

ORDINANCE 8249

AN EMERGENCY ORDINANCE AMENDING, CHAPTER 12-1,  
“PROHIBITION OF DISCRIMINATION IN HOUSING,  
EMPLOYMENT, AND PUBLIC ACCOMMODATIONS,” B.R.C.  
1981, TO PROTECT AGAINST DISCRIMINATION BASED ON  
SOURCE OF INCOME OR IMMIGRATION STATUS AND  
SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
COLORADO:

Section 1. The following definitions in Section 12-1-1, “Definitions,” B.R.C. 1981, are  
added as follows, all other definitions remain unchanged:

**12-1-1. - Definitions.**

The following terms used in this chapter have the following meanings unless the context  
clearly requires otherwise:

...

Immigration status means whether the individual is in compliance with federal immigration  
laws.

...

Source of income means income derived from any source that is lawful in the State of  
Colorado, and for purposes of this chapter, includes public assistance.

...

Section 2. Section 12-1-2, “Discrimination in Housing Prohibited,” B.R.C. 1981, shall be  
amended as follows:

**12-1-2. - Discrimination in Housing Prohibited.**

(a) It is an unfair housing practice, and no person:

(1) Who has the right of ownership or possession or the right of transfer, sale, rental, or  
lease of any housing or any agent of such person shall:

(A) Refuse to show, sell, transfer, rent, or lease, or refuse to receive and transmit any  
bona fide offer to buy, sell, rent, or lease, or otherwise to deny to or withhold  
from any individual such housing because of the race, creed, color, sex, sexual

1 orientation, gender variance, genetic characteristics, marital status, religion,  
2 national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~  
3 mental or physical disability, source of income, or immigration status unless  
4 otherwise required by law, of that individual or such individual's friends or  
5 associates;

6 (B) Discriminate against any individual because of the race, creed, color, sex, sexual  
7 orientation, gender variance, genetic characteristics, marital status, religion,  
8 national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~  
9 mental or physical disability, source of income, or immigration status unless  
10 otherwise required by law, of the individual or such individual's friends or  
11 associates in the terms, conditions, or privileges pertaining to any facilities or  
12 services in connection with a transfer, sale, rental, or lease of housing; or

13 (C) Cause to be made any written or oral inquiry or record concerning the race, creed,  
14 color, sex, sexual orientation, gender variance, genetic characteristics, marital  
15 status, religion, national origin, ancestry, pregnancy, parenthood, custody of a  
16 minor child, ~~or~~ mental or physical disability, source of income, or immigration  
17 status unless otherwise required by law, of an individual seeking to purchase, rent,  
18 or lease any housing or of such individual's friends or associates, but nothing in  
19 this section prohibits using a form or making a record or inquiry for the purpose  
20 of required government reporting or for a program to provide opportunities for  
21 persons who have been traditional targets of discrimination on the bases here  
22 prohibited;

23 (2) To whom application is made for financial assistance for the acquisition, construction,  
24 rehabilitation, repair, or maintenance of any housing shall:

25 (A) Make or cause to be made any written or oral inquiry concerning the race, creed,  
color, sex, sexual orientation, gender variance, genetic characteristics, marital  
status, religion, national origin, ancestry, pregnancy, parenthood, custody of a  
minor child, ~~or~~ mental or physical disability, source of income, or immigration  
status unless otherwise required by law, of an individual seeking such financial  
assistance, such individual's friends or associates, or prospective occupants or  
tenants of such housing, or

(B) Discriminate against any individual because of the race, creed, color, sex, sexual  
orientation, gender variance, genetic characteristics, marital status, religion,  
national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~  
mental or physical disability, source of income, or immigration status unless  
otherwise required by law, of such individual, such individual's friends or  
associates, or prospective occupants or tenants in the term, conditions or  
privileges relating to obtaining or use of any such financial assistance;

