

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0937.01 Conrad Imel x2313

**SENATE BILL 19-180**

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**SENATE SPONSORSHIP**

**Winter,**

**HOUSE SPONSORSHIP**

**McCluskie,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF AN EVICTION LEGAL DEFENSE FUND,**  
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the eviction legal defense fund (fund). The state court administrator will award grants from the fund to qualifying nonprofit organizations (organizations) that provide legal advice, counseling, and representation for, and on behalf of, indigent clients who are experiencing an eviction or are at immediate risk of an eviction. The bill lists permissible uses of grant money awarded from the fund.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

Organizations that receive a grant from the fund are required to report to the state court administrator certain information about services provided by the organization . The state court administrator is required to evaluate the use of grants from the fund every 5 years and submit that evaluation to the general assembly. The bill includes a legislative declaration.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) There is a disparity in the availability of legal counsel for  
5 low-income Americans. Eighty-six percent of low-income Americans  
6 were not represented or inadequately represented in civil cases nationally  
7 in 2017.

8 (b) There is less than one civil legal aid attorney available for  
9 every thirty thousand people in poverty in Colorado, ranking Colorado  
10 ahead of only four other states: Idaho, Mississippi, Alabama, and South  
11 Carolina;

12 (c) Our system of justice depends on having a fair chance to be  
13 heard, regardless of who you are, where you live, or how much money  
14 you have. Having access to justice means a person should be able to learn  
15 about his or her rights and then give effective voice to him or her in a  
16 neutral and nondiscriminatory, formal or informal process that determines  
17 the facts, applies the rule of law, and enforces the result. No one should  
18 face the loss of something as essential to well-being as housing without  
19 assistance navigating the legal system from an attorney.

20 (d) There were nearly forty-five thousand evictions filed in  
21 Colorado in 2017. Most of these renters faced the loss of their housing  
22 without help from a lawyer. A 2017 report found that, in Denver eviction

1 cases, landlords were represented nearly ninety percent of the time, while  
2 tenants were represented by counsel in fewer than one percent of cases.

3 (e) Evictions contribute to extreme hardship, including negative  
4 health effects, higher housing costs, decreased housing quality, and an  
5 increased likelihood of future housing insecurity;

6 (f) Evictions are especially detrimental to young children, who  
7 need reliable education and community ties for their emotional and  
8 mental development. Children who experience an eviction are more likely  
9 to suffer from poor academic performance, behavioral issues, or  
10 homelessness later in life.

11 (g) Expanding the availability of legal resources for tenants saves  
12 taxpayers money. A study of the projected economic return for an  
13 eviction defense program in Philadelphia found that spending \$3,500,000  
14 per year on legal defense would save \$45,200,000 by reducing shelter  
15 costs, hospital costs, mental health costs, and juvenile delinquency. A  
16 cost-benefit analysis published by the New York City bar association also  
17 showed an economic benefit to the city generated by expanding eviction  
18 legal resources for tenants.

19 (h) Data from the eviction legal defense pilot program in Denver  
20 demonstrates that providing additional legal resources to tenants facing  
21 an eviction helps reduce the consequences of involuntary displacement;  
22 and

23 (i) Legal counsel can provide significant help to renters who are  
24 facing an eviction. Counsel can be critical in facilitating a resolution that  
25 allows tenants to remain in their homes, arrange additional time to find  
26 another home, or keep a judgment off a tenant's record.

27 (2) Therefore, the general assembly declares that it is necessary to

1 expand the availability of legal assistance to help indigent persons who  
2 are experiencing an eviction or are at immediate risk of an eviction.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 13-40-127 as  
4 follows:

5 **13-40-127. Eviction legal assistance - fund - rules - report -**  
6 **definitions.** (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "ADMINISTRATOR" MEANS THE STATE COURT ADMINISTRATOR,  
9 APPOINTED PURSUANT TO SECTION 13-3-101.

10 (b) "FUND" MEANS THE EVICTION LEGAL DEFENSE FUND  
11 ESTABLISHED IN SUBSECTION (2) OF THIS SECTION.

