



COLORADO
Department of
Regulatory Agencies
Colorado Civil Rights Division



ANNUAL REPORT

Fiscal Year 2021-2022

The Honorable Jared Polis, Governor

Patty Salazar, Executive Director, Department of Regulatory Agencies

Aubrey Elenis, Director, Colorado Civil Rights Division

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Letter from the Director

Aubrey Elenis, Esq.



Dear Coloradans:

I am honored to share with you the Annual Report of the Colorado Civil Rights Division (CCRD) and the Colorado Civil Rights Commission for the 2021-2022 fiscal year.

As the Director, I am charged with overseeing the day to day operations of the CCRD, which is charged with enforcing Colorado's anti-discrimination laws in the areas of employment (Colorado Revised Statutes § 24-34-402), housing (Colorado Revised Statutes §24-34-502), and places of public accommodation (Colorado Revised Statutes § 24-34-602). CCRD investigates complaints of discrimination in the areas of employment, housing, and places of public accommodation based on an individual's protected class status, such as sex, disability, sexual orientation, race, color, religion, national origin, age, or marital status in an effort to ensure a Colorado for all.

CCRD is housed within the Department of Regulatory Agencies (DORA) and works in cooperation with federal and local agencies, such as the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development/Office of Fair Housing and Equal Opportunity (HUD/FHEO), as well as community-based organizations that promote and protect civil rights. We remained consistent in our efforts to maintain our current partnerships with community leaders and organizational stakeholders, as well as to formulate new partnerships across the state to provide outreach and education, in order to expand awareness about the rights and responsibilities of individuals, business and organizations as defined in the Colorado Anti-Discrimination Act (CADA).

Our Division's work remains essential. Civil rights are an integral component of democracy, and guarantee equal opportunities and protection under the law, regardless of race, religion, or other characteristics. Discrimination, especially in housing, employment, and places of public accommodation, will not be tolerated in Colorado, and our commitment to upholding the state's Anti-Discrimination Act to ensure a Colorado for all remains diligent. To learn more about the Division and Commission beyond what is shared in this annual report we encourage you to visit our new website: ccrd.colorado.gov.

Regards,

A handwritten signature in blue ink that reads "Aubrey Elenis". The signature is written in a cursive style and is positioned above the printed name.

Aubrey Elenis
Director, Colorado Civil Rights Division

Letter from the Commission

Dear Coloradans:

We are pleased to present this annual report outlining the work and accomplishments of the Commission and the Civil Rights Division during the 2021-2022 state fiscal year. In this report, you will find information regarding the powers and duties of the Commission and the distinct duties of the Division, including intake, investigation, and Alternative Dispute Resolution (ADR) processes, as well as highlights and statistics regarding cases filed and case outcomes.

The Colorado Civil Rights Commission is a volunteer board appointed by the Governor and confirmed by the Colorado State Senate. The Commission reviews appeals submitted by Complainants in which a *No Probable Cause* determination has been issued in their case by the CCRD. In addition, the Commission decides whether or not a case should be set for hearing before an Administrative Law Judge when a *Probable Cause* decision is issued, and the parties are unable to resolve the case through conciliation, which is a process offered through the Division's Alternative Dispute Resolution program.

We are committed to promoting awareness of the state's anti-discrimination laws in the areas of employment, housing and places of public accommodation. We encourage you to visit our website, ccrd.colorado.gov, to learn more about the Colorado Anti-Discrimination Act, its enforcement, and as well as current updates and events. We aim to continue to grow our partnerships with individuals, businesses, organizations, and communities statewide and we encourage you to attend our virtual monthly meetings, open to the public, so that you can hear about the current activities of the Commission and the Division and participate in discussions regarding the civil rights issues in your local communities.

We are honored to serve on the Commission and are committed to enforcing the state's anti-discrimination laws in the areas of employment, housing, and places of public accommodation with support from the Attorney General's office, the Department of Regulatory Agencies and the Colorado Civil Rights Division. Thank you for the opportunity to engage in this important work.

Respectfully,

The Colorado Civil Rights Commission

Colorado Civil Rights Commissioners

Richard Lee Lewis, Jr

Mayuko Fieweger

Charles Garcia

Sergio Raudel Cordova

Cherylin Peniston

Jeremy Ross

Daniel S. Ward

The Commission Members pictured above served during all or part of the fiscal year 2021-2022 (July 1, 2021, through June 30, 2022). Commissioners serve four-year terms and often terms are staggered. Only seven members serve on the Commission at any given time. Find out more about the State of Colorado's Board and Commissions here:

<https://www.colorado.gov/governor/boards-commissions>



CCRC & CCRD Overview

Civil Rights Commission

The **Colorado Civil Rights Commission** (Commission or CCRC) is a seven-member, bipartisan panel appointed by the Governor of Colorado pursuant to the Colorado Anti-Discrimination Act (CADA) C.R.S. § 24-34-303.

As defined by state law, the Commission is composed of members representing various political parties, the community at large, as well as businesses, representatives from labor organizations, and groups that have been historically marginalized and discriminated against. The members come from regions across the State of Colorado.

How does the CCRD & CCRC Help Serve Coloradans?

The shared mission of the Division and Commission is to promote equal treatment of all people in Colorado and foster a more open and receptive environment in which to conduct business, live, and work. The Division is dedicated to promoting fair and inclusive communities through the enforcement of the civil rights laws, mediation, education, and outreach to ensure a Colorado for all.

Functions of the Civil Rights Commission

The work of the Commission is initiated following the intake and investigative work of the Division, which is further described below. The Commission reviews appeals of cases investigated and dismissed by the Civil Rights Division; reached out to various communities to provide awareness of civil rights issues and protections; conducts hearings involving illegal discriminatory practices; initiates investigations regarding discrimination issues with broad public policy implications; is available to 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.

Civil Rights Division

The **Colorado Civil Rights Division** (Division or CCRD) is a neutral, fact-finding, administrative agency that provides civil rights education to the community, provides mediation and alternative dispute resolution services to resolve civil rights claims, and conducts investigations of charges of discrimination alleging violations of the Colorado Anti-Discrimination Act in the areas of employment, housing, and in places of public accommodation.

