

Task Force on the Rights of Coloradans with Disabilities: January 2025 Task Force Recommendations



Beginning in October of 2023, more than 50 Coloradans began meeting as part of the Task Force on the Rights of Coloradans with Disabilities and the four subcommittees formed to support its work.

Each of those subcommittees submitted a set of recommendations to the Task Force on December 2, 2024 together with a description of the problems they sought to solve. For the following two months, the Task Force met to consider those recommendations, the robust input of the public, state and local government, professional and advocacy organizations and their own personal and professional lived experience to develop the Task Force recommendations.

This report contains the 58 recommendations of the Task Force.

While the Task Force is being administered by the Colorado Civil Rights Division (CCRD) within the Department of Regulatory Agencies (DORA), this report is strictly representative of the Subcommittees' considerations and are not to be construed as the recommendations of CCRD or DORA. Furthermore, the recommendations have not been subject to legal or fiscal analysis.



COLORADO
Department of
Regulatory Agencies



CONFLUENCE
POLICY & STRATEGY
GROUP

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EXECUTIVE SUMMARY

It has been over thirty-four years since the Americans with Disabilities Act (ADA) was passed into federal law. The [ADA](#) prohibits discrimination on the basis of disability in employment, state and local government, public spaces, transport, and telecommunications. The ADA sets out legislation to protect individuals with disabilities in the workplace and to create more fair and equal conditions for those with a disability. In Colorado, anti-discrimination protections are also addressed in the Colorado Anti-Discrimination Act (CADA) which was first passed in 1957 as the Colorado Fair Employment Act. CADA has been amended and updated numerous times since passage including specific amendments addressing the rights of individuals with a disability.

Despite the existence of both the ADA and CADA, there remain barriers for an individual with a disability to fully access and enjoy the public and government services more easily available or accessible to individuals without a disability. Enforcement of and compliance with ADA and CADA can be inconsistent and general public awareness of the requirements of each is limited. There also remain gaps in understanding about the needs of those with disabilities and the value of fully welcoming individuals with a disability into government, public discussion, places of recreation and communities.

These challenges should not read to suggest there are no bright spots. Colorado has taken meaningful steps in nearly every sector and aspect of both the public and private sectors. In fact, a [2024 AAA State of Play study](#) ranked Colorado as the best state to live in for individuals with disabilities. That study considered multiple factors ranging from digital accessibility laws and employment rates to poverty rates and educational attainment. As was highlighted during this task force's work, Colorado has one of the most active disability rights and advocacy communities in the nation. Though various assessments rank Colorado differently for disability rights and services, most agree that progress is being made. Those working on that progress made the case throughout the work described in this report that there is still much work to be done.

In 2023, the Colorado General Assembly passed HB23-1296, creating the Task Force on the Rights of Coloradans with Disabilities (the "Task Force"). Sponsored by Representative David Ortiz, Representative Leslie Herod and Senator Faith Winter, HB23-1296 created four subcommittees to support the work of the Task Force.

This report is the result of the Task Force discussions of the subcommittee recommendations and contains the 58 recommendations of the Task Force.

For the past year, more than fifty Coloradans have generously contributed their lived experience, expertise and time to more than 200 hours of meetings and even more hours in conversations and research between those meetings.

The Task Force and its subcommittees also had the benefit of dozens of local experts from the non-profit, advocacy, private sector and both local and state government systems who joined to share their perspectives and experiences. Through multiple public comment processes, the Task Force received input from hundreds of people across Colorado.

Task Force Structure and Approach

The task force subcommittees including the purpose, tasks and membership composition for each is prescribed in the bill. The four required subcommittees whose recommendations were considered by the Executive Committee are:

- The subcommittee on the rewrite and modernization of the Colorado Revised Statutes concerning the civil rights of persons with disabilities, referred to in this report as The Rewrite Subcommittee.
- The subcommittee on basic access to the Colorado outdoors for persons with disabilities, referred to in this report as The Outdoors Subcommittee.
- The subcommittee on the affordability, accessibility, and attainability of housing for persons with disabilities, referred to in this report as The Housing Subcommittee
- The subcommittee on physical and programmatic basic access within state and local government for persons with disabilities, referred to in this report as The Government Subcommittee.

The purpose assigned by the General Assembly for each is as follows:

The Rewrite Subcommittee: to study the current Colorado Revised Statutes concerning the civil rights of persons with disabilities and make recommendations for a thorough revision and rewrite to improve clarity, ensure the civil rights of Coloradans are protected, and ensure the protections are enforceable.

The Outdoors Subcommittee: to identify barriers to basic access to and the enjoyment of the Colorado outdoors for persons with disabilities and to make recommendations for addressing those barriers.

The Housing Subcommittee: to identify barriers to securing and enjoying secure and affordable, accessible, and attainable housing for persons with disabilities and to make recommendations for addressing those barriers.

The Government Subcommittee: to study and make recommendations on issues to ensure people with disabilities have access to the services they need, are able to effectively participate in public discussion, are able to be employed by governmental agencies, and can run for and serve in elected positions.

The charges of the subcommittees and their membership is included in Appendix A.

The appointing authorities for the Task Force or Executive Committee was provided in HB23-1296 and the members are listed on the following table.

Member	Appointed By
Lt. Governor Dianne Primavera, Chair	<i>Designated by legislation as non-voting member unless necessary to break a tie</i>
Rep. David Ortiz, Vice Chair	Speaker of the CO House, Rep. Julie McCluskie
Julie Reiskin Hillary Jorgensen upon Reiskin's resignation	Senate President, Sen. Steve Fenberg
Rep. Ryan Armagost	House Minority Leader, Rep. Mike Lynch
Elizabeth Moran	Senate Minority Leader, Sen. Paul Lundeen
Jennifer Harpole	Governor Jared Polis
Michael Stone	Governor Jared Polis
Kathryn Hall	Governor Jared Polis
Keirsten Beck	Governor Jared Polis

The Process & Conversations

Informed by the charges laid out in legislation, each of the subcommittees approached their work by first identifying the explicit or implied categories of issues to address and sequencing the discussions appropriately. Once this arc of conversations was established, members were invited to suggest subject matter experts, perspectives or background information that would be helpful to their work together.

Those four subcommittees spent more than a year examining specific barriers to basic access for individuals with disabilities. Informed by their own experiences, presentations by subject matter experts and those with lived experience and the subcommittees robust internal discussions, each subcommittee shared draft ideas for public input in the fall of 2024. After receiving dozens of letters from professional and advocacy organizations and hundreds of comments through public input, each subcommittee spent another two months discussing the input received and revising their ideas into a [set of subcommittee recommendations submitted to the Task Force in December of 2024](#).

Throughout the subcommittee's work, members of the Task Force (aka the Executive Committee) provided guidance to the Task Force facilitators on topics of interest, compelling research or experts, issues to explore and ideas for consideration. While allowing the subcommittee members to engage independently in their fact-finding and recommendation development process, Executive Committee members frequently joined subcommittee meetings to listen, raise questions or encourage dialog about options for paths forward.

The legislation creating the Task Force, HB23-1296, explicitly stated that the appointed members should consider the reports of the subcommittees but that they were “not bound by any findings or conclusions of any subcommittee in producing its final report.” Nonetheless, Executive Committee members all expressed gratitude and respect for the in-depth work of the subcommittees and an intention to give serious consideration and deference to the intent of the subcommittees’ ideas.

Over the course of six meetings, the Executive Committee considered each of the recommendations of the four subcommittees. Members were encouraged to explore the ideas put forward through multiple lenses including whether the recommended solution was the best path to arrive at the intended end state or improvement, if the idea was sufficiently aspirational, whether the idea could be implemented with fidelity in ideal or less than ideal conditions and ultimately, was it a path to removing barriers to basic access. At a seventh meeting of the Executive Committee, members considered new ideas offered by the Executive Committee and an alternative path for one of the subcommittee recommendations.

It is important to note that members overwhelmingly shared two beliefs:

1. That Colorado should continue taking bold steps to lead the nation in ensuring the rights of those with disabilities;
2. The recommendations put forward should be viewed as a multi-year roadmap with some steps to be taken immediately and others to be the continued work of the state.

Not every idea received unanimous support. There were at times differences of opinion among representatives of the disability rights community and representatives of the business community or government representatives and at times, differences of opinion within each group.

During the Task Force deliberations, representatives of executive branch agencies of state government were invited to submit comments and to join discussions to provide clarifications. Those letters are included in Appendix B of this report.

Common Themes

Each subcommittee was addressing unique, often complex issues that all have very context and issue-specific solutions or options for solutions. Despite the very different issues being examined, there were common themes of root problems and strategies for addressing them across all conversations.

Among these common themes were the following:

Enforcement and Compliance. Many challenges are issues members noted are already addressed in some form by the ADA or CADA. Discussions noted inconsistent compliance, limited mechanisms of and resources for enforcement and a dominance of complaint driven action rather than proactive enforcement. While not inconsistent with the approach taken by relating to other laws, regulations or code enforcement, members felt this is a contributing factor and advocated for increased resources to support greater monitoring and enforcement.