(3) Shall include in any transfer, sale, rental or lease of housing any restrictive covenant  
limiting the use of housing on the basis of race, creed, color, sex, sexual orientation,  
gender variance, genetic characteristics, marital status, religion, national origin,  
ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~ mental or physical  
disability, source of income, or immigration status unless otherwise required by law,

- 1 or shall honor or exercise or attempt to honor or exercise any such restrictive covenant  
2 pertaining to housing;
- 3 (4) Shall print or cause to be printed or published any notice or advertising relating to the  
4 transfer, sale, rental or lease of any housing that indicates any preference, limitation,  
5 specification or discrimination based on race, creed, color, sex, sexual orientation,  
6 gender variance, genetic characteristics, marital status, religion, national origin,  
7 ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~ mental or physical  
8 disability, source of income, or immigration status unless otherwise required by law;
- 9 (5) Shall aid, abet, incite, compel or coerce the doing of any act prohibited by this section  
10 or obstruct or prevent any person from complying with the provisions of this section or  
11 attempt either directly or indirectly to commit any act prohibited by this section;
- 12 (6) For the purpose of promoting housing sales, rentals or leases in a geographic area, shall  
13 initiate, instigate or participate in any representation, advertisement or contract, directly  
14 or indirectly, within such geographic area that changes have occurred, will occur or  
15 may occur in the composition of the geographic area with respect to race, creed, color,  
16 sex, sexual orientation, gender variance, genetic characteristics, marital status, religion,  
17 national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~ mental  
18 or physical disability, source of income, or immigration status unless otherwise  
19 required by law, of the owners or occupants or that such changes will or may result in  
20 lowering property values, in increased criminal or antisocial behavior, or in declining  
21 quality of schools in the geographic area;
- 22 (7) Shall discharge, demote or discriminate in matters of compensation against any  
23 employee or agent because of said employee's or agent's obedience to the provisions of  
24 this section;
- 25 (8) Shall:
- (A) Offer, solicit, accept, use or retain a listing of housing with the understanding that  
an individual may be discriminated against in the purchase, lease or rental thereof  
on the basis of race, creed, color, sex, sexual orientation, gender variance, genetic  
characteristics, marital status, religion, national origin, ancestry, pregnancy,  
parenthood, custody of a minor child, ~~or~~ mental or physical disability, source of  
income, or immigration status unless otherwise required by law, of such  
individual or such individual's friends or associates;
- (B) Deny any individual access to or participation in any multiple-listing service, real  
estate brokers' organization or other service, organization or facility relating to  
the business of selling or renting housing; or
- (C) Discriminate against such individual on the basis of race, creed, color, sex, sexual  
orientation, gender variance, genetic characteristics, marital status, religion,  
national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~  
mental or physical disability, source of income, or immigration status unless  
otherwise required by law, of such individual or such individual's friends or  
associates;
- (9) Shall establish unreasonable rules or conditions of occupancy that have the effect of  
excluding pregnant women, parents or households with minor children.

1 ...

2 Section 3. Section 12-1-3, "Discrimination in Employment Practices Prohibited," B.R.C.

3 1981, shall be amended as follows:

4 **12-1-3. - Discrimination in Employment Practices Prohibited.**

5 (a) It is a discriminatory or unfair employment practice, and no person:

