

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 23-0541.01 Shelby Ross x4510

**HOUSE BILL 23-1120**

**HOUSE SPONSORSHIP**

**Joseph and Ortiz**, Garcia, Lieder, Velasco, Amabile, Bacon, Boesenecker, Brown, deGruy  
Kennedy, Dickson, English, Epps, Gonzales-Gutierrez, Herod, Jodeh, Lindsay, Mabrey,  
Parenti, Ricks, Sirota, Story, Titone, Vigil, Weissman, Willford

**SENATE SPONSORSHIP**

**Fields and Winter F.,**

**House Committees**

Judiciary  
Appropriations

**Senate Committees**

Local Government & Housing  
Appropriations

**A BILL FOR AN ACT**

101 **CONCERNING EVICTION PROTECTIONS FOR RESIDENTIAL TENANTS**  
102 **WHO RECEIVE PUBLIC ASSISTANCE, AND, IN CONNECTION**  
103 **THEREWITH, MAKING AN APPROPRIATION.**

**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 requires a landlord and residential tenant to participate in mandatory mediation prior to commencing an eviction action if the residential tenant receives supplemental security income, federal social security disability insurance, or cash assistance through the Colorado works program (collectively, "cash assistance"). The landlord and

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.*

HOUSE  
3rd Reading Unamended  
April 13, 2023

HOUSE  
Amended 2nd Reading  
April 12, 2023

residential tenant do not have to participate in mediation if the residential tenant did not disclose or declined to disclose in writing to the landlord that the residential tenant receives cash assistance. Failure to comply with mandatory mediation is an affirmative defense.

The bill prohibits a law enforcement officer from executing a writ of restitution against a residential tenant for at least 30 days after the entry of judgment if the residential tenant receives cash assistance.

The bill requires a written rental agreement to include a statement that a residential tenant who receives cash assistance has a right to mediation prior to the landlord filing an eviction complaint with the court.

The bill prohibits a written rental agreement from including a waiver of mandatory mediation.

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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 finds that:

4 (a) There is a wide disparity in access to legal representation  
5 between landlords and people experiencing eviction in Colorado. A 2021  
6 study found that renters are represented by legal counsel in only one  
7 percent of eviction cases, while landlords are represented in 77 percent  
8 of cases.

9 (b) This disparity in access to legal representation creates an  
10 imbalance in power during eviction proceedings;

11 (c) Prelitigation mediation helps to restore the balance of power  
12 during eviction proceedings by facilitating communication between  
13 renters and landlords in a neutral setting. Skilled, neutral mediators can  
14 help guide the parties to find a reasonable and long-lasting alternative to  
15 eviction.

16 (d) Colorado is experiencing a housing shortage. A 2022 report  
17 from the general assembly's affordable housing and transformational task  
18 force found that the state needs an additional 325,000 rental units to meet  
19 current demand.

1 (e) People with disabilities face an additional barrier to finding  
2 housing that meets their accessibility requirements;

3 (f) People who receive cash assistance face an additional barrier  
4 to finding housing that is affordable on a fixed income; and

5 (g) Extending the period of time before law enforcement can  
6 execute a writ of restitution gives a renter with disabilities or a renter who  
7 receives cash assistance more time to find new housing and improves the  
8 renter's likelihood of remaining housed.

9 (2) The general assembly further finds that:

10 (a) Evictions threaten existing affordable housing by creating  
11 additional burdens for independent property owners, including legal fees,  
12 unpaid rent and utility fees, additional vacancies, and resident turnover;  
13 and

14 (b) Reducing evictions and preventing people from becoming  
15 homeless saves taxpayers money by reducing public spending on court  
16 costs, emergency shelter, medical care, foster care, and juvenile  
17 delinquency.

18 (3) Therefore, the general assembly declares it is necessary to  
19 **avoid eviction proceedings and** provide additional protections for people  
20 with disabilities and people who receive cash assistance who are  
21 experiencing an eviction.

22 **SECTION 2.** In Colorado Revised Statutes, 13-40-110, **amend**  
23 (1) as follows:

24 **13-40-110. Action - how commenced.** (1) (a) An action under  
25 this ~~article~~ ARTICLE 40 is commenced by filing with the court a complaint  
26 in writing describing the property with reasonable certainty, the grounds  
27 for the recovery thereof, the name of the person in possession or

1 occupancy, and a prayer for recovery of possession, AND A SIGNED  
2 AFFIDAVIT THAT STATES:

3 (I) THE RESIDENTIAL TENANT RECEIVES SUPPLEMENTAL SECURITY  
4 INCOME, SOCIAL SECURITY DISABILITY INSURANCE UNDER TITLE II OF THE  
5 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ., AS  
6 AMENDED, OR CASH ASSISTANCE THROUGH THE COLORADO WORKS  
7 PROGRAM CREATED IN PART 7 OF ARTICLE 2 OF TITLE 26, AND THE  
8 COMPLAINANT AND RESIDENTIAL TENANT PARTICIPATED IN MANDATORY  
9 MEDIATION AND THE MEDIATION WAS UNSUCCESSFUL; ■

10 (II) THE COMPLAINANT AND RESIDENTIAL TENANT DID NOT  
11 PARTICIPATE IN MANDATORY MEDIATION BECAUSE THE RESIDENTIAL  
12 TENANT:

13 (A) DID NOT DISCLOSE OR DECLINED TO DISCLOSE IN WRITING IN  
14 RESPONSE TO A WRITTEN INQUIRY FROM THE COMPLAINANT THAT THE  
15 RESIDENTIAL TENANT RECEIVES SUPPLEMENTAL SECURITY INCOME, SOCIAL  
16 SECURITY DISABILITY INSURANCE UNDER TITLE II OF THE FEDERAL  
17 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ., AS AMENDED, OR  
18 CASH ASSISTANCE THROUGH THE COLORADO WORKS PROGRAM CREATED  
19 IN PART 7 OF ARTICLE 2 OF TITLE 26; OR

