



Dora
Department of Regulatory Agencies

Colorado Civil Rights Division

Remedies

January 17, 2008



State Remedies for Employment, Housing and Public Accommodation Discrimination, and Senate Bill 25

Sexual Orientation Legislation:

- SB 07-025 (Senate Bill 25):
 - Updates C.R.S. 24-34-401: bases for employment discrimination to include “sexual orientation” and “religion;”
 - C.R.S. 24-34-402: all sections to include “sexual orientation” and “religion;”
 - Effective date: August 8, 2007 at 12:01 AM.
 - Remedies for discrimination on basis of “sexual orientation” or “religion” same as those provided in C.R.S. 24-34-306(9) and C.R.S. 24-34-405, set forth below.

Employment:

- C.R.S. 24-34-306(9):
 - Cease and Desist Order from the Commission*;

AND

- C.R.S. 24-34-405:
 - Commission* may order, singly or in combination:
 - Back pay;
 - Hiring of Employee(s), with or without Back Pay;
 - Reinstatement of Employee(s), with or without Back Pay;
 - Upgrading of Employee(s), with or without Back Pay;
 - Referring of Applicants for Employment by Respondent Employment Agency;
 - Restoration to Membership by any Respondent Labor Organization;
 - Admission to or Continued Enrollment in an Apprenticeship Program, On-the-Job Training Program, or a Vocational School;
 - Posting of Notices;
 - Making of Reports as to the Manner of Compliance.

Housing:

- C.R.S. 24-34-306(9):
 - Cease and Desist Order issued by the Commission*;

AND

- C.R.S. 24-34-507:
 - Injunctive Relief:
 - 507(1): orders or decrees restraining and enjoining [Respondent] from selling, renting or otherwise making unavailable to the complainant any housing with respect to which the complaint is made;
 - 507(2): time fixed by court, not to exceed 60 days, unless extended for good cause and/or with consent of the Respondent;

AND

- C.R.S. 24-34-508:
 - Rehire, reinstate and provide back pay to any employee or agent discriminated against because of his obedience to the section;
 - Granting of financial assistance per C.R.S. 24-34-502(1)(b) (housing related assistance);
 - Affirmative action regarding showing, sale, transfer, rental or lease of housing;
 - Make Reports as to Manner of Compliance with Order of Commission;
 - Reimbursement of Fees for actual expenses incurred in obtaining comparable housing, storage, moving charges for obtaining comparable housing;
 - Award actual damages, injunctive or other equitable relief;
 - Civil Penalty:
 - Not to exceed \$10,000 if no prior discrimination;
 - Not to exceed \$25,000 with any number of prior discriminatory housing judgments within five years of date of filing of current charge;
 - Not to exceed \$50,000 with two or more prior discriminatory housing practice judgments within seven-year period of filing of charge.

Public Accommodations

- C.R.S. 24-34-306(9):
 - Cease and Desist Order from the Commission*;

AND

- C.R.S. 24-34-605:
 - Rehire, reinstate and provide back pay to employee or agent discriminated against because of obedience to anti-discrimination law;
 - Make reports as to manner of compliance with commission order;
 - Affirmative action, e.g. posting of notices.

OR

- C.R.S. 24-34-602:
 - For each offense:
 - Not less than \$50,
 - Not more than \$500;
 - Guilty of Misdemeanor:
 - Fine not less than \$10,
 - Fine not more than \$300;
 - Imprisonment not more than 1 year,
 - Both fine and imprisonment.

*** Though the statute refers to the Commission as ordering specific remedies and/or other or alternative relief, in practice, administrative law judges issue such orders. C.R.S. 24-34-305(d) (authorizing administrative law judges or the Commission to issue orders).**