

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-0662.01 Megan Waples x4348

HOUSE BILL 20-1332

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING PROHIBITIONS ON DISCRIMINATION IN HOUSING BASED**
102 **ON SOURCE OF INCOME, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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 adds discrimination based on source of income as a type of unfair housing practice. "Source of income" is defined to include any source of money paid directly, indirectly, or on behalf of a person, including income from any lawful profession or from any government or private assistance, grant, or loan program.

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
June 10, 2020

HOUSE
Amended 2nd Reading
June 9, 2020

A person is prohibited from refusing to rent, lease, show for rent or lease, or transmit an offer to rent or lease housing based on a person's source of income. In addition, a person cannot discriminate in the terms or conditions of a rental agreement against another person based on source of income, or based upon the person's participation in a 3rd-party contract required as a condition of receiving public housing assistance. A person cannot include in any advertisement for the rent or lease of housing any limitation or preference based on source of income, or to use representations related to a person's source of income to induce another person to rent or lease property. The restrictions do not apply to a landlord with 3 or fewer rental units.

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 (4); and **add** (4.5) as follows:

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

6 (4) "Restrictive covenant" means any specification limiting the
7 transfer, rental, or lease of any housing because of disability, race, creed,
8 color, religion, sex, sexual orientation, marital status, familial status,
9 national origin, or ancestry, OR LIMITING THE RENTAL OR LEASE OF ANY
10 HOUSING BECAUSE OF SOURCE OF INCOME.

11 (4.5) "SOURCE OF INCOME" MEANS ANY LAWFUL AND VERIFIABLE
12 SOURCE OF MONEY PAID DIRECTLY, INDIRECTLY, OR ON BEHALF OF A
13 PERSON, INCLUDING:

14 (a) INCOME DERIVED FROM ANY LAWFUL PROFESSION OR
15 OCCUPATION; AND

16 (b) INCOME OR RENTAL PAYMENTS DERIVED FROM ANY
17 GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, OR LOAN PROGRAM.

18 **SECTION 2.** In Colorado Revised Statutes, 24-34-502, **amend**
19 (1)(h); and **add** (1)(l), (1)(m), (1)(n), (1)(o), (1)(p), and (1.5) as follows:

1 **24-34-502. Unfair housing practices prohibited - definition.**

2 (1) It shall be an unfair housing practice and unlawful and hereby
3 prohibited:

4 (h) For any person to deny another person access to or
5 membership or participation in any multiple-listing service, real estate
6 brokers' organization or other service, organization, or facility related to
7 the business of selling or renting dwellings or to discriminate against such
8 person in the terms or conditions of such access, membership, or
9 participation on account of race, creed, color, religion, sex, sexual
10 orientation, disability, marital status, familial status, ~~or~~ national origin or
11 ancestry, OR SOURCE OF INCOME;

12 (l) FOR ANY PERSON TO REFUSE TO RENT OR LEASE, TO REFUSE TO
13 SHOW HOUSING FOR RENT OR LEASE, TO REFUSE TO RECEIVE AND
14 TRANSMIT ANY BONA FIDE OFFER TO RENT OR LEASE, OR TO OTHERWISE
15 MAKE UNAVAILABLE OR DENY OR WITHHOLD FROM ANOTHER PERSON ANY
16 HOUSING FOR RENT OR LEASE BECAUSE OF A PERSON'S SOURCE OF INCOME;