Civil Rights Division's Investigative Process

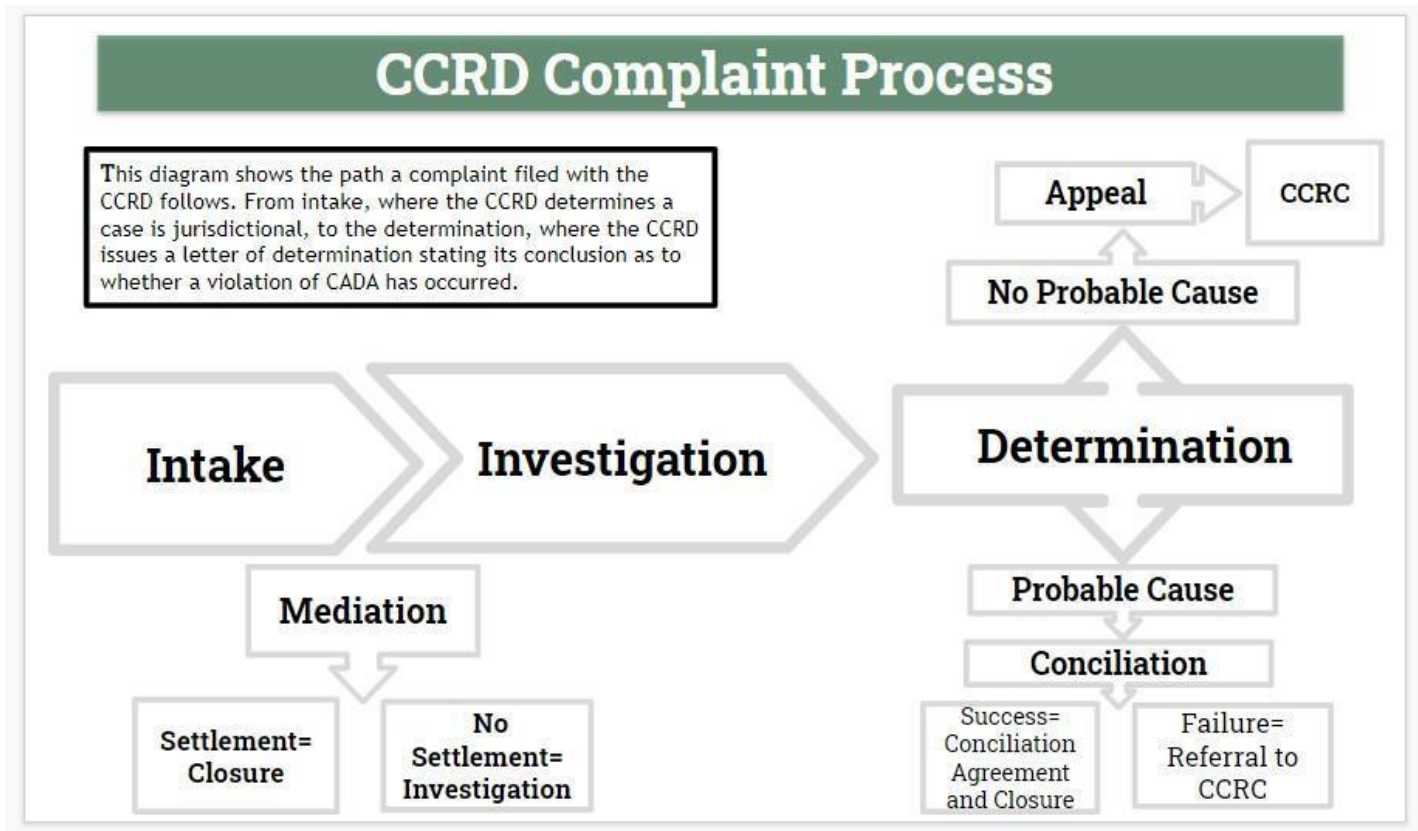
Upon receiving initial intakes from the public, the Division analyzes the information presented for jurisdictional requirements necessary to file a formal complaint. There is a legal requirement that a complaint must be filed within a specific period of time (statute of limitations) from the date of the last alleged discriminatory and/or retaliatory act. After the statute of limitations has passed, the Division does not have jurisdiction over the allegations at issue, and cannot extend these statutorily-imposed filing deadlines, even when good cause or underlying exigent circumstances are demonstrated. The applicable filing deadlines with the CCRD are as follows:

- Employment filing deadline: 300-day from notice of the act of alleged discrimination*
- Housing filing deadline: one (1) year from the act of alleged discrimination
- Public Accommodations filing deadline: sixty (60) days from the act of alleged discrimination

**With respect to discriminatory Employment incidents occurring on or before August 9, 2022, a statutory six (6) month filing deadline applies.*

After a complaint is filed, an investigation is initiated. The investigation involves the collection of documentary evidence, witness interviews, and any other evidence relevant to resolving the complaint. Once the investigation is completed, the Division Director or her designee 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 that discrimination occurred, the statute requires that the Division attempt to settle the matter with the parties through a mandatory mediation conference, called conciliation. If conciliation is unsuccessful, the Commission determines whether to set the case for an adjudicatory administrative hearing.



