

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:25-cv-622

HOUSEKEYS ACTION NETWORK DENVER,
CHRISTOPHER HAWORTH,
CHRISTOPHER WENDLING,
MINDY POLSON,
ANDREA TANAS,
LINDSEY TORRES,
JOSEPH WILLIAMS,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, COLORADO,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiffs, by and through their attorneys, Cynthia Rice, Katherine Thorstad, and Albert Elia of DISABILITY LAW UNITED; Andy McNulty, Mari Newman, and Madeline Leibin of NEWMAN | McNULTY, LLC; and Prianka Nair of BROOKLYN LAW SCHOOL’S DISABILITY & CIVIL RIGHTS CLINIC, respectfully allege for their Complaint and Jury Demand as follows:

INTRODUCTION

1. The Individual Plaintiffs in this action are disabled, houseless people living in the City and County of Denver (“Denver”). Over the last several years, the Individual Plaintiffs and numerous other disabled individuals have been discriminatorily denied access to, ejected from, and denied reasonable accommodations by various shelters and shelter-based services and

transitional living spaces funded by Defendant Denver, because of their disabilities. The shelters funded by Defendant Denver have failed to ensure that Individual Plaintiffs and numerous other disabled houseless individuals are able to access life-saving shelter. Once the safety net these supports are supposed to provide is ripped away, wheelchair-users, amputees, and people with chronic medical and mental health conditions and other disabilities are left to sleep on the street, with serious and potentially deadly consequences.

2. Defendant Denver has failed to address these grave issues, despite the fact that the Individual Plaintiffs, Plaintiff Housekeys Action Network – Denver (“HAND”), staff from related agencies and the shelters, and numerous members of the Denver community have repeatedly reported these practices to Denver officials. Still, these problems persist across the system, coordinated and funded by Defendant Denver.

3. Data published by the Metro Denver Homeless Initiative reported that over 24,501 people in Denver accessed housing and services related to homelessness in fiscal year 2022–23. Metro Denver Homeless Initiative, *State of Homelessness 2023*, 67, <https://static1.squarespace.com/static/5fea50c73853910bc4679c13/t/65a97b759426763893db64c3/1705606013237/MDHI+State+of+Homelessness+Report+2023.pdf>. In 2024 the houseless population increased by 10% over the prior year, which meant a 12% rise in shelter usage. The number of chronically houseless individuals rose by 16%. *Metro Denver Homeless Initiative, PRESS RELEASE: Annual Point-in-Time Count Shows An Increase of People Experiencing Homelessness in Denver Metro Area* (August 14, 2024), <https://www.mdhi.org/blog/annual-point-in-time-count-shows-an-increase-of-people-experiencing-homelessness-in-denver-metro-area>. On a single day in January of 2024, 6,539 people identified as houseless in Denver County and 1,273 of them were unsheltered that night. *Metro Denver Homeless Initiative, Point in Time*

Report 2024,

<https://static1.squarespace.com/static/5fea50c73853910bc4679c13/t/66bcda26aef0520a0cbca678/1723652646860/Denver+County+PIT+Reports+2024.pdf>.

4. Defendant Denver’s own five-year plan acknowledges that persons with disabilities make up a large proportion of individuals experiencing homelessness, particularly among those experiencing unsheltered homelessness. *Department of Housing Stability, Five-Year Strategic Plan: A Guide for Action 2022–26.* https://denvergov.org/files/assets/public/v/1/housing-stability/documents/housing/five_year_strategic_plan_final_091321.pdf. The plan noted that about 42% of all residents counted in the January 2020 point in time count (a single day count of homelessness in Denver conducted annually) reported a disabling condition.

5. However, Defendant Denver’s data reporting, emergency responses, short-term responses, long-term planning, and implementation of its programming give short shrift to the needs of the disabled, and disregard the difficulties they have accessing the temporary housing programs paid for under contracts and grants from Defendant Denver.

6. Defendant Denver’s failure to ensure that its contractors and grantees do not discriminate against disabled houseless individuals plainly violates Defendant Denver’s obligations under both federal and state law.

7. Plaintiffs, in this action, seek a clear declaration of Defendant Denver’s obligations to ensure that its contractors and grantees do not discriminatorily deny shelter and shelter-based services to individuals based on their disabilities. They seek injunctive relief directing Defendant Denver to take the affirmative steps needed to ensure that the needs of disabled, houseless individuals are addressed in the funding, data reporting, emergency

responses, short term responses, and long-term planning and implementation of its programming. The Individual Plaintiffs seek damages for the injuries they have suffered as a result of their discriminatory denial of shelter and shelter-based services.

JURISDICTION AND VENUE

8. This is an action for declaratory, injunctive, compensatory, and statutory relief pursuant to Title II of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12101, *et seq.*; Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. §§ 794, *et seq.*; the Fair Housing Amendments Act of 1988 (“FHA”), 42 U.S.C. §§ 3601, *et seq.*; and Colorado’s Remedies for Persons with Disabilities Act, Colo. Rev. Stat. § 24- 34-801 (2023), *et seq.*

9. This Court has jurisdiction over the federal claims in this action pursuant to 28 U.S.C. §§ 1331 and 1343.

10. This court has jurisdiction to issue a declaratory judgment and injunctive relief pursuant to 28 U.S.C. §§ 1343, 2201, and 2202, as well as 42 U.S.C. § 3613(c)(1).

11. This Court has supplemental jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. § 1367(a), as those claims are directly related to, and form the same case and controversy as, the federal claims asserted in this action.

12. Venue is properly before this court pursuant to 28 U.S.C. § 1391(e)(1), because all of the Plaintiffs and Defendants reside or conduct their operations in this district and the events giving rise to the claims occurred in this district.

PARTIES

13. At all times pertinent to the subject matter of this litigation, Plaintiff Housekeys Action Network Denver (“HAND”) was and is a non-profit services agency organized to

advocate for rights and housing by and for houseless people. HAND works to end the criminalization of houselessness, ensure fair and humane treatment of people living in shelters, organize alongside houseless migrants for basic needs, fight for housing for all, advocate for disabled houseless individuals, and amplify the voices of houseless people.

14. HAND intentionally focuses resources toward systemic issues facing houseless individuals. However, as a result of the persistent discrimination against disabled houseless individuals, HAND staff members have had to devote more work hours to address individual crises faced by individuals who are denied shelter and shelter-based services, and face life-threatening conditions outside because of their disabilities. This necessary redirection of resources and staff time away from HAND's priorities, including its policy advocacy and systemic efforts, toward crisis support for disabled individuals facing mistreatment, has changed their day-to-day operations and diverted staff and resources.

