

CHAPTER 54

GOVERNMENT - STATE

SENATE BILL 99-113

BY SENATORS Wattenberg, Hernandez, Martinez, Nichol, Pascoe, Perlmutter, Reeves, Rupert, Tanner, and Thiebaut;
also REPRESENTATIVES Lawrence, Coleman, Gagliardi, Hagedorn, Kaufman, Larson, Leyba, Mace, Miller, Scott, Tapia,
Tochtrop, Veiga, and Zimmerman.

AN ACT

CONCERNING MODIFICATIONS TO THE RESPONSIBILITIES OF THE COLORADO CIVIL RIGHTS COMMISSION,
AND, IN CONNECTION THEREWITH, AUTHORIZING THE COLORADO CIVIL RIGHTS COMMISSION TO
MEDIATE DISPUTES AND MAKING COLORADO DISCRIMINATION LAWS CONCERNING HOUSING FOR
OLDER PERSONS EQUIVALENT TO FEDERAL LAW.

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

SECTION 1. 24-34-305 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-305. Powers and duties of commission. (1) The commission has the following powers and duties:

(i.5) TO INTERVENE IN RACIAL, RELIGIOUS, CULTURAL, AGE, AND INTERGROUP TENSIONS OR CONFLICTS FOR THE PURPOSE OF INFORMAL MEDIATION USING ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES. SUCH INTERVENTION MAY BE MADE IN COOPERATION WITH OTHER AGENCIES OR ORGANIZATIONS, BOTH PUBLIC AND PRIVATE, WHOSE PURPOSES ARE CONSISTENT WITH THOSE OF PARTS 3 TO 7 OF THIS ARTICLE.

SECTION 2. 24-34-502 (7) (b), Colorado Revised Statutes, is amended, and the said 24-34-502 (7) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-34-502. Unfair housing practices prohibited. (7) (b) As used in this subsection (7), "housing for older persons" means housing provided under any state or federal program that the division determines is specifically designed and operated to assist older persons, or is intended for, and solely occupied by, persons sixty-two

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

years of age or older, or is intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing intended and operated for occupancy by one person fifty-five years of age or older per unit qualifies as housing for older persons under this subsection (7), the division shall require the following:

(I) ~~The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of such facilities and services is not practicable, evidence that such housing is necessary to provide important housing opportunities for older persons~~ THAT THE HOUSING FACILITY OR COMMUNITY PUBLISH AND ADHERE TO POLICIES AND PROCEDURES THAT DEMONSTRATE THE INTENT REQUIRED UNDER THIS PARAGRAPH (b);

(II) That at least eighty percent of the OCCUPIED units ~~are~~ BE occupied by at least one person WHO IS fifty-five years of age or older; ~~per unit~~; and

(III) ~~The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older~~ THAT THE HOUSING FACILITY OR COMMUNITY COMPLY WITH RULES PROMULGATED BY THE COMMISSION FOR VERIFICATION OF OCCUPANCY. SUCH RULES SHALL:

(A) PROVIDE FOR VERIFICATION BY RELIABLE SURVEYS AND AFFIDAVITS; AND

(B) INCLUDE EXAMPLES OF THE TYPES OF POLICIES AND PROCEDURES RELEVANT TO A DETERMINATION OF SUCH COMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (b). SUCH SURVEYS AND AFFIDAVITS SHALL BE ADMISSIBLE IN ADMINISTRATIVE AND JUDICIAL PROCEEDINGS FOR THE PURPOSES OF VERIFICATION OF OCCUPANCY IN ACCORDANCE WITH THIS SECTION.

(d) (I) A PERSON SHALL NOT BE HELD PERSONALLY LIABLE FOR MONETARY DAMAGES FOR A VIOLATION OF THIS PART 5 IF SUCH PERSON REASONABLY RELIED, IN GOOD FAITH, ON THE APPLICATION OF THE EXEMPTION AVAILABLE UNDER THIS PART 5 RELATING TO HOUSING FOR OLDER PERSONS.

(II) FOR PURPOSES OF THIS PARAGRAPH (d), A PERSON MAY ONLY SHOW GOOD FAITH RELIANCE ON THE APPLICATION OF AN EXEMPTION BY SHOWING THAT:

(A) SUCH PERSON HAS NO ACTUAL KNOWLEDGE THAT THE FACILITY OR COMMUNITY IS NOT OR WILL NOT BE ELIGIBLE FOR THE EXEMPTION CLAIMED; AND

(B) THE OWNER, OPERATOR, OR OTHER OFFICIAL REPRESENTATIVE OF THE FACILITY OR COMMUNITY HAS STATED, FORMALLY, IN WRITING, THAT THE FACILITY OR COMMUNITY COMPLIES WITH THE REQUIREMENTS OF THE EXEMPTION CLAIMED.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date

of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 25, 1999