Civil Rights Division's Mediation Process

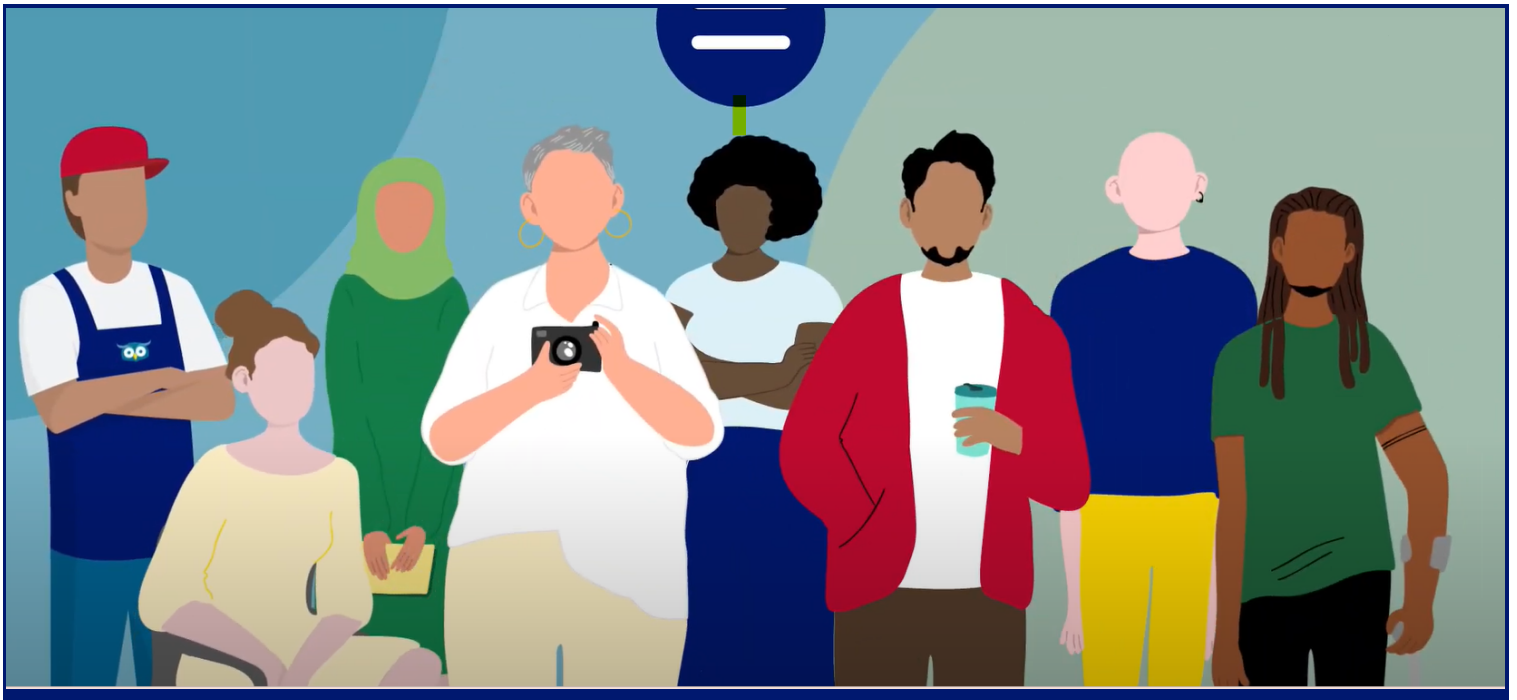
In order to resolve matters at the earliest possible stage in a case, the Division offers an Alternative Dispute Resolution (mediation) program early in the investigation process, which can identify viable options for the early constructive resolution of cases.

Civil Rights Division's Outreach and Education Efforts

Because the Division is a neutral agency, it cannot provide legal advice or provide an opinion on a claim that may be brought before the Division. However, the Division and Commission engage in outreach and education to inform Coloradans of issues in civil rights and discrimination law.

The Division offers educational opportunities to businesses, employers, and housing providers to help them ensure that they comply with the Colorado Anti-Discrimination Act. The Division also partners with other organizations and through independent outreach efforts to better serve the communities of Colorado.

The Division provides internet-based access to all educational materials and has reached thousands of individuals and numerous communities to provide awareness of anti-discrimination laws in Colorado. As statutory revisions are made affecting pertinent civil rights laws, updates are made to brochures, teaching programs, and the Division's website that reflect those changes.



Enforcement/Case Processing

The primary mission of the Colorado Civil Rights Division (CCRD) is to enforce anti-discrimination laws in the areas of employment, housing, and places of public accommodation under Title 24, Article 34, Parts 3-7, of the Colorado Revised Statutes. The Division investigates matters that come to its 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 provide more efficient customer service to the public, the Division investigates matters that are filed with both EEOC and HUD (“dual filing”), as well as cases that have jurisdiction exclusive to Colorado law. The staff of the Division strives to provide the best customer service to the public, as well as to all parties in any case, by the fairest and most transparent methods possible.

Protected Classes in Colorado

Cases are filed with the Division by Complainants alleging discrimination based on a protected class. A 'protected class' is a designation provided to groups sharing a common characteristic that legally protects them from discrimination based on that characteristic. The specific Colorado Anti-Discrimination law falls under Title 24 of the Colorado Revised Statutes.

Employment- Housing - Public Accommodations (PA)

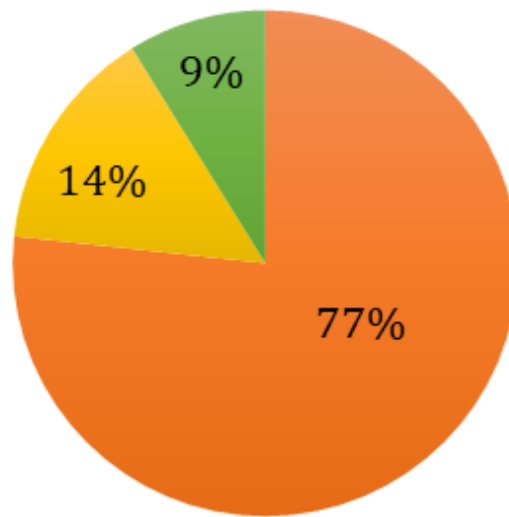
Age (40+, employment only)	Pregnancy (employment only)
Ancestry	Race (including hairstyles typically assoc. with race)
Color	Religion (Employment and housing only)
Creed	Retaliation (for engaging in protected activity)
Disability	Sex
Familial Status (housing only)	Sexual Orientation/Gender Identity/Gender Expression
Marital Status (housing and PA only)	Source of Income (housing only- eff. 1/1/21)
Marriage to a Co-worker (employment only)	Veteran or Military Status (housing only- eff. 8/10/22)
National Origin	

¹ The Colorado Anti-Discrimination Act (CADA) enumerates protected classes in each covered area. Sexual Orientation is listed as a protected class in each part of CADA (employment, housing, and places of public accommodation); C.R.S. 24-34-301 (7) defines sexual orientation as follows: “Sexual Orientation ‘means an individual’s orientation toward heterosexuality, homosexuality, bisexuality, or *transgender status* or another individual’s perception thereof. (emphasis added)

Complaints Filed with CCRD by Fiscal Year and Case Type

Fiscal Year	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY 19-20	947	128	113	1188
FY 20-21	1090	204	193	1457
FY 21-22	1162	219	134	1515