12 (c) "INDIGENT" MEANS A PERSON WHOSE INCOME DOES NOT  
13 EXCEED TWO HUNDRED PERCENT OF THE FAMILY FEDERAL POVERTY  
14 GUIDELINES, ADJUSTED FOR FAMILY SIZE, DETERMINED ANNUALLY BY THE  
15 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

16 (d) "QUALIFYING ORGANIZATION" MEANS AN ORGANIZATION THAT:

17 (I) HAS DEMONSTRATED EXPERIENCE AND EXPERTISE IN  
18 PROVIDING FULL SERVICE CIVIL LEGAL SERVICES TO INDIGENT CLIENTS;

19 (II) IS BASED IN COLORADO;

20 (III) IS EXEMPT FROM TAXATION PURSUANT TO SECTION 501 (c)(3)  
21 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED; AND

22 (IV) OBTAINS MORE THAN THIRTY-THREE PERCENT OF ITS FUNDING  
23 FROM SOURCES OTHER THAN GRANTS FROM THE FUND.

24 (2) THERE IS ESTABLISHED IN THE STATE TREASURY THE EVICTION  
25 LEGAL DEFENSE FUND. PURSUANT TO SUBSECTION (3) OF THIS SECTION,  
26 THE STATE COURT ADMINISTRATOR IS AUTHORIZED TO MAKE GRANTS  
27 FROM THE FUND TO QUALIFYING ORGANIZATIONS PROVIDING CIVIL LEGAL

1 SERVICES TO INDIGENT RESIDENTS OF THE STATE OF COLORADO.

2 (3) THE ADMINISTRATOR SHALL AWARD GRANTS FROM THE FUND  
3 TO QUALIFYING ORGANIZATIONS TO PROVIDE LEGAL ADVICE, COUNSELING,  
4 AND REPRESENTATION FOR, AND ON BEHALF OF, INDIGENT CLIENTS WHO  
5 ARE EXPERIENCING AN EVICTION OR ARE AT IMMEDIATE RISK OF AN  
6 EVICTION. MONEY FROM THE FUND MAY BE USED FOR SERVICES THAT  
7 INCLUDE:

8 (a) PROVIDING LEGAL REPRESENTATION TO INDIGENT TENANTS FOR  
9 RESOLVING CIVIL LEGAL MATTERS RELATED TO AN EVICTION OR  
10 IMPENDING EVICTION. SUCH REPRESENTATION MAY INCLUDE  
11 REPRESENTATION IN ANY FORCIBLE ENTRY AND DETAINER PROCEEDING OR  
12 ACTION FOR MONETARY DAMAGES RELATED TO NONPAYMENT OF RENT OR  
13 OTHER LEASE VIOLATION, LEGAL ASSISTANCE PRIOR TO THE FILING OF AN  
14 EVICTION, OR ANY OTHER JUDICIAL ACTIONS IN WHICH LEGAL  
15 REPRESENTATION IS NECESSARY TO PROTECT THE INTERESTS OF AN  
16 INDIGENT TENANT.

17 (b) ESTABLISHING CLINICS DESIGNED TO EDUCATE AND ASSIST  
18 INDIGENT TENANTS IN EVICTION PROCEEDINGS, INCLUDING PROVIDING  
19 INFORMATION RELATED TO THE RIGHTS AND RESPONSIBILITIES OF  
20 LANDLORDS AND TENANTS;

21 (c) PROVIDING LEGAL INFORMATION AND ADVICE TO INDIGENT  
22 TENANTS;

23 (d) REFERRING CLIENTS TO APPROPRIATE PERSONS OR AGENCIES  
24 THAT PROVIDE ASSISTANCE WITH ISSUES RELATED TO HOUSING; AND

25 (e) PROVIDING MEDIATION SERVICES FOR DISPUTES BETWEEN A  
26 LANDLORD AND TENANT THAT COULD PREVENT OR RESOLVE THE FILING OF  
27 AN EVICTION.

1           (4) (a) A QUALIFYING ORGANIZATION SEEKING TO RECEIVE A  
2 GRANT FROM THE FUND SHALL SUBMIT AN APPLICATION EACH YEAR TO  
3 THE STATE COURT ADMINISTRATOR ON A FORM PROVIDED BY THE  
4 ADMINISTRATOR. THE APPLICATION FORM MUST REQUEST ANY  
5 INFORMATION THAT THE ADMINISTRATOR NEEDS TO DETERMINE WHETHER  
6 THE APPLYING ORGANIZATION MEETS THE QUALIFICATIONS FOR RECEIPT  
7 OF A GRANT.

