

Colorado Civil Rights Commission Colorado Civil Rights Division

Annual Report 2012

(Fiscal Year 2011-2012)



John W. Hickenlooper, Governor
Barbara J. Kelley, Executive Director, DORA
Steven Chavez, Director, Colorado Civil Rights Division

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Dear Coloradoans,

We are pleased to once again report on the activities of the Colorado Civil Rights Commission. The Commission has been engaged in many activities since our last report to you. Your Civil Rights Commission has traveled outside Denver to hold our regular meetings and forums and to listen to the concerns of Coloradoans regarding their civil rights. In addition, we have met monthly for our regular meetings to review appeals, finalize orders, and consider the many matters that come before the Commission.

It has been a dynamic time in Colorado regarding all of our civil rights and the Commission continues to advocate for the rights of all people in Colorado. The Commissioners were active in our endorsement of a bill allowing Civil Unions between same sex couples. The bill came close to passing the legislature this year and you may rest assured that the Commission will continue to advocate for LGBT rights. Passage of such laws makes Colorado a leader in our country in advancing the civil rights of everyone who lives in our beautiful state. In addition, the use of medical marijuana has brought forward important issues in cases involving individuals with disabilities and we are reminded that Colorado laws differ from federal statutes. The Commission remains sensitive to the concerns and beliefs of all Colorado residents in passage of common sense civil rights laws and regulations.

This year there were many important cases to come before the Commission. Each Commissioner takes her/his responsibilities very seriously in considering each case, making the best decisions possible for both those claiming discrimination and for the respondents in each situation.

The Division and Commission have also demonstrated our proactive roles in civil rights protection by issuing press releases regarding high profile cases and through grant funded public service announcements in the media regarding housing discrimination. The Commission continues to hold meetings and forums around the state, such as the meeting in Colorado Springs held in March. We consider it a priority to actively advance our outreach and educational responsibilities.

The Commissioners all extend a heartfelt invitation to the people of Colorado to come to meetings and contact any of us regarding your civil rights concerns. We are all proud to serve our state in working toward ensuring that everyone is treated equally and with dignity and respect in Colorado.

Thank you to Colorado for allowing us to serve you.

Respectfully,

THE COLORADO CIVIL RIGHTS COMMISSION

**COLORADO CIVIL RIGHTS COMMISSION
COLORADO CIVIL RIGHTS DIVISION**

Civil Rights Commission

Term Expires

Marvin Adams , Rep. State or Local Government, Colorado Springs	3/13/2016
Katina Banks , Rep. Business, Denver	3/13/2015
Janelle R. Doughty , Rep. State or Local Government, Marvel	3/13/2012
Raju Jairam , Rep. Small Business, Fort Collins	3/13/2015
Eva Muñiz Valdez , Rep. Community at Large, Pueblo	3/13/2013
Diann Rice , Rep. Community at Large, Loveland	3/13/2016
A. Susie Velasquez , Rep. State or Local Government, Greeley	3/13/2015

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EXECUTIVE SUMMARY

The Colorado Civil Rights Division is an enforcement agency, within the Colorado Department of Regulatory Agencies (DORA), and acts on behalf of the Colorado Civil Rights Commission.

The **Colorado Civil Rights Commission** (Commission) is a seven-member, bipartisan, panel appointed by the Governor of Colorado pursuant to the Colorado Civil Rights Act. The mission of the Commission is to review appeals of cases investigated and dismissed by the Civil Rights Division; reach out to various communities to provide awareness of civil rights issues and protections; conduct hearings involving illegal discriminatory practices; advise the Governor and General Assembly regarding policies and legislation that address discrimination; and, adopt and amend rules and regulations that provide standards and guidelines regarding the State statutes prohibiting discrimination.

The **Colorado Civil Rights Division** (Division) is a neutral, fact-finding, administrative agency that conducts investigations of complaints/charges of discrimination alleging violations of the Colorado Civil Rights Act in the areas of employment, housing and in places of public accommodation. After a complaint is filed and an investigation conducted, the Division Director issues a decision as to whether sufficient evidence exists to support the allegations of discrimination. If the decision is that no discrimination occurred, a complainant may appeal the decision to the Commission. If the Division finds evidence of discrimination, the statute requires that the Division attempt to settle the matter through a mandatory mediation before the Commission determines whether to take the case to administrative hearing.