Complaints Filed by Case Type in FY22

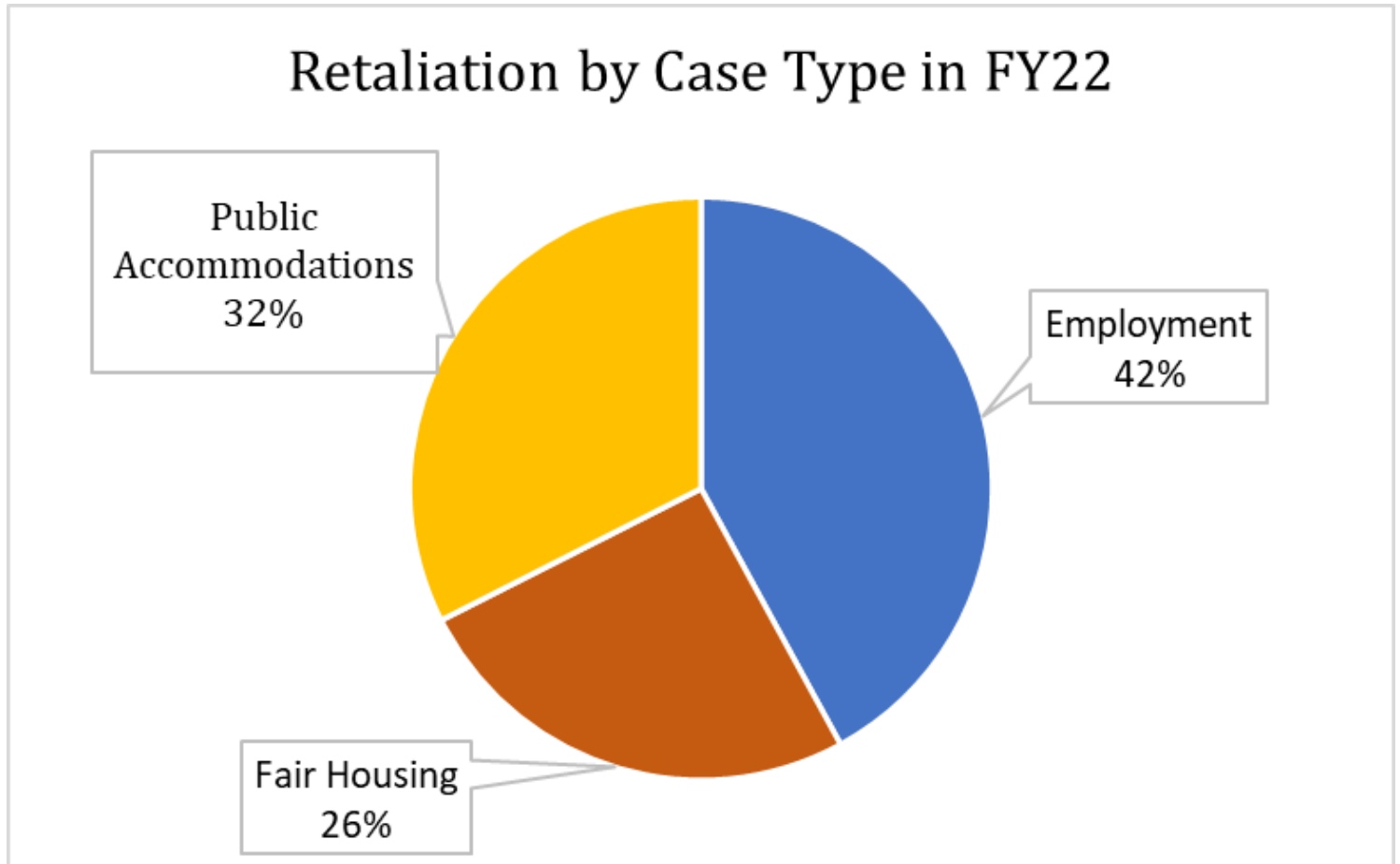


■ Employment
 ■ Fair Housing
 ■ Public Accommodations

As indicated in the above pie chart, complaints based on employment represent the vast majority (77%) of complaints filed with the CCRD

Retaliation

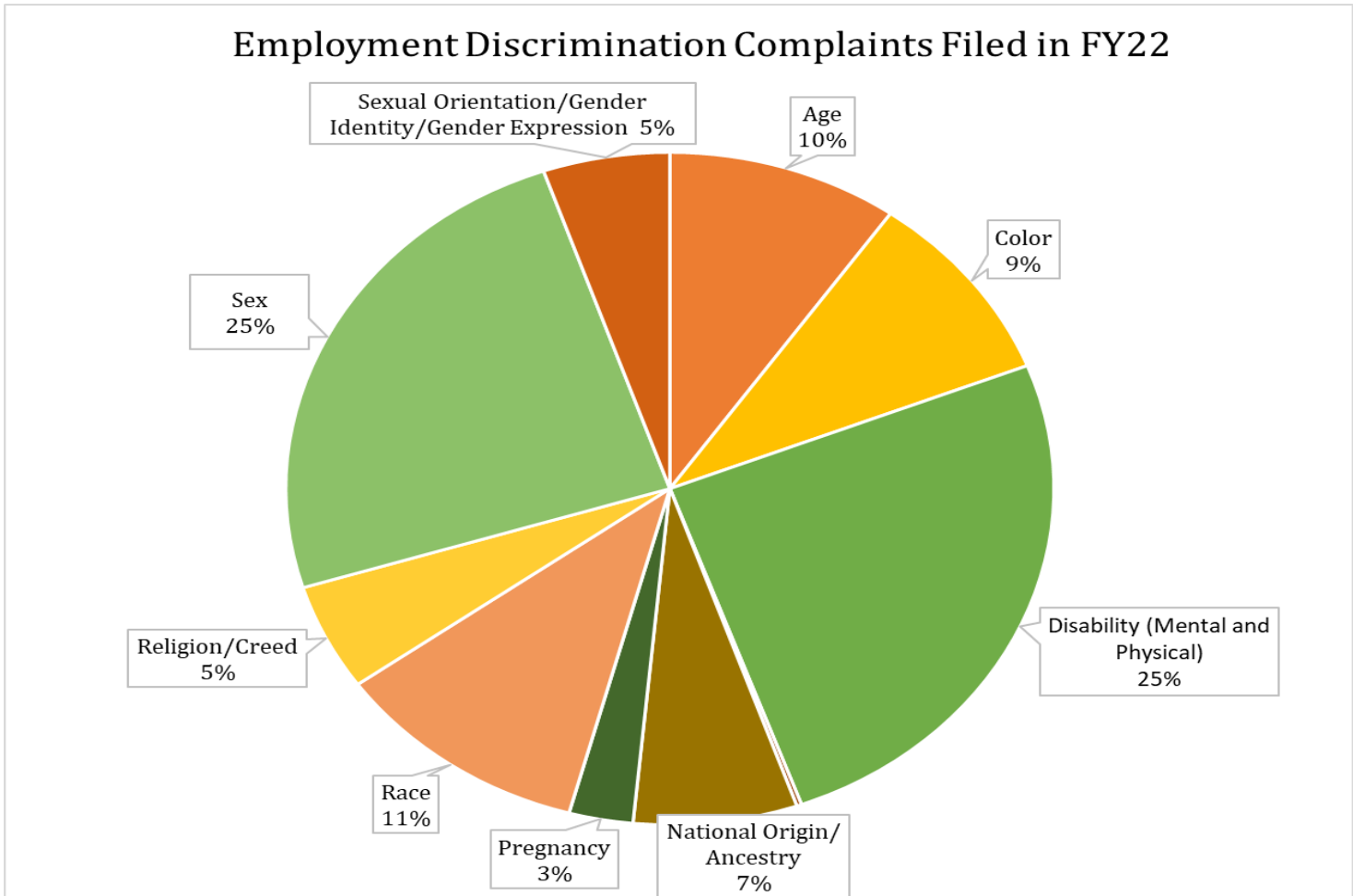
Retaliation is defined as a negative action taken against a complainant for exercising their legal right to report potential discriminatory acts. Retaliation is protected in all of our case types, as part of the Colorado Anti-Discrimination Act (CADA).