Education and Awareness. A number of members and guests shared experiences of people, officials and businesses being unaware or uninformed of the day-to-day challenges for and needs of individuals with a disability and of the legal obligations and protections provided in the ADA and CADA. Some of this related to legal requirements but much of it also related to the value-add of proactive steps that can be taken to welcome individuals with a disability into the workforce, a business or public discussion.

Navigation and Direct Supports. The subcommittees all discussed the need for assistance navigating various systems. This includes a wide variety of needs for individuals with a disability such as assistance navigating legal rights, available resources, how to access different programs or to contact the appropriate person in a government agency or at a private business. The members also identified the need for navigation and direct supports for those seeking to comply with the ADA and CADA or to provide services to those with a disability. This ranged from helping to understand the various programs available to support such efforts to the types of accommodations needed or specific accessibility features that are needed or most helpful.

Summary of Recommendations

Below is a summary of the recommendations of the Task Force as voted on during meetings in December of 2024 and January of 2025. On the following pages, each recommendation is preceded by a statement provided by the respective subcommittee describing the problem to be solved and the desired end state.

As noted previously, HB23-1296 gave the Task Force the authority to consider but not the obligation to be bound or limited by the findings of the subcommittees. The final recommendations of the Task Force include 53 that are substantially based on or identical to recommendations of the subcommittees, one idea informed by the findings and four additional ideas offered by members of the Task Force during deliberations and discussions.

In early meetings of the Task Force, it was agreed that formal actions required the presence of a quorum of at least one more than 50% of members including the Chair who would only vote in the event of a tie. Members agreed that recommendation would require a simple majority of the quorum present. In voting on recommendations, a majority of recommendations were unanimous and nearly all others received a super-majority vote in favor. Two items received a simple majority and those votes are indicated on the respective recommendations on the following pages.

Rewrite of Colorado Anti-Discrimination Act (CADA)

Exhaustion, Timelines and Emotional Distress Damages

Recommendation 1: Shorten the timeline for exhaustion of administrative remedies

Recommendation 2: Standardize statute of limitation for filing claims at three years

Recommendation 3: Allow recovery of emotional distress damages with a tiered cap schedule

Recommendation 4: Permit punitive damages in emotional distress damage claims

Public Accommodations

Recommendation 5: Incorporate U.S. Department of Justice (DOJ) and Department of Transportation (DOT) regulations into Colorado law

Recommendation 6: Incorporate federal Equal Employment Opportunity Commission (EEOC) regulations into Colorado law

Recommendation 7: Codify judicial deference into Colorado law

Recommendation 8: Revise limits for damages in certain discrimination cases

Definitions

Recommendation 9: Revise and incorporate into Colorado Revised Statutes (CRS) the definition of Disability

Recommendation 10: Revise and incorporate into CRS definition of Qualified Individual

Recommendation 11: Revise and incorporate into CRS definition of Essential Function

Basic Access to the Colorado Outdoors

Urban and Suburban Recreation

Recommendation 1: Establish best practices for municipal park accessibility

Recommendation 2: Create incentives to expand access for individuals with a disability

Outdoor Recreation General

Recommendation 3: Assess statewide systems and needs for accessible parking

Recommendation 4: Require point of contact for individuals with disabilities

Recommendation 5: Expand training of recreational facility staff relating to supporting the needs of individuals using adaptive equipment

Recommendation 6: Require publication of accessibility features and limitations

Recommendation 7: Require ADA compliance and basic access

Ski Resorts and Adaptive Equipment Manufacturers

Recommendation 8: Provide input to ANSI B77 Committee

Recommendation 9: Ensure appropriate equipment information is provided to ANSI B77

Recommendation 10: Require ADA and CADA acknowledgment in contracts

Recommendation 11: Conduct reviews of recreational facility access for and compatibility with the equipment of those using adaptive equipment

Affordability, Accessibility, and Attainability of Housing

Contracts, Communications & Data Collection

Recommendation 1: Establish a working group to examine accessibility of housing documents

Recommendation 2: Explore opportunities to provide housing navigators

Recommendation 3: Support creation and use of a checklist of housing accessibility features

Recommendation 4: Create a guide to encourage efforts to expand inventory of affordable, accessible housing for individuals with a disability

Recommendation 5 & 5b: Establish and encourage accessibility navigators for property owners

Recommendation 6: Undertake a comprehensive approach to data collection and analysis about the inventory and need for affordable, accessible housing

Recommendation 7: Provide educational materials for developers about accessibility needs

Recommendation 8: Encourage professional organizations to engage experts and those with lived experience to provide insights

Data, Funding, Permitting, Oversight and Awareness

Recommendation 9: Encourage the Colorado Housing and Finance Authority (CHFA) to apply available levers to expand the development and inventory of accessible housing

Recommendation 10: Encourage the Middle Income Housing Authority (MIHA) to apply available levers to expand the development and inventory of accessible housing

Recommendation 11: Engage state agencies to examine ways to leverage available funds

Recommendation 12: Encourage disability-forward design

Recommendation 13: Create strategy and workplan for centralized resource

Recommendation 14: Encourage local actions to expand new inventory of disability forward designed housing

Government Subcommittee

Running For and Serving in Elected Office

Recommendation 1: Certify venues for ADA compliance

Recommendation 2: Enforce requirement for ADA compliance officer and separate duties

Recommendation 3: Require the Secretary of State to maintain a single, fully accessible resource of campaign information

Recommendation 4: Establish a secure, accessible means for electronic signature gathering

Recommendation 5: Require political parties to ensure vendors and systems are accessible

Employment and Participation in Public Discussion

Recommendation 6: Undertake a comprehensive plan to ensure full access to government employment for Coloradans with a disability

Recommendation 7: Assess and adjust processes to provide opportunities and career paths for individuals with a disability

Recommendation 8: Expand awareness of the value added through hiring of individuals with a disability by government agencies

Recommendation 9: Ensure accessibility of software required for government job performance

Recommendation 10: Require verification of meeting venue accessibility

Recommendation 11: Require decision making bodies to provide accommodations for participation at in-person and online meetings

Recommendation 12: Make accommodation requests a simple and easy process

Recommendation 13: Require virtual participation option for decision-making bodies

Recommendation 14: Explore a fund to support centralized locations for virtual participation

Recommendation 15: Raise awareness of best practices for ensuring accessibility of discussion forums and meetings

Recommendation 16: Establish standards for meeting accessibility

Recommendation 17: Encourage local government accessibility funds

Best Practices in Government and Government Services

Recommendation 18: Set timeline for providing accommodations as a standard element of meeting planning rather than a responsive act

Recommendation 19: Require demographic note on legislation introduced relating to rights of individuals with disabilities if requested by sponsor

Recommendation 20: Include quality of life and health outcomes on above demographic notes

Recommendation 21: Provide funding and support for career paths related to basic access

Recommendation 22: Hold a State Measurement for Accountable, Responsive and Transparent Government (SMART) Act hearing on 2024 Disability Competent Care memo

REWRITE OF COLORADO ANTI-DISCRIMINATION ACT (CADA)

Exhaustion, Timelines and Emotional Distress Damages

Recommendation 1: Shorten the timeline for exhaustion of administrative remedies

Problem to Solve

Current law (24-34-3402) requires any person claiming to have received discriminatory or unfair treatment in an employment situation to file a charge with the Colorado Division of Civil Rights promptly, and the investigation process may take 450 days. If probable cause does not exist, notice of charges will be distributed and dismissed, and the charging party can file a civil action in court. If the charging party fails to file within existing deadlines, no district court shall have jurisdiction to hear the action. If probable cause exists, compulsory mediation is ordered for both parties. If the resolution is not reached during mediation, the Commission may set the case for hearing.

Intended End State

Provide a legal framework that allows plaintiffs to waive the administrative remedies and proceed directly to filing of civil action in court.

Task Force Recommendation

Amend Colorado Revised Statute (CRS) to provide that if no ruling has been issued by the Division 90 days after the filing of a charge, the obligation to exhaust administrative remedies shall be satisfied and the claimant shall receive a notice of right to sue.

Note: The recommendation of the subcommittee was to make exhaustion of administrative remedies optional at the claimant's discretion. A majority of members present at the January 7, 2025 meeting voted against that recommendation and requested further discussions. Members present at a subsequent meeting indicated they would now vote in support of the original recommendation but felt that with the original recommendation having been voted against and all members not being present at the final session, agreed to consider the original recommendation disposed of and to consider the new recommendation as detailed above.

Recommendation 2: Standardize statute of limitation for filing claims at three years

Problem to Solve

Current law (24-34-402, 502, and 602) allows filing deadlines after the alleged incident of 300 days for employment, one year for Housing, and 60 days for Public Accommodations. The Division is statutorily required to complete an investigation within 450 days. Therefore, today's deadlines for completion of the Division's administrative process may take up to 750 days for filing and investigating employment discrimination cases; 815 days for housing discrimination and 510 days for public accommodation.

