

CHAPTER 297

COURTS

SENATE BILL 24-064

BY SENATOR(S) Mullica and Marchman, Bridges, Buckner, Kolker, Priola;
also REPRESENTATIVE(S) Bird, Amabile, Boesenecker, Brown, Duran, Lieder, Lindsay, Marshall, Marvin, Parenti, Snyder,
Titone, Velasco, Weissman, McCluskie.

AN ACT

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

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

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

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

(a) "QUALIFIED ENTITY" MEANS:

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

- (I) THE DATE THE COMPLAINT WAS FILED;
- (II) THE RETURN DATE;
- (III) THE DATE OF THE SCHEDULED HEARING;
- (IV) WHETHER THE PLAINTIFF WAS REPRESENTED BY LEGAL COUNSEL;
- (V) WHETHER THE TENANT WAS REPRESENTED BY LEGAL COUNSEL;
- (VI) WHETHER THE TENANT FILED AN ANSWER;
- (VII) ANY OF THE FOLLOWING CASE OUTCOMES:
 - (A) DEFAULT JUDGMENT;
 - (B) JUDGMENT FOR POSSESSION;
 - (C) STIPULATED AGREEMENT;
 - (D) WRIT OF RESTITUTION; OR
 - (E) DISMISSAL;
- (VIII) THE ZIP CODE OF THE PROPERTY AT ISSUE;
- (IX) WHETHER THE ACTION WAS FILED FOR:
 - (A) NONPAYMENT OF RENT OR UTILITIES; OR
 - (B) OTHER LEASE VIOLATIONS;
- (X) THE TOTAL AMOUNT OF UNPAID RENT OR UTILITIES AT THE TIME OF FILING, AND ANY LATE FEES THAT THE PLAINTIFF CLAIMS THE TENANT OWES;
- (XI) WHETHER THE TENANT ELECTED TO PARTICIPATE IN PERSON OR REMOTELY; AND
- (XII) WHETHER THE PLAINTIFF ELECTED TO PARTICIPATE IN PERSON OR REMOTELY.

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

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

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

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

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

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

13-40-110. Action - how commenced - report. (1) (a) An action ~~under~~ PURSUANT TO this article 40 is commenced by filing with the court a complaint in writing ~~describing~~ USING THE STANDARD FORM OF EVICTION COMPLAINT AND AFFIDAVIT FOR A RESIDENTIAL TENANCY THAT IS AVAILABLE ONLINE THROUGH THE JUDICIAL DEPARTMENT'S WEBSITE TO DESCRIBE the property with reasonable certainty; THE STREET ADDRESS AND THE ZIP CODE, LISTED SEPARATELY; the grounds for the recovery; ~~thereof~~, the name of the person in possession or occupancy; a prayer for recovery of possession; and a signed affidavit that states:

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

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

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

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

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

Approved: May 31, 2024