

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 26-1045

BY REPRESENTATIVE(S) Clifford and Zokaie, Bacon, Froelich, Garcia, Joseph, Lindsay, Mabrey, Nguyen, Rutinel, Sirota, Story, Woodrow; also SENATOR(S) Danielson and Kipp, Amabile, Benavidez, Cutter, Exum, Gonzales J., Jodeh, Kolker, Marchman, Wallace, Weissman, Coleman.

CONCERNING HOUSING PROTECTIONS FOR INDIVIDUALS WITH DISABILITIES.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

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

(b) Under existing law, an individual seeking a reasonable accommodation to keep an assistance animal is required to demonstrate that

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.

they have a disability and that the assistance animal is necessary to address a disability-related need;

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

(d) The purpose of this act is to restore the rescinded federal guidance by codifying it in state law.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

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

24-34-301. Definitions.

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

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

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

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

24-34-501. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) A HOUSING PROVIDER DOES NOT ENGAGE IN A DISCRIMINATORY HOUSING PRACTICE SOLELY FOR REQUESTING REASONABLE DOCUMENTATION SUPPORTING THE CLAIM OF DISABILITY OR DISABILITY-RELATED NEED FOR AN ASSISTANCE ANIMAL OR ENGAGING IN A GOOD FAITH INTERACTIVE PROCESS TO EVALUATE A REQUEST FOR AN ASSISTANCE ANIMAL, UNLESS THE DISABILITY OR DISABILITY RELATED NEED IS OBVIOUS.

SECTION 6. 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 (August 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO