

# Colorado Revised Statutes 2022

## TITLE 24

### GOVERNMENT - STATE

**Cross references:** For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

### PART 5

#### HOUSING PRACTICES

**Editor's note:** (1) This part 5 was numbered as article 1 of chapter 25, C.R.S. 1963. Parts 3 to 8 of this article were repealed and reenacted in 1979, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this part 5 prior to 1979, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

(2) The former provisions of this part 5 were relocated to part 6 of this article in 1979.

**Law reviews:** For article, "Transgender Discrimination Law: Developments Under Colorado and Federal Law", see 45 Colo. Law. 51 (Sept. 2016); for article, "CADA: The Intersection of LGBT Civil Rights and Religious Freedom", see 46 Colo. Law. 31 (Jan. 2017).

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

(1) "Aggrieved person" means any person who claims to have been injured by a discriminatory housing practice or believes that he will be injured by a discriminatory housing practice that is about to occur.

(1.3) (a) "Disability" means a physical impairment which substantially limits one or more of a person's major life activities and includes a record of such an impairment and being regarded as having such an impairment.

(b) (I) On and after July 1, 1990, as to this part 5, "disability" also includes a person who has a mental impairment, but the term does not include any person currently involved in the illegal use of a controlled substance or a substance use disorder with respect to a controlled substance.

(II) The term "mental impairment" as used in subsection (1.3)(b)(I) of this section means any behavioral, mental, or psychological disorder, such as an intellectual and developmental

disability, organic brain syndrome, behavioral or mental health disorder, or specific learning disability.

(1.5) "Discriminate" includes both segregate and separate.

(1.6) "Familial status" means one or more individuals, who have not attained eighteen years of age, being domiciled with a parent or another person having legal custody of or parental responsibilities for such individual or individuals or the designee of such parent or other persons having such custody or parental responsibilities with the written permission of such parent or other person. Familial status shall apply to any person who is pregnant or is in the process of securing legal custody or parental responsibilities of any individual who has not attained eighteen years of age.

(2) "Housing" means any building, structure, vacant land, or part thereof offered for sale, lease, rent, or transfer of ownership.

(3) "Person" has the meaning ascribed to such term in section 24-34-301 (5) and includes any owner, lessee, proprietor, manager, employee, or any agent of a person; but, for purposes of this part 5, "person" does not include any private club not open to the public that, as an incident to its primary purpose or purposes, provides lodgings that it owns or operates for other than a commercial purpose, unless the club has the purpose of promoting discrimination in the matter of housing against any person because of disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, national origin, or ancestry.

(4) "Restrictive covenant" means any specification limiting the transfer, rental, or lease of any housing because of disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, national origin, ancestry, or veteran or military status, or limiting the rental or lease of any housing because of source of income.

(4.5) "Source of income" means any lawful and verifiable source of money paid directly, indirectly, or on behalf of a person, including:

(a) Income derived from any lawful profession or occupation; and

(b) Income or rental payments derived from any government or private assistance, grant, or loan program.

(5) "Transfer", as used in this part 5, shall not apply to transfer of property by will or by gift.

(6) "Unfair housing practices" means those practices specified in section 24-34-502.

(7) "Veteran or military status" means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, or United States National Guard. "Veteran or military status" does not include an individual who was dishonorably discharged from military service.

**Source:** **L. 79:** Entire part R&RE, p. 932, § 3, effective July 1. **L. 90:** (1) R&RE, (1.5) and (1.6) added, and (3) and (4) amended, pp. 1224, 1225, §§ 2, 4, effective April 16. **L. 92:** (2) and (3) amended, p. 1121, § 3, effective July 1. **L. 93:** (3) and (4) amended, p. 1658, § 62, effective July 1. **L. 98:** (1.6) amended, p. 1411, § 77, effective February 1, 1999. **L. 2008:** (3)

and (4) amended, p. 1594, § 4, effective May 29. **L. 2014:** (1.3) added, (SB 14-118), ch. 250, p. 976, § 3, effective August 6. **L. 2017:** (1.3)(b)(II) amended, (SB 17-242), ch. 263, p. 1321, § 179, effective May 25. **L. 2018:** (1.3)(b)(I) amended, (SB 18-091), ch. 35, p. 386, § 20, effective August 8. **L. 2020:** (4) amended and (4.5) added, (HB 20-1332), ch. 298, p. 1480, § 1, effective January 1, 2021. **L. 2021:** (3) and (4) amended, (HB 21-1108), ch. 156, p. 886, § 5, effective September 7; (2) amended, (SB 21-173), ch. 349, p. 2271, § 15, effective October 1. **L. 2022:** (3) and (4) amended and (7) added, (HB 22-1102), ch. 65, p. 323, § 1, effective August 10.

**Cross references:** (1) For additional definitions applicable to this part 5, see § 24-34-301.

(2) For the legislative declaration contained in the 2008 act amending subsections (3) and (4), see section 1 of chapter 341, Session Laws of Colorado 2008. For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017. For the legislative declaration in SB 18-091, see section 1 of chapter 35, Session Laws of Colorado 2018.

(3) For the legislative declaration in HB 21-1108, see section 1 of chapter 156, Session Laws of Colorado 2021.

**24-34-502. Unfair housing practices prohibited - definitions.** (1) It is an unfair housing practice, unlawful, and prohibited:

(a) (I) For any person to refuse to show, sell, transfer, rent, or lease any housing; refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease any housing; or otherwise make unavailable or deny or withhold from an individual any housing because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry; to discriminate against an individual because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease of housing or in furnishing facilities or services in connection with housing; or to cause to be made any written or oral inquiry or record concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of an individual seeking to purchase, rent, or lease any housing; however, nothing in this subsection (1)(a) requires a dwelling to be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(II) Nothing in this subsection (1)(a) prohibits a written or oral inquiry or record concerning military or veteran status when the purpose of the inquiry or record is to determine a person's eligibility for veteran or military housing or for a veteran or military housing benefit.

(b) For any person to whom application is made for financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing to make or cause

to be made any written or oral inquiry concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of an individual seeking financial assistance or concerning the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of prospective occupants or tenants of the housing, or to discriminate against any individual because of the disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, religion, national origin, or ancestry of the individual or prospective occupants or tenants in the terms, conditions, or privileges relating to obtaining or using any such financial assistance;

(c) (I) For any person to include in any transfer, sale, rental, or lease of housing any restrictive covenants, but shall not include any person who, in good faith and in the usual course of business, delivers any document or copy of a document regarding the transfer, sale, rental, or lease of housing which includes any restrictive covenants which are based upon race or religion, or reference thereto; or

(II) For any person to honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;

(d) (I) For any person to make, print, or publish or cause to be made, printed, or published any notice or advertisement relating to the sale, transfer, rental, or lease of any housing that indicates any preference, limitation, specification, or discrimination based on disability, race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, national origin, or ancestry;

(II) This subsection (1)(d) does not apply when the purpose of the notice or advertisement is to promote veteran or military housing or a veteran or military housing benefit.

(e) For any person: To aid, abet, incite, compel, or coerce the doing of any act defined in this section as an unfair housing practice; to obstruct or prevent any person from complying with the provisions of this part 5 or any order issued with respect thereto; to attempt either directly or indirectly to commit any act defined in this section to be an unfair housing practice; to discriminate against any person because such person has opposed any practice made an unfair housing practice by this part 5, because he has filed a charge with the commission, or because he has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted pursuant to parts 3 and 5 of this article; or to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged, any other person in the exercise of any right granted or protected by parts 3 and 5 of this article;

(f) For any person to discharge, demote, or discriminate in matters of compensation against any employee or agent because of said employee's or agent's obedience to the provisions of this part 5;