8           (b) (I) ON OCTOBER 1, 2019, AND ON        JULY 1 EACH YEAR  
9 THEREAFTER, THE ADMINISTRATOR SHALL DISTRIBUTE GRANTS FROM THE  
10 FUND, SUBJECT TO AVAILABLE APPROPRIATIONS, TO A QUALIFYING  
11 ORGANIZATION FOR EACH COUNTY OR CITY AND COUNTY IN PROPORTION  
12 TO THE NUMBER OF FORCIBLE ENTRY AND DETAINER PETITIONS FILED IN  
13 THE COUNTY OR CITY AND COUNTY.

14           (II) IF THERE IS MORE THAN ONE QUALIFYING ORGANIZATION  
15 WITHIN A COUNTY OR CITY AND COUNTY, THE ADMINISTRATOR SHALL  
16 DISBURSE THE GRANT FOR SUCH COUNTY OR CITY AND COUNTY TO EACH  
17 QUALIFYING ORGANIZATION IN PROPORTION TO THE NUMBER OF CLIENTS  
18 SERVED BY EACH QUALIFYING ORGANIZATION OR ITS PREDECESSOR IN THE  
19 PRECEDING YEAR.

20           (c) EACH QUALIFYING ORGANIZATION THAT RECEIVES A GRANT  
21 PURSUANT TO THIS SECTION SHALL SUBMIT AN ANNUAL REPORT TO THE  
22 ADMINISTRATOR THAT INCLUDES THE FOLLOWING INFORMATION, TO THE  
23 EXTENT POSSIBLE AND TO THE EXTENT THAT IT DOES NOT VIOLATE THE  
24 PRIVILEGE AND CONFIDENTIALITY OF AN ATTORNEY CLIENT RELATIONSHIP:

- 25           (I) THE NUMBER OF CLIENTS SERVED BY THE ORGANIZATION;  
26           (II) THE NATURE OF THE ASSISTANCE RENDERED TO EACH CLIENT,  
27 SUCH AS PROVIDING INFORMATION, ADVICE, MEDIATION, OR

1 REPRESENTATION;

2 (III) THE TYPE OF ALLEGED LEASE VIOLATION, IF ANY, FOR EACH  
3 CLIENT;

4 (IV) THE AMOUNT OF RENT IN DISPUTE, IF ANY, FOR EACH CLIENT;

5 (V) THE NUMBER OF TENANTS THE ORGANIZATION WAS UNABLE TO  
6 SERVE;     

7 (VI) DEMOGRAPHIC DATA FOR CLIENTS ASSISTED BY THE  
8 ORGANIZATION WITH A GRANT FROM THE FUND, INCLUDING ZIP CODE,  
9 HOUSEHOLD INCOME, FAMILY STATUS, RACE AND ETHNICITY  
10 INFORMATION, AGE, AND DISABILITY STATUS;

11 (VI) THE NUMBER OF REFERRALS TO A RENTAL ASSISTANCE OR  
12 MEDIATION PROGRAM PROVIDED TO CLIENTS; AND

13 (VII) THE OUTCOME OF EACH CLIENT'S CASE, INCLUDING WHETHER  
14 A CASE WAS DISMISSED, JUDGMENT FOR POSSESSION WAS ENTERED, OR A  
15 STIPULATED AGREEMENT WAS MADE THAT PREVENTED A JUDGMENT FOR  
16 POSSESSION OR PROVIDED THE CLIENT WITH AN OPPORTUNITY TO VACATE  
17 A JUDGMENT FOR POSSESSION, AND WHETHER THE CLIENT HAD TO MOVE  
18 FROM THE RESIDENCE AND, IF SO, WHETHER THE CLIENT RECEIVED  
19 ADDITIONAL TIME TO MOVE.

20 (5) (a) IN ADDITION TO ANY APPROPRIATION FROM THE GENERAL  
21 FUND, THE ADMINISTRATOR MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
22 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
23 PURPOSES OF THIS SECTION. THE ADMINISTRATOR SHALL TRANSMIT ALL  
24 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE  
25 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

26 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
27 ASSEMBLY, THE ADMINISTRATOR MAY EXPEND MONEY FROM THE FUND

1 FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE  
2 ADMINISTRATION OF THIS SECTION. THE STATE TREASURER SHALL CREDIT  
3 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT  
4 OF MONEY IN THE FUND TO THE FUND.