In order to resolve matters at the earliest possible stage in a case, the Division also offers an Alternative Dispute Resolution (mediation) program early in an investigation, which can identify viable options for early constructive resolution of cases. Some of the resolutions obtained during this reporting period have included back pay, reinstatement, promotion, transfer of job duties, or a structural modification for an individual with a disability. In dollars alone, the Alternative Dispute Resolution program was responsible for over \$1 million in settlement funds during this fiscal year.

Through its partnership with other organizations and through independent outreach efforts, the Division and Commission focus on outreach and education in the fight against discrimination. The Division is increasingly providing internet-based access of all educational materials and has reached thousands of individuals and numerous communities to provide awareness of the anti-discrimination laws in Colorado. The Division also began a public announcement campaign to raise awareness of the housing discrimination laws. As statutory revisions are made to the laws affecting the civil rights laws, updates are made to the brochures, teaching programs, and website which reflect those changes.

The mission of the Division and Commission to promote equal treatment of all people in Colorado fosters a more open and receptive environment in which to conduct business, live, and work. And we are dedicated to promoting fair and inclusive communities through the enforcement of the Civil Rights laws, mediation, education, and outreach.

ENFORCEMENT

CASE PROCESSING

The primary mission of the Colorado Civil Rights Division (CCRD) is to enforce the Colorado anti-discrimination laws in the area of employment, housing, and public accommodations under Title 24, Article 34, parts 3-7, of the Colorado Revised Statutes. The Division investigates matters that come to our attention from complainants in the public or which the Commission files with the Division on its own motion. The Division also works in conjunction with, and maintains work-share agreements with, its federal counterparts, the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). To avoid duplication of effort and more efficient customer service to the public, the Division investigates matters that are filed with both EEOC and HUD, as well as cases that have jurisdiction exclusive to Colorado law. The staff of the Division strives to provide the best customer service, as well as to all parties in a case, by the fairest and most transparent methods possible. During Fiscal Year 2011-2012, 834 complaints were filed with the Division. Of those complaints, 147 were deemed non-jurisdictional or untimely, and because of that no further action was taken. Thus, 687 charges were filed for investigation in Fiscal Year 2011-2012. Employment discrimination continued as the largest type of complaint filed (75%). The following chart identifies the caseload handled by the Division for the past three fiscal years.

Charges Filed with CCRD				
Fiscal Year	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY09-10	599	89	46	734
FY10-11	575	118	31	724
FY11-12	516	130	41	687

Cases are filed with the Division by complainants alleging discrimination based on a protected class. A “protected class” is a group of people protected by law from discrimination based on a characteristic of the group. The specific Colorado Anti-Discrimination law falls under Title 24, of the Colorado Revised Statutes. As you will see in the chart on the next page, discrimination charges based on sex (gender), disability, and retaliation continue to be the highest in Fiscal Year 2011-12, followed by age, race and national origin. Retaliation is an adverse action taken against someone who has opposed discrimination or participated in a discrimination proceeding.

Protected Classes in Colorado

Housing - Employment - Public Accommodations

Age (40 through 69) (employment only)
 Color
 Creed
 Disability
 Familial (family) status (housing only)
 Marital status (housing and PA only)
 Marriage to Co-worker (employment only)
 National Origin / Ancestry
 Race
 Religion (employment and housing only)
 Retaliation (for engaging in protected activity)
 Sex
 Sexual Orientation, including transgender

Basis of Charges Filed

Basis *	FY09-10	FY10-11	FY11-12
Age (40-69)	157	185	148
Color	100	90	92
Creed/Religion	36	33	31
Disability	223	252	231
Familial Status	7	8	8
Marital Status	4	1	0
Marriage to Co-worker	10	3	5
National Origin/Ancestry	134	120	114
Race	143	180	131
Retaliation	331	285	267
Sex	267	230	209
Sex: Pregnancy	35	19	24
Sexual Orientation	40	49	50
Other	3	6	2

