

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 26-0616.01 Sam Anderson x4218

**HOUSE BILL 26-1045**

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**HOUSE SPONSORSHIP**

**Clifford and Zokaie,**

**SENATE SPONSORSHIP**

**Michaelson Jenet,**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**  
101     **CONCERNING HOUSING PROTECTIONS FOR INDIVIDUALS WITH**  
102     **DISABILITIES.**

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**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 defines the terms "assistance animal" and "emotional support animal" as used in the "Colorado Anti-discrimination Act" (CADA) and other specified provisions of law. The bill also defines the term "reasonable accommodation" as it applies to housing practices included in CADA and specifies relevant factors related to assessing reasonable accommodations necessary for an individual with a disability

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

to have an equal opportunity to use and enjoy housing.

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

2           **SECTION 1. Legislative declaration.**

3           (1) The general assembly finds and declares that:

4           (a) State and federal law currently permit an individual with a  
5           disability to request a reasonable accommodation from a housing provider  
6           to ensure equal access to housing throughout Colorado. A reasonable  
7           accommodation encompasses a broad range of disability-related needs  
8           and is intended to provide flexibility for both housing providers and  
9           individuals with disabilities to achieve equitable outcomes.

10          (b) Under existing law, an individual seeking a reasonable  
11          accommodation to keep an assistance animal is required to demonstrate  
12          that they have a disability and that the assistance animal is necessary to  
13          address a disability-related need;

14          (c) Recent changes in federal policy have created uncertainty and  
15          increased the risk of litigation in this area. These changes include the  
16          rescission of federal guidance that previously assisted housing providers  
17          and individuals with disabilities in understanding their respective rights  
18          and obligations regarding assistance animals. As a result, the absence of  
19          clear guidance has led to confusion and inconsistent interpretation of  
20          applicable laws.

21          (d) The purpose of this act is to restore the rescinded federal  
22          guidance by codifying it in state law. By doing so, the general assembly  
23          intends to provide clarity and predictability for both housing providers  
24          and individuals with disabilities, promote consistent application of the  
25          law, and reduce unnecessary litigation arising from ambiguity in a

1 commonly applied statute.

2 **SECTION 2.** In Colorado Revised Statutes, 24-34-301, **add** (2.5)  
3 and (8.5) as follows:

4 **24-34-301. Definitions.**

5 As used in parts 3 to 10 of this article 34, unless the context  
6 otherwise requires:

7 (2.5) "ASSISTANCE ANIMAL" MEANS AN ANIMAL THAT DOES WORK,  
8 PERFORMS TASKS, ASSISTS, OR PROVIDES THERAPEUTIC EMOTIONAL  
9 SUPPORT TO AN INDIVIDUAL WITH A DISABILITY. "ASSISTANCE ANIMAL"  
10 INCLUDES AN EMOTIONAL SUPPORT ANIMAL AND A SERVICE ANIMAL.

11 (8.5) "EMOTIONAL SUPPORT ANIMAL" MEANS AN ANIMAL THAT  
12 PROVIDES ~~SOLELY~~ EMOTIONAL SUPPORT TO AN INDIVIDUAL TO ALLEVIATE  
13 A SYMPTOM OR AN EFFECT OF A DISABILITY.

14 **SECTION 3.** In Colorado Revised Statutes, 24-34-501, **add** (3.5)  
15 as follows:

16 **24-34-501. Definitions.**

17 As used in this part 5, unless the context otherwise requires:

18 (3.5) "REASONABLE ACCOMMODATION" MEANS AN EXCEPTION OR  
19 ADJUSTMENT TO A RULE, POLICY, PRACTICE, OR SERVICE THAT MAY BE  
20 NECESSARY FOR AN INDIVIDUAL WITH A DISABILITY TO HAVE EQUAL  
21 OPPORTUNITY TO USE AND ENJOY HOUSING, INCLUDING PUBLIC AND  
22 COMMON-USE SPACES.

23 **SECTION 4.** In Colorado Revised Statutes, 24-34-502, **add**  
24 (1)(a)(III) as follows:

25 **24-34-502. Unfair housing practices prohibited - definition.**

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

27 (a) (III) FOR THE PURPOSES OF SUBSECTION (1)(a)(I) OF THIS

1 SECTION:

2 (A) THE MERE PRESENCE OF AN ASSISTANCE ANIMAL DOES NOT  
3 CONSTITUTE A DIRECT THREAT TO HEALTH OR SAFETY.

4 (B) THE MERE PRESENCE OF AN ASSISTANCE ANIMAL IS NOT  
5 PRESUMED TO RESULT IN SUBSTANTIAL PHYSICAL DAMAGE TO THE  
6 PROPERTY OF OTHERS.

7 (C) A HOUSING PROVIDER MAY CONSIDER DOCUMENTED, SPECIFIC  
8 CONDUCT OF AN ASSISTANCE ANIMAL THAT POSES A DIRECT THREAT TO  
9 THE HEALTH OR SAFETY OF OTHERS OR CAUSES SUBSTANTIAL PHYSICAL  
10 DAMAGE TO PROPERTY.

11 **SECTION 5.** In Colorado Revised Statutes, 24-34-502.2, **amend**  
12 (2) introductory portion and (2)(b) as follows:

13 **24-34-502.2. Unfair or discriminatory housing practices**  
14 **against individuals with disabilities prohibited.**

15 (2) For purposes of this section, "discrimination" includes both  
16 segregate and separate and includes but is not limited to ALL OF THE  
17 FOLLOWING:

18 (b) (I) A refusal to make reasonable accommodations ~~in rules,~~  
19 ~~policies, practices, or services~~ when such accommodations may be  
20 necessary to afford the individual with a disability equal opportunity to  
21 use and enjoy a dwelling. ~~and~~

22 (II) FOR PURPOSES OF THIS SUBSECTION (2)(b):

23 (A) PERMITTING AN ASSISTANCE ANIMAL IN HOUSING IS PRESUMED  
24 TO BE A REASONABLE ACCOMMODATION, SO LONG AS A HOUSING  
25 PROVIDER HAS BEEN GIVEN AN OPPORTUNITY TO ENGAGE IN AN  
26 INTERACTIVE ACCOMMODATION PROCESS WITH THE INDIVIDUAL  
27 REQUESTING THE ACCOMMODATION;

1 (B) THE COMPLETE PROHIBITION OF ASSISTANCE ANIMALS IN  
2 HOUSING IS PRESUMED TO BE DISCRIMINATORY UNDER THIS PART 5; AND

3 (C) A HOUSING PROVIDER DOES NOT ENGAGE IN A  
4 DISCRIMINATORY HOUSING PRACTICE SOLELY FOR REQUESTING  
5 REASONABLE DOCUMENTATION SUPPORTING THE NEED TO AN ASSISTANCE  
6 ANIMAL OR ENGAGING IN A GOOD FAITH INTERACTIVE PROCESS TO  
7 EVALUATE A REQUEST FOR AN ASSISTANCE ANIMAL.