5 (6) (a) ON OR BEFORE DECEMBER 31, 2024, AND ON OR BEFORE  
6 DECEMBER 31 EVERY FIVE YEARS THEREAFTER, THE ADMINISTRATOR  
7 SHALL EVALUATE THE USE OF GRANT MONEY AWARDED FROM THE FUND.  
8 THIS EVALUATION MUST CONSIDER THE FOLLOWING METRICS, AND  
9 WHETHER EACH HAS INCREASED OR DECREASED COMPARED TO THE YEARS  
10 BEFORE THE FUND WAS ESTABLISHED:

11 (I) THE PERCENTAGE OF FORCIBLE ENTRY AND DETAINER FILINGS  
12 THAT RESULTED IN JUDGMENTS ORDERED AGAINST TENANTS, ORGANIZED  
13 BY WHETHER THE TENANT WAS REPRESENTED BY AN ATTORNEY;

14 (II) THE NUMBER OF WRITS OF RESTITUTION ISSUED, ORGANIZED  
15 BY WHETHER THE TENANT WAS REPRESENTED BY AN ATTORNEY;

16 (III) THE RATE OF LEGAL REPRESENTATION AMONG \_\_\_\_\_  
17 DEFENDANTS FACING EVICTION;

18 \_\_\_\_\_

19 (IV) THE NUMBER OF ANSWERS FILED IN RESPONSE TO FORCIBLE  
20 ENTRY AND DETAINER PETITIONS, ORGANIZED BY WHETHER THE TENANT  
21 WAS REPRESENTED BY AN ATTORNEY;

22 (V) BASED ON INFORMATION REPORTED TO THE ADMINISTRATOR  
23 BY QUALIFYING ORGANIZATIONS, THE NUMBER OF INDIGENT CLIENTS WHO  
24 HAVE BEEN REFERRED TO PROGRAMS THAT PROVIDE EMERGENCY RENT  
25 ASSISTANCE OR MEDIATION SERVICES OR TO OTHER PUBLIC AND  
26 NONPROFIT RESOURCES THAT WILL BOLSTER THE ECONOMIC SECURITY OF  
27 TENANTS AND THEIR FAMILIES;



1           (VI) BASED ON INFORMATION REPORTED TO THE ADMINISTRATOR  
2 BY QUALIFYING ORGANIZATIONS, THE DISTRIBUTION OF INFORMATION TO  
3 INDIGENT TENANTS CONCERNING STATE LAWS RELATED TO THE  
4 LANDLORD-TENANT RELATIONSHIP; AND

5           (VII) BASED ON INFORMATION REPORTED TO THE ADMINISTRATOR  
6 BY QUALIFYING ORGANIZATIONS, THE NUMBER OF INDIGENT CLIENTS WHO  
7 WERE PROVIDED LEGAL ADVICE.

8           (b) AN EVALUATION PERFORMED PURSUANT TO THIS SUBSECTION  
9 (6) MUST INCLUDE, AND CONSIDER, THE INFORMATION PROVIDED TO THE  
10 ADMINISTRATOR BY QUALIFIED ORGANIZATIONS RELATED TO CLIENT  
11 SERVICES PURSUANT TO SUBSECTION (4)(c) OF THIS SECTION.

12           (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
13 ADMINISTRATOR SHALL SUBMIT AN EVALUATION REQUIRED PURSUANT TO  
14 THIS SUBSECTION (6) TO THE JUDICIARY COMMITTEES OF THE HOUSE OF  
15 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

16           **SECTION 3.** In Colorado Revised Statutes, 13-3-101, **add** (7.5)  
17 as follows:

18           **13-3-101. State court administrator - repeal.** (7.5) THE STATE  
19 COURT ADMINISTRATOR SHALL MAKE GRANTS FROM THE EVICTION LEGAL  
20 DEFENSE FUND PURSUANT TO THE PROVISIONS OF SECTION 13-40-127.

21           **SECTION 4. Appropriation.** (1) For the 2019-20 state fiscal  
22 year, \$750,000 is appropriated to the eviction legal defense fund created  
23 in section 13-40-127 (2), C.R.S. This appropriation is from the general  
24 fund. The judicial department is responsible for accounting related to this  
25 appropriation.

26           (2) For the 2019-20 state fiscal year, \$750,000 is appropriated to  
27 the judicial department for use by the courts administration division. This

1 appropriation is from the eviction legal defense fund created in section  
2 13-40-127 (2), C.R.S. To implement this act, the division may use this  
3 appropriation for grants to qualifying organizations providing civil legal  
4 services.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.