* May be more than one basis per case

Charges by County FY11-12

County	Employment	Housing	Public Accommodation	Total
Adams	33	3	1	37
Alamosa	6	3	1	10
Arapahoe	73	15	6	94
Archuleta	1	1	0	2
Baca	1	0	0	1
Boulder	25	6	2	33
Broomfield	2	0	1	3
Chaffee	5	0	0	5
Clear Creek	1	0	0	1
Costilla	2	1	0	3
Delta	1	0	0	1
Denver	107	33	15	155
Dolores	1	0	0	1
Douglas	24	4	1	29
Eagle	4	0	0	4
El Paso	44	11	4	59
Elbert	0	1	0	1
Fremont	2	0	0	2
Garfield	7	0	0	7
Gilpin	3	0	0	3
Grand	1	1	0	2
Jefferson	50	18	4	72
La Plata	2	1	0	3
Larimer	23	13	1	37
Logan	7	3	0	10
Mesa	20	2	0	22
Mineral	1	0	0	1
Moffat	4	0	0	4
Montezuma	2	1	0	3
Montrose	2	0	0	2
Morgan	2	1	1	4
Otero	2	0	0	2
Pitkin	1	1	0	2
Pueblo	27	6	2	35
Routt	1	0	0	1
Saguache	0	0	1	1
Summit	6	1	0	7
Teller	3	0	0	3
Weld	22	4	1	27
Yuma	1	0	0	1

ENFORCEMENT

INVESTIGATIONS

When a formal charge is filed alleging discrimination, the Division’s investigative staff conducts a neutral investigation. Evidence is gathered from the parties in the case, witnesses, as well as from third parties and documentary evidence sources. The investigation under Colorado law provides a transparent process to allow the parties opportunity to submit information, documentation, witnesses, and other evidence that directly corroborates their allegations and which refutes the allegations of the opposing party.

After the investigation, the Division Director or his designee will make a determination as to whether there is sufficient evidence to support a finding of “probable cause” that discrimination has occurred. If the Director finds probable cause, the parties are required to attempt to resolve the matter through a mandatory mediation process (also called “Conciliation”). If the Director finds that there is “no probable cause” to believe that discrimination has occurred, the complainant has the right to appeal that determination to the Commission. In Employment cases, if the case is dismissed the complainant may file a legal complaint in civil court; however, in Housing cases, the complainant may file in civil court at any time without needing to exhaust administrative remedies prior to filing in court. If the Director finds probable cause in an Employment case and the case is not settled in Conciliation, the Commission will then decide whether the matter will be noticed for hearing in front of an Administrative Law Judge. In Housing cases, if the Director finds probable cause and the case is not settled in Conciliation, the statute requires that the case be set for hearing.

The below chart provides statistics concerning the number of “Probable Cause” and “No Probable Cause” determinations issued by the Division Director in the past three years.

Findings						
<u>Area of Jurisdiction</u>	FY09-10		FY10-11		FY11-12	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	50	403	26	313	23	394
Housing	9	54	7	87	8	109
Public Accommodation	3	57	2	24	1	30

ENFORCEMENT

INVESTIGATIONS (cont.)

As explained, when the Director finds no probable cause in a case, the complainant may appeal the determination to the Commission within ten days. The Commission will review the matter taking into consideration the argument and evidence that proves existing evidence was misinterpreted or the determination was based on erroneous information. The following are the number of appeals filed with the Commission in the past three years.

Appeals				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY09-10	71	13	24	108
FY10-11	29	25	7	61
FY11-12	64	34	9	107

Cases are closed under a number of circumstances, including; probable cause/no probable cause finding, successful mediation, closed after hearing, lack of jurisdiction, right to sue issued, and withdrawal or administrative closure. The Division strives to address as many cases as quickly as possible so the parties are served by the process and matters can be resolved. The following chart demonstrates the number of cases that the Division closed in the past three fiscal years.

Cases Completed				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY09-10	676	89	80	845
FY10-11	568	112	34	714
FY11-12	601	144	40	785