15. At all times pertinent to the subject matter of this litigation, Plaintiff Christopher Haworth is and was a disabled individual who was formerly houseless in Denver. Mr. Haworth is a resident of and domiciled in the State of Colorado. Mr. Haworth has cerebral palsy and uses a wheelchair. He also has asthma and Chronic Obstructive Pulmonary Disease ("COPD"), making him highly vulnerable to mold. Mr. Haworth was denied admission to shelters that contract with Defendant Denver, including two shelters operated by The Denver Rescue Mission ("The Mission"), on multiple occasions in 2023 and 2024. He was turned away from The Mission's Lawrence Street shelter because they did not have accessible beds reserved for wheelchair users with wheelchair-access needs and was ejected from the shelter because of his use of a wheelchair. His requests for reasonable accommodation have been denied by both shelters and transitional housing operators under contract with Defendant Denver.

16. At all times pertinent to the subject matter of this litigation, Plaintiff Christopher Wendling is and was a disabled person who is currently houseless and living in Denver. Mr. Wendling is a resident of and domiciled in the State of Colorado. Since 2023, Mr. Wendling has found bathrooms at many of the shelters that contract with the Defendant Denver to be inaccessible. Mr. Wendling explained his needs and reported the inaccessibility of the bathroom at the Salvation Army's Crossroads Shelter around July 2024. Mr. Wendling was subsequently ejected from Crossroads when he was forced to relieve himself outside because the bathroom was inaccessible.

17. At all times pertinent to the subject matter of this litigation, Plaintiff Mindy Polson is and was a disabled person who is currently houseless and living in Denver. Ms. Polson is a resident of and domiciled in the State of Colorado has a colostomy due to colon disease and life-saving surgery. Ms. Polson previously stayed at the 48th Avenue Women's Shelter operated by Catholic Charities and Community Services of the Archdiocese of Denver ("Catholic Charities"). Since the fall of 2023, the 48th Avenue Women's Shelter, which contracts with the Defendant Denver, repeatedly denied Ms. Polson the reasonable accommodation of keeping or having access to medical scissors, which are necessary to maintain her colostomy bag.

18. At all times pertinent to the subject matter of this litigation, Plaintiff Andrea Tanas is and was a disabled person who is currently houseless and living in Denver. Ms. Tanas is a resident of and domiciled in the State of Colorado. Ms. Tanas has multiple sclerosis, mesothelioma, and is immunocompromised. Ms. Tanas requires oxygen and a wheelchair intermittently. At all times pertinent to the subject matter of this litigation, she is and has been a disabled, houseless person who has been living in Denver since before 2023. Due to her disabilities she needs to urinate and defecate frequently. She was repeatedly denied reasonable

accommodations at the 48th Avenue Women’s Shelter operated by Catholic Charities, including being denied an available bed closer to the bathroom.

19. At all times pertinent to the subject matter of this litigation, Plaintiff Lindsey Torres is and was a disabled person who is houseless and living in Denver. Ms. Torres is a resident of and domiciled in the State of Colorado. At all times pertinent to the subject matter of this litigation, Ms. Torres used a wheelchair or wheelchair during her long recovery from a broken pelvis and femur. At all times pertinent to the subject matter of this litigation, she is and has been a disabled, houseless person who has been living in Denver since before 2023. She was repeatedly denied re-entry to her housing at the Santa Fe Micro Community and was eventually ejected, resulting in loss of property. She was subsequently denied a reasonable accommodation for accessible entry to the 38th Avenue Micro Community.

20. At all times pertinent to the subject matter of this litigation, Plaintiff Joseph Williams is and was a disabled person who is currently houseless and living in Denver. Mr. Williams is a resident of and domiciled in the State of Colorado. Mr. Williams is diabetic. At all times pertinent to the subject matter of this litigation, he is and has been a houseless person who has been living in Denver since before 2023. While using insulin in 2023, Mr. Williams visited or stayed at St. Francis Center and The Mission’s Lawrence Street Shelter, both of which contract with Denver. Mr. Williams was consistently denied a reasonable accommodation for refrigeration of his insulin, posing a serious risk to his health during hot weather. As a result of the failure to provide an accommodation, Mr. Williams was forced to manage his diabetes through oral medication, even though insulin is the preferred treatment prescribed by his physician. Managing his diabetes with oral medication poses greater long-term risks for Mr. Williams.

21. At all times pertinent to the subject matter of this litigation, Defendant Denver is and was a Colorado municipal corporation established under the laws of the State of Colorado. Denver receives federal funds for the United States Department of Housing and Urban Development (“HUD”), including funds granted for the purpose of providing services to houseless individuals.

FACTUAL ALLEGATIONS

22. Defendant Denver has acknowledged that the availability of safe and secure housing for all of its residents is a public need. Defendant Denver has dedicated and expended its own funds and funds received from HUD to provide various housing related programs and services, including those that specifically provide shelter and shelter-based programs and services for houseless individuals.

23. Defendant Denver’s funding for shelters and shelter-based services includes funds from: (1) Defendant Denver’s general fund, the voter-approved Homeless Resolution Fund; (2) the federal Emergency Shelter Grant, which funds shelter operations but can also be used to help people secure permanent supportive housing and other homelessness resolution efforts such as addressing unsheltered homelessness; (3) the federal Community Development Block Grant; and (4) the COVID-19 pandemic response and recovery fund, through the federal American Rescue Plan Act.

24. The Department of Housing Stability (“HOST”) was and is an agency of Denver, established by executive order. HOST is charged with developing, managing, and updating strategic plans; using local and federal funds to increase housing opportunity and help people experiencing homelessness; and bringing Denver agencies together with community partners to find solutions to housing and homelessness challenges. HOST was created in 2019. HOST

contains a Housing Stability and Homelessness Resolution Division, which monitors non-public entities which contract with Defendant Denver to provide shelter and shelter-based services.

25. HOST directly and through Defendant Denver receives and administers federal funding provided by HUD for the purpose of providing services to houseless individuals, and was and is responsible for the administration, management, and oversight of subgrants of that funding.

26. In 2021, HOST established a five-year plan designed to address the lack of available housing. *Department of Housing Stability, Five-Year Strategic Plan: A Guide for Action 2022–26*, https://www.denvergov.org/files/assets/public/v/1/housing_stability/documents/housing/five_year_strategic_plan_final_091321.pdf. A critical component of HOST’s five-year plan is its reliance on non-public entities to provide shelter and shelter-based services. This includes contracts with entities that manage or operate:

- a. Congregate Shelters: Facilities that house people in large common spaces, such as traditional day and overnight shelters;
- b. Non-Congregate Shelters: Places, such as hotel rooms, that can house single occupants, roommates, and families; and
- c. Micro-Communities: Temporary housing set up for houseless people using quick-to-build structures, such as tiny houses and managed by Denver or other private entities.
- d. Cold or Severe Weather Shelters or “Emergency Shelters”: Provided when certain conditions are met, such as overnight low temperatures below twenty-five degrees or forecasts of at least two inches of snow.