(g) For any person whose business includes residential real estate-related transactions, which transactions involve making or purchasing loans secured by residential real estate or providing other financial assistance for purchasing, constructing, improving, repairing, or

maintaining a dwelling or selling, brokering, or appraising residential real property, to discriminate against an individual in making available such a transaction or in fixing the terms or conditions of such a transaction because of race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, disability, familial status, veteran or military status, national origin, or ancestry;

(h) For any person to deny an individual access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility related to the business of selling or renting dwellings or to discriminate against the individual in the terms or conditions of such access, membership, or participation on account of race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, disability, marital status, familial status, veteran or military status, national origin or ancestry, or source of income;

(i) For any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of any individual of a particular race, color, religion, sex, sexual orientation, gender identity, gender expression, disability, familial status, veteran or military status, creed, national origin, or ancestry;

(j) For any person to represent to any other person that a dwelling is not available for inspection, sale, or rental, when the dwelling is in fact available, for the purpose of discriminating against any individual on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, disability, familial status, veteran or military status, creed, national origin, or ancestry;

(k) For any person to violate the provisions of section 24-34-502.2;

(l) For any person to refuse to rent or lease, to refuse to show housing for rent or lease, to refuse to receive and transmit any bona fide offer to rent or lease, or to otherwise make unavailable or deny or withhold from another person any housing for rent or lease because of a person's source of income;

(m) For any person to discriminate in the terms, conditions, or privileges pertaining to the rental or lease of any housing, or in the furnishing of facilities or services in connection therewith, because of a person's source of income, including a person's receipt of public housing assistance or a person's participation in a third-party contract required by a public housing assistance program; except that, if the initial payment to the landlord is not made timely in accordance with applicable regulations promulgated by the United States department of housing and urban development due to processing delays or a government shutdown, then a landlord may exercise any right or pursue any remedy available under law;

(n) For any person to make, print, or publish or cause to be made, printed, or published any notice or advertisement relating to the rental or lease of any housing that indicates any limitation, specification, or discrimination based on a person's source of income;

(o) For any person to represent to another person that any housing is not available for rent or lease when the housing is in fact available for the purpose of discriminating against the person on the basis of the person's source of income; and

(p) For any person, for profit, to induce or attempt to induce another person to rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons with particular sources of income.

(1.5) (a) Subsections (1)(l) to (1)(p) of this section do not apply to a landlord with three or fewer units of housing for rent or lease.

(b) Nothing in subsection (1) of this section precludes a landlord from checking the credit of a prospective tenant. Checking the credit of a prospective tenant is not an unfair housing practice under this section, provided that the landlord checks the credit of every prospective tenant.

(c) As used in this subsection (1.5) and in subsection (1) of this section, "landlord" means a person who owns, manages, leases, or subleases a unit of housing and who makes that housing available for rent or lease.

(1.7) Notwithstanding any provision of subsection (1) of this section to the contrary, if a landlord owns five or fewer single family rental homes and no more than five total rental units including any single family homes, the landlord is not required to accept federal housing choice vouchers for any of those five single family homes as an acceptable source of income under subsection (1) of this section.

(2) The provisions of this section shall not apply to or prohibit compliance with local zoning ordinance provisions concerning residential restrictions on marital status.

(3) Nothing contained in this part 5 shall be construed to bar any religious or denominational institution or organization which is operated or supervised or controlled by or is operated in connection with a religious or denominational organization from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin, nor shall anything in this part 5 prohibit a private club not in fact open to the public which, as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(4) (Deleted by amendment, L. 92, p. 1122, § 4, effective July 1, 1992.)

(5) Nothing in this section shall be construed to prevent or restrict the sale, lease, rental, transfer, or development of housing designed or intended for the use of persons with disabilities.

(6) Nothing in this part 5 prohibits a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, familial status, veteran or military status, disability, religion, national origin, or ancestry.

(7) (a) Nothing in this section shall limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor shall any provision in this section regarding familial status apply with respect to housing for older persons.