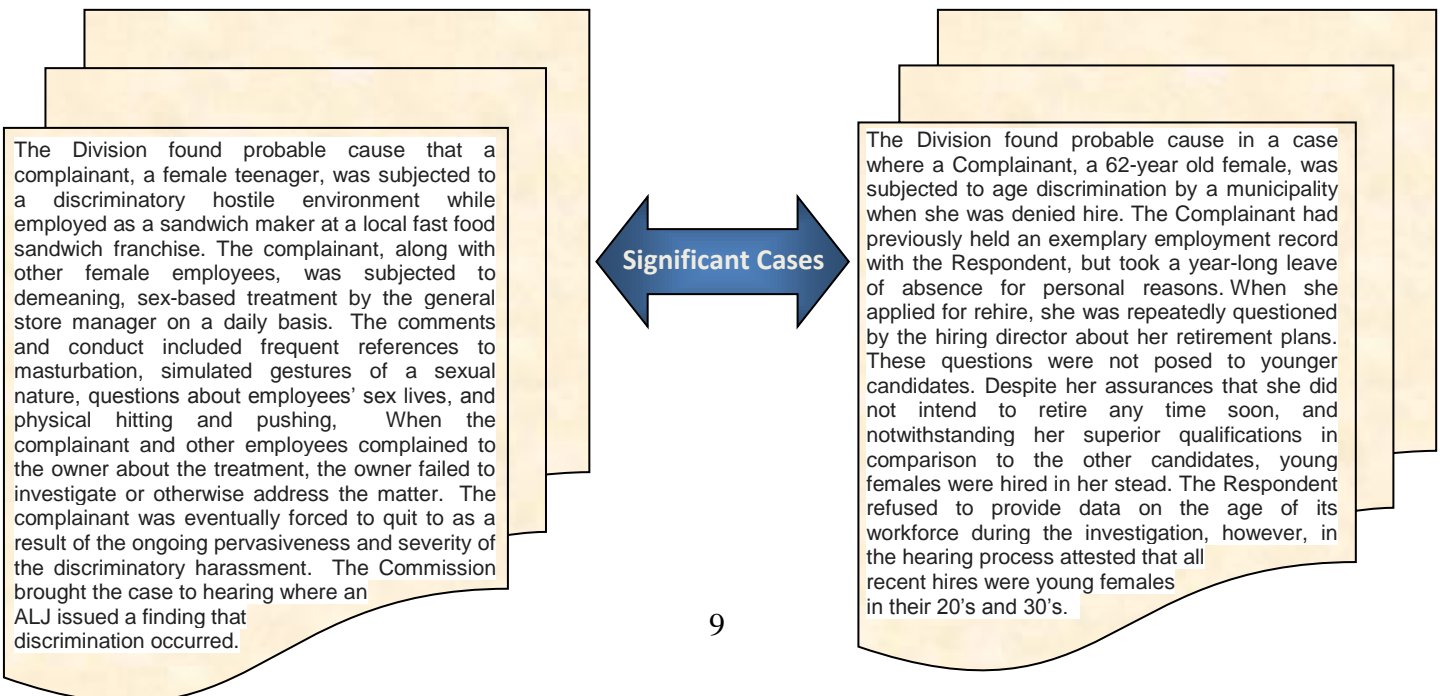
ENFORCEMENT

EMPLOYMENT

The Employment unit of the Division includes investigators in the Denver, Pueblo, and Grand Junction offices. The intent of the program is to focus resources where a majority of complaints originate, community involvement is essential, and issues have arisen in which the Commission and Division can have an effect in the outcome.

In the employment area, the Division receives numerous complaints involving alleged discrimination against individuals with mental or physical disabilities, including failure to accommodate. An employer is required to make reasonable accommodations to the known limitations of an otherwise qualified individual with a disability. However, the employer is not required to do so if an accommodation would cause "undue hardship", a significant difficulty or expense, to the employer's business. In many cases, the evidence does not substantiate a violation of the law, because the employee seeks an accommodation that is not reasonable. For example, it would not be reasonable to expect an employer to hire a personal assistant for an employee with a disability, who would perform the essential functions of the employee's job. However, the provision of an auxiliary aid that would enable the employee the ability to perform the job would be reasonable. The Division carefully evaluates the specific facts of each disability-based charge to ensure that the needs of an employee are appropriately and fairly balanced with the requirements of the employer's business.

Cases where complainants have alleged discrimination based on age are also a significant portion of the Division's caseload. In the investigation, the Division is seeking evidence as to whether an employer made an employment decision based on the age of an employee. An employer must demonstrate that an age based employment disqualification is reasonably necessary to the essence of its business. For instance, a mandatory retirement age for employees in a safety related job may be allowed.

