gender-based violence are exceedingly rare.
- We also want to empower victim-survivors to share their story and advocate for themselves in the way that feels most appropriate for their experience, and including self-attestation is an important option. Many victim-survivors are not comfortable interacting with law enforcement agencies that often re-traumatize and dehumanize victim-survivors. Additionally, many victim-survivors are physically prevented from seeking outside support from qualified third parties as part of their abusers' coercive control.