



Housing

Interactions between landlords and tenants, funding related to the COVID-19 pandemic, and construction were major topics during the 2020 legislative session.

Landlords and Tenants

Income. *House Bill 20-1332* identifies a new unfair housing practice, discriminating against a person based on income. The law defines income as public or private assistance or pay from a lawful job. Persons are not to engage in the following discriminating acts related to a potential renter's income:

- refusing to rent housing, show housing, or receive and transfer an offer to rent;
- making housing unavailable or denying housing;
- creating discriminating terms in a lease or withholding access to privileges, facilities, or services associated with the rental in the lease, such as limiting access to a playground;
- excluding individuals based on income source when advertising a housing unit; or
- persuading a person to rent in a specific neighborhood.

Landlords may check the credit of potential renters to determine ability to pay for the unit. A landlord owning five or fewer single-family rental homes or no more than five rental units is not required to accept federal housing choice vouchers.

Citizenship Status. *Senate Bill 20-224* creates the Immigrant Tenant Protection Act. Effective January 1, 2021, a landlord cannot ask a tenant about his or her immigration or citizenship status. In addition, a landlord cannot:

- disclose or threaten to disclose the renter's status to anyone, including immigration enforcement and law enforcement;
- harass or intimidate a person for exercising their rights;
- influence a tenant to vacate or not rent a unit based on their status;
- refuse to enter into a rental agreement based solely or in part on a renter's status; or
- file a case to recover a rental unit based on a person's status.

A tenant's financial information can be requested to determine financial qualifications for rental, as long as the same information is requested from all tenants. Financial information includes a social security number or taxpayer identification number.

Tenants may file a civil action with the court for violations of the act, and ask for one or more of the following remedies:

- compensation for damages, injury, or loss;
- a civil penalty, not to exceed \$2,000 for each violation of the act, payable to the tenant;
- costs, including reasonable attorney fees; and
- relief ordered by the court.

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A tenant's immigration or citizenship status is not relevant to the case and this information cannot be requested while the case is active. There are exceptions to this, including tenant claims that place their status in dispute or a person showing a clear and convincing need to comply with federal law.

Mobile Home Parks

Updates to the Mobile Home Park Act are included in *House Bill 20-1196*. See the *Mobile Home Parks Issue Brief*.

Funding

In response to the COVID-19 pandemic, *House Bill 20-1410* provides funding for legal matters related to eviction and affordable housing. The Eviction Legal Defense Fund receives \$350,000 for tenants with low incomes experiencing eviction related to the pandemic. The funding assists with civil legal matters on and after March 1, 2020.

The bill also provides \$19.65 million to the Housing Development Grant Fund for housing assistance. Funds administered by the Department of Local Affairs will be used for rental assistance, mortgage assistance, and housing information for individuals experiencing difficulty due to the pandemic on or after March 1, 2020.

House Bill 20-1412 provides \$4.8 million for the Energy Outreach Colorado Low-Income Energy Assistance Fund. Funds will provide utility bill payment assistance for those affected by the pandemic.

Funds related to these three programs must be used by December 30, 2020.

Construction

New homebuilders must offer to provide solar energy, electric car charging, and electric heating features to buyers with the passage of *House Bill 20-1155*. Builders are required to offer solar prewire options for home buyers, including a residential photovoltaic solar generation or solar thermal system, as well as upgrades to wiring, plumbing, framing, and piping to accommodate solar.

Builders are also required to provide options for electric car charging, such as an electric vehicle charging station, upgraded wiring, or a 208 to 240 volt alternating current plug near motor vehicle parking. Required energy efficient electric heating options include an electric water heater, electric boiler, or electric furnace or heat pump system. Builders have to provide buyers with pricing, energy efficiency, and utility bill information for each natural gas, electric, or other energy option.