27. Defendant Denver, through HOST, has entered into contracts with, and provided funding for shelter and shelter-based services to: (1) The Mission, to operate and manage the 48th Avenue Shelter and the Lawrence Street Shelter and Community Center; (2) the Salvation Army, to provide 24-hour operation and services support for Shelter Non-Congregate hotel and motel rooms at the Rodeway Inn, the Ramada Inn, and the Best Western near Central Park; (3) the Salvation Army, to operate and manage the Crossroads Shelter and the emergency shelter at 4040 Quebec Street; (4) Catholic Charities, to operate and manage the services provided at Samaritan House, the 48th Avenue Women's Shelter, the Smith Road Women's Emergency Shelter, and the Holy Rosary Overflow Shelter; (5) Urban Peak, to operate and manage the services provided at the Youth Shelter and transitional housing; and (6) the Delores Project, to operate and manage the the Delores Project Shelter. Taken together, these entites make up the core housing component of Denver's Shelter System.

28. Defendant Denver, through HOST, also provides, and contracts with the above-mentioned agencies to provide services such as food, transportation, case management, and other supportive services (such as referrals and assistance in locating alternative shelter when space is not available).

29. Under Defendant Denver's Shelter System, shelters can be city-owned, city-leased, or privately owned. Thirteen shelters in Denver are privately owned and receive some funding from the city, while twelve facilities are owned or leased by Defendant Denver but are operated by nonprofit organizations that have contracted with Defendant Denver.

30. Since taking office, Mayor Mike Johnston has built on this system and implemented several ambitious and laudable initiatives, primarily through HOST, designed to address the housing crisis in Denver. Several iniatives have been directed at increasing access to

shelters and shelter-based services. However, these efforts have failed to ensure that that disabled houseless individuals have the same access to shelters for the houseless as others. As a result, disabled houseless individuals, including Individual Plaintiffs, are significantly more likely than others to be rejected or ejected from shelters and shelter-based services.

31. At all times pertinent to the subject matter of this litigation Individual Plaintiffs Haworth, Wendling, Polson, Torres, Tanas, and Williams suffered discrimination when seeking or utilizing shelters and shelter-based services established, administered, provided or funded by Defendant Denver.

Plaintiff Haworth has been discriminated against by shelters that Defendant Denver funds and supports.

32. Plaintiff Christopher Haworth relied on the Denver Shelter System while unhoused from 2017 until late November 2024, when he transitioned into subsidized housing.

33. Prior to 2023, Mr. Haworth sought shelter at The Mission's Lawrence Street and 48th Avenue Shelters, which were not fully accessible to him as a wheelchair user. As a result, Mr. Haworth often had to access shelters that were farther away or slept on the street. On the occasions that Mr. Haworth did seek shelter at these facilities, he would have drag himself up the stairs because the buildings lacked wheelchair ramps or elevators. This caused him to suffer physical pain, physical injuries, and humiliation, and it precluded access to his wheelchair while he was staying in those shelters. During this time, those shelters were accessible to non-wheelchair users. Defendant Denver was aware of the fact that The Mission's Lawrence Street and 48th Avenue Shelters were not accessible to disabled persons using wheelchairs, including Mr. Haworth, but continued to fund those shelters as part of its Denver Shelter System.

34. During 2023, after the Denver Rescue Mission installed ramps and an elevator, Mr. Haworth used these shelters on several occasions. Mr. Haworth was subjected to different

and worse, often harassing, treatment because he relied on a wheelchair. Staff would frequently move his chair away from him, which meant that he was unable move from where he was seated, and this eliminated his access to his personal belongings. While sleeping, he would keep his wheelchair close to him as it made it possible for him to get in and out of the bed. On one occasion, he woke up to find that staff had moved his wheelchair, along with all of his possessions, out of sight, leaving him stranded in bed. He yelled for help, but no staff responded. He had to rely on the assistance of another guest to retrieve his chair so that he could get out of bed. This caused him anxiety, fear, humiliation, and intimidation.

35. On several occasions during 2023 and later, Mr. Haworth attempted to obtain shelter at The Mission's Lawrence Street Shelter, but was denied services and told that no accessible beds were available. Mr. Haworth was informed and believes that on at least some of those occasions non-disabled individuals were given accessible beds even though there were regular beds available. This effectively eliminated access for Mr. Haworth and other disabled persons with mobility related disabilities. On these occasions, The Mission's staff did not provide any referral services or assistance with finding alternative shelter. Mr. Haworth was denied shelter and shelter-based services due to his disability and denied reasonable accommodations for that disability.

36. In the fall of 2024, Mr. Haworth was placed at a non-congregate hotel operated by the Salvation Army in a former Best Western hotel site in the Central Park neighborhood. He was assigned a single room. His assigned room was contaminated with black mold, as was the carpet and hallway immediately outside of his room. Because of his asthma and COPD, he had difficulty breathing while in his room and experienced symptoms including low energy. Mr. Haworth requested that he be moved to another room due to his disability. That request was

denied, and he was forced to endure exposure to the mold and its impact on his compromised pulmonary system for months before he was able to obtain permanent housing.

37. Mr. Haworth has been discriminated against, denied reasonable accommodations, and has been denied or provided more limited access to shelter and shelter-based services funded by Defendant Denver because of his disabilities. As a result, Mr. Haworth suffered physical injury, pain, suffering, emotional distress, and intimidation.

Plaintiff Wendling was discriminated against by shelters that Defendant Denver funds and supports.

38. Plaintiff Christopher Wendling relies upon the use of a power wheelchair. Mr. Wendling requires a wheelchair accessible toilet and shower. This has made it difficult to find a shelter in the Denver Shelter System that will provide him a bed. In or around July of 2024, Mr. Wendling sought shelter at the Salvation Army-operated Crossroads Shelter. He was provided with a bed. However, the restrooms at the Crossroads Shelter were not accessible to him. When he needed to urinate, Mr. Wendling explained his need and sought assistance from shelter staff. No assistance was provided. As an alternative to urinating on himself, Mr. Wendling urinated outside. When staff became aware of this, they ejected him from the shelter, even though he explained the need for his actions. He slept on the street that night and has generally slept on the street since then.

39. Mr. Wendling has been discriminated against, denied a reasonable accommodation, and has been denied or provided more limited access to shelter and shelter-based services funded by Defendant Denver because of his disabilities. As a result, Mr. Wendling suffered physical injury, pain, suffering, emotional distress, and intimidation.

Plaintiff Polson was discriminated against by shelters that Defendant Denver funds and supports.

