

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

INTRODUCED

LLS NO. 26-0616.01 Sam Anderson x4218

HOUSE BILL 26-1045

HOUSE SPONSORSHIP

Clifford and Zokaie,

SENATE SPONSORSHIP

Michaelson Jenet,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HOUSING PROTECTIONS FOR INDIVIDUALS WITH**
102 **DISABILITIES.**

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 defines the terms "assistance animal" and "emotional support animal" as used in the "Colorado Anti-discrimination Act" (CADA) and other specified provisions of law. The bill also defines the term "reasonable accommodation" as it applies to housing practices included in CADA and specifies relevant factors related to assessing reasonable accommodations necessary for an individual with a disability

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

to have an equal opportunity to use and enjoy housing.

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

2 **SECTION 1. Legislative declaration.**

3 (1) The general assembly finds and declares that:

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

10 (b) Under existing law, an individual seeking a reasonable
11 accommodation to keep an assistance animal is required to demonstrate
12 that they have a disability and that the assistance animal is necessary to
13 address a disability-related need;

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

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

1 commonly applied statute.

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

4 **24-34-301. Definitions.**

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

7 (2.5) "ASSISTANCE ANIMAL" MEANS AN ANIMAL THAT DOES WORK,
8 PERFORMS TASKS, ASSISTS, OR PROVIDES THERAPEUTIC EMOTIONAL
9 SUPPORT TO AN INDIVIDUAL WITH A DISABILITY. "ASSISTANCE ANIMAL"
10 INCLUDES AN EMOTIONAL SUPPORT ANIMAL AND A SERVICE ANIMAL.

11 (8.5) "EMOTIONAL SUPPORT ANIMAL" MEANS AN ANIMAL THAT
12 PROVIDES EMOTIONAL SUPPORT TO AN INDIVIDUAL TO ALLEVIATE A
13 SYMPTOM OR AN EFFECT OF A DISABILITY.

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

16 **24-34-501. Definitions.**

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

18 (3.5) "REASONABLE ACCOMMODATION" MEANS AN EXCEPTION OR
19 ADJUSTMENT TO A RULE, POLICY, PRACTICE, OR SERVICE THAT MAY BE
20 NECESSARY FOR AN INDIVIDUAL WITH A DISABILITY TO HAVE EQUAL
21 OPPORTUNITY TO USE AND ENJOY HOUSING, INCLUDING PUBLIC AND
22 COMMON-USE SPACES.

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

25 **24-34-502. Unfair housing practices prohibited - definition.**

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

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

1 SECTION:

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

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

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

9 **24-34-502.2. Unfair or discriminatory housing practices**
10 **against individuals with disabilities prohibited.**

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

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

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

18 (A) PERMITTING AN ASSISTANCE ANIMAL IN HOUSING IS PRESUMED
19 TO BE A REASONABLE ACCOMMODATION; AND

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

22 **SECTION 6. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.