

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0333.01 Shelby Ross x4510

SENATE BILL 24-064

SENATE SPONSORSHIP

Mullica and Marchman, Bridges, Buckner, Kolker, Priola

HOUSE SPONSORSHIP

Bird, Amabile, Boesenecker, Brown, Duran, Lieder, Lindsay, Marshall, Marvin, McCluskie, Parenti, Snyder, Titone, Velasco, Weissman

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

HOUSE
3rd Reading Unamended
May 5, 2024

A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE JUDICIAL DEPARTMENT TO MAKE**
102 **RESIDENTIAL EVICTION-RELATED INFORMATION AVAILABLE TO**
103 **THE PUBLIC, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

HOUSE
2nd Reading Unamended
May 4, 2024

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>.)

SENATE
3rd Reading Unamended
April 29, 2024

The bill requires the judicial department to collect, compile, and publish online, on a monthly basis, aggregate residential eviction data for all forcible entry and detainer actions filed in each county in the

SENATE
Amended 2nd Reading
April 26, 2024

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

immediately preceding month. The judicial department shall make individual case level residential eviction data available upon request. The bill requires the judicial department to publish online in a searchable format, and make available free of charge, every final order issued by Colorado district courts regarding residential eviction actions.

The bill requires the complaint for an eviction action to include the street address and the zip code.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-40-128 as
3 follows:

4 **13-40-128. Monthly residential eviction data - report -**
5 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "QUALIFIED ENTITY" MEANS:

8 (I) A PRINCIPAL DEPARTMENT OF THE STATE DESCRIBED IN
9 SECTION 24-1-110;

10 (II) AN ORGANIZATION IN GOOD STANDING WITH THE SECRETARY
11 OF STATE THAT IS EXEMPT FROM TAXATION UNDER SECTION 501(c)(3) OF
12 THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT
13 HAS A DEMONSTRATED HISTORY OF CREDIBLE HOUSING-RELATED
14 RESEARCH AND PUBLICATIONS; OR

15 (III) AN INSTITUTION OF HIGHER EDUCATION THAT HAS A
16 DEMONSTRATED HISTORY OF CREDIBLE HOUSING-RELATED RESEARCH AND
17 PUBLICATIONS.

18 (b) "QUALIFIED REQUEST" MEANS A REQUEST FOR COMPILED DATA
19 FROM RESIDENTIAL FORCIBLE ENTRY AND DETAINER ACTIONS THAT IS
20 FILED IN COMPLIANCE WITH DIRECTIVES AND POLICIES GOVERNING THE
21 JUDICIAL DEPARTMENT'S RESPONSE TO REQUESTS FOR COMPILED AND
22 AGGREGATE DATA.

1 (c) "RESIDENTIAL EVICTION DATA" MEANS, FOR EACH RESIDENTIAL
2 FORCIBLE ENTRY AND DETAINER ACTION FILED PURSUANT TO THIS ARTICLE
3 40:

4 (I) THE DATE THE COMPLAINT WAS FILED;

5 (II) THE RETURN DATE;

6 (III) THE DATE OF THE SCHEDULED HEARING;

7 (IV) WHETHER THE PLAINTIFF WAS REPRESENTED BY LEGAL
8 COUNSEL;

9 (V) WHETHER THE TENANT WAS REPRESENTED BY LEGAL
10 COUNSEL;

11 (VI) WHETHER THE TENANT FILED AN ANSWER;

12 (VII) ANY OF THE FOLLOWING CASE OUTCOMES:

13 (A) DEFAULT JUDGMENT;

14 (B) JUDGMENT FOR POSSESSION;

15 (C) STIPULATED AGREEMENT;

16 (D) WRIT OF RESTITUTION; OR

17 (E) DISMISSAL;

18 (VIII) THE ZIP CODE OF THE PROPERTY AT ISSUE;

19 (IX) WHETHER THE ACTION WAS FILED FOR:

20 (A) NONPAYMENT OF RENT OR UTILITIES; OR

21 (B) OTHER LEASE VIOLATIONS;

22 (X) THE TOTAL AMOUNT OF UNPAID RENT OR UTILITIES AT THE
23 TIME OF FILING, AND ANY LATE FEES THAT THE PLAINTIFF CLAIMS THE
24 TENANT OWES;

25 (XI) WHETHER THE TENANT ELECTED TO PARTICIPATE IN PERSON
26 OR REMOTELY; AND

27 (XII) WHETHER THE PLAINTIFF ELECTED TO PARTICIPATE IN

1 PERSON OR REMOTELY.

2 (2) (a) BEGINNING JULY 1, 2024, DENVER COUNTY COURT SHALL
3 ELECTRONICALLY PROVIDE RESIDENTIAL EVICTION DATA FOR ALL ACTIONS
4 FILED IN DENVER COUNTY TO THE JUDICIAL DEPARTMENT, AND THE
5 JUDICIAL DEPARTMENT SHALL ELECTRONICALLY COLLECT RESIDENTIAL
6 EVICTION DATA FOR ALL ACTIONS FILED IN EACH COUNTY, INCLUDING
7 DATA PROVIDED BY DENVER COUNTY COURT, PURSUANT TO THIS ARTICLE
8 40.