40. Plaintiff Mindy Polson must use a colostomy bag due to her disability. She changes and replaces the colostomy bag every three to five days, following the same health care recommended procedure each time. To replace the old colostomy bag, she removes it and cleans the area where it was connected to her skin with wipes to remove the adhesive residue. She then showers to thoroughly clean the skin around her colon with soap. She then sterilizes medical scissors with alcohol pads and uses cuts a ring out of the plastic gasket on the wafer of the replacement bag to fit the exact size of her colon, Ms. Polson then connects the replacement bag using skin adhesive. Ms. Polson requires sharp, small, and delicate medical scissors to perform this necessary procedure without harming her colon or damaging the colostomy bags. If she does not have scissors that can cut a smooth hole in the plastic, the ring will be jagged, which will irritate or tear her colon as she moves. Ms. Polson keeps a month's supply of medical supplies with her to maintain her colostomy bag. These supplies include medical scissors, alcohol wipes, barrier cream, adhesive, wafers, ostomy bags, adhesive remover wipes to remove sticky residue before shower, and deodorizing drops to add to the ostomy bag. She can perform this procedure on her own, so long as she has her supplies and is provided access to a shower where she can clean herself.

41. In the fall of 2023, Ms. Polson was provided a bed at the 48th Avenue Women's Shelter operated by Catholic Charities. While there, the scissors she used to attend to her colostomy bag were repeatedly confiscated by shelter staff. Each time they were confiscated she explained to staff that she needed them due to her disability and requested that she be allowed to keep or access them as an accommodation. Each request was refused. Her scissors were never returned, nor was she compensated for the loss of her property. She was at times allowed to use scissors from the shelter office, which were not suited to the task. As a result, she frequently had

a jagged edge at the connection to her colon, resulting in tearing or leakage. As a result, she soiled herself and her clothing, on many occasions. When this occurred, Ms. Polson was sometimes refused access to the group shower. When an individual shower was available, and she requested access to it, believing that it would be easier to contain and clean up after her use. Those requests were denied. Ms. Polson made additional requests for bags where she could safely dispose of her soiled clothing. These requests were also denied, although the shelter provides trash or storage bags to residents for other purposes. Ms. Polson was not allowed access to the laundry on many occasions after soiling herself. As a result, Ms. Polson was often forced to remain in her soiled clothing.

42. In February of 2024, while staying at the 48th Avenue Women's Shelter, Ms. Polson's scissors were once again confiscated. Ms. Polson desperately needed to change her colostomy bag, but only nail dirty clippers were available. She used dirty nail clippers, resulting in a sharp and jagged edge on the connection point with her colon. When Ms. Polson moved, the jagged edge tore her colon. The tear became infected and resulted in severe swelling of her colon and debilitating pain. Ms. Polson's inflamed colon swelled over the wafer port. Ms. Polson had to be transported and admitted to the hospital for removal of the bag.

43. Ms. Polson returned to the shelter after being released from the hospital. Over the course of the next several weeks, she suffered constant pain, bleeding into her ostomy bag, and her colon remained swollen. This made it impossible for her to bend over without excruciating pain. She asked for assistance to clean up around her sleeping area because she couldn't do so independently. Shelter staff did not provide her with any assistance.

44. On March 31, 2024, Ms. Polson was kicked out of the 48th Avenue Women's Shelter because she could not bend over to clean her sleeping area. Shelter staff made no effort to

find her alternative shelter and gave her no referrals. Staff removed her belongings and put them on the curb. Ms. Polson slept on the street that night and afterwards until September of 2024. During the winter and spring of 2024, while she slept outside, her ostomy bag froze to her body and broke multiple times. During this time, she had no regular access to showers and sometimes had to strip naked to wash herself and her clothing while outside in freezing weather. This risked frostbite due to the freezing temperatures, along with causing Ms. Polson significant pain and suffering due to her Reynaud's and neuropathy.

45. Ms. Polson has been discriminated against, denied reasonable accommodations, and denied or provided more limited access to shelter and shelter-based services funded by Defendant Denver because of her disabilities. Shelter staff discarded or confiscated her personal belongings, including clothing, medical scissors and other property. As a result, Ms. Polson suffered a loss of property, physical injury, physical pain, suffering, and emotional distress.

Plaintiff Andrea Tanas has been discriminated against by shelters that Defendant Denver funds and supports.

46. Plaintiff Andrea Tanas has multiple sclerosis, mesothelioma, incontinence, and is immunocompromised. Ms. Tanas does not require assistance with any activities of daily living. Her multiple sclerosis sometimes leaves her unable to walk with ease. It also affects her vision, speech, and dexterity. She uses a wheelchair during multiple sclerosis flares. She uses inhalers and oxygen machines to help her cope with lung cancer resulting from mesothelioma. Due to her incontinence, she has to urinate and defecate frequently so that she doesn't soil herself.

47. Ms. Tanas sought shelter at the 48th Avenue Women's Shelter operated by Catholic Charities in July of 2024. She was admitted and assigned to a bed that had bed bugs. Due to her compromised immune system, she was concerned about being bitten and developing an infection. On that basis, she asked to be assigned to a different, available bed that she knew

was not infested. Her request was refused. She used the infested bed and got bed bugs. She left the shelter and discarded her contaminated belongings. When she returned days later, she was told she would have to bunk with someone who had body lice. She again asked that she be assigned other quarters due to the heightened risks to her health. That request was also denied. Ms. Tanas did not stay at the shelter that night.

48. In September of 2024, Ms. Tanas returned to the 48th Avenue Women’s Shelter and was given a bed located a great distance from the communal bathroom and showers. Due to her incontinence and mobility limitations, she requested that she be assigned a bed closer to the communal bathroom and showers. At the time of her request there were beds available closer to the communal bathroom and showers. Still, her request for accommodation was denied. A single person bathroom and shower was located much closer to Ms. Tanas’s assigned bed, and she asked to be allowed to use it. That request for a reasonable accommodation was also denied. Ms. Tanas is aware that other residents that use walkers or wheelchairs are also assigned beds in the back, far away from the communal bathroom and shower.

49. Ms. Tanas has been discriminated against, denied reasonable accommodations, and denied or provided more limited access to shelter and shelter-based services funded by Defendant Denver because of her disabilities. As a result, Ms. Polson has suffered pain, suffering, and emotional distress.

Plaintiff Lindsey Torres has been discriminated against by shelters that Defendant Denver funds and supports.

50. Plaintiff Lindsey Torres suffered a broken pelvis, femur, collarbone, jaw, and traumatic brain injury from being hit by a car on June 30, 2024. At the time of her injury, she was residing at the Santa Fe Micro-Community (“Santa Fe”) and had a private room with a door code.