Intended End State

Set the statute of limitations the same for the filing of all discrimination cases while considering reasonable timelines for taking such action.

Task Force Recommendation

Amend CRS relating to the timeline or statute of limitations to three years for any claim of discrimination by an individual with a disability relating to housing, employment or by and against a public entity or relating to a public accommodation. Note: The subcommittee discussions focus on the rights of individuals with disabilities while noting the different types of claims in Part 6 vs. Part 8. It is the intention of the subcommittee in this idea to standardize timelines and rights across all types of claims including Parts 6 and 8.

Recommendation passed by a vote of three in favor and two opposed.

Recommendation 3: Allow recovery of emotional distress damages with tiered cap schedule

Problem to Solve

In the 2022 Supreme Court case *Cummings v. Premier Rehab Keller, P.L.L.C.*, the court ruled that people who experience disability-based discrimination cannot recover emotional distress damages from public and private entities that receive federal funding. The Cummings decision eliminated the ability of people who experience disability-based intentional discrimination to obtain emotional distress damages from public and private entities who receive federal financial assistance from the Federal Government under Section 504 of the Rehabilitation Act of 1973 or Section 1557 of the Patient Protection and Affordable Care Act. As a result of the decision, entities such as public and private colleges and universities, hospitals, group homes, physical therapist offices, and others who receive federal financial assistance, including federal grants, loans, or other forms of federal financial assistance no longer need to remedy discrimination based on disability when the only harm of the discrimination results in anxiety, stress, depression, marital strain, humiliation, or other similar emotional pain.

Intended End State

A legal means for an individual who has been discriminated against based on their disability by a government agency or public business to seek and recover damages for emotional distress.

Task Force Recommendation

Amend Colorado Revised Statute (CRS) to allow an individual with a disability who has been discriminated against by a government agency or public business to pursue emotional distress damages. The above change would be through revision to CRS § 24-34-802 and elsewhere as necessary. The legislature should establish tiered caps on such damages that are adjusted on an appropriate, periodic basis of not less than every five years.

Recommendation 4: Permit punitive damages in emotional distress damage claims

Problem to Solve

There are differences in the limits and scales for recovering damages for different types of discrimination lawsuits. This item relates to the above referenced recommendations to permit recovery of emotional distress damages. Currently, employment violations can be recovered by imposing punitive damages, which are intended to deter future illegal behavior. The recovery amount depends on the employer's size, and the recoverable dollars range from \$50K to \$300K. Housing violations can be recovered through actual damages, civil penalties, or Commission

action. Public accommodation and relief can include a fine of \$3500 for each violation or Commission action can be taken for recovery. In addition, Colorado law does not currently provide a right to seek punitive damages in certain cases.

Intended End State

Laws that allow a court to award punitive damages in the described cases under certain conditions described in the recommendation.

Task Force Recommendation

Amend CRS as contemplated in Item 3 above and further amend to allow plaintiffs to seek and recover additional punitive damages if affirmative intent to violate the underlying statute is proven to the appropriate standard by plaintiff.

In advancing this recommendation, the Executive Committee urges the legislature to set a clear and appropriately high bar for recovery of punitive damages where there is intentional discrimination.

Recommendation passed by a vote of three in favor and two opposed.

Public Accommodations

Recommendation 5: Incorporate U.S. Department of Justice (DOJ) and Department of Transportation (DOT) regulations into Colorado law

Problem to Solve

In the 2024 Supreme Court case *Loper Bright Enterprises v. Raimondo*, the court ruled 6-2 to overturn the 40-year-old Chevron deference doctrine. The court ruled that courts must independently decide if an agency acted within its statutory authority. This could place into question the legal weight of regulations promulgated by agencies to enforce a law. The details of many anti-discrimination protections such as door width are established in regulations rather than in the law.

Intended End State

Ensuring the continued enforceability of the details contained in federal regulations relating to anti-discrimination law and practices.

Task Force Recommendation

Incorporate the 2010 Department of Justice ADA standards for universal design (28 C.F.R. part 35 and part 36) and Department of Transportation (DOT) ADA regulations (49 C.F.R. parts 37, 38 and 39) into Colorado law by direct incorporation (not simply by reference).

Recommendation 6: Incorporate EEOC regulations into Colorado law

Problem to Solve

In the 2024 Supreme Court case *Loper Bright Enterprises v. Raimondo*, the court ruled 6-2 to overturn the 40-year-old Chevron deference doctrine. The court ruled that courts must independently decide if an agency has acted within its statutory authority. This could place into

question the legal weight of regulations promulgated by an agency to enforce a law. The details of many anti-discrimination protections such as door width are established in regulations.

Intended End State

Ensuring the continued enforceability of the details contained in federal regulations relating to anti-discrimination law and practices.

Task Force Recommendation

Examine and consider incorporating into Colorado Law US Department of Justice (DOJ) Title I regulations relating to the EEOC (28 C.F.R. part 37).

Recommendation 7: Codify judicial deference into Colorado law

Problem to Solve

The 2024 Supreme Court ruling in *Loper Bright Enterprises v. Raimondo* reversed the judicial deference that had been established in the 1984 *Chevron v. National Resource Defense Council*. The judicial deference established in the 1984 case stated that if federal legislation is ambiguous or leaves an administrative gap, the courts must defer to the regulatory agency's interpretation if the interpretation is reasonable. With its overturn in the 2024 *Loper Bright* case, courts no longer must grant such deference and can instead utilize their own judgment to determine if the regulations are a reasonable interpretation of the law.

Intended End State

Establish in Colorado law the enforceability of and deference that must be given to regulations promulgated to implement or enforce a duly passed law by an appropriately authorized agency.

Task Force Recommendation

Codify into Colorado law the judicial deference established by *Chevron v. Natural Resources Defense Council* prior to the *Loper Bright v. Raimondo* case to direct judges to give deference to the regulations or rules adopted by a government agency to implement a law if those can be reasonably seen to be consistent with the law.

Recommendation 8: Revise limits for damages in certain discrimination cases

Problem to Solve

As is discussed above, there are existing and varying caps or limits set on the amount of damages a plaintiff can recover in different claims for discrimination.

Intended End State

Increase the amount of damages that could be recovered for discrimination claims.

Task Force Recommendation

Revise Colorado Revised Statutes (CRSs) that incorporate caps established for damages by the ADA in 1991 to adjust limits on damages for discrimination in cases of housing, employment or access to a “public entity” or “place of public accommodation. The legislature should establish tiered caps on such damages that are adjusted on an appropriate, periodic basis of not less than every five years.

Definitions

Recommendation 9: Definition of Disability

Problem to Solve

Numerous legal definitions relating to anti-discrimination protections for individuals with a disability are written in federal law and those federal laws and definitions referenced in state law. If the federal definitions change, there is no certainty of the strength or details of the definition that would then exist in Colorado law, creating uncertainty for all parties.

Intended End State

Establish key definitions relating to anti-discrimination protections directly in Colorado law.

Task Force Recommendation

Repeal 24-34-301(7), and reenact as follows:

(7) “Disability” means:

(a) With respect to an individual—

(i) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(ii) a record of such an impairment; or

(iii) being regarded as having such an impairment (as described in paragraph (3)).

(b) Major life activities include:

(i) In general

For purposes of paragraph (7), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(ii) Major bodily functions

For purposes of paragraph (7), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(c) For purposes of paragraph (7)(a) (iii):

(i) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(ii) Paragraph (7)(a)(iii) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(d) The definition of “disability” in paragraph (7) shall be construed in accordance with the following:

(i) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.

(ii) The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

- (iii) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (vi) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- (e) For the purposes of Paragraph 7:
 - (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—
 - (I) medication, medical supplies, equipment, or appliances, low- vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (II) use of assistive technology;
 - (III) reasonable accommodations or auxiliary aids or services; or
 - (IV) learned behavioral or adaptive neurological modifications.
 - (ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - (iii) As used in this subparagraph—
 - I. the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (II) the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

Recommendation 10: Definition of Qualified Individual

Problem to Solve

Numerous legal definitions relating to anti-discrimination protections for individuals with a disability are written in federal law and those federal laws and definitions referenced in state law. If the federal definitions change, there is no certainty of the strength or details of the definition that would then exist in Colorado law, creating uncertainty for all parties.

Intended End State

Establish key definitions relating to anti-discrimination protections directly in Colorado law.

Task Force Recommendation

Definition of Qualified Individual: For the purposes of the employment section of CADA, the term “qualified individual” means an individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires except that an employee or applicant shall be considered qualified if:

- (A) any inability to perform an essential function is for a temporary period;
- (B) the essential function could be performed in the near future; or
- (C) the inability to perform the essential function can be reasonably accommodated.

Recommendation 11: Definition of Essential Function

Problem to Solve

Numerous legal definitions relating to anti-discrimination protections for individuals with a disability are written in federal law and those federal laws and definitions referenced in state law. If the federal definitions change, there is no certainty of the strength or details of the definition that would then exist in Colorado law, creating uncertainty for all parties.