9 (b) BEGINNING JANUARY 1, 2025, THE JUDICIAL DEPARTMENT
10 SHALL, ON A MONTHLY BASIS, COMPILE AND PUBLISH ONLINE IN A
11 SEARCHABLE FORMAT, AND MAKE AVAILABLE FREE OF CHARGE,
12 AGGREGATE RESIDENTIAL EVICTION DATA FOR ALL ACTIONS FILED IN EACH
13 COUNTY, INCLUDING RESIDENTIAL EVICTION DATA PROVIDED TO THE
14 JUDICIAL DEPARTMENT BY DENVER COUNTY COURT, PURSUANT TO THIS
15 ARTICLE 40 THAT CONCLUDED IN THE IMMEDIATELY PRECEDING MONTH;
16 EXCEPT THAT ON JANUARY 1, 2025, THE JUDICIAL DEPARTMENT SHALL
17 COMPILE AND PUBLISH ONLINE THE AGGREGATE RESIDENTIAL EVICTION
18 DATA FOR JULY 1, 2024, THROUGH DECEMBER 31, 2024. THE JUDICIAL
19 DEPARTMENT SHALL POST THE RESIDENTIAL EVICTION DATA IN A
20 CONSPICUOUS PLACE ON THE JUDICIAL DEPARTMENT'S WEBSITE.

21 (c) (I) AFTER RECEIVING A QUALIFIED REQUEST FROM A QUALIFIED
22 ENTITY, THE JUDICIAL DEPARTMENT SHALL MAKE DATA FROM RESIDENTIAL
23 FORCIBLE ENTRY AND DETAINER ACTIONS ELECTRONICALLY AVAILABLE
24 ON AN INDIVIDUAL CASE LEVEL. A REQUEST FOR INDIVIDUAL CASE LEVEL
25 DATA MUST NOT BE USED FOR THE PURPOSE OF IDENTIFYING INDIVIDUAL
26 PLAINTIFFS OR TENANTS, FOR ANY ACTION AGAINST INDIVIDUAL
27 PLAINTIFFS OR TENANTS, OR TO ADVERTISE OR SELL ANY GOODS OR

1 SERVICES.

2 (II) A QUALIFYING ENTITY SHALL AGREE TO COMPLY WITH DATA
3 CONFIDENTIALITY AND SUPPRESSION REQUIREMENTS AS DETERMINED BY
4 THE JUDICIAL DEPARTMENT. AT A MINIMUM, THE AGREEMENT MUST
5 ENSURE THAT THE REQUESTING QUALIFIED ENTITY SHALL NOT DISCLOSE
6 ANY PERSONALLY IDENTIFIABLE INFORMATION ABOUT THE PLAINTIFF OR
7 TENANT, NOR MAKE THE DATA PUBLICLY ACCESSIBLE IN ANY WAY THAT
8 WOULD ENABLE A THIRD PARTY TO DISCERN THE IDENTITY OF AN
9 INDIVIDUAL PLAINTIFF OR TENANT. ==

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11 (3) BEGINNING JANUARY 2025 AND EACH JANUARY THEREAFTER
12 UNTIL JANUARY 2035, THE JUDICIAL DEPARTMENT SHALL REPORT TO THE
13 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE
14 JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DURING THE
15 JUDICIAL DEPARTMENT'S "SMART ACT" HEARING PURSUANT TO PART 2
16 OF ARTICLE 7 OF TITLE 2, ON THE COMPILED RESIDENTIAL EVICTION DATA
17 COLLECTED AND PUBLISHED PURSUANT TO THIS SECTION IN THE
18 AGGREGATE FOR THE PREVIOUS CALENDAR YEAR. AT A MINIMUM, THE
19 REPORT MUST INCLUDE THE NUMBER OF REQUESTS FOR INDIVIDUAL CASE
20 LEVEL RESIDENTIAL EVICTION DATA PURSUANT TO SUBSECTION (2)(c) OF
21 THIS SECTION AND THE NAMES OF THE REQUESTING ENTITIES.

22 **SECTION 2.** In Colorado Revised Statutes, 13-40-110, **amend**
23 (1)(a) introductory portion; and **add (1)(f)** as follows:

24 **13-40-110. Action - how commenced - report.** (1) (a) An action
25 ~~under~~ PURSUANT TO this article 40 is commenced by filing with the court
26 a complaint in writing describing USING THE STANDARD FORM OF
27 EVICTION COMPLAINT AND AFFIDAVIT FOR A RESIDENTIAL TENANCY THAT

1 IS AVAILABLE ONLINE THROUGH THE JUDICIAL DEPARTMENT'S WEBSITE TO
2 DESCRIBE the property with reasonable certainty; THE STREET ADDRESS
3 AND THE ZIP CODE, LISTED SEPARATELY; the grounds for ~~the~~ recovery;
4 ~~thereof~~, the name of the person in possession or occupancy; a prayer for
5 recovery of possession; and a signed affidavit that states:

6 (f) NOTWITHSTANDING THE REQUIREMENT TO FILE A COMPLAINT
7 USING THE STANDARD FORM OF EVICTION PURSUANT TO SUBSECTION (1)(a)
8 OF THIS SECTION, THE COURT SHALL ACCEPT A COMPLAINT FILED ON A
9 DIFFERENT FORM IF THE COMPLAINT MEETS THE REQUIREMENTS OF THIS
10 SECTION.

11 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
12 year, \$136,122 is appropriated to the judicial department for use by courts
13 administration. This appropriation is from the general fund. To implement
14 this act, the department may use this appropriation as follows:

15 (a) \$128,922 for general courts administration, which amount is
16 based on an assumption that the department will require an additional 0.9
17 FTE; and

18 (b) \$7,200 for capital outlay.

19 **SECTION 4. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.