51. When Ms. Torres was released from the hospital on August 5, 2024, she was able to care for herself, but required a mobility device such as a walker. She returned to Santa Fe expecting to be able to return to her room there, where she had left all of her personal possessions. Her room had not been assigned to anyone else while she was in the hospital. However, she was told that she would not be able to move back to the Santa Fe housing because she was a liability. A representative from a community-based non-profit organization and Ms. Torres attempted to persuade Santa Fe staff to allow Ms. Torres into her room over the course of the next several hours, and eventually spoke with the Santa Fe manager in person. Only after persistent intervention and advocacy by this community-based non-profit organization did the Santa Fe manager eventually agree to allow Torres back into her room.

52. The following day, Ms. Torres took a walk to visit a friend nearby and found herself unable to get up the steep walkway. She contacted Santa Fe staff to ask for assistance returning to Santa Fe. The same Santa Fe manager from the previous day responded. But instead of returning Ms. Torres to shelter at Santa Fe, she drove Ms. Torres to a hospital – Denver Health – and insisted that Ms. Torres be admitted. Denver Health acquiesced, and admitted Ms. Torres, then released her after observation. Ms. Torres then attempted to return to her room at Santa Fe.

53. When Ms. Torres arrived at Santa Fe, the staff refused to allow her inside. Ms. Torres was still using a walker, had no shoes or coat, and all of her belongings were in her room. Santa Fe staff did not allow her to retrieve her belongings, nor did they provide any assistance with finding alternative shelter. Ms. Torres slept on the street that night, guarded by a friend. She tried repeatedly to get her possessions — including her food stamp card, clothing, and electronic charging cables — but was not allowed access to retrieve them.

54. Some days later, after protracted advocacy by a community based organization, Ms. Torres was given a room at the 38th Avenue Micro-Community, where she continues to reside. Ms. Torres currently relies on a wheelchair. The main entrance to the 38th Avenue Micro-Community is not wheelchair accessible due to the gravel path leading up to it. There is a wheelchair accessible entrance, but staff must open the gate and door in order for Ms. Torres to enter or exit. Staff frequently refuse to provide this accommodation.

55. Some time after her arrival at the 38th Avenue Micro-Community, Ms. Torres's belongings from Santa Fe were placed in bins and delivered there. But Ms. Torres's phone charger, charging cords, speakers, and jewelry were missing.

56. Ms. Torres has been discriminated against, denied reasonable accommodations, and denied or provided more limited access to shelter and shelter-based services funded by Defendant Denver because of her disabilities. As a result, Ms. Torres suffered a loss of property, physical injury, pain, suffering and emotional distress.

Plaintiff Joseph Williams has been discriminated by shelters to that Defendant Denver provides funding and support.

57. Plaintiff Joseph Williams has multiple disabilities, including diabetes, Stargardt disease, schizophrenia, and occasional seizures. Diabetes is the disability that most impacts his day-to-day life.

58. From 2000 to 2023, Mr. Williams used insulin, which he injected himself, to manage his diabetes. Insulin was the most effective treatment for controlling his diabetes. Insulin must be refrigerated to remain effective.

59. While using insulin in 2023, Mr. Williams sought services and shelter at the St. Francis Center and The Mission's Lawrence Street Shelter many times. Neither allowed him to keep his insulin refrigerated during the hottest months of the year, when there is increased risk

that it will lose efficacy due to temperature fluctuations and heat. At both facilities, Mr. Williams asked that he be allowed to keep his insulin refrigerated. At both facilities, his requests were denied. Mr. Williams was never provided with any information or referral to a shelter or services where his insulin could be refrigerated.

60. During the summer of 2023, Mr. Williams became very sick after injecting insulin kept at room-temperature. He passed out and had a medical emergency. While ill and unconscious, all of his belongings were stolen.

61. In order to be able to stay in any of the shelters available to him, Mr. Williams stopped taking insulin and began oral medication instead. Insulin is the preferred and most effective treatment for controlling his diabetes, and the oral medication has not been as effective. However, because of the shelters' failure to grant his requests for accommodation, he has been forced to rely on this less effective treatment in order to also have access to shelter and shelter-based services.

62. Mr. Williams has been discriminated against, denied reasonable accommodations, and has had denied or provided more limited access to shelter and shelter-based services funded by Defendant Denver because of his disabilities. As a result, Mr. Williams suffered a loss of his property, pain, suffering, and emotional distress.

Plaintiff HAND has had its mission frustrated and resources diverted as a result of the actions of Defendant Denver.

63. Plaintiff HAND has encountered and provided assistance to Plaintiffs and many other disabled houseless individuals in Denver who have suffered from similar discrimination by Defendant Denver in its provision of shelters and shelter-based services. Because of Defendant Denver's failure to prevent discrimination against disabled unhoused individuals, HAND has had to take on the responsibility of providing financial and material support to those individuals.

64. Multiple times in 2023 and 2024, HAND staff paid for hotel rooms for disabled individuals who were ejected from shelters.

65. Multiple times in 2023 and 2024, HAND staff devoted time to linking disabled individuals with caseworkers who could address their needs.

66. As a result of the discriminatory actions of Defendant Denver, HAND has had to redirect its resources to address both individual and systemic issues affecting the disabled houseless community, specifically, resulting in a diversion of resources and staff from its work for other houseless people, generally.

Defendant Denver knows of, but has disregarded, the discrimination against Individual Plaintiffs and other houseless individuals by shelters that Defendant Denver funds and supports.

67. The Individual Plaintiffs, HAND, staff from both the relevant agencies and the shelters, and numerous members of the Denver community, have repeatedly reported these practices to Denver officials. But Defendant Denver has failed to address these grave issues.

68. As reflected in a recent report issued by Denver’s Office of the Auditor, HOST has failed to adequately monitor shelters to ensure compliance with anti-discrimination laws, and has failed to ensure that the shelters have grievance procedures that can be used in the event of a discriminatory denial of services. *See* Off. of the Auditor, City and Cnty. of Denver, *Audit Report, Department of Housing Stability City Shelters, November, 2024*, <https://denvergov.org/files/assets/public/v/1/auditor/documents/audit-services/audit-reports/2024/city-shelters-november-2024-final.pdf>. Included in the findings were observations that:

- a. HOST does not adequately ensure safety and compliance with nondiscrimination rules at shelters;

- b. some shelter providers do not include all the required protected classes in their policies and others wholly lacked documented nondiscrimination policies;
- c. although shelter provider contracts that use federal funds are supposed to have a grievance policy or complaint log for the people they serve, neither grievance policies nor complaint logs are a HOST contract requirement;
- d. most shelter providers' grievance policies only apply to employees, not the people the shelters serve,
- e. HOST leaders have not given program officers guidance on what they should focus on when overseeing shelter providers, particularly related to reviewing and overseeing nondiscrimination and grievance policies and processes; and
- f. without grievance policies, those being served in the Denver Shelter System may not have a way to report concerns about discrimination or provide feedback to shelter providers.

