

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0569.01 Jessica Herrera x4218

HOUSE BILL 22-1102

HOUSE SPONSORSHIP

Ortiz and Sullivan, Bacon, Benavidez, Bird, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Garnett, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Ricks, Roberts, Snyder, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young

SENATE SPONSORSHIP

Gardner,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

Judiciary

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill forbids anyone selling or renting a dwelling from discriminating against an individual based on their veteran or military status. The bill forbids anyone from refusing to negotiate for housing with an individual on the basis of their veteran or military status or otherwise denying or withholding housing on the basis of an individual's veteran or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 9, 2022

HOUSE
Amended 2nd Reading
February 8, 2022

military status. For purposes of the bill, an individual who was dishonorably discharged from military service does not have veteran or military status.

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

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

4 **24-34-501. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (3) "Person" has the meaning ascribed to such term in section
7 24-34-301 (5) and includes any owner, lessee, proprietor, manager,
8 employee, or any agent of a person; but, for purposes of this part 5,
9 "person" does not include any private club not open to the public that, as
10 an incident to its primary purpose or purposes, provides lodgings that it
11 owns or operates for other than a commercial purpose, unless the club has
12 the purpose of promoting discrimination in the matter of housing against
13 any person because of disability, race, creed, color, religion, sex, sexual
14 orientation, gender identity, gender expression, marital status, familial
15 status, VETERAN OR MILITARY STATUS, national origin, or ancestry.

16 (4) "Restrictive covenant" means any specification limiting the
17 transfer, rental, or lease of any housing because of disability, race, creed,
18 color, religion, sex, sexual orientation, gender identity, gender expression,
19 marital status, familial status, national origin, or ancestry, OR VETERAN OR
20 MILITARY STATUS, or limiting the rental or lease of any housing because
21 of source of income.

22 (7) "VETERAN OR MILITARY STATUS" MEANS A MEMBER OR
23 VETERAN OF THE UNITED STATES ARMED FORCES, UNITED STATES
24 ARMED FORCES RESERVE, OR UNITED STATES NATIONAL GUARD.

1 "VETERAN OR MILITARY STATUS" DOES NOT INCLUDE AN INDIVIDUAL WHO
2 WAS DISHONORABLY DISCHARGED FROM MILITARY SERVICE.

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

6 **24-34-502. Unfair housing practices prohibited - definitions.**

7 (1) It is an unfair housing practice, unlawful, and prohibited:

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

1 in substantial physical damage to the property of others;

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

7 (b) For any person to whom application is made for financial
8 assistance for the acquisition, construction, rehabilitation, repair, or
9 maintenance of any housing to make or cause to be made any written or
10 oral inquiry concerning the disability, race, creed, color, sex, sexual
11 orientation, gender identity, gender expression, marital status, familial
12 status, VETERAN OR MILITARY STATUS, religion, national origin, or
13 ancestry of an individual seeking financial assistance or concerning the
14 disability, race, creed, color, sex, sexual orientation, gender identity,
15 gender expression, marital status, familial status, VETERAN OR MILITARY
16 STATUS, religion, national origin, or ancestry of prospective occupants or
17 tenants of the housing, or to discriminate against any individual because
18 of the disability, race, creed, color, sex, sexual orientation, gender
19 identity, gender expression, marital status, familial status, VETERAN OR
20 MILITARY STATUS, religion, national origin, or ancestry of the individual
21 or prospective occupants or tenants in the terms, conditions, or privileges
22 relating to obtaining or using any such financial assistance;

23 (d) (I) For any person to make, print, or publish or cause to be
24 made, printed, or published any notice or advertisement relating to the
25 sale, transfer, rental, or lease of any housing that indicates any preference,
26 limitation, specification, or discrimination based on disability, race, creed,
27 color, religion, sex, sexual orientation, gender identity, gender expression,

1 marital status, familial status, VETERAN OR MILITARY STATUS, national
2 origin, or ancestry;

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

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

16 (h) For any person to deny an individual access to or membership
17 or participation in any multiple-listing service, real estate brokers'
18 organization, or other service, organization, or facility related to the
19 business of selling or renting dwellings or to discriminate against the
20 individual in the terms or conditions of such access, membership, or
21 participation on account of race, creed, color, religion, sex, sexual
22 orientation, gender identity, gender expression, disability, marital status,
23 familial status, VETERAN OR MILITARY STATUS, national origin or ancestry,
24 or source of income;

25 (i) For any person, for profit, to induce or attempt to induce any
26 person to sell or rent any dwelling by representations regarding the entry
27 or prospective entry into the neighborhood of any individual of a

1 particular race, color, religion, sex, sexual orientation, gender identity,
2 gender expression, disability, familial status, VETERAN OR MILITARY
3 STATUS, creed, national origin, or ancestry;

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

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

16 (10) (a) NOTHING IN THIS PART 5 PROHIBITS A SELLER OF PROPERTY
17 FROM CONSIDERING LEGITIMATE AND NONDISCRIMINATORY FACTORS
18 WHEN DECIDING WHETHER TO ACCEPT AN OFFER.

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

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2022 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.