(b) As used in this subsection (7), "housing for older persons" means housing provided under any state or federal program that the division determines is specifically designed and operated to assist older persons, or is intended for, and solely occupied by, persons sixty-two years of age or older, or is intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing intended and operated for occupancy by one person fifty-five years of age or older per unit qualifies as housing for older persons under this subsection (7), the division shall require the following:

(I) That the housing facility or community publish and adhere to policies and procedures that demonstrate the intent required under this paragraph (b);

(II) That at least eighty percent of the occupied units be occupied by at least one person who is fifty-five years of age or older; and

(III) That the housing facility or community comply with rules promulgated by the commission for verification of occupancy. Such rules shall:

(A) Provide for verification by reliable surveys and affidavits; and

(B) Include examples of the types of policies and procedures relevant to a determination of such compliance with the requirements of subparagraph (II) of this paragraph (b). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of verification of occupancy in accordance with this section.

(c) Housing shall not fail to meet the requirements for housing for older persons by reason of persons residing in such housing as of March 12, 1989, who do not meet the age requirements of paragraph (b) of this subsection (7) if the new occupants of such housing meet the age requirements of paragraph (b) of this subsection (7) or, by reason of unoccupied units, if such units are reserved for occupancy by persons who meet the age requirements of paragraph (b) of this subsection (7).

(d) (I) A person shall not be held personally liable for monetary damages for a violation of this part 5 if such person reasonably relied, in good faith, on the application of the exemption available under this part 5 relating to housing for older persons.

(II) For purposes of this paragraph (d), a person may only show good faith reliance on the application of an exemption by showing that:

(A) Such person has no actual knowledge that the facility or community is not or will not be eligible for the exemption claimed; and

(B) The owner, operator, or other official representative of the facility or community has stated, formally, in writing, that the facility or community complies with the requirements of the exemption claimed.

(8) (a) With respect to "familial status", nothing in this part 5 shall apply to the following:

(I) Any single-family house sold or rented by an owner if such private individual owner does not own more than three such single-family houses at any one time. In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection (8) shall apply only with respect to one such sale within

any twenty-four-month period. Such bona fide private individual owner shall not own any interest in, nor shall there be owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from the application of this subsection (8) only if such house is sold or rented:

(A) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(B) Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this section; but nothing in this section shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(II) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(b) For the purposes of paragraph (a) of this subsection (8), a person shall be deemed to be in the business of selling or renting dwellings if:

(I) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(II) He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(III) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(9) Repealed.

(10) (a) Nothing in this part 5 prohibits a seller of property from considering legitimate and nondiscriminatory factors when deciding whether to accept an offer.

(b) Nothing in this part 5 prohibits adherence to requirements under 38 CFR 36 that govern the United States department of veterans affairs benefits, including restrictions on options on a home contract, or prohibits inquiry regarding an individual's veteran or military status to the extent necessary to determine if the individual is eligible for a benefit offered to veterans or members of the military. Such adherence does not constitute a violation of this part 5.

**Source: L. 79:** Entire part R&RE, p. 933, § 3, effective July 1. **L. 89:** (1)(e) amended, p. 1042, § 9, effective July 1. **L. 90:** (1)(a), (1)(b), (1)(d), and (1)(e) amended and (1)(g), (1)(h), and (6) to (8) added, pp. 1225, 1226, §§ 5, 6, 7, effective April 16; (1)(c) amended, p. 1647, § 2, effective April 16; (9) added by revision, pp. 1225, 1226, 1232, §§ 5, 6, 7, 12. **L. 92:** (1)(a), (1)(d), (1)(g), (3), (4), (7)(b), and (8)(a)(II) amended and (1)(i) and (1)(j) added, p. 1122, § 4, effective July 1. **L. 93:** (9) repealed, p. 1784, § 57, effective June 6; (1)(a), (1)(b), (1)(d), (1)(g)