69. The findings of the audit report are consistent with the Individual Plaintiffs' experiences.

70. Plaintiffs are unaware of any Defendant Denver policy or procedure that currently exists that allows a disabled individual to file a complaint with Defendant Denver regarding shelters or shelter-based services that guarantees a review of the shelter's actions.

71. Plaintiffs are informed and believe that Defendant Denver has failed to establish criteria or standards that shelters are expected to follow when considering admission of an individual with disabilities or requests for reasonable accommodation.

72. Plaintiffs are informed and believe that Defendant Denver has failed to require its shelter providers to address equity when providing services to disabled houseless individuals.

Defendant Denver has failed to put accountability measures in place that would ensure oversight of the shelter providers and access to shelter and shelter-based services to the disabled community. HOST's front-facing explanation of its objectives for discrimination-free housing services lacks any mention of those with disabilities. Data reports include no information about the number of disabled individuals using shelter services.

73. Defendant Denver's policies, procedures, and contractual provisions fail to require any minimum standards that would ensure that shelter and shelter-based services are accessible and disabled houseless individuals are not refused reasonable accommodations; rejected or ejected from shelter; or denied shelter-based services, programs, or facilities. The discrimination experienced by Individual Plaintiffs and other disabled houseless individuals, and the injuries they suffered, were directly caused by that failure.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF Violation of Section 504 29 U.S.C. §§ 794, *et seq.*

74. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

75. Individual Plaintiffs each are qualified disabled individuals eligible for the services provided by the shelters with whom the City contracts as defined by Section 504 of the Rehabilitation Act. *See* 29 U.S.C. § 794(a); 42 U.S.C. § 705(20); 24 C.F.R. § 8.3 (2025).

76. Defendant Denver is a public entity that receives and subgrants federal funds from, among other agencies, HUD in connection with the shelter services it provides directly and through its contractors. Defendant Denver is required to comply with the provisions of Section 504 of the Rehabilitation Act and thus are prohibited from excluding qualified disabled individuals, like Individual Plaintiffs, directly or through contractual, licensing or other

arrangements, from from the benefits of, or be subjecting a disabled individual to discrimination under any program or activity receiving Federal financial assistance. *See* 29 U.S.C. § 794(a); 24 C.F.R § 8.4(b).

77. Defendant Denver contracts with the shelters to provide shelter as a fundamental component of Denver’s Shelter System. The shelters provide benefits that are part of Defendant Denver’s “services, programs, or activities,” making Defendant Denver subject to Section 504 with respect to its contracts with shelter providers. Defendant Denver provides direct funding to the shelters for this purpose and oversees the provision of those programs and services by the shelters and are prohibited from providing any housing, aid, benefit, or service in a program or activity either directly or through contractual, licensing or other arrangements” in a way that discriminates on the basis of a disability. *See* 24 C.F.R. 8.4(b)(1)(ii).

78. Defendant Denver, as a recipient of federal funds from HUD, may not utilize criteria or methods of administration that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient’s program or activity with respect to disabled persons. *See* 24 C.F.R. §§ 8.4(b)(4)(i) and (ii).

79. Defendant Denver, as a recipient of federal funds, may not deny or exclude an individual with disabilities from the benefits of any program or activity because its facilities are inaccessible to or unusable by individuals with disabilities. *See* 28 C.F.R. § 8.20 (2025).

80. Defendant Denver is responsible for the discriminatory actions of the shelter providers because it is engaging in a true joint endeavor with the shelters to provide houseless services and is responsible for ensuring that those services are provided in a manner that is consistent with the mandates and protections of Section 504.

81. Mayor Mike Johnston, while acting in his official capacity, established programs through executive order and other actions, under which the aforementioned shelters and shelter-based services are provided using funds provided by Denver. On information and belief, those executive orders and other actions have failed to ensure that minimum standards, oversight, and accountability are in place to ensure that shelters are providing access to disabled individuals and providing requested reasonable accommodations.

82. Defendant Denver has discriminated against each Individual Plaintiff, based on their disability, by providing shelter directly or through contracts or arrangements with private shelters that utilize criteria or methods of administration that have the effect of subjecting the Individual Plaintiffs, and other qualified individuals with disabilities, to discrimination on the basis of their disabilities in violation of Section 504 and its implementing regulations. *See* 24 C.F.R. §§ 8.4(b)(4)(i) and (ii).

83. Defendant Denver's actions were intentional or deliberately indifferent to the rights of Individual Plaintiffs.

84. Despite being otherwise qualified to utilize the shelter services provided by the shelters with whom Defendant Denver contracts, each Individual Plaintiff, as alleged, was denied shelter and shelter-based services provided under Defendant Denver's Shelter System, because of their disabilities, in violation of their rights under Section 504.

85. As a direct and proximate result of Defendant Denver's discrimination, Individual Plaintiffs each suffered a loss of shelter and the opportunity to participate in shelter-based services and programs, and are entitled to nominal damages for the loss of this right.

86. As a direct and proximate result of Defendant Denver's discrimination, Individual Plaintiffs each suffered physical pain and injury as a result of their loss of shelter and their

exposure from having to, instead, sleep on the streets, They are entitled to recover other damages therefor in an amount to be determined at trial.

87. As a direct and proximate result of Defendant Denver's discrimination, Plaintiffs Torres, Williams, and Polson suffered losses of personal property when they were respectively deprived of their clothing and charging cords and medical scissors. They are entitled to recover damages therefor in an amount to be determined at trial.

88. As a direct and proximate result of Defendant Denver's discrimination, organizational Plaintiff HAND has had to divert resources away from other activities and services addressing the general needs of the houseless, in order to instead provide support and services to disabled houseless individuals.

89. Plaintiffs Wendling, Tanas, Torres, and Williams each continue to be houseless and dependent upon the shelters operated by Defendant Denver directly and through its contractors, for respite from the elements and other health and safety dangers arising from living on the streets.

90. Plaintiff HAND continues to divert resources away from its other work to respond to the effects and impacts of Defendant Denver's discriminatory actions.

91. Plaintiffs are entitled to injunctive relief directing Defendant Denver to take the actions necessary to come into compliance with the ADA, including ensuring that the shelters do not discriminatorily reject or eject the Individual Plaintiffs or other individuals based on their disability; ensuring that policies, procedures, and practices at the various shelters do not have the effect of subjecting the Individual Plaintiffs, and other qualified individuals with disabilities, to discrimination on the basis of their disabilities; and ensuring that the shelters provide all

reasonable accommodations and modifications necessary to avoid discrimination on the basis of disability.

92. A genuine controversy exists between Plaintiffs and Defendant Denver as what actions are required of Defendant Denver to ensure that the shelters it provides directly, or through contracts with other agencies, do not unlawfully discriminate against Plaintiffs and other disabled individuals seeking shelter, and Plaintiffs seek a declaration of their rights and Defendant Denver's responsibilities.