As indicated in the above pie chart, retaliation is represented as a percentage of all complaints filed with the CCRD. For example, in FY22, 42% of employment complaints included a retaliation claim.

Protected Class as percentage of cases filed in FY 2022

<u>Most Common protected class as basis of CCRD complaints filed FY 2021 -All Case Types</u> 1. Disability 2. Sex 3. Race 4. Color 5. Age (40+)		
<u>Most Common Protected Class</u> <u>Employment</u> 1. Disability 2. Sex 3. Age	<u>Most Common Protected Class</u> <u>Housing</u> 1. Disability 2. Race 3. Color	<u>Most Common Protected Class</u> <u>Public Accommodations</u> 1. Disability 2. Color 3. Race



The above chart shows all employment discrimination complaints received by the CCRD during fiscal year

2022 broken down by protected class as percentages. Two of the most common basis for employment discrimination complaints in fiscal year 2022 was based on disability (including mental and physical disabilities), as well as based on sex.

Significant Employment Cases

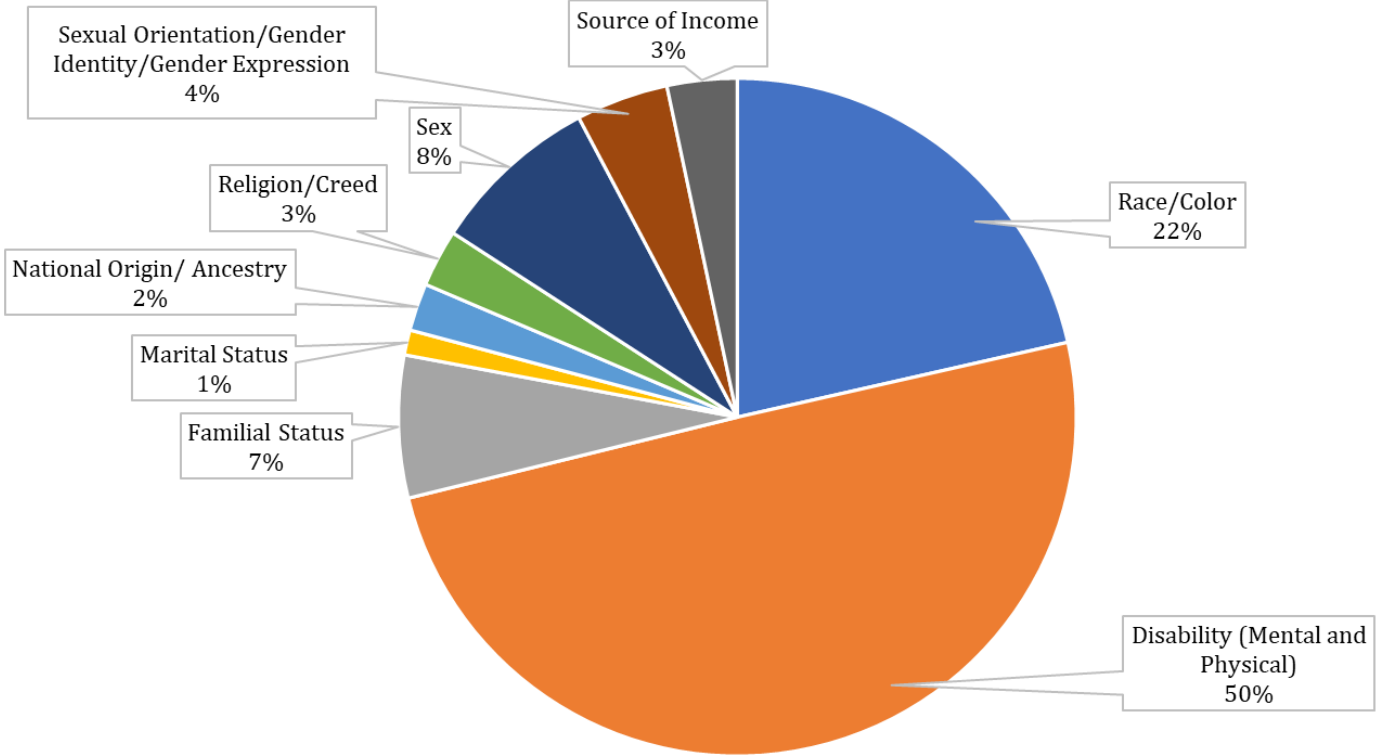
Retaliation Prohibited: It is a violation of the Colorado Anti-Discrimination Act to “retaliate” against any person who has “engaged in a protected activity.” To “retaliate” means to take an adverse action against a person because of their protected activity. An employer could retaliate against an employee by denying them a wage; a housing provider could retaliate against a tenant by declining to renew a lease; and, a public accommodation may retaliate against a customer by refusing to serve them. Importantly, the alleged retaliation must have been because the person “engaged in a protected activity.” A “protected activity” broadly means to oppose discrimination - e.g. complain of discrimination, participate in an investigation of discrimination. Additionally making a request for a reasonable accommodation necessary because of a disability is also a protected activity.

(1) The Division issued a probable cause finding in a case in which a Complainant was denied a reasonable accommodation for her pregnancy and discharged based on her sex and pregnancy status. In this case, the Complainant was required to accept an accommodation that she did not request or that was unnecessary and was refused an accommodation of two weeks of leave following the birth of her child. After the determination was issued in this case, the parties participated in conciliation, which was successful.

