



DENVER
THE MILE HIGH CITY

Contracts & Statutory Immigration Language

FinGov

January 24, 2023

FOR CITY SERVICES VISIT | CALL
DenverGov.org | **311**

- BR23-0060: Repeal Denver Revised Municipal Code Article IV Division 5 to remove requirements for city verification of contractor employee lawful employment status in conformance with changes to state law

- In 2006, the legislature adopted a host of bills aimed at addressing the consequences of illegal immigration. This included a special session devoted to this topic.
 - HB06-1343 imposed requirements for public contracts for services with state agencies or political subdivisions (like the city)
 - Prohibited the city from entering into or renewing any public contract for services with a contractor who knowingly employs or subcontracts with an “illegal alien” to perform work under the contract
 - Required contractors to confirm the employment eligibility of all employees who are newly hired to perform work under the public contract for services through the federal E-verify program

- In 2010, City Council members proposed and adopted CB10-0612 creating DRMC Article IV, Division 5 - CONFIRMATION OF LAWFUL EMPLOYMENT STATUS BY CITY CONTRACTORS
 - Codified the state mandates from HB06-1343, but also went beyond in some respects, particularly related to local procedures for Federal E-verify program
 - Beyond statutory requirements, bill language focused on requirements for subcontractors on construction projects, Auditor oversight, and termination procedures for subcontractors and contractors that do employ “illegal aliens”

- Since 2006, required language in city contracts referenced the term “illegal alien” as dictated in state law
 - This language has regularly been an area of concern for council members, city vendors/contractors, city staff, and other stakeholders with many discussions about any latitude to change it
 - In 2021, through HB21-1075, the state legislature changed the term in statute from “illegal alien” to “worker without authorization” and Denver amended our code to do the same
 - Later that same session, SB21-199 was passed. This bill entirely repealed a variety of prohibitions related to immigration status in statute, including the requirements around city contracts
 - Bill took effect on July 1, 2022, but because DRMC makes specific reference to this requirement, it must be repealed before we can implement

- Conforms with and implements changes to state law
- Supports Denver's commitment as a welcoming city to remove the city from the business of immigration enforcement entirely
- Lessens administrative burden on contractors/vendors
- Does not change requirements under Federal law for employers to ensure worker status – simply removes Denver from having a role

- BR23-0060: Repeal Article IV, Division 5 of the Denver Revised Municipal Code to remove requirements for city verification of contractor employee lawful employment status in conformance with changes to state law



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Appendix

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Additional Impacts of SB 199

- Related note – another 2006 bill from the special session, HB06S-1009, directed local governments to require proof of lawful presence for any license or permit. That was never codified in DRMC, but EXL has required an affidavit of lawful presence as a part of license applications since that time
- With passage of SB21-199, EXL has now removed the requirement for providing an affidavit of lawful presence. This requirement was never codified and so does not require separate council action