to (1)(j), and (5) amended, p. 1659, § 63, effective July 1. **L. 94:** (6) amended, p. 1637, § 50, effective May 31. **L. 99:** (7)(b) amended and (7)(d) added, p. 152, § 2, effective August 4. **L. 2008:** (1)(a), (1)(b), (1)(d), (1)(g), (1)(h), (1)(i), (1)(j), and (6) amended, p. 1595, § 5, effective May 29. **L. 2014:** (1)(k) added, (SB 14-118), ch. 250, p. 977, § 4, effective August 6. **L. 2020:** (1)(h) amended and (1)(l), (1)(m), (1)(n), (1)(o), (1)(p), (1.5), and (1.7) added, (HB 20-1332), ch. 298, p. 1480, § 2, effective January 1, 2021. **L. 2021:** IP(1), (1)(a), (1)(b), (1)(d), (1)(g), (1)(h), (1)(i), (1)(j), and (6) amended, (HB 21-1108), ch. 156, p. 886, § 6, effective September 7. **L. 2022:** (1)(a), (1)(b), (1)(d), (1)(g), (1)(h), (1)(i), (1)(j), and (6) amended and (10) added, (HB 22-1102), ch. 65, p. 324, § 2, effective August 10.

**Cross references:** (1) For the legislative declaration contained in the 2008 act amending subsections (1)(a), (1)(b), (1)(d), (1)(g), (1)(h), (1)(i), (1)(j), and (6), see section 1 of chapter 341, Session Laws of Colorado 2008.

(2) For the legislative declaration in HB 21-1108, see section 1 of chapter 156, Session Laws of Colorado 2021.

**24-34-502.2. Unfair or discriminatory housing practices against individuals with disabilities prohibited.** (1) It is an unfair or discriminatory housing practice and therefore unlawful and prohibited:

(a) For a person to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of a buyer or renter, an individual who will reside in the dwelling after it is sold, rented, or made available, or of any individual associated with the buyer or renter;

(b) For a person to discriminate against an individual in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling because of a disability of that individual, of any individual residing in or intending to reside in that dwelling after it is so sold, rented, or made available, or of any individual associated with the individual.

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

(a) A refusal to permit, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the individual if the modifications are necessary to afford the individual with full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) 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

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is thirty months after the date of enactment of the federal "Fair

Housing Amendments Act of 1988", a failure to design and construct those dwellings in such a manner that the public use and common use portions of the dwellings are readily accessible to and usable by individuals with disabilities. At least one building entrance must be on an accessible route unless it is impractical to do so because of the terrain or the unusual characteristics of the site. All doors designed to allow passage into and within all premises within the dwellings must be sufficiently wide to allow passage by individuals with disabilities using mobility devices, and all premises within the dwellings must contain the following features of adaptive design:

- (I) Accessible routes into and through the dwellings;
- (II) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (III) Reinforcements in bathroom walls to allow later installation of grab bars; and
- (IV) Usable kitchens and bathrooms such that an individual using a mobility device can maneuver about the space.

(3) Compliance with the appropriate requirements of the "Accessible and Usable Buildings and Facilities" standard, or any successor standard, promulgated and amended from time to time by the international code council (commonly cited as ICC/ANSI A117.1) suffices to satisfy the requirements of subsection (2)(c) of this section.

(4) As used in this section, "covered multifamily dwellings" means:

- (a) Buildings consisting of four or more units if such buildings have one or more elevators; and
- (b) Ground floor units in other buildings consisting of four or more units.

**Source: L. 90:** Entire section added, p. 1228, § 8, effective April 16. **L. 92:** IP(2)(c) amended, p. 1124, § 5, effective July 1. **L. 93:** (1), (2)(a), IP(2)(c), and (3) amended, p. 1660, § 64, effective July 1. **L. 2014:** (1), (2), and (3) amended, (SB 14-118), ch. 250, p. 977, § 5, effective August 6. **L. 2017:** (3) amended, (HB 17-1067), ch. 19, p. 63, § 4, effective August 9.