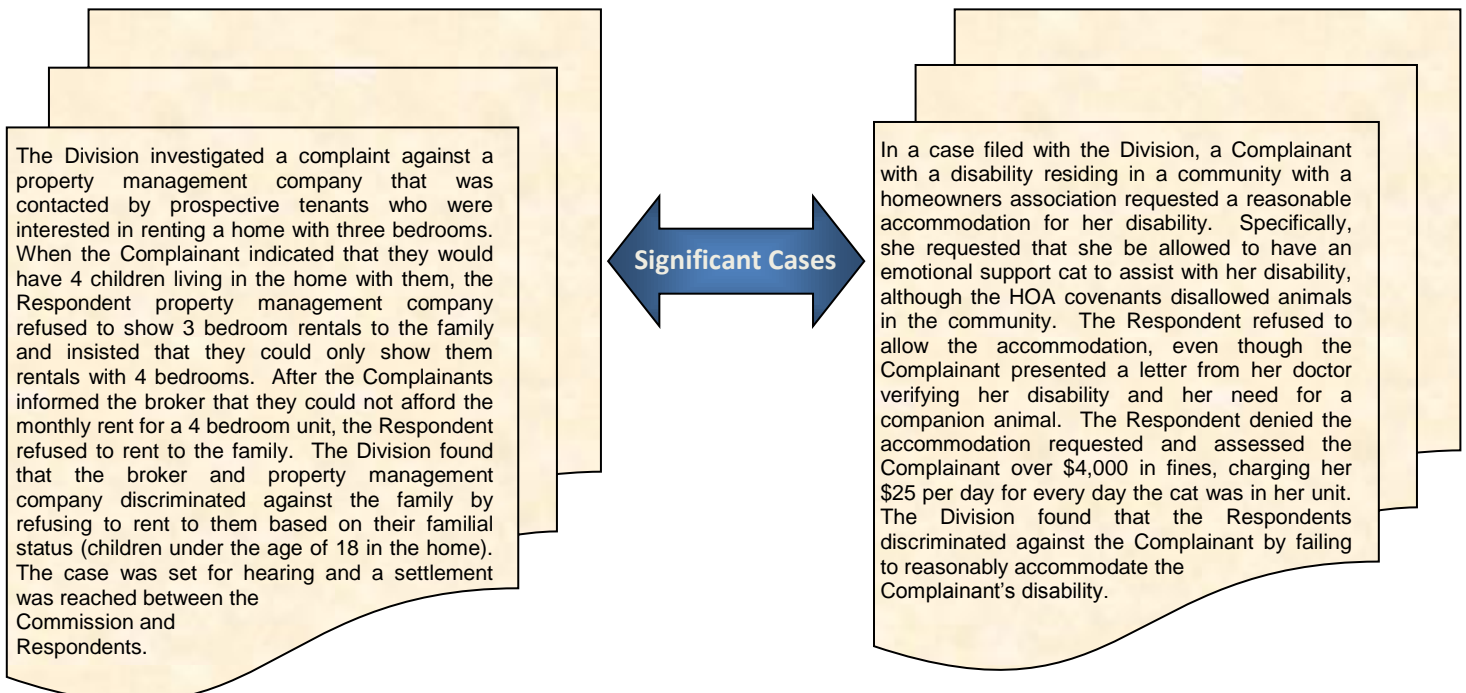


ENFORCEMENT

HOUSING

The types of cases the Division sees each year in the area of Housing are varied, including issues from failure to rent to a family with children to failure to provide designated handicap parking spaces. In this fiscal year, more than a third of all Housing discrimination complaints filed with the Division included an allegation of discrimination based on a physical and/or mental disability. Under the Colorado civil rights laws, an individual with a disability may request a reasonable accommodation to have an assistance or companion animal reside with them in a housing unit, even if the housing provider has a “no pets” policy, because emotional support and service animals are not pets but an aid. The provider may request information about the individual’s limitations and a letter from an appropriate health care professional indicating that the renter meets the definition of a person with a disability and that the accommodation to allow an assistance or companion animal is necessary.

Similar to employment cases, a large number of housing complaints filed with the Division include an allegation of discriminatory harm based on retaliation. Retaliation in housing is defined as being subject to adverse action because the individual has opposed unlawful discrimination. By way of example, opposing unlawful discrimination includes complaining of housing discrimination, acting as a witness in an investigation of discrimination, or requesting a reasonable accommodation for a disability. Under Colorado law it is illegal to take adverse action against someone because they have engaged in a protected civil rights related activity such as those mentioned above.



ENFORCEMENT

PUBLIC ACCOMMODATIONS

Colorado’s civil rights laws also protect against discrimination in places of Public Accommodation, such as in a library or at a theatre. The law prohibits the denial of full and equal enjoyment of goods, services, facilities, privileges, and advantages in a place of public accommodation to any person of a protected class. A “place of public accommodation” is any place of business engaged in sales to the public and any place offering services to the public. Other examples include; stores, restaurants, hotels, hospitals, parks, museums, sporting or recreational facilities, campsites, hospitals, and educational institutions (does not include churches, synagogues, mosques, or other places that are principally used for religious purposes).