- 6 (1) Shall fail or refuse to hire, shall discharge, shall promote or demote, or shall  
7 discriminate in matters of compensation, terms, conditions or privileges of employment  
8 against any individual otherwise qualified or to limit, segregate or classify employees  
9 or applicants for employment in any way that would deprive or tend to deprive any  
10 individual of employment opportunities or otherwise adversely affect such individual's  
11 status as an employee because of the race, creed, color, sex, sexual orientation, gender  
12 variance, genetic characteristics, marital status, religion, national origin, ancestry, age,  
13 ~~or~~ mental or physical disability, source of income, or immigration status unless  
14 otherwise required by law, of such individual or such individual's friends or associates;  
15 but with regard to mental or physical disability, it is not a discriminatory or unfair  
16 employment practice for a person to act as provided in this paragraph if there is no  
17 reasonable accommodation that such person can make with regard to the disability, the  
18 disability actually disqualifies the individual from the job, and the disability has a  
19 significant impact on the job;
- 20 (2) Shall refuse to list and properly classify for employment or refer an individual for  
21 employment in a known available job for which such individual is otherwise qualified  
22 because of the race, creed, color, sex, sexual orientation, gender variance, genetic  
23 characteristics, marital status, religion, national origin, ancestry, age,~~or~~ mental or  
24 physical disability, source of income, or immigration status unless otherwise required  
25 by law, of such individual or such individual's friends or associates or to comply with  
a request from an employer for referral of applicants for employment if the request  
indicates either directly or indirectly that the employer discriminates in employment on  
the basis of race, creed, color, sex, sexual orientation, gender variance, genetic  
characteristics, marital status, religion, national origin, ancestry, age,~~or~~ mental or  
physical disability, source of income, or immigration status unless otherwise required  
by law; but with regard to mental or physical disability, it is not a discriminatory or  
unfair employment practice for an employment agency to refuse to list and properly  
classify for employment or refuse to refer an individual for employment in a known  
available job for which such individual is otherwise qualified if there is no reasonable  
accommodation that the employer can make with regard to the disability, the disability  
actually disqualifies the individual from the job, and the disability has a significant  
impact on the job;
- (3) Shall exclude or expel any individual otherwise qualified from full membership rights  
in a labor organization, otherwise discriminate against any members of such labor  
organization in the full enjoyment of work opportunity, or limit, segregate or classify  
its membership or applicants for membership, or classify or fail or refuse to refer for

1 employment such individual in any way that deprives such individual of employment  
2 opportunities, limits employment opportunities or otherwise adversely affects such  
3 individual's status as an employee or applicant for employment because of the race,  
4 creed, color, sex, sexual orientation, gender variance, genetic characteristics, marital  
5 status, religion, national origin, ancestry, age, ~~or~~ mental or physical disability, source  
6 of income, or immigration status unless otherwise required by law, of such individual  
7 or such individual's friends or associates;

8 (4) Shall print or circulate or cause to be printed or circulated any statement, advertisement  
9 or publication, or to use any form of application for employment or membership, or to  
10 make any inquiry in connection with prospective employment or membership that  
11 expresses, either directly or indirectly, any limitation, specification or discrimination  
12 on the basis of race, creed, color, sex, sexual orientation, gender variance, genetic  
13 characteristics, marital status, religion, national origin, ancestry, age, ~~or~~ mental or  
14 physical disability, source of income, or immigration status unless otherwise required  
15 by law, or intent to make any such limitation, specification or discrimination, unless  
16 based upon a bona fide occupational qualification;

17 (5) Shall establish, announce or follow a policy of denying or limiting, through a quota  
18 system or otherwise, opportunities for employment or membership in a group on the  
19 basis of race, creed, color, sex, sexual orientation, gender variance, genetic  
20 characteristics, marital status, religion, national origin, ancestry, age, ~~or~~ mental or  
21 physical disability, source of income, or immigration status unless otherwise required  
22 by law;

23 (6) Shall aid, abet, incite, compel or coerce the doing of any act defined in this section to  
24 be a discriminatory or unfair employment practice, obstruct or prevent any person from  
25 complying with the provisions of this section, or attempt, either directly or indirectly,  
to commit any act defined in this section to be a discriminatory or unfair employment  
practice;

(7) That is an employer, labor organization or joint labor-management committee  
controlling apprenticeship or other training or retraining, including on-the-job training  
programs shall discriminate against any individual on the basis of the race, creed, color,  
sex, sexual orientation, gender variance, genetic characteristics, marital status, religion,  
national origin, ancestry, age, ~~or~~ mental or physical disability, source of income, or  
immigration status unless otherwise required by law, of such individual or such  
individual's friends or associates in admission to or employment in any program  
established to provide apprenticeship or other training; but with regard to mental or  
physical disability, it is not a discriminatory or unfair employment practice to withhold  
the right to be admitted to or to participate in any such program if there is no reasonable  
accommodation that can be made with regard to the disability, the disability actually  
disqualifies the individual from the program, and the disability has a significant impact  
on participation in the program;