**24-34-503. Refusal to show housing.** If the charge alleging an unfair housing practice relates to the refusal to show the housing involved, the commission, after proper investigations as set forth in section 24-34-306, may issue its order that the housing involved be shown to the person filing such charge, and, if the respondent refuses without good reason to comply therewith within three days, then the commission or any commissioner may file a petition pursuant to section 24-34-509. The district court shall hear such matters at the earliest possible time, and the court may waive the requirement of security for a petition filed under this section. If the district court finds that the denial to show is based upon an unfair housing practice, it shall order the respondent to immediately show said housing involved and also to make full disclosure concerning the sale, lease, or rental price and any other information being then given to the public.

**Source: L. 79:** Entire part R&RE, p. 934, § 3, effective July 1.

**24-34-504. Time limits on filing of charges.** (1) Any charge alleging a violation of this part 5 shall be filed with the commission pursuant to section 24-34-306 within one year after the alleged unfair housing practice occurred, or it shall be barred.

(2) A civil action filed by the attorney general under this section shall be commenced not later than eighteen months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

(3) The director, not later than ten days after filing or identifying additional respondents, shall serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this part 5, together with a copy of the original charge.

(4) The director shall commence an investigation of any charge filed pursuant to subsection (1) of this section within thirty days of such filing. Within one hundred days after the filing of the charge, the director shall determine, based on the facts, whether probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so or the director has approved a conciliation agreement with respect to the charge. If the director is unable to complete the investigation within one hundred days after the filing of the charge, the director shall notify the parties of the reasons for not doing so.

(4.1) After a determination by the director that probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall issue a notice and complaint as provided in section 24-34-306 (4). After such notice and complaint is issued by the commission, the complainant, respondent, or any aggrieved person on whose behalf the charge was filed may elect to have the claims asserted in the charge decided in a civil action in lieu of an administrative hearing. Such election shall be made in writing within twenty days after receipt of the notice and complaint issued by the commission. The commission shall provide notice of the election to all other parties to whom the notice and complaint relates.

(4.2) If all parties agree to have the charges decided in an administrative hearing, the commission shall hold a hearing as provided in section 24-34-306. If any party elects a civil action, the commission shall authorize the attorney general to commence and maintain a civil action in the appropriate state district court to obtain relief with respect to the discriminatory housing practice or practices alleged in the notice and complaint.

(4.3) Final administrative disposition of a charge filed pursuant to this section shall be made within one year of the date the charge was filed, unless it is impractical to do so. If the commission is unable to do so, the commission shall notify the complainant and the respondent, in writing, of the reasons that such disposition is impractical.

(5) Repealed.

**Source: L. 79:** Entire part R&RE, p. 934, § 3, effective July 1. **L. 90:** Entire section amended, p. 1229, § 9, effective April 16; (5) added by revision, pp. 1229, 1232, §§ 9, 12. **L. 92:** (4) amended and (4.1), (4.2), and (4.3) added, p. 1124, § 6, effective July 1. **L. 93:** (5) repealed, p. 1785, § 58, effective June 6.

**24-34-505. Charges by other persons.** Any person whose employees, agents, employers, or principals, or some of them, refuse or threaten to refuse to comply with the provisions of this part 5 may make, sign, and file with the commission a verified written charge in duplicate asking the commission for assistance to obtain their compliance by conciliation or other remedial action.

**Source: L. 79:** Entire part R&RE, p. 934, § 3, effective July 1.

**24-34-505.5. Enforcement by the attorney general.** (1) Upon timely application, the attorney general may intervene in any civil action filed as provided in section 24-34-505.6 if the attorney general certifies that the case is of general public importance. Upon such intervention, the attorney general may obtain such relief as would be available to the director under section 24-34-306 in a civil action to which such section applies.

(2) Whenever the attorney general has probable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the attorney general may commence a civil action in any appropriate district court.

(3) The attorney general may commence a civil action in any appropriate district court for appropriate relief with respect to:

(a) A discriminatory housing practice referred to the attorney general by the commission under section 24-34-306; or

(b) Breach of a conciliation agreement referred to the attorney general by the director under section 24-34-506.5.