(2) The Division issued a probable cause finding in a case in which a Complainant was harassed and discharged based on his race/color (African American/Black), and/or in retaliation for engaging in protected activity. The

Complainant was subjected to multiple instances of harassment by customers of the Respondent's gas station, including a series of racially-offensive slurs and physically threatening conduct, resulting in the Complainant calling the police to de-escalate and remove the customer. The Complainant reported this treatment to the Respondent and the Respondent responded that little can be done to prevent rude behavior by customers. The Respondent's position that it was unable to take corrective action against harassing customers fails as a matter of law. The Complainant established a prima facie case of discriminatory harassment and the Respondent is liable because it failed to show that it exercised reasonable care to correct or prevent the harassment. The Respondent refused to be interviewed by the Division, and as such, pursuant to Commission Rule 10.5(B)(2), there is a presumption that such testimony is harmful to the Respondent's position. The Complainant was ultimately discharged based on his protected classes and in retaliation for engaging in protected activity. This case is currently pending conciliation.

Housing Discrimination Complaints Filed in FY22



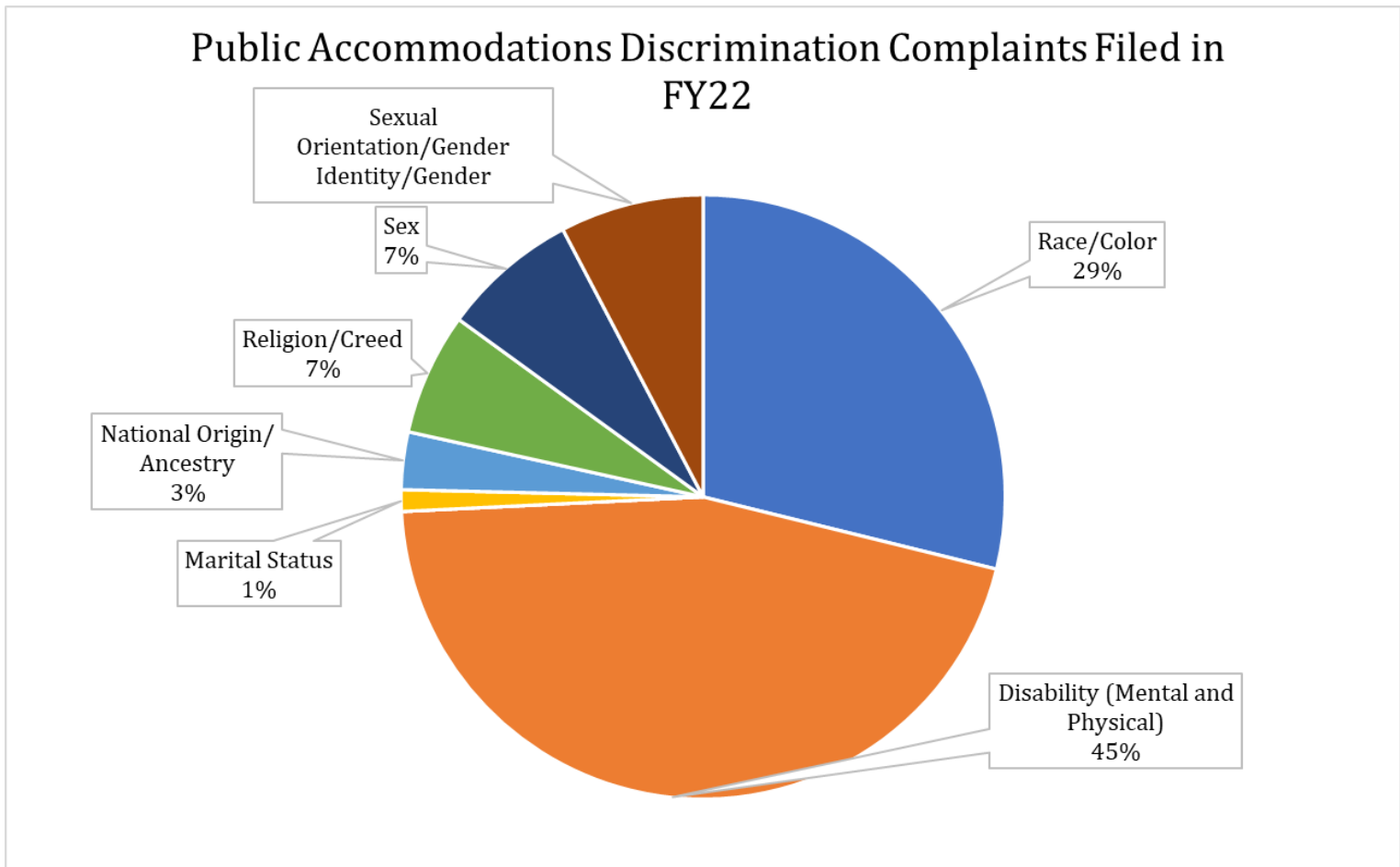
The above chart shows all housing discrimination complaints received by the CCRD during fiscal year 2022 broken down by protected class as percentages. Complaints alleging discrimination based on disability (both mental and physical) and race comprised over half of all housing cases received during the fiscal year.

Significant Fair Housing Cases

(1) The Division issued a probable cause finding in a case of housing discrimination against a Colorado mountain resort Town which maintained a restrictive covenant requiring that homeowners must be employed to receive housing under a special program. In this case, the Complainant is an individual with a disability and was unable to work at the time of her application for housing. As such, the Complainant sought an accommodation to be considered for a housing lottery that would lead to the opportunity of home ownership within the Town. The Division found that the Town failed to engage in the interactive process with the complainant and relied solely on its restrictive covenant to deny the Complainant housing. The Division also concluded that the Town's restrictive covenant disproportionately adversely impacted individuals with disabilities who had previously applied for housing or who might apply for housing under this program in the future. Following the probable cause finding, the Division's conciliation efforts with the parties failed and the case was set for hearing with the Office of Administrative Courts; however, prior to the Hearing, the Office of the Attorney General was able to settle the case. The settlement agreement included training for the Respondent as well as revision of the Town's restrictive covenants among other terms.

(2) The Division issued a probable cause finding in a case in which the Complainants were members of a protected class based on their familial status (children under the age of 18 in the home). The Respondent, a

Townhome Owners Association, maintained a rule stating that children under the age of 18 may not be unsupervised in the common areas of the community. The Division found that this rule unreasonable limited use of the common areas based on fa.milial status. Following the probable cause finding, the Division’s conciliation efforts were unsuccessful, and the case was set for hearing with the Office of Administrative Courts; however, prior to the Hearing, the Office of the Attorney General was able to settle the case. The settlement agreement included training for the Respondent as well as the removal of the offending rule



The above chart shows all public accommodation discrimination complaints received by the CCRD during fiscal year 2022 broken down by protected class as percentages. Complaints based on disability (both physical and mental) were the most common basis of alleged discrimination cited in public accommodation cases received by the CCRD during the fiscal year.

