

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0662.01 Megan Waples x4348

HOUSE BILL 20-1332

HOUSE SPONSORSHIP

Herod and Jackson, Kennedy, Buckner, Coleman, Exum, Kipp, Lontine, Melton, Sirota, Woodrow, Benavidez, Bird, Caraveo, Duran, Gonzales-Gutierrez, Gray, Hooton, Michaelson Jenet, Singer, Snyder, Tipper, Weissman

SENATE SPONSORSHIP

Fields, Gonzales, Rodriguez, Danielson, Fenberg, Foote, Garcia, Moreno, Pettersen, Story, Todd, Williams A., Winter, Zenzinger

House Committees

Judiciary
Finance
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

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.

SENATE
3rd Reading Unamended
June 12, 2020

SENATE
Amended 2nd Reading
June 11, 2020

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), (1.5), and (1.7) as

1 follows:

2 **24-34-502. Unfair housing practices prohibited - definition.**

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

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

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

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

1 DELAYS OR A GOVERNMENT SHUTDOWN, THEN A LANDLORD MAY EXERCISE
2 ANY RIGHT OR PURSUE ANY REMEDY AVAILABLE UNDER LAW;

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

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

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

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

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

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

1 (1.7) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
2 THIS SECTION TO THE CONTRARY, IF A LANDLORD OWNS FIVE OR FEWER
3 SINGLE FAMILY RENTAL HOMES AND NO MORE THAN FIVE TOTAL RENTAL
4 UNITS INCLUDING ANY SINGLE FAMILY HOMES, THE LANDLORD IS NOT
5 REQUIRED TO ACCEPT FEDERAL HOUSING CHOICE VOUCHERS FOR ANY OF
6 THOSE FIVE SINGLE FAMILY HOMES AS AN ACCEPTABLE SOURCE OF INCOME
7 UNDER SUBSECTION (1) OF THIS SECTION.

8 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,
9 \$9,641 is appropriated to the department of regulatory agencies for use by
10 the civil rights division. This appropriation is from the general fund and
11 is based on an assumption that the division will require an additional 0.1
12 FTE. To implement this act, the division may use this appropriation for
13 personal services.

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