(4) The attorney general, on behalf of the commission, division, or other party at whose request a subpoena is issued under this section, may enforce such subpoena in appropriate proceedings in the district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(5) Repealed.

**Source: L. 90:** Entire section added, p. 1230, § 10, effective April 16; (5) added by revision, pp. 1230, 1232, §§ 10, 12. **L. 92:** (2) amended, p. 1125, § 7, effective July 1. **L. 93:** (5) repealed, p. 1785, § 59, effective June 6.

**24-34-505.6. Enforcement by private persons.** (1) Notwithstanding any provision of this article to the contrary, an aggrieved person may commence a civil action in an appropriate United States district court or state district court not later than two years after the occurrence or the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered into under this title, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

(2) The computation of such two-year period shall not include any time during which an administrative proceeding under this title was pending with respect to a complaint or charge under this title based upon such discriminatory housing practice. This subsection (2) does not apply to actions arising from a breach of a conciliation agreement.

(3) Notwithstanding any provision of this article to the contrary, an aggrieved person may commence a civil action under this section whether or not a charge has been filed under section 24-34-306 and without regard to the status of any such charge, but if the director or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this section by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such charge except for the purpose of enforcing the terms of such an agreement.

(4) An aggrieved person may not commence a civil action under this section with respect to an alleged discriminatory housing practice which forms the basis of a complaint issued by the commission if an administrative law judge has commenced a hearing on the record under this title with respect to such complaint.

(5) At the request of the aggrieved person, the court may appoint an attorney in accordance with section 24-34-307 (9.5).

(6) In addition to the relief which may be granted in accordance with section 24-34-508, the following relief is available:

(a) If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages or may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate.

(b) The court, in its discretion, may allow the prevailing party reasonable attorney fees and costs.

(c) Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a charge with the commission or a civil action under this section.

(7) Repealed.

**Source: L. 90:** Entire section added, p. 1230, § 10, effective April 16; (7) added by revision, pp. 1230, 1232, §§ 10, 12. **L. 92:** (1), (3), and (4) amended, p. 1127, § 10, effective July 1. **L. 93:** (7) repealed, p. 1785, § 60, effective June 6. **L. 95:** IP(6) amended, p. 1104, § 39, effective May 31.

**24-34-506. Probable cause.** In making his determination on probable cause under the provisions of section 24-34-306 (2), the director shall find that probable cause exists if upon all the facts and circumstances a person of reasonable prudence and caution would be warranted in a belief that an unfair housing practice has been committed.

**Source: L. 79:** Entire part R&RE, p. 934, § 3, effective July 1. **L. 92:** Entire section amended, p. 1125, § 8, effective July 1.

**24-34-506.5. Conciliation agreements.** (1) A conciliation agreement arising out of a conciliation shall be an agreement between the respondent and the charging party, and shall be subject to approval by the director.

(2) A conciliation agreement may provide for binding arbitration of the dispute arising from the charge. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(3) Each conciliation agreement shall be made public unless the charging party and respondent otherwise agree and the director determines that disclosure is not required to further the purposes of this section.

(4) Whenever the director has reasonable cause to believe that a respondent has breached a conciliation agreement, the director shall refer the matter to the attorney general with a recommendation that a civil action be filed under section 24-34-505.5 for the enforcement of such agreement.

(5) Repealed.

**Source: L. 90:** Entire section added, p. 1230, § 10, effective April 16; (5) added by revision, see pp. 1230, 1232, §§ 10, 12. **L. 93:** (5) repealed, p. 1785, § 61, effective June 6.

**24-34-507. Injunctive relief.** (1) After the filing of a charge pursuant to section 24-34-306 (1), the commission or a commissioner designated by the commission for that purpose may file in the name of the people of the state of Colorado through the attorney general of the state a petition in the district court of the county in which the alleged unfair housing practice occurred, or of any county in which a respondent resides, seeking appropriate injunctive relief against such respondent, including orders or decrees restraining and enjoining him from selling, renting, or otherwise making unavailable to the complainant any housing with respect to which the complaint is made, pending the final determination of proceedings before the commission under this part 5.