Significant Public Accommodation Cases

(1)The Division issued a probable cause finding in a case in which a Complainant was denied the full and equal enjoyment of the Respondent's place of public accommodation based on her disabilities and in retaliation for engaging in protected activity. The Complainant requested a reasonable accommodation to be exempt from the Respondent's mask mandate based on her disability status. The Respondent denied the Complainant's request for a reasonable accommodation, failed to engage in the interactive process with her, despite granting accommodations to other patients, and refused to provide her with the goods, services, benefits, or privileges she sought. After the determination was issued in this case, the parties participated in conciliation, which was successful

Investigations & Findings

When a formal complaint is filed alleging discrimination, the Division's investigative staff conducts a neutral investigation. Evidence is gathered from both parties in the case, witnesses are interviewed, and documents and records are requested. The investigation under Colorado law provides a transparent process to allow the parties the opportunity to provide information and evidence that corroborates their allegations, and which refutes the allegations of the opposing party.

After the investigation, the Division Director or her designee makes 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 then decides whether the matter will be noticed for hearing before 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. Please see the CCRD Complaint Process on page 7.

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

Findings of CCRD

Area of Jurisdiction	FY 19-20		FY 20-21		FY 21-22	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	27	476	26	424	10	413
Housing	4	85	8	115	23	163
Public Accommodations	12	111	11	80	3	104

Appeals

As explained above, when the Director finds no probable cause in a case, the Complainant may appeal the decision 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 new evidence is presented that was not available during the investigation process. The following are the number of appeals filed with the Commission in the past three fiscal years.

Fiscal Year	Employment	Housing	Public Accommodations	Total
FY 19-20	35	18	22	75
FY 20-21	57	28	16	101
FY 21-22	56	44	12	112

Cases Completed

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 cases in a timely manner so that 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.

Fiscal Year	Employment	Housing	Public Accommodations	Total
FY 19-20	1082	126	155	1362
FY 20-21	1024	150	120	1294
FY 21-22	1041	223	132	1396

Alternative Dispute Resolution (ADR)

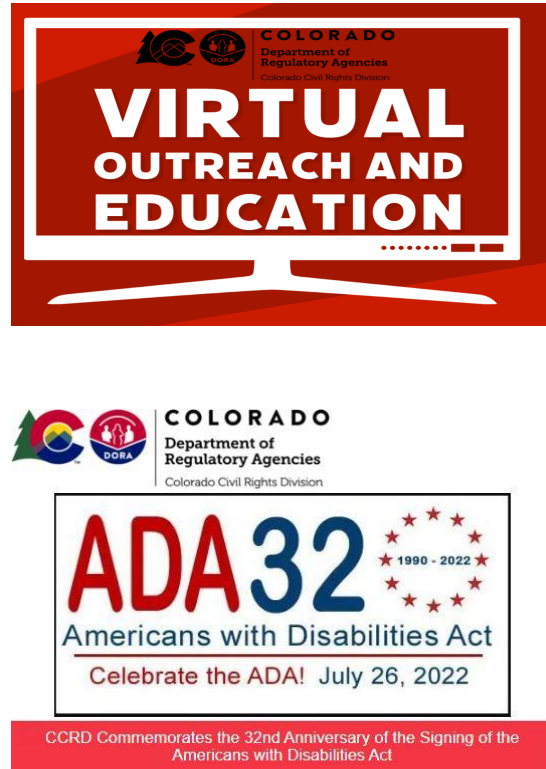
In order to encourage parties in a case to consider potential resolution of matters under investigation, the Division offers Alternative Dispute Resolution (ADR) as a time and cost savings alternative to investigation and litigation. This mediation program is provided at no cost to the parties. The process benefits the parties in that it allows open discussion and resolution of a matter at its 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 mediator 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 statute after probable cause is found in a case.

ADR Mediations and Conciliations Completed

	Mediations			Conciliations			Total		
	Total	Settled	Value	Total	Settled	Value	ADR	Settled	Value
FY 19-20	187	89	\$1,458,902	45	17	\$477,400	232	106	\$1,936,302
FY 20-21	208	104	\$1,278,029	73	38	\$704,320	281	142	\$1,982,349
FY 21-22	232	108	\$2,181,289	68	34	\$1,131,221	300	142	\$3,312,510

The Division makes it a priority to provide parties with the opportunity to settle cases as often as possible. Even after a case is assigned to investigation, the parties have the opportunity to relay settlement offers through the investigator. Investigators were able to facilitate resolution of cases that resulted in relief for Complainants.

Outreach and Education



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

In Fiscal Year 2021-2022, the CCRD engaged in a robust schedule of outreach and education, by doubling our offerings for monthly training webinars for each of our case types. As in-person training limitations remained a challenge as a result of the COVID-19 pandemic, we expanded our technological footprint throughout the State of Colorado, by bringing digital courses to cities from the Front Range to the Western Slope, to the Eastern Plains. Moving to an exclusively digital platform, our webinars have made this information more accessible for the public to learn about anti-discrimination laws in Colorado covered under CADA. These classes provided a general overview of CCRD, CADA, as well as of the investigation and determination process.

Additionally, the Division partners with other organizations to provide outreach and education, as well as leverages valuable resources by working with various organizations including local governments, academic institutions, non-profit organizations, and other government agencies. Alongside our EEOC partners, we were able to begin to participate in various community events, such as Denver Pride, Juneteenth, and the Colorado Dragon Boat Festival. With support from our HUD partners, we were able to create streamlined Fair Housing videos to further educate the public of housing discrimination topics trending on a national scale, such as appraisal discrimination, steering, and refusal to rent/sell a dwelling.

In FY22, we were also able to expand our reach to the Spanish speaking population by offering spanish-language trainings, as well as a spanish-language subscribership for commemorative and legislative update advisories. Education and outreach programming continues to be a vital public service, in providing a greater ability to educate the public regarding anti-discrimination laws.

Training & Outreach Events Conducted in the Colorado Community

Fiscal Year	Trainings	Trainings as Part of a Settlement	Outreach Events	Total
FY 19-20	64	13	30	94
FY 20-21	63	36	21	99
FY 21-22	72	58	104	176

The Division also continues to maintain a website at ccrd.colorado.gov, where the public can learn about the Division and Commission, attend any upcoming commission meetings, enroll in upcoming trainings, obtain information about anti-discrimination laws and rules, download our anti-discrimination notices, and file a complaint of discrimination via Case Connect. We welcome and encourage feedback and invite the public to contact us with any questions, concerns, or recommendations via email to dora_ccrd@state.co.us.