SECOND CLAIM FOR RELIEF
Violation of Title II of the ADA
42 U.S.C. §§ 12131, *et seq.*

93. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

94. Individual Plaintiffs each are qualified disabled individuals eligible for the services provided by the shelters with whom the City contracts as defined by Title II the Americans with Disabilities Act ("ADA"). *See* 42 U.S.C. § 12131(2).

95. Defendant Denver is a public entity required to comply with the provisions of Title II of the ADA and prohibited from directly or indirectly excluding qualified disabled individuals, like Individual Plaintiffs, from participating in its services, programs, or activities; or denying them the benefits of such services programs or activities; or otherwise subjecting them to discrimination based on their disability.

96. Defendant Denver contracts with the shelters to provide shelter as a fundamental component of Denver's Shelter System. The shelters provide benefits that are part of Defendant Denver's "services, programs, or activities," making Defendant Denver subject to the ADA with respect to its contracts with shelter providers. *See* 42 U.S.C. § 12132. Defendant Denver

provides direct funding to the shelters for this purpose and oversees the provision of those programs and services by the shelters.

97. Defendant Denver is responsible for the discriminatory actions of the shelter providers because it is engaging in a true joint endeavor with the shelters to provide houseless services and is responsible for ensuring that those services are provided in a manner that is consistent with the mandates and protections of the ADA.

98. Defendant Denver, directly and through its contracting agencies, is required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability. *See* 28 C.F.R. § 35.130(b)(7).

99. Defendant Denver has discriminated against each Individual Plaintiff, based on their disability, by entering into contracts or arrangements with shelters that utilize criteria or methods of administration that have the effect of subjecting the Plaintiffs, and others qualified individuals with disabilities, to discrimination on the basis of their disabilities in violation of the ADA and its implementing regulations. *See* 28 C.F.R. §35.130(b)(8).

100. Defendant Denver has discriminated against Individual Plaintiffs and others, based on their disability, by entering into contracts or arrangements with shelters that fail to make reasonable modifications in policies, practices or procedures when those modifications are necessary to allow them to access shelter services, including but not limited to failing to provide accessible beds, bathroom and shower facilities, refrigeration for medication, transportation, necessary to ensure that disabled individuals have the equivalent access to shelter programs and benefits. *See* 28 C.F.R. § 35.130(b)(7).

101. Despite being otherwise qualified to utilize the shelter services provided by the shelters with whom Defendant Denver contracts, each Individual Plaintiff, as alleged, was denied

shelter under the programs and services provided under Defendant Denver's coordinated shelter programs because of their disability in violation of the rights under the ADA.

102. Defendant Denver's actions and inaction were deliberately indifferent to the rights of and injuries suffered by the Individual Plaintiffs and other houseless individuals with disabilities.

103. As a direct and proximate result of Defendant Denver's discrimination, Individual Plaintiffs each suffered a loss of housing and the opportunity to participate in the programs offered by the various shelters and are entitled to nominal damages for the loss of this right.

104. As a direct and proximate result of Defendant Denver's discrimination, Individual Plaintiffs each suffered fear, insecurity, physical pain, physical injury, and emotional distress as a result of their loss of shelter and their exposure from having to, instead, sleep on the streets, and are entitled to recover damages therefor in an amount to be determined at trial.

105. As a direct and proximate result of Defendant Denver's discrimination Plaintiffs Torres, Williams, and Polson suffered losses of personal property because their personal property was stolen, lost, or misplaced when they were ejected from housing or their medical equipment confiscated, and are entitled to recover damages therefor in an amount to be determined at trial.

106. As a direct and proximate result of Defendant Denver's discrimination, organizational Plaintiff HAND has had to divert resources away from other activities and services addressing the general needs of the houseless, in order to instead provide support and services to disabled houseless individuals.

107. Plaintiffs Wendling, Tanas, Torres, and Williams each continue to be houseless and dependent upon the shelters operated by Defendant Denver directly and through its

contractors, for respite from the elements and other health and safety dangers arising from living on the streets.

108. Plaintiff HAND continues to divert resources away from its other work to respond to the effects and impacts of Defendant Denver’s discriminatory actions.

109. Therefore, Plaintiffs are entitled to injunctive relief directing Defendant Denver to take the actions necessary to come into compliance with the ADA, including ensuring that the shelters do not discriminatorily reject or eject the Individual Plaintiffs or other individuals based on their disability; ensuring that policies, procedures, and practices at the various shelters do not have the effect of subjecting the Individual Plaintiffs, and other qualified individuals with disabilities, to discrimination on the basis of their disabilities; and ensuring that the shelters provide all reasonable accommodations and modifications necessary to avoid discrimination on the basis of disability.

110. A genuine controversy exists between Plaintiffs and Defendant Denver as to what actions are required of Defendant Denver to ensure that the shelters it provides directly, or through contracts with other agencies, do not unlawfully discriminate against Individual Plaintiffs and other disabled individuals seeking shelter, and Plaintiffs seek a declaration of their rights and Defendant Denver’s responsibilities.

THIRD CLAIM FOR RELIEF
Violation of the FHA
42 U.S.C. §§ 3601, *et seq.*

111. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

112. Individual Plaintiffs each are disabled as defined in 42 U.S.C. § 3602, and thus are protected from discrimination under the provisions of the Fair Housing Act, and are and were entitled to protection from discrimination in connection with obtaining shelter and or utilizing

the services or facilities available in connection the shelter provided by Defendant Denver directly and through its shelter contractors. *See* 42 U.S.C. §§ 3604(f)(1)-(2).

113. Defendant Denver contracts with the shelters to provide dwellings as a fundamental component of Denver’s Shelter System. *See* 42 U.S.C. § 100.201. The shelters provide benefits that are part of the City's “services, programs, or activities,” making Defendant Denver subject to the FHA with respect to its contracts with shelter providers. Defendant Denver provides direct funding to the shelters for this purpose and oversees the provision of those programs and services by the shelters.

114. Defendant Denver is responsible for the discriminatory actions of the shelter providers because it is engaging in a true joint endeavor with the shelters to provide dwellings as an element of its houseless services and is responsible for ensuring that those services are provided in a manner that is consistent with the mandates and protections of the FHA

115. Defendant Denver, directly and through its contracting agencies, is required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability. *See* 42 U.S.C. 3604(f)(3)(b); 24 C.F.R. § 104.204.

116. Defendant Denver has discriminated against each Individual Plaintiff, based on their disability, by denying them the use of dwellings provided by Defendant Denver, directly or through its shelter contractors, in violation of the FHA and its implementing regulations.

