

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

PREAMENDED

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

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

SENATE SPONSORSHIP

Fields, Gonzales, Rodriguez

House Committees

Judiciary
Finance
Appropriations

Senate Committees

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.

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)(q), and (1.5) 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 OWNER 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 (q) NOTHING IN THIS SECTION PRECLUDES A LANDLORD FROM
17 CHECKING THE CREDIT OF A PROSPECTIVE TENANT. CHECKING THE CREDIT
18 OF A PROSPECTIVE TENANT IS NOT AN UNFAIR HOUSING PRACTICE UNDER
19 THIS SECTION, PROVIDED THAT THE LANDLORD CHECKS THE CREDIT OF
20 EVERY PROSPECTIVE TENANT.

21 (1.5) SUBSECTIONS (1)(l) TO (1)(p) OF THIS SECTION DO NOT APPLY
22 TO A LANDLORD WITH THREE OR FEWER UNITS OF HOUSING FOR RENT OR
23 LEASE. FOR THE PURPOSES OF THIS SUBSECTION (1.5), "LANDLORD" MEANS
24 A PERSON WHO OWNS, MANAGES, LEASES, OR SUBLEASES A UNIT OF
25 HOUSING AND WHO MAKES THAT HOUSING AVAILABLE FOR RENT OR LEASE.

26 **SECTION 3. Appropriation.** For the 2020-21 state fiscal year,
27 \$9,641 is appropriated to the department of regulatory agencies for use by

1 the civil rights division. This appropriation is from the general fund and
2 is based on an assumption that the division will require an additional 0.1
3 FTE. To implement this act, the division may use this appropriation for
4 personal services.

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