NO place of public accommodation may post a sign which states or implies, “We reserve the right to refuse service to anyone.”

Complaints filed with the Division in the area of Public Accommodations this year were primarily based on race and disability; however, there has been a consistent rise in the number of cases involving allegations of discrimination based on sexual orientation and transgender status. Although under Colorado law both are under the same protected class, sexual orientation and transgender status are not synonymous. Transgender status relates to a person whose gender identity or gender expression does not match the gender assigned to her/him at birth. To clarify, gender identity is a person’s innate sense of one’s own gender. Gender expression is a person’s external appearance, characteristics, or behaviors typically associated with a specific gender. Because gender identity is based on what an individual feels internally, when addressing transgender individuals, businesses should be guided by a person’s description of gender, not necessarily outward appearance.

The Division investigated a case in which the Complainant alleged that the Respondent, a night club, discriminated against her because of her race, African American. The Complainant claimed that she attempted to enter the Respondent’s night club with a group of friends, however, was denied entrance by the doorman and no reason was provided. The Complainant contended that patrons outside of her protected class were granted entrance into the night club. The Respondent maintained that the Complainant and her friends did not adhere to its dress code, which is why they were denied entrance. Following an extensive investigation, the Division determined that based on the evidence obtained, the Respondent used its dress code policy in a discriminating manner, allowing individuals outside of the Charging Party’s protected classes entrance into the night club, even when not in compliance with the dress code. After a probable cause determination, the Respondent entered into a settlement agreement.



In a case filed with the Division, it was alleged that the staff in a retail store discriminated against the Complainant based on her disability, national origin, sex, and in retaliation for complaining of discrimination. The evidence demonstrated that the Complainant entered the Respondent’s store with her service animal dog, and when she went to the cash register to make a purchase, the dog jumped on the counter several times, knocked over merchandise, and jumped onto the cashier. The Complainant claimed that the staff made negative comments about her national origin and had refused to accommodate her disability. During the interaction, the Complainant continued to use profanity while paying for her purchase and exiting the store. Although, she continued to patronize the store after this interaction, without incident. The Division found that there was no evidence to show that the Respondent discriminated against the Complainant.

ALTERNATIVE DISPUTE RESOLUTION

In order to encourage parties in a case to consider potential resolutions of matters under investigation, the Division offers Alternative Dispute Resolution (ADR) as a time and cost savings alternative to investigation and litigation. This mediation program is provided at no cost to the parties. The process benefits the parties in that it allows open discussion and resolution of a matter at the lowest possible level. Prior to the initiation of an investigation, the Division provides the parties the opportunity to participate in voluntary mediation. This is a formal meeting held between the parties where a Division staff member acts as a neutral intermediary to assist the parties in reaching a compromise. As previously discussed, the ADR unit also conducts compulsory mediation (Conciliation) as required by the statute after probable cause is found in a case.

The Division makes it a priority to provide parties with the opportunity to settle cases as often as possible. In many cases it has proven to be a beneficial resolution to a matter that might otherwise result in greater harm. The parties are able to be heard as well as feel empowered to address a situation or improve relationships. Below are some statistics that demonstrate the work and outcomes of the program.

Alternative Dispute Resolution									
Fiscal Year	Mediations			Conciliations			Total		
	Number of Mediations Held	Mediations Resulting in Settlements	Value of Mediated Settlements	Number of Conciliation Held	Conciliations Resulting in Settlements	Value of Conciliated Settlements	Total Held	Total Resulting in Settlements	Total Value
FY09-10	148	111	\$1,306,555	52	14	\$176,069	200	125	\$1,482,624
FY10-11	95	64	\$681,313	36	12	\$320,251	131	76	\$1,001,564
FY11-12	103	76	\$979,769	26	8	\$73,487	129	84	\$1,053,256

To improve customer service, reduce resources, and increase benefit to the parties in a case, the Division strives to decrease the time it takes to conduct mediations and conciliations. In this fiscal year, the Division was able to conduct 87% of its formal mediations within 45 days of the date the request is made.

OUTREACH AND EDUCATION

Public education is a key part of the Commission’s and Division’s mission. Through the outreach and education program, we can raise public awareness of civil rights issues and knowledge of the laws prohibiting discrimination in employment, housing and public accommodations in Colorado.