(8) Shall use in the recruitment or hiring of individuals any employment agency, placement  
service, training school or center, labor organization or any other employee referral  
source known by such person to discriminate on the basis of race, creed, color, sex,  
sexual orientation, gender variance, genetic characteristics, marital status, religion,

1 national origin, ancestry, age, ~~or~~ mental or physical disability, source of income, or  
2 immigration status unless otherwise required by law;

3 (9) Shall use in recruitment, hiring, upgrading or promoting any test that such person  
4 knows or has reason to know tends to discriminate on the basis of race, creed, color,  
5 sex, sexual orientation, gender variance, genetic characteristics, marital status, religion,  
6 national origin, ancestry, age, ~~or~~ mental or physical disability, source of income, or  
7 immigration status unless otherwise required by law; but it is not a discriminatory or  
8 unfair employment practice to provide employment opportunities for classes of  
9 individuals that have been the traditional targets of discrimination or to use a form or  
10 make a record or inquiry for the purpose of required government reporting, and with  
11 regard to mental or physical disability, it is not a discriminatory or unfair employment  
12 practice for a person to act as prohibited in this subsection if there is no reasonable  
13 accommodation that the employer can make with regard to the disability, the disability  
14 actually disqualifies the individual from the job, and the disability has a significant  
15 impact on the job; and

16 (10) Seeking employment, shall publish or cause to be published an advertisement with a  
17 specification or limitation based upon race, creed, color, sex, sexual orientation, gender  
18 variance, genetic characteristics, marital status, religion, national origin, ancestry, age,  
19 ~~or~~ mental or physical disability, source of income, or immigration status unless  
20 otherwise required by law, unless based upon a bona fide occupational qualification.

21 (b) The provisions of subsection (a) of this section do not apply to prohibit a religious  
22 organization or institution from restricting employment opportunities to persons of the  
23 religious denomination or persons of other defined characteristics and advertising such  
24 restriction if a bona fide religious purpose exists for the restriction.

25 (c) The provisions of subsection (a) of this section concerning discrimination based on marital  
status do not apply to the provision of employee health or disability insurance.

(d) Notwithstanding any other provision of this chapter, a workplace supervisor may require  
that a worker not change gender presentation in the workplace more than three times in any  
eighteen-month period.

Section 4. Section 12-1-4, "Discrimination in Public Accommodations Prohibited,"

B.R.C. 1981, shall be amended as follows:

**12-1-4. - Discrimination in Public Accommodations Prohibited.**

(a) It is a discriminatory practice, and no person shall:

(1) Refuse, withhold from or deny to any individual because of the race, creed, color, sex,  
sexual orientation, gender variance, genetic characteristics, marital status, religion,  
national origin, ancestry, ~~or~~ mental or physical disability, source of income or  
immigration status of such individual or such individual's friends or associates, the full  
and equal enjoyment of the goods, services, facilities, privileges, advantages or  
accommodations of a place of public accommodation; or

1 (2) Publish, circulate, issue, display, post or mail any written or printed communication,  
2 notice or advertisement that indicates that the full and equal enjoyment of the goods,  
3 services, facilities, privileges, advantages or accommodations of a place of public  
4 accommodation will be refused, withheld from or denied an individual or that such  
5 individual's patronage or presence at a place of public accommodation is unwelcome,  
6 objectionable, unacceptable or undesirable because of the race, creed, color, sex, sexual  
7 orientation, gender variance, genetic characteristics, marital status, religion, national  
8 origin, ancestry, ~~or~~ mental or physical disability, source of income or immigration  
9 status of such individual or such individual's friends or associates.

6 ...