Intended End State

Establish key definitions relating to anti-discrimination protections directly in Colorado law.

Task Force Recommendation

The term essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position or job duties that were not essential at the time they were imposed or sought to be imposed on the individual with a disability.

(a) A job function may be considered essential for any of several reasons, including but not limited to the following:

- (i) The function may be essential because the reason the position exists is to perform that function;
- (ii) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
- (iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(b) Evidence of whether a particular function is essential includes, but is not limited to:

- (i) The employer’s judgment as to which functions are essential;
- (ii) Written job descriptions prepared before advertising or interviewing applicants for the job;
- (iii) The amount of time spent on the job performing the function;
- (iv) The consequences of not requiring the incumbent to perform the function;
- (v) (vi) The work experience of past incumbents in the job; and/or
- (vii) The current work experience of incumbents in similar jobs.
- (viii) whether the job has been, or can be, performed remotely.

c. An employer who disputes that an individual with a disability can perform the essential functions of the employment position the individual with a disability holds or desires bears the burden of proof that those functions are essential.

BASIC ACCESS TO THE COLORADO OUTDOORS

Urban and Suburban Recreation

Recommendation 1: Establish best practices for municipal park accessibility

Problem to Solve

There can be variation in the accessibility of municipal parks and recreational facilities and in the frequency of inspections to ensure ADA and CADA compliance. There are also wide ranges of awareness of the different types of barriers that may be present for those with disabilities.

Intended End State

Increased accessibility for those with all types of disabilities to urban and suburban recreational opportunities through development of best practices in partnership with those living with a disability.

Task Force Recommendation

Direct an appropriate state agency to convene a working group of municipal park and facility managers, individuals with disabilities and other subject matters to provide check-lists and guides of best practices for ensuring the accessibility of municipal parks, recreation facilities and playgrounds. As a first step, the group should conduct an inventory and gap analysis of existing efforts in the private and public sectors. This group should be tasked with developing a set of best practices that can be published, referenced or adopted as municipal code with recognition of the local control context in Colorado. Included in the practices identified should be a means for ensuring periodic inspections for ADA/CADA compliance as part of other existing or ongoing inspections and appropriate enforcement mechanisms that shift the burden from the individual seeking access and to the operator of the facility for ensuring compliance. In developing best practices, they should set the outcome state as the purpose while recognizing the local-control context of the state and limitations on the state authority to direct local government actions.

Recommendation 2: Create incentives to expand access for individuals with a disability

Problem to Solve

While there has been an increase in efforts to ensure accessibility of municipal recreation facilities for those with mobility related disabilities, there is more work to be done on this front and need for greater attention to the accessibility needs of the blind or visually impaired, hearing impaired, and neuro-divergent.

Intended End State

Increased access to urban and suburban recreation facilities for Coloradans with a disability.

Task Force Recommendation

Create incentives for state, county or city parks to expand access for those with disabilities including, without limitation, the blind or visually impaired, hearing impaired and neuro-

divergent in areas including but not limited to green spaces, parks and other similar facilities within incorporated areas through multiple solutions such as wayfinding, brail signage, technology assisted navigation or other means. Incentives need to be specific and significant enough to drive action.

Outdoor Recreation General

Recommendation 3: Assess statewide systems and needs for accessible parking

Problem to Solve

With Colorado's growth and the growing participation in outdoor recreation by Coloradans with disabilities, the parking spaces available and systems do not meet the needs.

Intended End State

An efficient, effective system for ensuring parking, loading or unloading for individuals with disabilities at the widest possible set of outdoor recreation facilities that gives attention to the point of access, ability to load or unload equipment and the use of accessible vehicles.

Task Force Recommendation

Direct an appropriate state agency or office to conduct a comprehensive analysis of the current accessible parking conditions in Colorado with the input of those with lived experience as an individual with disability and with relevant professional experience. The analysis should give specific consideration to:

- **The number, size and other requirements for accessible parking with attention to the increased population, growth of participation in all forms of recreation by Coloradans with disabilities and the needs for loading or unloading from vehicles;**
- **The current systems of enforcement of the use of placards and accessible parking spaces;**
- **The needs and opportunities for dedicated drop-off or unloading locations where entrance-adjacent accessible parking is limited or not available;**
- **Other related issues as identified by the group.**

Note: The Colorado Disability Funding Committee has a disability parking fund that could be a partner, lead or resource in this work.

Recommendation 4: Require point of contact for individuals with disabilities

Problem to Solve

It can be challenging for an individual with a disability to find information or a point of contact at recreational facilities to help them navigate or understand the accessibility features or limitations of the facility.

Intended End State

It is simple to find the contact information for an individual at a staffed recreational facility who

can provide information.

Task Force Recommendation

Require recreational site managers or operators of staffed facilities to have and publish online in an easy to find and accessible location and at the location in plain language in easy to find locations, a point of contact and contact information to help individuals with disabilities navigate and access recreational facilities or to express concerns.

Recommendation 5: Expand training of recreational facility staff relating to supporting the needs of individuals using adaptive equipment

Problem to Solve

Some feel that not all staff at facilities that allow adaptive equipment are adequately trained in supporting individuals who use adaptive equipment.

Intended End State

All staff at recreational facilities that allow adaptive equipment are adequately trained in supporting individuals who use adaptive equipment.

Task Force Recommendation

Establish a requirement that staffed recreational facilities and venues that make available or allow use of adaptive equipment include a training component for staff on supporting or using the adaptive equipment that is allowed at the facility. Such facilities should periodically update the training to reflect changes in equipment.

Recommendation 6: Require publication of accessibility features and limitations

Problem to Solve

It can be difficult to determine or locate information about the accessibility features and limitations of different outdoor recreation environments or facilities.

Intended End State

Easy to locate and access information for individuals with a disability.

Task Force Recommendation

Require managers or operators of recreational facilities to publish and make available in multiple, accessible formats, information and descriptions about the accessibility features and any limitations of trails, facilities, equipment, parking and other elements of the location. The rating system should not be decided upon by individual operators and should instead look to other fields or sectors with the intent to create an easily understandable and standardized rating system under the umbrella of an existing association such as a mountain biking association for trails where adaptive cycling equipment may be used.

Best practice for implementation: Based on the features, a rating system should be utilized using a scale or system that is accessible and provides details about the features and limitations.

Recommendation 7: Require ADA compliance and basic access

Problem to Solve

Not all areas open to the public at each recreational facility are accessible or accessible at all times. This can limit the basic access or safety of such facilities for those with a disability.

Intended End State

Ensure and enforce compliance with the ADA and ensure basic access.

Task Force Recommendation

Require recreational facility operators to ensure ADA compliance and basic access to accessible restrooms, entrances, exits, common areas, communal spaces, sales or ticketing, other basic services and any other element of the facility open to the public. When restrooms are not on the entry level floor, require that: a) More than one restroom be provided including one on the main entry floor, OR b) If only one accessible restroom is available at location, multiple elevators or mechanical lifts must be available, OR c) If only one accessible restroom and one lift to reach it, such lift must be regularly maintained and repaired as soon as feasible if damaged or not operational.

Ski Resorts and Adaptive Equipment Manufacturers

Recommendation 8: Provide input to ANSI B77 Committee

Problem to Solve

There are limited individuals with lived experience with a disability on the American National Standards Institute (ANSI) B77 Committee which sets standards for passenger ropeways (gondolas, chairlifts etc.). Participation is open but can require investment of time or financial cost. Individuals with a disability have overall higher rates of poverty and lower income rates which can create barriers to participation.

Intended End State

Expanded inclusion of the views, experiences and needs of individuals with a disability on the ANSI B77 Committee.

Task Force Recommendation

Establish a mechanism to enable the State, on behalf of individuals, manufacturers of adaptive equipment and operators of both ski venues and adaptive programs, to provide input to the ANSI B77 Committee about the needs and experiences of Colorado individuals, non-profits and businesses relating to the Committee's work. Utilize Colorado's standing in the ski and outdoor recreation industries to support outreach to actively recruit input from adaptive athletes and individuals with disabilities. As part of this effort, explore whether the State or the State in partnership with industry can provide financial support for individuals with a disability to participate in the B77 Committee's work.

Recommendation 9: Ensure appropriate equipment information is provided to ANSI B77

Problem to Solve

There is variation and continued developments in adaptive equipment and limitations on how much information is provided to the ANSI B77 Committee about this equipment.

Intended End State

Maximize the information and currency of that information about adaptive equipment that is known and considered by the ANSI B77 Committee.

Task Force Recommendation

Require that commercial manufacturers of adaptive equipment or components for the equipment that do business in Colorado provide information to the ANSI B77 Committee as requested about their equipment, technical specifications and any information reasonably necessary to maximize the compatibility of passenger ropeways (chairlifts, gondolas etc.) with the adaptive equipment. This is not intended to obligate any party to provide proprietary, confidential or trade-secret information.