17 (m) FOR ANY PERSON TO DISCRIMINATE IN THE TERMS,
18 CONDITIONS, OR PRIVILEGES PERTAINING TO THE RENTAL OR LEASE OF ANY
19 HOUSING, OR IN THE FURNISHING OF FACILITIES OR SERVICES IN
20 CONNECTION THEREWITH, BECAUSE OF A PERSON'S SOURCE OF INCOME,
21 INCLUDING A PERSON'S RECEIPT OF PUBLIC HOUSING ASSISTANCE OR A
22 PERSON'S PARTICIPATION IN A THIRD-PARTY CONTRACT REQUIRED BY A
23 PUBLIC HOUSING ASSISTANCE PROGRAM; EXCEPT THAT, IF THE INITIAL
24 PAYMENT TO THE LANDLORD IS NOT MADE TIMELY IN ACCORDANCE WITH
25 APPLICABLE REGULATIONS PROMULGATED BY THE UNITED STATES
26 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DUE TO PROCESSING
27 DELAYS OR A GOVERNMENT SHUTDOWN, THEN A LANDLORD MAY EXERCISE

1 ANY RIGHT OR PURSUE ANY REMEDY AVAILABLE UNDER LAW;

2 (n) FOR ANY PERSON TO MAKE, PRINT, OR PUBLISH OR CAUSE TO BE
3 MADE, PRINTED, OR PUBLISHED ANY NOTICE OR ADVERTISEMENT RELATING
4 TO THE RENTAL OR LEASE OF ANY HOUSING THAT INDICATES ANY
5 LIMITATION, SPECIFICATION, OR DISCRIMINATION BASED ON A PERSON'S
6 SOURCE OF INCOME;

7 (o) FOR ANY PERSON TO REPRESENT TO ANOTHER PERSON THAT
8 ANY HOUSING IS NOT AVAILABLE FOR RENT OR LEASE WHEN THE HOUSING
9 IS IN FACT AVAILABLE FOR THE PURPOSE OF DISCRIMINATING AGAINST THE
10 PERSON ON THE BASIS OF THE PERSON'S SOURCE OF INCOME; AND

11 (p) FOR ANY PERSON, FOR PROFIT, TO INDUCE OR ATTEMPT TO
12 INDUCE ANOTHER PERSON TO RENT ANY HOUSING BY REPRESENTATIONS
13 REGARDING THE ENTRY OR PROSPECTIVE ENTRY INTO THE NEIGHBORHOOD
14 OF A PERSON OR PERSONS WITH PARTICULAR SOURCES OF INCOME.

15 (1.5) (a) SUBSECTIONS (1)(l) TO (1)(p) OF THIS SECTION DO NOT
16 APPLY TO A LANDLORD WITH THREE OR FEWER UNITS OF HOUSING FOR
17 RENT OR LEASE.

18 (b) NOTHING IN SUBSECTION (1) OF THIS SECTION PRECLUDES A
19 LANDLORD FROM CHECKING THE CREDIT OF A PROSPECTIVE TENANT.
20 CHECKING THE CREDIT OF A PROSPECTIVE TENANT IS NOT AN UNFAIR
21 HOUSING PRACTICE UNDER THIS SECTION, PROVIDED THAT THE LANDLORD
22 CHECKS THE CREDIT OF EVERY PROSPECTIVE TENANT.

23 (c) AS USED IN THIS SUBSECTION (1.5) AND IN SUBSECTION (1) OF
24 THIS SECTION, "LANDLORD" MEANS A PERSON WHO OWNS, MANAGES,
25 LEASES, OR SUBLEASES A UNIT OF HOUSING AND WHO MAKES THAT
26 HOUSING AVAILABLE FOR RENT OR LEASE.

27 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,

1 \$9,641 is appropriated to the department of regulatory agencies for use by
2 the civil rights division. This appropriation is from the general fund and
3 is based on an assumption that the division will require an additional 0.1
4 FTE. To implement this act, the division may use this appropriation for
5 personal services.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect January 1, 2021; except that, if a referendum petition is filed
8 pursuant to section 1 (3) of article V of the state constitution against this
9 act or an item, section, or part of this act within the ninety-day period
10 after final adjournment of the general assembly, then the act, item,
11 section, or part will not take effect unless approved by the people at the
12 general election to be held in November 2020 and, in such case, will take
13 effect January 1, 2021, or on the date of the official declaration of the
14 vote thereon by the governor, whichever is later.