Division staff provides monthly educational training at the main office in Denver, and travels to various areas of the state to provide educational presentations to businesses and individuals. This year, in addition to its regular training classes offered in the Denver area, the Division conducted numerous trainings and outreach events in Dillon, Brighton, Boulder, Ft. Collins, Colorado Springs, Greeley, Limon, Burlington, Wray, Pueblo, San Luis, Ignacio, Cañon City, Rifle, Glenwood Springs, Alamosa, Avon, Grand Junction, Holyoke, Haxtun, Fairplay, Telluride, Georgetown, Craig, Sterling, Fort Morgan and Estes Park.

The Division partners with other organizations to provide outreach, thereby leveraging valuable resources by working with various organizations including city councils, academic institutions, non-profit organizations, and other government agencies. In Fiscal Year 2011-2012, the Division partnered with other organizations in 41% of our outreach and training events, providing a greater ability to educate the public regarding anti-discrimination laws.

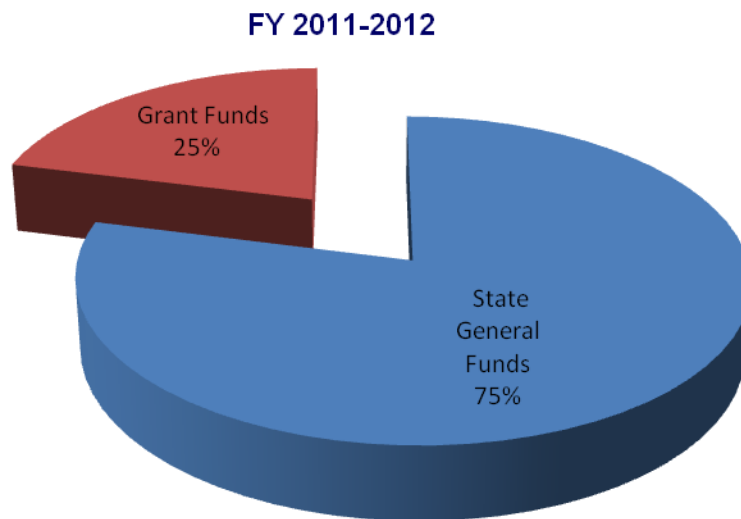
The Division also maintains a website at www.dora.colorado.gov/crd where the public can learn about the Division and the Commission, enroll in upcoming trainings, obtain information about anti-discrimination laws and rules, and download forms to file a complaint of discrimination. As part of a Departmental project this year, the Division has been moving and redeveloping our website. Members of the public are always encouraged to let us know how the website is assisting them with their needs.

Training/Outreach				
Fiscal Year	Training/Outreach			Total
	Number of Trainings	No. of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
FY09-10	51	9	54	105
FY10-11	91	11	36	127
FY11-12	57	8	50	107

BUDGET

The Civil Rights Division is funded by the State of Colorado's General Fund. The Division's work is also supported by contractual agreements with the U.S. Department of Housing and Urban Development and the Equal Employment Opportunity Commission. Under the agreements, when Colorado and the federal government share jurisdiction, the Division conducts investigations on behalf of the federal government, avoiding duplicative effort and allowing for a more effective use of resources.

Budget - FY 2011-2012		
Source	Amount	Full-time Employees
State General Funds	1,825,498	20.4
Grant Funds	626,975	11.0
Total	2,452,473	31.4