(2) Any injunctive relief granted pursuant to this section shall expire by its terms within such time after entry, not to exceed sixty days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. An affidavit of notice of hearing shall forthwith be filed in the office of the clerk of the district court wherein said petition is filed. The procedure for seeking and granting said injunctive relief, including temporary restraining orders and preliminary injunctions, shall be the procedure provided in the rules of civil procedure for courts of record in Colorado pertaining to injunctions, and the district court has power to grant such temporary relief or restraining orders as it deems just and proper.

(3) The district court shall hear matters on the request for an injunction at the earliest possible time.

(4) If, upon all the evidence at a hearing, the commission finds that a respondent has not engaged in any such unfair housing practice, the district court which has granted temporary relief or restraining orders pursuant to the petition filed by the commission or commissioner shall dismiss such temporary relief or restraining orders. Any person filing a charge alleging an unfair housing practice with the commission, a commissioner, or the attorney general may not thereafter apply, by himself or herself or by his or her attorney-at-law, directly to the district court for any further relief under this part 5, except as provided in section 24-34-307.

**Source:** **L. 79:** Entire part R&RE, p. 935, § 3, effective July 1. **L. 87:** (2) amended, p. 966, § 71, effective March 13. **L. 92:** (1) to (3) amended, p. 1126, § 9, effective July 1. **L. 98:** (4) amended, p. 825, § 37, effective August 5.

**24-34-508. Relief authorized.** (1) In addition to the relief authorized by section 24-34-306 (9), the commission may order a respondent who has been found to have engaged in an unfair housing practice:

(a) To rehire, reinstate, and provide back pay to any employee or agent discriminated against because of his obedience to this part 5;

(b) To take affirmative action regarding the granting of financial assistance as provided in section 24-34-502 (1)(b) or the showing, sale, transfer, rental, or lease of housing;

(c) To make reports as to the manner of compliance with the order of the commission;

(d) To reimburse any person who was discriminated against for any fee charged in violation of this part 5 and for any actual expenses incurred in obtaining comparable alternate housing, as well as any storage or moving charges associated with obtaining such housing;

(e) To award actual damages suffered by the aggrieved person and injunctive or other equitable relief;

(f) To assess a civil penalty against the respondent in the following amounts:

(I) Not to exceed ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

(II) Not to exceed twenty-five thousand dollars if the respondent has been adjudged to have committed any other discriminatory housing practice during the five-year period ending on the date of the filing of the charge;

(III) Not to exceed fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices during the seven-year period ending on the date of the filing of the charge.

(2) In addition to the relief authorized by the provisions of subsection (1) of this section, an individual with a disability who has suffered an unfair housing practice based on his or her disability is entitled to the relief set forth in section 24-34-802.

**Source: L. 79:** Entire part R&RE, p. 936, § 3, effective July 1. **L. 89:** Entire section amended, p. 1042, § 10, effective July 1. **L. 90:** (1)(e) and (1)(f) added, p. 1231, § 11, effective April 16. **L. 2014:** (2) added, (SB 14-118), ch. 250, p. 978, § 6, effective August 6.

**24-34-509. Enforcement sought by commission.** Upon refusal by a person to comply with any order, order pursuant to section 24-34-503, or regulation of the commission, the commission has authority to immediately seek an order in the district court enforcing the order or regulation of the commission. Such proceedings shall be brought in the district court in the county in which the respondent resides or transacts business.

**Source: L. 79:** Entire part R&RE, p. 936, § 3, effective July 1.

**24-34-510. Remedy. (Repealed)**

**Source: L. 79:** Entire part R&RE, p. 936, § 3, effective July 1. **L. 86:** (1)(a) amended, p. 1219, § 23, effective May 30. **L. 92:** Entire section repealed, p. 1127, § 11, effective July 1.