117. Defendant Denver has discriminated against each Individual Plaintiff, based on their disability, by entering into contracts or arrangements with shelters that utilize criteria or methods of administration that have the effect of subjecting the Individual Plaintiffs, and other

qualified individuals with disabilities, to discrimination on the basis of their disabilities in violation of the FHA and its implementing regulations. *See* 42 U.S.C. § 100.500.

118. Defendant Denver has discriminated against Individual Plaintiffs and others, based on their disability, by entering into contracts or arrangements with shelters that fail to make reasonable modifications in policies, practices or procedures when those modifications are necessary to allow them to access shelter services, including but not limited to failing to provide accessible beds, bathroom and shower facilities, refrigeration for medication, transportation, necessary to ensure that disabled individuals have the equivalent access to shelter programs and benefits. *See* 42 U.S.C. 3604(f)(3)(b), 24 C.F.R. § 104.204.

119. Despite being otherwise qualified to utilize the shelter-based services provided by the shelters with whom Defendant Denver contracts, each Individual Plaintiff, as alleged, was denied shelter under the programs and services provided under Defendant Denver's coordinated shelter programs because of their disability, in violation of the rights under the FHA.

120. Defendant Denver's actions and inaction were deliberately indifferent to the rights of and injuries suffered by the Individual Plaintiffs and other houseless individuals with disabilities.

121. As a direct and proximate result of Defendant Denver's discrimination, Individual Plaintiffs each suffered a loss of shelter and the opportunity to participate in the programs offered by the various shelters and are entitled to nominal damages for the loss of this right.

122. As a direct and proximate result of Defendant Denver's discrimination, Individual Plaintiffs each suffered fear, insecurity, physical pain, physical injury, and emotional distress as a result of their loss of shelter and their exposure from having to, instead, sleep on the streets, and are entitled to recover damages therefor in an amount to be determined at trial.

123. As a direct and proximate result of Defendant Denver's discrimination, Plaintiffs Torres, Williams, and Polson suffered losses of personal property when they were respectively deprived of their phone charger, charging cords, speakers, jewelery and several pairs of medical scissors. They are entitled to recover damages therefor in an amount to be determined at trial.

124. As a direct and proximate result of Defendant Denver's discrimination, organizational Plaintiff HAND has had to divert resources away from other activities and services addressing the general needs of the houseless, in order to instead provide support and services to disabled houseless individuals.

125. Plaintiffs Wendling, Tanas, Torres, and Williams each continue to be houseless and dependent upon the shelters operated by Defendant Denver directly and through its contractors, for respite from the elements and other health and safety dangers arising from living on the streets.

126. Plaintiff HAND continues to divert resources away from its other work to respond to the effects and impacts of Defendant Denver's discriminatory actions.

127. Therefore, these Plaintiffs are entitled to injunctive relief directing Defendant Denver to take the actions necessary to come into compliance with the FHA, including ensuring that the shelters do not discriminatorily reject or eject the Individual Plaintiffs or other individuals based on their disability; ensuring that policies, procedures, and practices at the various shelters do not have the effect of subjecting the Individual Plaintiffs, and others qualified individuals with disabilities, to discrimination on the basis of their disabilities; and ensuring that the shelters provide all reasonable accommodations and modifications necessary to avoid discrimination on the basis of disability.

128. A genuine controversy exists between Plaintiffs and Defendant Denver as what actions are required of Defendant Denver to ensure that the shelters it provides directly, or through contracts with other agencies, do not unlawfully discriminate against Individual Plaintiffs and other disabled individuals seeking shelter, and Plaintiffs seek a declaration of their rights and Defendant Denver's responsibilities.

FOURTH CLAIM FOR RELIEF
Violation of the Colorado Anti-Discrimination Act (CADA)
Colo. Rev. Stat. §§ 24-34-802, *et seq.* (2024)

129. Plaintiffs reallege and incorporate by reference all paragraphs of this complaint.

130. Individual Plaintiffs are each individuals with a disability as defined in Colo. Rev. Stat. § 24-34-301(13). They are thus protected from discrimination under the provisions of the CADA. Colo. Rev. Stat, § 24-34-300, *et seq.*

131. Defendant Denver is a Public Entity as defined in Colo. Rev. Stat. § 24-34-301(18) that provides public accommodations as defined in Colo. Rev. Stat. §§ 24-34-301(16), 24-34-601, 24-34-802.

132. Individual Plaintiffs are and were entitled to protection from discrimination in connection with obtaining public accommodations in the form of shelters; and or their use or attempted use of the services or facilities available in connection the shelters provided by Defendant Denver directly and through its shelter contractors, which are public accommodations. *See* Colo. Rev. Stat. § 24-34-802.

133. Individual Plaintiffs are and were discriminated against by Defendant Denver based on their disabilities when they were rejected or ejected from shelters and/or limited in their use of the shelter-based services, as alleged.

134. As a direct and proximate result of Defendant Denver’s discrimination, Individual Plaintiffs each suffered actual damages as a result of their loss of shelter and their exposure from having to, instead, sleep on the streets, and are entitled to recover actual damages therefor in an amount to be determined at trial, *see* Colo. Rev. Stat. § 24-34-802 (2)(a)(II); or in the alternative a statutory fine of three thousand five hundred dollars, payable to him for each violation, *see* Colo. Rev. Stat. § 24-34-802(2)(a)(III).

135. As a direct and proximate result of Defendant Denver’s discrimination, Plaintiffs Torres, Williams and Polson suffered losses of personal property when they were respectively deprived of their phone charger, charging cords, speakers, jewelery and several pairs of medical scissors. They are entitled to recover damages therefor in an amount to be determined at trial, *see* Colo. Rev. Stat. § 24-34-802 (2)(a)(II); or, in the alternative, a statutory fine of three thousand five hundred dollars, payable to him for each violation, *see* Colo. Rev. Stat. § 24-34-802(2)(a)(III).

WHEREFORE, Plaintiffs pray as follows:

1. Declaratory relief and other appropriate equitable relief;
2. Preliminary and Permanent injunctive relief;
3. Economic losses on all claims as allowed by law;
4. Compensatory and consequential damages, as applicable, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims as allowed by law in an amount to be determined at trial;
5. Nominal damages;
6. Punitive damages, as applicable, on all claims allowed by law and in an amount to be determined at trial;

7. Statutory damages pursuant to Colo. Rev. Stat. § 24-34-802 (2)(a)(III);
8. Attorneys' fees and the costs associated with this action as provided in 29 U.S.C. § 794a(b); 42 U.S.C. § 3613(c)(2); and Colo. Rev. Stat. § 24-34-802(3);
9. Pre-and post-judgment interest at the lawful rate; and
10. Any other appropriate relief at law and equity that this Court deems just and proper.

PLAINTIFFS HEREBY DEMAND A JURY ON ALL ISSUES SO TRIABLE

Dated this 25th day of February, 2025.

s/ Cynthia L. Rice _____

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