7 Section 5. The immediate passage of this ordinance is necessary for the preservation of  
8 public peace, health, safety, and welfare of the residents of the city, and covers matters of local  
9 concern.

10 Section 6. The city council deems it appropriate that this ordinance be published by title  
11 only and orders that copies of this ordinance be made available in the office of the city clerk for  
12 public inspection and acquisition.

13 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
14 TITLE ONLY this 1<sup>st</sup> day of May 2018.

17 \_\_\_\_\_  
18 Suzanne Jones  
19 Mayor

18 Attest:

20 \_\_\_\_\_  
21 Lynnette Beck  
22 City Clerk

1 READ ON SECOND READING, PASSED AND ADOPTED AS AN EMERGENCY  
2 MEASURE BY TWO-THIRDS COUNCIL MEMBERS PRESENT, this 23<sup>rd</sup> day of August 2018.

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5  
6 Suzanne Jones  
Mayor

7 Attest:

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9 Lynette Beck  
City Clerk

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Amendment 1

Amend Section 12-1-2(a)(1)(c) as follows:

**12-1-2. - Discrimination in Housing Prohibited.**

(a) It is an unfair housing practice, and no person:

(1) Who has the right of ownership or possession or the right of transfer, sale, rental, or lease of any housing or any agent of such person shall:

...

(C) Cause to be made any written or oral inquiry or record concerning the race, creed, color, sex, sexual orientation, gender variance, genetic characteristics, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~ mental or physical disability, or immigration status unless otherwise required by law, of an individual seeking to purchase, rent, or lease any housing or of such individual's friends or associates, but nothing in this section prohibits using a form or making a record or inquiry for the purpose of required government reporting or for a program to provide opportunities for persons who have been traditional targets of discrimination on the bases here prohibited;

Amendment 2

Amend Sections 12-1-2(a)(1)(A) and (B) as follows:

**12-1-2. - Discrimination in Housing Prohibited.**

(a) It is an unfair housing practice, and no person:

(1) Who has the right of ownership or possession or the right of transfer, sale, rental, or lease of any housing or any agent of such person shall:

(A) Refuse to show, sell, transfer, rent, or lease, or refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease, or otherwise to deny to or withhold from any individual such housing because of the race, creed, color, sex, sexual orientation, gender variance, genetic characteristics, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~ mental or physical disability, source of income if the person rents or leases at least five dwelling units, or immigration status unless otherwise required by law, of that individual or such individual's friends or associates;

(B) Discriminate against any individual because of the race, creed, color, sex, sexual orientation, gender variance, genetic characteristics, marital status, religion, national origin, ancestry, pregnancy, parenthood, custody of a minor child, ~~or~~ mental or physical disability, source of income if the person rents or leases at least five dwelling units, or immigration status unless otherwise required by law, of the individual or such individual's friends or associates in the terms, conditions, or privileges pertaining to any facilities or services in connection with a transfer, sale, rental, or lease of housing; or

Amendment 3

*Source of income* means any verifiable money, compensation or housing assistance that is lawful in the State of Colorado and paid to or on behalf of a renter or buyer including, but not limited to money or compensation from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payment such as child support, from any payment received from an annuity or life insurance policy, or from any federal, state or local payment, including a disability benefit and housing choice voucher, any other rent subsidy or rent assistance program and related program requirements, or other public assistance. Source of income does not include a gift.

Amendment 4

*Source of income* means any verifiable money, compensation or housing assistance that is lawful in the State of Colorado and paid to or on behalf of a renter or buyer including, but not limited to money or compensation from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payment such as child support, from any payment received from an annuity or life insurance policy, or from any federal, state or local payment, including a disability benefit and housing choice voucher, any other rent subsidy or rent assistance program and related program requirements, or other public assistance.

Amendment 5

*Immigration status* means an individual's classification under the laws of United States related to citizenship, alienage and residency, including but not limited to, an undocumented individual, lawful permanent resident, asylee, refugee, nonimmigrant, native-born citizen, naturalized citizen and an individual with temporary protected status.