Budget

The Civil Rights Division is partially 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 U.S. 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 efficient and effective use of resources.

Budget FY 21-22

Source	Amount
State General Funds	\$3,677,219
Grant Funds	\$1,315,897
Total	\$4,993,116

History of Civil Rights in Colorado

1876	The Colorado Constitution was ratified after 100 Black men demanded and were given the right to vote.
1893	Colorado 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; 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 passed 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 (40-69 years) as a protected status.
1989	<p>A second Sunset Review left the Commission and the Division stronger when legislators amended the statutes as follows:</p> <ul style="list-style-type: none"> ● granted the Director subpoena power in the investigation of housing cases, ● granted the 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 case illegal, and ● made mediation mandatory after a finding of probable cause.
1990	<p>Legislators amended Colorado's fair housing statutes to meet the federal requirement for "substantial equivalency," as follows:</p> <ul style="list-style-type: none"> ● 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 modifications" 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 cases, 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 of the Colorado Civil Rights Division subpoena power in employment cases.



1992	<p>Legislators fine-tuned the State’s fair housing law to meet certain federal equivalency requirements as follows:</p> <ul style="list-style-type: none">● 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	<p>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.</p>
1999	<p>Colorado Civil Rights Division’s third legislative Sunset Review left the agency with two new statutory mandates:</p> <ul style="list-style-type: none">● 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	<p>The U.S. Courts of Appeals for the 10th Circuit in <i>Barzanji v. Sealy Mattress Co</i>, 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.</p>

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 excluded churches and other religious organizations from jurisdiction under the public accommodation statute.
2009	<p>The Colorado Civil Rights Division’s fourth legislative Sunset Review left the agency in place with three new statutory mandates:</p> <ul style="list-style-type: none"> ● 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.
2013	The state legislature passed the <i>Colorado Job Protection and Civil Rights Enforcement Act of 2013</i> which was signed by the Governor on May 6, 2013. Effective January 1, 2015, the <i>Act</i> expands the remedies a plaintiff may claim in a lawsuit in which intentional employment discrimination is proven to include attorneys’ fees, compensatory and punitive damages, and front pay. Additionally, effective January 1, 2015 the <i>Act</i> permits age claims to be made by employees whose age is 40 years and over, with no ceiling as to the maximum age an individual may be in order to bring a claim of age discrimination.
2016	The state legislature passed the <i>Pregnancy Workers Fairness Act of 2016</i> , which was signed by the Governor on June 1, 2016 and went into effect August 10, 2016. This Act requires employers to provide reasonable accommodations to pregnant workers and applicants, as well as conditions related to pregnancy, such as recovery from childbirth. If an employee/applicant requests an accommodation related to pregnancy/childbirth, the employer must engage in an interactive process with the employee/applicant and provide reasonable accommodations to perform the essential functions of the position unless the accommodation would pose an undue hardship on the employer’s business.
2018	<p>The Colorado Civil Rights Division’s fifth legislative Sunset Review left the agency in place with three new statutory mandates:</p> <ul style="list-style-type: none"> ● Modified Commission membership to include 3 business representatives, 3 members representing Colorado workers, and one at-large member. ● Required the state auditor to complete a performance audit of the division and commission by December 15, 2019, and by December 15, 2024, and to present the audit reports and recommendations to the legislative audit committee. ● Allowed Senate rejection of Commission appointments.
2019	The Colorado General Assembly passed SB19-085 the “Equal Pay For Equal Work Act.” The act removes the authority of the director of the division of labor standards and statistics in the department of labor and employment (director) to enforce wage discrimination complaints based on an employee's sex and instead authorizes the director to create and administer a process to accept and mediate complaints of, and provide legal resources concerning, alleged violations and to promulgate rules for this purpose. An aggrieved person may bring a civil action in district court to pursue remedies specified in the act. The act does not amend the Colorado Anti-Discrimination Act, but draws attention to wage discrimination based on sex and allows a remedy outside of the CCRD to address such complaints.

	<p>The Colorado House and Senate each pass resolutions designating April 2, 2019 as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledge the persistent problem of wage disparity.</p>
2020	<p>The Colorado General Assembly passes the "<i>Creating a Respectful and Open World for Natural Hair Act of 2020</i>", also known as the "CROWN Act of 2020." The CROWN Act amended the Colorado Anti-Discrimination Act ("CADA"), among other statutes, to address discrimination based on natural hair or hairstyles commonly or historically associated with race. Governor Polis signed the bill into law on March 6, 2020, and the CROWN act went into effect on September 13, 2020.</p> <p>The Colorado General Assembly passes "<i>An Act concerning the prohibitions on discrimination in housing based on source of income.</i>" This act was amended and added to CADA in order to recognize "source of income" as a protected class in housing. This means that covered housing providers cannot discriminate against a potential tenant based on his or her "source of income" which is defined as "income derived from any lawful profession or occupation; and income or rental payments derived from any government or private assistance, grant, or loan program." The act amended CADA at C.R.S. 24-34-501 (4) and (4.5). The source of income protection in housing becomes effective January 1, 2021.</p>
2021	<p>During the 2021 General Session, the state legislature passed HB 21-1108, amending the definition of "sexual orientation" and adding definitions of the terms "gender expression" and "gender identity" to statutes prohibiting discrimination against members of a protected class. This includes statutes prohibiting discriminatory practices in multiple areas, including in employment practices; housing practices and places of public accommodation. This protection became effective August 10, 2021.</p>
2022	<p>During the 2022 General Session, the state legislature passed HB 22-1367, related to updates in Employment Discrimination Laws. Modifications to laws prohibiting discrimination in employment practices included repealing the exclusion of domestic workers from the definition of "employee", extending the time limit for filing a charge alleging unfair or discriminatory employment practices with the Colorado civil rights commission, and repealing the prohibition against certain damages in cases alleging age-based discrimination, and making an appropriation.</p>
2022	<p>During the 2022 General Session, the state legislature passed HB 22-1102, Concerning protected classes in fair housing practices, and, in connection therewith, including a veteran or military status as a protected class.</p> <p>The act forbids anyone selling or renting a dwelling from discriminating against an individual based on their veteran or military status, and forbids anyone from refusing to negotiate for housing with an individual on the basis of their veteran or military status or otherwise denying or withholding housing on the basis of an individual's veteran or military status. For purposes of this act, an individual who was dishonorably discharged from military service does not have veteran or military status. The veteran or military status protection in housing became effective August 10, 2022.</p>