Recommendation 10: Require ADA and CADA acknowledgment in contracts

Problem to Solve

Some believe that manufacturers of passenger ropeways (chairlifts, gondolas etc.) do not give adequate consideration to the requirements of the ADA and CADA relating to the design of such equipment and the needs of individuals with a disability.

Intended End State

ADA and CADA requirements and the needs of Coloradans with a disability are appropriately and equally considered with other factors by manufacturers of passenger ropeways contracting with facilities in Colorado.

Task Force Recommendation

At time of contracting, require the manufacturer to acknowledge receipt of or having awareness of ADA, CADA and the applicable requirements as they relate to the subject matter of the contract. This is not intended to obligate any party to provide proprietary, confidential or trade-secret information.

Recommendation 11: Conduct reviews of recreational facility access for and compatibility with the equipment of those using adaptive equipment

Problem to Solve

There are continuous changes to the types of adaptive equipment used by individuals with a disability and both natural and human-caused changes to the conditions of different outdoor recreation facilities. These can all cause changes or uncertainty in the ability of someone using adaptive equipment to access an outdoor recreation opportunity.

Intended End State

There is an established process for assessing and improving the ability of individuals with a disability using adaptive equipment to access outdoor recreation sites and facilities.

Task Force Recommendation

Encourage the relevant agency or agencies involved in regulating or oversight of recreational facilities to conduct a periodic review of an appropriate frequency for assessing compatibility of adaptive equipment with any mechanisms involved in accessing outdoor recreation.

Implementation Notes: 1) Assessment should examine the adaptive equipment & the mechanisms for access, 2) May want to consider useful life of equipment as one element, 3) Should be considered in regulatory decision making.

AFFORDABILITY, ACCESSIBILITY, AND ATTAINABILITY OF HOUSING

Contracts, Communications & Data Collection

Recommendation 1: Establish a working group to examine accessibility of housing documents

Problem to Solve

The design, style, language and form of different housing related contracts and publications can create challenges for some individuals with a disability which can in turn create a barrier to accessing affordable, accessible housing.

Intended End State

All forms, contracts and publications for housing are designed, published and made available in ways that maximize accessibility.

Task Force Recommendation

Establish a working group to examine practices in place in the private and government sectors relating to the accessibility of housing related contracts and publications to determine the practicality in different scenarios or documents of plain language use and other practices to improve accessibility and the securing of accessible, affordable housing. The group should incorporate the 2024 definitions for effective communications in Section 504 in its work. The group should include property owners, developers, individuals with disabilities and legal experts and be convened by the Colorado Department of Local Affairs (DOLA), the Division of Housing (DOH) within DOLA, the Colorado Disability Opportunity Office (CDOO) or another appropriate state office or agency.

Recommendation 2: Explore opportunities to provide housing navigators

Problem to Solve

It can be challenging for an individual with a disability to navigate the housing market and their rights under CADA and the ADA in securing affordable, accessible housing.

Intended End State

Every Coloradan with a disability has access to a navigator or system of navigation supports.

Task Force Recommendation

With the goal of creating a system where every Coloradan with a disability has access to a navigator and/or system of navigation supports, establish partnerships between DOH, non-profits and local entities to provide educational and navigational supports. As a first step, convene all interested parties to develop an assessment and inventory of existing programs and workplan including potential funding needs for multiple levels of supports for the navigation supports. An early step of the work should be identification of a leader partner. Where possible, look to integrate with other navigation programs for those accessing those programs while also allowing those who only need these navigation supports to access them directly.

It is the intent of the Executive Committee that both Recommendations 2 and 3 are critical and complementary recommendations. The Executive Committee also believes it is critical to the successful implementation of the navigation system that all navigation supports operate consistently, work collaboratively and avoid unnecessary duplication or confusion.

Recommendation 3: Support creation and use of a checklist of housing accessibility features

Problem to Solve

There is often limited information about the specific accessibility features or limitations of properties available for lease.

Intended End State

Consistent, easy to access information about the features and limitations of for lease housing.

Task Force Recommendation

Through a collaboration of housing experts and the disability community, create a checklist of accessibility features available in properties available for lease and to explore the most feasible ways to roll-out the checklist. Further task the group with developing standards for inclusion of information about the number, type and specific features of units in multi-unit buildings where a single individual or entity owns four or more units. The stated goal in creating such collaboration should be to reach a rental housing market in which all online or printed for rent listings of property in a building with four or more units includes the information in the checklist created and details about the number of units with accessibility features including details of those features. Owners of properties with fewer than four units should also be invited and encouraged to provide the same information.

If within two years, no such group has been convened or adopted a checklist, require every listing of properties for rent that lists any features to include a comprehensive list of the accessibility features and limitations including those affecting mobility, visual, hearing, IDD or other disabilities.

Recommendation 4: Create a guide to encourage efforts to expand inventory of affordable, accessible housing for individuals with a disability

Problem to Solve

Colorado has a highly competitive housing market with shortages in nearly every location and price point. There are limited uses of local processes that are targeted to expanding the inventory of affordable, accessible housing.

Intended End State

Local governments are aware of and regularly consider a wide range of tools and incentives they can consider to encourage the development of affordable, accessible housing.

Task Force Recommendation

Provide resources to and direct the Division of Housing (DOH) in partnership with the

Department of Local Government (DLG) and organizations representing local governments, developers and the disability community to develop a guide for local governments with topics to consider in land use, building permits and development approvals relating to expanding the inventory of affordable, accessible housing for individuals with a disability. Encourage DOH and DLG to incorporate this guide and information into their existing and future efforts.

Recommendation 5 & 5b: Establish and encourage accessibility navigators for property owners

Problem to Solve

Not every property owner is fully informed of accessibility requirements and the information about these requirements and best practices can be difficult or time consuming to find.

Intended End State

There are easy to access systems or individuals who can provide information to property owners about accessibility requirements and opportunities to go above minimum requirements.

Task Force Recommendation

Recommendation 5: Establish within an appropriate division of state government, an accessibility navigator position or office to provide technical assistance to property owners seeking to comply with requirements and meet greater standards of transparency of the availability of accessible housing. The State should provide technical assistance to local governments to provide the same services.

Implementation Note: May want to look at Excel Design Assistance program, CHFA technical assistance program and parallel federal programs in developing.

Recommendation 5b: Require local governments to establish an accessibility navigator position or office to provide technical assistance to property owners seeking to comply with requirements and meet greater standards of transparency of the availability of accessible housing.

Recommendation 6: Undertake comprehensive approach to data collection and analysis about the inventory and need for affordable, accessible housing

Problem to Solve

There are significant limitations on the timeliness, breadth and specificity of data relating to the current inventory of and the current or future needs for different types of affordable, accessible housing. Where data is available, it is often not disaggregated by specific type of accessibility feature or needs, type of housing or detailed location more specific than zip code or county.

Intended End State

Colorado has comprehensive, easy to access, analyze and maintain current data about the inventory and needs for affordable, accessible housing.

Task Force Recommendation

To establish a clear assessment of available accessible housing and to inform future legislation, regulation or state programs, the state should undertake a multi-faceted approach to expand the collection, availability and use of data relating to accessible housing. This effort should include all of the following:

1. Instruct the appropriate agency with relevant expertise to collaborate with CDOO, DOLA or others as appropriate to maximize the current and future collection of data to support the greatest available information about the inventory of accessible and adaptable housing which includes features relating to other services including those for the IDD community as well as the aging caretakers community;
2. In developing the system, data schema and collection of data, sync with, and build on, the data gathered by the US Census Bureau and the American Community Survey identifying the percent of households with disabilities broken out by the number of units in the structure, the year the structure was built, the type of disability and the county;
3. Establish a statewide process and requirement for an accessibility report to be completed by a property owner or their agent on all properties of four or more units when they are bought, sold or refinanced to confirm compliance with federal and state disability laws;
4. Review existing state systems, services, surveys and other instruments of assessing housing features and housing needs to ensure the inclusion of the accessibility features and needs of properties and individuals by zip code, city, county or other geographic identifier;
5. Publish the data referenced above and maximize awareness of it among housing authorities, government bodies, developers and organizations supporting individuals with disabilities.

Implementation Note: In advancing these efforts, attention and consideration should be given to minimize any requirements that could have the effect of reducing new inventory or that establish undue burdens for developers. If fiscal limitations would prevent moving forward with the full recommendation, the state and each agency should undertake all efforts to advance the goal and data collection identified. The Executive Committee acknowledges that it is known there is a shortage of affordable, accessible housing and believes the state should take action with or without the funding for or collection and analysis of additional data. The Executive Committee recognizes that this would be a significant investment and that there may be other investments that would generate a greater ROI.

Recommendation 7: Provide educational materials for developers about accessibility needs

Problem to Solve

There are limited resources available to developers about accessibility needs, features or best practices.

Intended End State

Developers have access to, and are aware of, information relating to accessibility needs and best practices that become part of the developers' processes and considerations.

