

## CHAPTER 298

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**GOVERNMENT - STATE**


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**HOUSE BILL 20-1332**

BY REPRESENTATIVE(S) Herod and Jackson, Kennedy, Buckner, Coleman, Exum, Kipp, Lontine, Melton, Sirota, Woodrow, Benavidez, Bird, Caraveo, Duran, Gonzales-Gutierrez, Gray, Hooton, Michaelson Jenet, Singer, Snyder, Tipper, Weissman, Arndt, Jaquez Lewis, Valdez A.;  
also SENATOR(S) Fields, Gonzales, Rodriguez, Danielson, Fenberg, Foote, Moreno, Pettersen, Story, Todd, Williams A., Winter, Zenzinger, Garcia.

**AN ACT**

**CONCERNING PROHIBITIONS ON DISCRIMINATION IN HOUSING BASED ON SOURCE OF INCOME, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 24-34-501, **amend** (4); and **add** (4.5) as follows:

**24-34-501. Definitions.** As used in this part 5, unless the context otherwise requires:

(4) "Restrictive covenant" means any specification limiting the transfer, rental, or lease of any housing because of disability, race, creed, color, religion, sex, sexual orientation, marital status, familial status, national origin, or ancestry, OR LIMITING THE RENTAL OR LEASE OF ANY HOUSING BECAUSE OF SOURCE OF INCOME.

(4.5) "SOURCE OF INCOME" MEANS ANY LAWFUL AND VERIFIABLE SOURCE OF MONEY PAID DIRECTLY, INDIRECTLY, OR ON BEHALF OF A PERSON, INCLUDING:

(a) INCOME DERIVED FROM ANY LAWFUL PROFESSION OR OCCUPATION; AND

(b) INCOME OR RENTAL PAYMENTS DERIVED FROM ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, OR LOAN PROGRAM.

**SECTION 2.** In Colorado Revised Statutes, 24-34-502, **amend** (1)(h); and **add** (1)(l), (1)(m), (1)(n), (1)(o), (1)(p), (1.5), and (1.7) as follows:

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**24-34-502. Unfair housing practices prohibited - definition.** (1) It shall be an unfair housing practice and unlawful and hereby prohibited:

(h) For any person to deny another person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility related to the business of selling or renting dwellings or to discriminate against such person in the terms or conditions of such access, membership, or participation on account of race, creed, color, religion, sex, sexual orientation, disability, marital status, familial status, ~~or~~ national origin or ancestry, OR SOURCE OF INCOME;

(l) FOR ANY PERSON TO REFUSE TO RENT OR LEASE, TO REFUSE TO SHOW HOUSING FOR RENT OR LEASE, TO REFUSE TO RECEIVE AND TRANSMIT ANY BONA FIDE OFFER TO RENT OR LEASE, OR TO OTHERWISE MAKE UNAVAILABLE OR DENY OR WITHHOLD FROM ANOTHER PERSON ANY HOUSING FOR RENT OR LEASE BECAUSE OF A PERSON'S SOURCE OF INCOME;

(m) FOR ANY PERSON TO DISCRIMINATE IN THE TERMS, CONDITIONS, OR PRIVILEGES PERTAINING TO THE RENTAL OR LEASE OF ANY HOUSING, OR IN THE FURNISHING OF FACILITIES OR SERVICES IN CONNECTION THEREWITH, BECAUSE OF A PERSON'S SOURCE OF INCOME, INCLUDING A PERSON'S RECEIPT OF PUBLIC HOUSING ASSISTANCE OR A PERSON'S PARTICIPATION IN A THIRD-PARTY CONTRACT REQUIRED BY A PUBLIC HOUSING ASSISTANCE PROGRAM; EXCEPT THAT, IF THE INITIAL PAYMENT TO THE LANDLORD IS NOT MADE TIMELY IN ACCORDANCE WITH APPLICABLE REGULATIONS PROMULGATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DUE TO PROCESSING DELAYS OR A GOVERNMENT SHUTDOWN, THEN A LANDLORD MAY EXERCISE ANY RIGHT OR PURSUE ANY REMEDY AVAILABLE UNDER LAW;

(n) FOR ANY PERSON TO MAKE, PRINT, OR PUBLISH OR CAUSE TO BE MADE, PRINTED, OR PUBLISHED ANY NOTICE OR ADVERTISEMENT RELATING TO THE RENTAL OR LEASE OF ANY HOUSING THAT INDICATES ANY LIMITATION, SPECIFICATION, OR DISCRIMINATION BASED ON A PERSON'S SOURCE OF INCOME;

(o) FOR ANY PERSON TO REPRESENT TO ANOTHER PERSON THAT ANY HOUSING IS NOT AVAILABLE FOR RENT OR LEASE WHEN THE HOUSING IS IN FACT AVAILABLE FOR THE PURPOSE OF DISCRIMINATING AGAINST THE PERSON ON THE BASIS OF THE PERSON'S SOURCE OF INCOME; AND

(p) FOR ANY PERSON, FOR PROFIT, TO INDUCE OR ATTEMPT TO INDUCE ANOTHER PERSON TO RENT ANY HOUSING BY REPRESENTATIONS REGARDING THE ENTRY OR PROSPECTIVE ENTRY INTO THE NEIGHBORHOOD OF A PERSON OR PERSONS WITH PARTICULAR SOURCES OF INCOME.

(1.5) (a) SUBSECTIONS (1)(l) TO (1)(p) OF THIS SECTION DO NOT APPLY TO A LANDLORD WITH THREE OR FEWER UNITS OF HOUSING FOR RENT OR LEASE.

(b) NOTHING IN SUBSECTION (1) OF THIS SECTION PRECLUDES A LANDLORD FROM CHECKING THE CREDIT OF A PROSPECTIVE TENANT. CHECKING THE CREDIT OF A PROSPECTIVE TENANT IS NOT AN UNFAIR HOUSING PRACTICE UNDER THIS SECTION,

PROVIDED THAT THE LANDLORD CHECKS THE CREDIT OF EVERY PROSPECTIVE TENANT.

(c) AS USED IN THIS SUBSECTION (1.5) AND IN SUBSECTION (1) OF THIS SECTION, "LANDLORD" MEANS A PERSON WHO OWNS, MANAGES, LEASES, OR SUBLEASES A UNIT OF HOUSING AND WHO MAKES THAT HOUSING AVAILABLE FOR RENT OR LEASE.

(1.7) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, IF A LANDLORD OWNS FIVE OR FEWER SINGLE FAMILY RENTAL HOMES AND NO MORE THAN FIVE TOTAL RENTAL UNITS INCLUDING ANY SINGLE FAMILY HOMES, THE LANDLORD IS NOT REQUIRED TO ACCEPT FEDERAL HOUSING CHOICE VOUCHERS FOR ANY OF THOSE FIVE SINGLE FAMILY HOMES AS AN ACCEPTABLE SOURCE OF INCOME UNDER SUBSECTION (1) OF THIS SECTION.

**SECTION 3. Appropriation.** For the 2020-21 state fiscal year, \$9,641 is appropriated to the department of regulatory agencies for use by the civil rights division. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.1 FTE. To implement this act, the division may use this appropriation for personal services.

**SECTION 4. Act subject to petition - effective date.** This act takes effect January 1, 2021; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect January 1, 2021, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: July 14, 2020