HISTORY OF CIVIL RIGHTS LAWS IN COLORADO

- 1876 Colorado Constitution was ratified after 100 Black men demanded and were given the right to vote.
- 1893 Colorado again expanded its laws and granted women the right to vote.
- 1895 The Colorado General Assembly passed the Public Accommodations Act prohibiting discrimination on the basis of race or color.
- 1917 Discriminatory advertising was added to the prohibitions contained in the 1895 Public Accommodations Act.
- 1951 The General Assembly passed the Colorado Anti-Discrimination Act creating the Fair Employment Practices Division, attached to the state's Industrial Commission, forerunner of the Colorado Department of Labor and Employment. The Division's mission was to:
- research and provide education regarding employment discrimination, and
 - conduct hearings regarding job discrimination cases involving public employers (state, county, city governments).
- However, the fledgling agency was given no compliance or enforcement powers.
- 1955 Lawmakers gave the agency independence when they renamed it the Colorado Anti-Discrimination Commission, detached it from the Industrial Commission, and gave it enforcement authority over public agencies.
- 1957 The General Assembly repealed an existing statute that prohibited interracial marriage and made the Commission a full-fledged agency when they:
- added private employers with six or more employees to its jurisdiction, and
 - charged the Commission with enforcing the 1895 Public Accommodations Act.
- 1959 Colorado passed the nation's first state fair housing law to cover both publicly assisted and privately financed housing and added it to the Commission's jurisdiction.
- 1965 The Colorado legislature renamed the agency the Colorado Civil Rights Commission.
- 1969 Sex was added as a protected status under Colorado's fair housing law.
- 1973 Marital status was added as a protected status under Colorado's fair housing law.
- 1977 Physical disability was added as a protected status under Colorado's anti-discrimination laws.
- 1979 The Colorado Civil Rights Commission survived its first Sunset Review and was placed under the Department of Regulatory Agencies. The legislature also consolidated all of the state's civil rights laws into a single set of statutes and imposed a time limit (180 days) on the agency's jurisdiction.
- 1986 The General Assembly amended the state's fair employment statutes to include age (40-70 years) as a protected status.
- 1989 A second Sunset Review left the Commission and the Division stronger when legislators amended the statutes as follows:
- granted the director subpoena power in the investigation of housing cases,
 - granted Commission power to award back pay in employment cases and actual costs to obtain comparable housing in housing cases,
 - added mental disability and marriage to a co-worker as protected classes in employment,
 - required complainants to exhaust administrative remedies before filing a civil action in employment cases,
 - made retaliation for testifying in a discrimination charge illegal, and
 - made mediation mandatory after a finding of probable cause.

- 1990 Legislators amended Colorado’s fair housing statutes to meet the federal requirement for “substantial equivalency,” as follows:
- prohibited discrimination based on familial status (families with children under age 18),
 - required builders of new multi-family dwellings to meet seven specific accessibility standards,
 - required landlords to make “reasonable accommodation” for persons with disabilities, including permitting disabled tenants to make structural changes at their own expense,
 - gave parties to housing discrimination cases the option of having their case decided in a civil action rather than a hearing before an administrative law judge,
 - gave courts or the Commission power to assess fines and award actual and compensatory damages in housing cases,
 - gave title companies, attorneys, and title insurance agents power to remove illegal covenants based on race or religion,
 - added mental disability as a protected status under Colorado’s fair housing law.
- In employment, the legislature prohibited any lawful off-premises activity as a condition of employment illegal, with sole recourse through civil suits (dubbed the “smoker’s rights” bill).
- 1991 The legislature gave the Director subpoena power in employment cases.
- 1992 Legislators fine-tuned the State’s fair housing law to meet certain federal equivalency requirements as follows:
- prohibited “blockbusting” and discriminating in the terms and conditions of real estate loans, and
 - excluded persons currently involved in illegal use of or addiction to a controlled substance from the definition of mental disability.
- 1993 The time limit for processing charges was extended from 180 days to 270 days, with the provision of a 180-day right-to-sue request.
- 1999 Colorado Civil Rights Division’s third legislative Sunset Review left the agency with two new statutory mandates:
- gave jurisdiction to the agency for workplace harassment cases without economic loss,
 - authorization to intervene in intergroup conflicts and offer voluntary dispute resolution services.
- 2000 The U.S. Courts of Appeals for the 10th Circuit in *Barzanji v. Sealy Mattress Co*, issued an opinion in a case that was initially filed with the Division, which placed additional limitations on the concept of “continuing violations” and reaffirmed that the date of notification of adverse employment action is the correct date of record for purposes of measuring jurisdictional filing deadlines.
- 2007 The legislature added sexual orientation, including transgender status, as a protected class in employment cases.
- 2008 The legislature added sexual orientation, including transgender status, as a protected class in housing and public accommodation cases, but exclude churches and other religious organizations from jurisdiction under the public accommodation statute.
- 2009 Colorado Civil Rights Division’s fourth legislative Sunset Review left the agency in place with three new statutory mandates:
- gave jurisdiction to the agency for claims involving terms and conditions of employment;
 - allowed the Civil Rights Commission to initiate complaints; and
 - extended the Division’s subpoena authority.

Colorado Civil Rights Division

www.dora.colorado.gov/crd



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Dora
Department of Regulatory Agencies



*Consumer protection
is our mission*