Task Force Recommendation

Direct an appropriate state agency to develop (or contract to have developed) and make available educational materials targeting developers about accessibility needs, features and best practices.

Note: Efficiency, effectiveness and reach of materials should be a consideration which should include examining opportunities to integrate with other publications or tools such as the Developer's Guide or others available through CHFA and DOLA.

Recommendation 8: Encourage professional organizations to engage experts and those with lived experience to provide insights

Problem to Solve

There is opportunity to increase the participation of those with lived experience or expertise relating to accessibility needs in housing among professional organizations.

Intended End State

All professionals involved in developing or making available housing are well-informed of the needs of individuals with disabilities.

Task Force Recommendation

Within professional organizations involved in all aspects of housing and design should consider bringing on experts and those with lived experience to provide insights on disability and accessibility issues and needs.

Data, Funding, Permitting, Oversight and Awareness

Recommendation 9: Encourage the Colorado Housing and Finance Authority (CHFA) to apply available levers to expand the development and inventory of accessible housing

Problem to Solve

There are few financing or funding vehicles or tools at the State's disposal to drive the development of affordable, accessible housing. The Colorado Housing and Finance Authority may not currently be maximizing every opportunity to encourage the expansion of this inventory or development.

Intended End State

CHFA engages individuals with a disability in their deliberations and takes action to utilize available levers to encourage the development of more accessible units.

Task Force Recommendation

Encourage the Colorado Housing and Finance Authority (CHFA) to apply all possible levers of action to expand the inventory of affordable, accessible housing including modifications to the Qualified Allocation Plan (QAP) to provide targeted incentives for developing accessible units. Ask CHFA to invite a member of the disability community to serve on their tax credit advisory and QAP working groups. Additionally, ask CHFA to explore all opportunities for financing of construction or modification of accessible single family homes.

Recommendation 10: Encourage the Middle Income Housing Authority (MIHA) to apply available levers to expand the development and inventory of accessible housing

Problem to Solve

There are few financing or funding vehicles or tools at the State's disposal to drive the development of affordable, accessible housing. MIHA may not currently be maximizing every opportunity to encourage the expansion of this inventory or development.

Intended End State

MIHA leverages any available levers to encourage the development of more accessible units.

Task Force Recommendation

Encourage the Middle Income Housing Authority (MIHA) to leverage any authorities it has including elements of bonds issued to prioritize the development of additional accessible housing.

Recommendation 11: Engage state agencies to examine ways to leverage available funds

Problem to Solve

There may be opportunities that have not been fully exploited to utilize or leverage Proposition 123 Colorado Housing Financing Fund and other funds to increase the inventory of accessible housing.

Intended End State

All opportunities to utilize different state funds have been examined and are considered as part of a strategy to expand the inventory of accessible housing.

Task Force Recommendation

Direct OEDIT and the Division of Housing (DOH) to analyze and report to the Governor and legislature on opportunities to leverage Proposition 123 and other available funds to increase the inventory of accessible housing. Encourage the involved agencies, upon completion of such report, to take action on each opportunity identified to expand the inventory of accessible housing.

Recommendation 12: Encourage disability-forward design

Problem to Solve

There may be unexploited or non-maximized opportunities to expand the awareness and use of disability-forward design in housing development programs and efforts.

Intended End State

State agencies and programs expand the incorporation of disability-forward design practices into incentives, programs and requirements for housing development.

Task Force Recommendation

Direct all appropriate state agencies to examine opportunities to expand requirements or incentives for and general awareness of disability-forward design, a way of creating spaces that are accessible and inclusive for people with a wide range of abilities. This involves going beyond code requirements to include features that meet the needs of people with different types of access challenges, such as vision, hearing, mobility, height and cognitive access. This examination should include review of established design principles, best practices, or examples in use.

Recommendation 13: Create strategy and workplan for centralized resource

Problem to Solve

There is not a centralized resource or effort to provide information to all involved stakeholders about the various programs or resources that can support the expansion of accessible housing.

Intended End State

Developers, architects, engineers and local officials are fully aware and have easy access to information about supports, programs and incentives that support accessible housing development.

Task Force Recommendation

Under the Office of the Governor or its designated agency or department, convene a group of stakeholders to create a strategy and workplan for the development of a centralized resource for involved stakeholders including developers of for-sale and for-rent properties, architects, contractors, engineers, zoning authorities and other local oversight entities, to expand awareness and utilization of all available programs that can support the expansion of the accessible housing inventory including but not limited to Low Income Housing Tax Credit (LIHTC), Middle Income Housing Authority (MIHA), Proposition 123, Colorado Housing and Finance Authority (CHFA) and other funds.

Recommendation 14: Encourage local actions to expand new inventory of disability forward designed housing

Problem to Solve

Not every local jurisdiction is maximizing its local authorities to encourage disability-forward designed housing development. Given Colorado's local control context, mandates or

requirements of local government are not always the appropriate vehicle for driving change.

Intended End State

Local governments actively pursue efforts informed by their local context to incentivize or otherwise encourage more disability-forward designed housing in their communities.

Task Force Recommendation

Encourage local jurisdictions to consider trading density incentives, parking restrictions and other zoning requirements for points or considerations for bringing more disability-forward designed housing online through the use of incentives similar to those used to incentivize affordable housing such as height restrictions or other similar incentives. Any or all such incentives should go above and beyond existing requirements and be designed to bring substantive numbers of new accessible units online.

BASIC ACCESSIBILITY WITHIN STATE AND LOCAL GOVERNMENT

Running For and Serving in Elected Office

Recommendation 1: Certify venues for ADA compliance

Problem to Solve

Some venues used for official election related events sponsored by the jurisdiction or party are not fully ADA compliant and many jurisdictions rely on the venue to self-certify which can lead to inaccurate information that makes participation by a candidate with a disability limited or not possible.

Intended End State

All government or political party official events that are necessary for a candidate to viably participate in an election are held at fully accessible and ADA compliant venues.

Task Force Recommendation

Require that any venue or facility being used for an officially sanctioned campaign event or element of a campaign be ADA compliant and that such compliance be certified by an appropriate government body (state, county, city or town) rather than allowing self-certification. If no such facilities are available, the jurisdiction holding the election shall provide an accessible and compliant venue. This requirement relates solely to those events sponsored, held or required by a government entity or political party and is not intended to set requirements for campaign sponsored events such as house parties, fundraisers, meet and greets or similar.

Recommendation 2: Enforce requirement for ADA compliance officer and separate duties

Problem to Solve

There are limited means of auditing and enforcing the ADA requirement for a designated ADA compliance officer and at times, split duties of the individual can create a conflict.

Intended End State

Every jurisdiction has an ADA compliance officer whose execution of that role is not in conflict or perceived conflict with any other job responsibility or duty.

Task Force Recommendation

Require the periodic auditing and enforcement of the ADA requirement that every jurisdiction in Colorado designate a single individual or office that serves as the ADA compliance officer for the entire jurisdiction. Further require that every jurisdiction in Colorado have an employee whose sole position is ADA coordinator. Where the jurisdiction's total Full Time Equivalent (FTE) count is below a to be determined threshold, allow the person to serve in multiple capacities with the exception that no person shall serve as both ADA coordinator and risk management or other role that may reasonably be seen as in

conflict with the duties of the ADA coordinator.

Initial requirement should apply to counties. For further implementation, establish phase-in and requirement to include one or more of budget, FTE or population. For establishing the timeline for county implementation, the Executive Committee recommends referencing previous legislation including but not limited to the unionization legislation to set a timeline for implementation that in any event shall not be longer than ten years.

Note: This may require a timeline for compliance that phases in county positions ahead of city or town in smaller jurisdictions in which case the timeline for implementation should describe the role of such county officials in supporting cities or towns until or unless they fill such roles.

Recommendation 3: Require the Secretary of State to maintain a single, fully accessible resource of campaign information

Problem to Solve

There is not a statutory requirement that the Secretary of State maintain a fully accessible, single resource of all campaign and election related information. There is also no standard practice related to this by local officials responsible for election oversight. This combined absence of requirements can lead to variation in the information available and challenges locating the information necessary to participate in the election or campaign process.

Intended End State

There is consistent information available from the Secretary of State's office and the office of local leaders responsible for elections and that information is easily locatable and fully accessible.

Task Force Recommendation

Require that the Secretary of State and any office or official in a jurisdiction that oversees elections in the State of Colorado establish and maintain a single, fully accessible, multiple format resource outlining all election and campaign processes, requirements and information. In support of this, the Secretary of State shall develop and maintain a guide of ADA and Colorado Anti-Discrimination Act (CADA) compliance requirements and accessibility best practices for use in any jurisdiction that conducts elections in the State of Colorado.

Note: In establishing such requirement by legislation or Executive Order, include a declaration that voting and access to all information associated therewith is a civil right. In implementing this, provide that it should be a standard practice for each such individual to form and obtain guidance of subject matter experts, those with lived experience and review such efforts periodically.

Recommendation 4: Establish a secure, accessible means for electronic signature gathering

Problem to Solve

The process of gathering physical signatures on petitions to run for office creates a barrier to access for some individuals with a disability.

