

CHAPTER 65

GOVERNMENT - STATE

HOUSE BILL 22-1102

BY REPRESENTATIVE(S) Ortiz and Sullivan, Bacon, Benavidez, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Ricks, Roberts, Snyder, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett, Bernett, Gonzales-Gutierrez;
also SENATOR(S) Gardner and Hinrichsen, Bridges, Buckner, Cooke, Coram, Danielson, Donovan, Ginal, Gonzales, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Lee, Liston, Lundeen, Moreno, Priola, Rankin, Rodriguez, Scott, Simpson, Sonnenberg, Story, Winter, Woodward, Zenzinger, Fenberg.

AN ACT

CONCERNING PROTECTED CLASSES IN FAIR HOUSING PRACTICES, AND, IN CONNECTION THEREWITH, INCLUDING A VETERAN OR MILITARY STATUS AS A PROTECTED CLASS.

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

SECTION 1. In Colorado Revised Statutes, 24-34-501, **amend** (3) and (4); and **add** (7) as follows:

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

(3) "Person" has the meaning ascribed to such term in section 24-34-301 (5) and includes any owner, lessee, proprietor, manager, employee, or any agent of a person; but, for purposes of this part 5, "person" does not include any private club not open to the public that, as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, unless the club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, national origin, or ancestry.

(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, gender identity, gender expression, marital status, familial status, national origin, ~~or~~ ancestry, ~~OR~~ VETERAN OR MILITARY STATUS, or limiting the rental

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.

or lease of any housing because of source of income.

(7) "VETERAN OR MILITARY STATUS" MEANS A MEMBER OR VETERAN OF THE UNITED STATES ARMED FORCES, UNITED STATES ARMED FORCES RESERVE, OR UNITED STATES NATIONAL GUARD. "VETERAN OR MILITARY STATUS" DOES NOT INCLUDE AN INDIVIDUAL WHO WAS DISHONORABLY DISCHARGED FROM MILITARY SERVICE.

SECTION 2. In Colorado Revised Statutes, 24-34-502, **amend** (1)(a), (1)(b), (1)(d), (1)(g), (1)(h), (1)(i), (1)(j), and (6); and **add** (10) as follows:

24-34-502. Unfair housing practices prohibited - definitions. (1) It is an unfair housing practice, unlawful, and prohibited:

(a) (I) For any person to refuse to show, sell, transfer, rent, or lease any housing; refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease any housing; or otherwise make unavailable or deny or withhold from an individual any housing because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry; to discriminate against an individual because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease of housing or in furnishing facilities or services in connection with housing; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry of an individual seeking to purchase, rent, or lease any housing; however, nothing in this subsection (1)(a) requires a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(II) NOTHING IN THIS SUBSECTION (1)(a) PROHIBITS A WRITTEN OR ORAL INQUIRY OR RECORD CONCERNING MILITARY OR VETERAN STATUS WHEN THE PURPOSE OF THE INQUIRY OR RECORD IS TO DETERMINE A PERSON'S ELIGIBILITY FOR VETERAN OR MILITARY HOUSING OR FOR A VETERAN OR MILITARY HOUSING BENEFIT.

(b) For any person to whom application is made for financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing to make or cause to be made any written or oral inquiry concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry of an individual seeking financial assistance or concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry of prospective occupants or tenants of the housing, or to discriminate against any individual because of the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, religion, national origin, or ancestry of the individual or prospective occupants or tenants in the terms, conditions, or privileges

relating to obtaining or using any such financial assistance;

(d) (I) For any person to make, print, or publish or cause to be made, printed, or published any notice or advertisement relating to the sale, transfer, rental, or lease of any housing that indicates any preference, limitation, specification, or discrimination based on disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, national origin, or ancestry;

(II) THIS SUBSECTION (1)(d) DOES NOT APPLY WHEN THE PURPOSE OF THE NOTICE OR ADVERTISEMENT IS TO PROMOTE VETERAN OR MILITARY HOUSING OR A VETERAN OR MILITARY HOUSING BENEFIT.

(g) For any person whose business includes residential real estate-related transactions, which transactions involve making or purchasing loans secured by residential real estate or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling or selling, brokering, or appraising residential real property, to discriminate against an individual in making available such a transaction or in fixing the terms or conditions of such a transaction because of race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, disability, familial status, VETERAN OR MILITARY STATUS, national origin, or ancestry;

(h) For any person to deny an individual 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 the individual in the terms or conditions of such access, membership, or participation on account of race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, disability, marital status, familial status, VETERAN OR MILITARY STATUS, national origin or ancestry, or source of income;

(i) For any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of any individual of a particular race, color, religion, sex, sexual orientation, gender identity, gender expression, disability, familial status, VETERAN OR MILITARY STATUS, creed, national origin, or ancestry;

(j) For any person to represent to any other person that a dwelling is not available for inspection, sale, or rental, when the dwelling is in fact available, for the purpose of discriminating against any individual on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, disability, familial status, VETERAN OR MILITARY STATUS, creed, national origin, or ancestry;

(6) Nothing in this part 5 prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, VETERAN OR MILITARY STATUS, disability, religion, national origin, or ancestry.

(10) (a) NOTHING IN THIS PART 5 PROHIBITS A SELLER OF PROPERTY FROM

CONSIDERING LEGITIMATE AND NONDISCRIMINATORY FACTORS WHEN DECIDING WHETHER TO ACCEPT AN OFFER.

(b) NOTHING IN THIS PART 5 PROHIBITS ADHERENCE TO REQUIREMENTS UNDER 38 CFR 36 THAT GOVERN THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS BENEFITS, INCLUDING RESTRICTIONS ON OPTIONS ON A HOME CONTRACT, OR PROHIBITS INQUIRY REGARDING AN INDIVIDUAL'S VETERAN OR MILITARY STATUS TO THE EXTENT NECESSARY TO DETERMINE IF THE INDIVIDUAL IS ELIGIBLE FOR A BENEFIT OFFERED TO VETERANS OR MEMBERS OF THE MILITARY. SUCH ADHERENCE DOES NOT CONSTITUTE A VIOLATION OF THIS PART 5.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2022