Intended End State

Signatures for election petitions can be gathered electronically through a standardized and secure system.

Task Force Recommendation

Direct the Secretary of State to develop and require the statewide use of a secure, fully accessible means for electronic signature gathering to secure placement on ballots for elected office and require any political party nominating candidates in Colorado to comply with such requirements.

This does not replace caucusing as the most accessible way for candidates with a disability to get on the ballot. Caucusing is the most accessible way to get on the ballot as stated in HB24-1067. Making inaccessible means of getting on the ballot more accessible should not in any way threaten the caucus process as the most accessible route to get on the ballot.

Recommendation 5: Require political parties to ensure vendors and systems are accessible

Problem to Solve

Some of the software, systems or other vendor provided services that are necessary to seek and secure a party's nomination are not accessible to individuals with a disability.

Intended End State

Ensure that all systems or services an individual would reasonably need to utilize to secure a party's nomination are fully accessible.

Task Force Recommendation

Require any political party nominating candidates in Colorado that any vendors generally necessary to be used to seek the party nomination be required to certify and demonstrate that all services, technology and software are fully accessible including the documentation and systems for submitting documents to run for office.

Employment and Participation in Public Discussion

Recommendation 6: Undertake a comprehensive plan to ensure full access to government employment for Coloradans with a disability

Problem to Solve

Despite the well-intentioned efforts of many, there are still substantive barriers to employment by a government agency for individuals with a disability.

Intended End State

Employment opportunities including the entire recruitment, hiring, onboarding and employment process are fully accessible and there are no disadvantages for individuals with a disability.

Task Force Recommendation

Enact a comprehensive recruitment, training and hiring strategy for government employment to ensure access for individuals with disabilities. As parts of this:

- 1. Require state agencies and encourage local government to ensure entire job application process is fully accessible;**
- 2. Conduct an assessment of the reach and accessibility of the hiring platforms and pipelines to specifically include recruiting and marketing of positions to Coloradans with disabilities;**
- 3. Require appropriate training for human resource staff and hiring managers on all (Americans with Disabilities Act) ADA and Colorado Anti-Discrimination Act (CADA) requirements and on best practices for the full cycle of hiring including accessibility of job postings, applications and any accommodations for interviews, hiring exercises or other elements of the process;**
- 4. Provide resources, trainings and supports to educate hiring managers and staff to foster a culture of inclusiveness and support for individuals with disabilities including but not limited to general office norms, leadership training and as part of Diversity, Equity, Inclusion and Accessibility (DEIA) efforts;**
- 5. Promote the state accommodations fund and encourage local models of similar funds.**

The Executive Committee notes that they considered feedback and want to clarify that all postings should be fully accessible for those with visible and invisible disabilities. If there are further requests, they should be accommodated and the hiring agency should take note for further postings.

Implementation Note: The state should take all efforts and consult with the Colorado Office of Information Technology (OIT) to minimize the incidents of third parties replicating state agency postings and altering them in any way that reduces accessibility.

Recommendation 7: Assess and adjust processes to provide opportunities and career paths for individuals with a disability

Problem to Solve

Individuals with a disability are underrepresented in the government employment population.

Intended End State

More individuals with a disability are employed by government agencies.

Task Force Recommendation

Assess and consider restructuring, where appropriate, incentives to hire and provide career

pathways to individuals with disabilities within existing employment law. As part of this, minimize unnecessary formal prerequisites for jobs and place appropriate value on lived experience.

Implementation note: Will need to determine an appropriate methodology for setting goals of hires and monitoring

Recommendation 8: Expand awareness of the value added of hiring of individuals with a disability by government agencies

Problem to Solve

There continue to be substantive misconceptions or gaps in knowledge about employing an individual with a disability among government hiring managers or other leaders.

Intended End State

Hiring managers and other government employees involved with hiring processes view individuals with a disability as important and valuable additions to their teams.

Task Force Recommendation

Direct CDLE to Provide resources, supports and experts to help employers understand the value add of hiring individuals with disabilities and to help them navigate questions including but not limited to those regarding reasonable accommodations.

Recommendation 9: Ensure accessibility of software required for government job performance

Problem to Solve

Some software used by government agencies or employees is not adequately accessible to be used efficiently by some individuals with a disability.

Intended End State

The software required to perform a government job is not a barrier to employment or career advancement for an individual with a disability.

Task Force Recommendation

Establish a system of compliance monitoring and enforcement to ensure any software purchased, licensed or utilized by government employees to have accessibility functionality sufficient to ensure its use is not a barrier to employment, promotion, job performance or opportunities.

Recommendation 10: Require verification of meeting venue accessibility

Problem to Solve

Some venues used for government agency meetings are inaccurately stated to be accessible or their accessibility is based on outdated or incorrect information.

Intended End State

Every space used for a government agency meeting complies with ADA requirements.

Task Force Recommendation

For in-person meetings, require that a representative of the hosting body has verified the full accessibility of the venue.

Implementation note: Require and define appropriate mechanisms for individuals to file a complaint with appropriate body and for monitoring to ensure compliance.

Recommendation 11: Require decision making bodies to provide accommodations for participation at in-person and online meetings

Problem to Solve

Not every meeting of a government decision making body is fully accessible without advanced requests for accommodation. Even with requests, some meetings are still not accessible.

Intended End State

Every Coloradan, including those with a disability, can fully and equally participate in the meetings of any decision making body of government.

Task Force Recommendation

Require any decision making body of government including but not limited to legislatures, County Commissions, City Councils and other statutory governing bodies to provide accommodations for in-person and online meetings including but not limited to ASL interpretation and accessible technology.

The Executive Committee recognizes the shortage of ASL interpreters and encourages the state to explore opportunities to recruit and expand supports for ASL career pathways.

Action taken to advance this recommendation should build in a timeline for implementation. In developing such implementation timeline, the requirement should initially apply to counties. For further implementation, the state should establish phase-in and requirement to include one or more of budget, FTE or population.

Recommendation 12: Make accommodation requests a simple and easy process

Problem to Solve

It can at times be difficult to locate the contact or other information to request an accommodation from a government body or agency.

Intended End State

It is easy to locate the information to request an accommodation and the process for such request is simple and fully accessible.

Task Force Recommendation

Direct all government bodies and agencies to provide information about requesting

accommodations through an easily locatable and fully accessible web page that is prominently linked from the main website and a dedicated contact person with telephone and email or contact form is easily located on all materials or websites relating to public discussions or meetings.

The Executive Committee notes that this requirement is intended to address state and local governments. CDOO and DOLA should explore how or if they provide related supports to local governments. Independent of CDOO's activities, the requirements on local government are binding.

Recommendation 13: Require virtual participation option for decision-making bodies

Problem to Solve

Not all meetings of government decision making bodies provide a virtual participation option which can create a barrier to participation for some individuals with a disability.

Intended End State

Every Coloradan can equally participate in the meetings of government decision making bodies including those whose disability makes virtual participation the only or most practical form.

Task Force Recommendation

Require all state and local government decision making bodies and committees that inform them to offer virtual (remote), two-way and fully active participation in any meeting that is subject to the public notification requirement of Colorado open meeting laws. If any given entity allows staff to participate remotely in any aspect of work, that should be viewed as evidence of sufficient resources and support to provide such participation. If the body does not have any remote staff participation and has no resources to support remote participation, the entity should be encouraged to explore fiscal support.

Recommendation 14: Explore a fund to support centralized locations for virtual participation

Problem to Solve

Not all individuals or communities have equal access to high-speed internet to participate remotely in government meetings.

Intended End State

Every individual and community has a location from which they can participate remotely in government meetings.

Task Force Recommendation

To support idea above, establish guidance and explore creation of a fund to support small and rural communities, particularly those where high-speed internet may not be universally available or affordable, to expand access for participation which could include, expansion of broadband, establishing a centralized location where the public can remotely access and participate in government discussions or other means that are more appropriate to local

context. This fund should include other interested parties that would benefit from high speed internet in rural areas such as but not limited to doctors associations, hospital associations, mental health professionals, higher education, veterans organizations and others.

Recommendation 15: Raise awareness of best practices for ensuring accessibility of discussion forums and meetings

Problem to Solve

Not all government employees are fully aware of the best practices or strategies for ensuring accessibility of meetings.

Intended End State

There is a significant increase in the strategies used by government employees to provide an accessible and welcoming environment for individuals with a disability to participate.

Task Force Recommendation

Develop and make available to all government agencies or bodies a toolkit for training government officials to increase awareness, minimize unconscious bias and educate about the legal requirements and best practices for ensuring the accessibility of forums for discussion.

This toolkit is intended for official use by state agencies over which the state has jurisdiction. The State is making it publicly available in the interest of transparency. The State is not responsible for the use by any third party. The Task Force encourages local government associations and their members to develop similar resources.

Implementation Note: The resources discussed should be incorporated into new employee onboarding and periodic professional development.

Recommendation 16: Establish standards for meeting accessibility

Problem to Solve

The accessibility of meetings is often left to a subjective interpretation or the result of specific requests made rather than a standard approach that is informed by those with lived experience and professional experience managing such meetings.

Intended End State

All meetings are held with at least a minimum standard approach to accessibility and government bodies wishing to meet an even higher standard have easy access to a set of best practices they can adopt or tailor to their context.

Task Force Recommendation

Establish a set of statewide required minimum standards and an advanced set of standards or best practices for meeting accessibility governing in-person and virtual or hybrid meeting accessibility including timelines for compliance. In implementing standards, allow local

jurisdictions to develop their own policies that meet or exceed the minimum state and federal standards and provide a range of options and best practices that can be adopted. The standards should be developed in partnership with individuals with disabilities AND the adoption of standards greater than the minimum should be encouraged or incentivized.

Recommendation 17: Encourage local government accessibility funds

Problem to Solve

Some local governments require the cost of accommodations to be paid from an office or agency budget rather than a centralized budget. This can discourage the proactive providing of accommodations or encourage cost-cutting approaches to accommodations.

Intended End State

Providing accommodations to individuals with a disability is not a cost based decision.

Task Force Recommendation

Provide multiple models for and encourage local governments to create an accessibility fund that any agency or office within that government can access to provide services such as ASL translation and interpretation, accessibility systems for meetings and other non construction or capital costs which should be covered in a separate budget. The Executive Committee underscores that this is intended to provide supplemental funding. Any decision by any local government not to create such a fund shall not in any way be a basis not to comply with all ADA and CADA requirements.

Best Practices in Government and Government Services

Recommendation 18: Set timeline for providing accommodations as a standard element of meeting planning rather than a responsive act

Problem to Solve

Providing accommodations is currently done in response to a specific request and these requests are not always able to be accommodated, particularly on shorter notice. Requiring the individual with a disability to make such request requires them to take actions or make advanced decisions and plan in order to participate that those without a disability do not have to undertake to participate in the same discussions.

Intended End State

Any Coloradan with a disability can easily and fully participate in any government decision making body to the same extent and with the same planning or absence of advance planning to participate as others.

Task Force Recommendation

Provide a guidance document for state agencies and local governments with the clear goal of moving in a defined timeline to an approach to accommodations that does not require people to ask for them which should include: Training for government official that includes ableism

awareness, unconscious bias and a value add approach to accessibility as a fundamental tenet of conducting government business; ASL interpreters should be standard practice for any public meeting, particularly those of decision making bodies; Physical space accessibility plans with a time-certain and limited plan of not more than five years to have every government facility where the public conducts business or employees work should be fully accessible; Inclusive statements in job postings, public discussion announcements and appropriate statements of general public interest. Publication of all government announcements and documents in plain-language and accessible formats.

Implementation Note: To help meet these goals, the state should explore incentives for career training and recruitment for all those fields that have shortages and are related to the equal access of those with disabilities including, without limitation, ASL interpreters, elevator service technicians and others.

Recommendation 19: Require demographic note on legislation introduced relating to rights of individuals with disabilities if requested by sponsor

Problem to Solve

Fiscal notes can be barriers to advancing legislation and while demographic notes accompany certain bills, there is no requirement or right for sponsors to request or include such note on legislation addressing basic access for individuals with a disability

Intended End State

Allow sponsors to request a demographic note on disability related legislation

Task Force Recommendation

If any bill is presented that speaks to the basic rights of Coloradans with disabilities and it is routed to a committee for funding (appropriations), at the request of any prime sponsor, it must include a demographic note. This includes regular and special session bills.

Recommendation 19: Include quality of life and health outcomes on above demographic notes

Problem to Solve

There are limits on the issues addressed in demographic notes and, as related to the work of the 1296 Task Force, these notes do not generally address quality of life or health outcomes

Intended End State

Quality of life or health outcomes are included in demographic notes

Task Force Recommendation

Demographic notes must include information on quality of life and health outcomes when such notes are requested.

Recommendation 20: Provide funding and support for career paths related to basic access

Problem to Solve

There are workforce shortages in careers that are critical to ensuring basic access for individuals with a disability

Intended End State

Workforce shortages are reduced in fields relating to basic access for individuals with a disability

Task Force Recommendation

The state should provide funding and supports for:

- **Career training and recruitment for ASL interpreters, services that support deaf and blind individuals;**
- **Career training and recruitment for fields that support effective communication for individuals with disabilities; *and***
- **Career training and recruitment for all fields that have shortages and are related to the basic and equal access of those with disabilities including, without limitation elevator service technicians, home healthcare providers, architects with expertise in disability forward design and other fields.**

Recommendation 33: Examine study by the Department of Healthcare Policy and Financing

Problem to Solve

Coloradans with a disability face challenges to accessing healthcare through providers who accept government funding.

Intended End State

Every Coloradan with a disability has access to medical providers whose facilities and services are fully accessible.

Task Force Recommendation

The Colorado General Assembly should hold a dedicated hearing during State Measurement for Accountable, Responsive, and Transparent Government (SMART) Act hearings regarding the 2024 Disability Competent Care recommendations developed by the Colorado Health Institute (CHI) and the Department of Health Care Policy and Financing (HCPF).

Appendix A: Subcommittee Membership

CADA REWRITE SUBCOMMITTEE

As detailed in HB23-1296, the purpose of the Rewrite Subcommittee is to study the current Colorado Revised Statutes concerning the civil rights of persons with disabilities and make recommendations for a thorough revision and rewrite to improve clarity, ensure the civil rights of Coloradans are protected, and ensure the protections are enforceable.

Subcommittee Membership

Member	Appointed Position
Alanna Barras	As a member who represents business community interests.
Andrew Montoya	As a member with litigation experience, representing a disability rights advocacy organization.
Spencer Kotnick	<i>Appointed to replace a member who resigned.</i>
Cynde Vaughn	As a member without litigation experience and a disability advocate.
Ian Kalmanowitz	As a member with litigation experience.
James “Tom” Wheaton	As a member who represents a veterans service organization that serves veterans with disabilities.
Lauren Schwartz	As a member who represents business community interests.
Tom Acre	As a member who represents local government interests, appointed;

OUTDOORS SUBCOMMITTEE

As detailed in HB23-1296, the purpose of the Outdoors Subcommittee is to identify barriers to basic access to and the enjoyment of the Colorado outdoors for persons with disabilities and to make recommendations for addressing those barriers.

Subcommittee Membership

Member	Appointed Position
Conor Hall	As a representative of Colorado's outdoor recreation industry and government agencies.
Curtis Garrett	As a representative of outdoor recreation users and programs and disability rights advocacy organizations.
Jennifer Mendenhall	As a representative of adaptive outdoor recreation users.
John Broadbent	As a member representing adaptive outdoor recreation users and adaptive trails.
Kristina Ericson	As a representative of government agencies.
Madison Murphy	As a representative of government agencies.
Melanie Mills	As a representative of Colorado's outdoor recreation industry.
Sherown Campbell	As a representative of adaptive outdoor recreation users and adaptive trails.

HOUSING SUBCOMMITTEE

As detailed in HB23-1296, the purpose of the Housing Subcommittee is to identify barriers to securing and enjoying secure and affordable, accessible, and attainable housing for persons with disabilities and to make recommendations for addressing those barriers.

Subcommittee Membership

Member	Appointed Position
David Bolin	<i>Appointed to replace a member who resigned.</i>
Brian Rossbert	As a member representing Colorado's housing industry and appropriate government agencies.
Jennifer Kucera	As a member representing disability rights advocacy organizations and veterans service organizations serving veterans with disabilities.
Karen Kallenberg	As a member representing Colorado's housing industry and appropriate government agencies.
Kassidy Roberts	As a member representing disability rights advocacy organizations and veterans service organizations serving veterans with disabilities.
Paul Brady	As a member representing Colorado's housing industry and appropriate government agencies.
Rochelle Mitchell	As a member representing disability rights advocacy organizations and veterans service organizations serving veterans with disabilities.
Shelly Marquez	As a member representing Colorado's housing industry and appropriate government agencies.
Tim Dolan	<i>Appointed to replace a member who resigned.</i>

GOVERNMENT SUBCOMMITTEE

As detailed in HB23-1296, the purpose of the Government Subcommittee is to study and make recommendations on issues to ensure people with disabilities have access to the services they need, are able to effectively participate in public discussion, are able to be employed by governmental agencies, and can run for and serve in elected positions.

Subcommittee Membership

Member	Appointed Position
Chanda Hinton	As a member representing disability rights advocacy organizations
Councilman Chris Hinds	As a member representing local government.
Councilwoman Karen Bigelow	As a member representing local government.
Craig Towler	As a member representing disability rights advocacy organizations.
Kiley Schaumleffel	As a member representing local government
Robert Hernandez	As a member representing local government.
Shannon Callahan	As a member representing disability rights advocacy organizations.
Teresa Nguyen	As a member representing disability rights advocacy organizations.