20 (B) DOES NOT RECEIVE SUPPLEMENTAL SECURITY INCOME, SOCIAL  
21 SECURITY DISABILITY INSURANCE UNDER TITLE II OF THE FEDERAL  
22 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ., AS AMENDED, OR  
23 CASH ASSISTANCE THROUGH THE COLORADO WORKS PROGRAM CREATED  
24 IN PART 7 OF ARTICLE 2 OF TITLE 26; OR

25 (III) THE COMPLAINANT AND RESIDENTIAL TENANT DID NOT  
26 PARTICIPATE IN MANDATORY MEDIATION BECAUSE THE COMPLAINANT IS:

27 (A) A 501(c)(3) NONPROFIT ORGANIZATION THAT OFFERS

1 OPPORTUNITIES FOR MEDIATION TO RESIDENTIAL TENANTS PRIOR TO FILING  
2 A RESIDENTIAL EVICTION IN COURT; OR

3 (B) A LANDLORD WITH FIVE OR FEWER SINGLE-FAMILY RENTAL  
4 HOMES AND NO MORE THAN FIVE TOTAL RENTAL UNITS, INCLUDING ANY  
5 SINGLE-FAMILY HOMES.

6 (b) MANDATORY MEDIATION MUST BE CONDUCTED BY A TRAINED  
7 NEUTRAL THIRD PARTY AND BE PROVIDED AT NO COST TO THE  
8 RESIDENTIAL TENANT. THE LANDLORD IS ONLY REQUIRED TO PAY FOR THE  
9 LANDLORD'S PORTION OF THE MANDATORY MEDIATION. THE  
10 COMPLAINANT AND RESIDENTIAL TENANT MAY HAVE LEGAL  
11 REPRESENTATION PRESENT DURING THE MANDATORY MEDIATION. A  
12 RESIDENTIAL TENANT MAY VOLUNTARILY WAIVE THE TENANT'S RIGHT TO  
13 MANDATORY MEDIATION, BUT A WAIVER MUST NOT BE IN ANY LEASE  
14 AGREEMENT OR OTHER AGREEMENT BETWEEN THE COMPLAINANT AND  
15 RESIDENTIAL TENANT PURSUANT TO SECTION 38-12-801.

16 (c) THE OFFICE OF ALTERNATIVE DISPUTE RESOLUTION SHALL  
17 SCHEDULE THE MANDATORY MEDIATION AT THE FIRST AVAILABLE DATE,  
18 BUT NO LATER THAN FOURTEEN CALENDAR DAYS AFTER THE LANDLORD  
19 REQUESTS THE MEDIATION.

20 (d) FAILURE TO COMPLY WITH THE MANDATORY MEDIATION  
21 REQUIREMENTS OUTLINED IN THIS SUBSECTION (1) IS AN AFFIRMATIVE  
22 DEFENSE. IF THE AFFIRMATIVE DEFENSE IS RAISED AND THE COMPLAINANT  
23 CANNOT DEMONSTRATE THAT THE REQUIREMENTS WERE MET, THE COURT  
24 SHALL DISMISS THE CASE WITHOUT PREJUDICE AND A NEW COMPLAINT  
25 MUST BE FILED.

26 (e) The complaint may also set forth the amount of rent due, the  
27 rate at which it is accruing, the amount of damages due, and the rate at

1 which they are accruing and may include a prayer for rent due or to  
2 become due, present and future damages, costs, and any other relief to  
3 which plaintiff is entitled.

4 **SECTION 3.** In Colorado Revised Statutes, 13-40-122, **amend**  
5 (1) as follows:

6 **13-40-122. Writ of restitution after judgment.** (1) (a) A court  
7 shall not issue a writ of restitution upon any judgment entered in any  
8 action pursuant to this article 40 until forty-eight hours after the time of  
9 the entry of the judgment. IF THE WRIT OF RESTITUTION CONCERNS A  
10 RESIDENTIAL TENANT WHO RECEIVES SUPPLEMENTAL SECURITY INCOME,  
11 SOCIAL SECURITY DISABILITY INSURANCE UNDER TITLE II OF THE FEDERAL  
12 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ., AS AMENDED, OR  
13 CASH ASSISTANCE THROUGH THE COLORADO WORKS PROGRAM CREATED  
14 IN PART 7 OF ARTICLE 2 OF TITLE 26, THE WRIT MUST SPECIFY THAT THE  
15 WRIT IS NOT EXECUTABLE FOR THIRTY DAYS AFTER ENTRY OF JUDGMENT  
16 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION; EXCEPT IN THE CASE:

17 (I) IN WHICH A COURT HAS ORDERED A JUDGMENT FOR POSSESSION  
18 FOR A SUBSTANTIAL VIOLATION PURSUANT TO SECTION 13-40-107.5; OR

19 (II) OF A LANDLORD WITH FIVE OR FEWER SINGLE FAMILY RENTAL  
20 HOMES AND NO MORE THAN FIVE TOTAL RENTAL UNITS INCLUDING ANY  
21 SINGLE FAMILY HOMES.

22 (b) A writ of restitution ~~shall~~ MUST be executed by the officer  
23 having the same only in the daytime and between sunrise and sunset, and  
24 the officer shall not execute a writ of restitution concerning a residential  
25 tenancy until at least ten days after entry of the judgment; EXCEPT THAT  
26 THE OFFICER SHALL NOT EXECUTE A WRIT OF RESTITUTION CONCERNING  
27 A RESIDENTIAL TENANCY UNTIL AT LEAST THIRTY DAYS AFTER ENTRY OF

1 JUDGMENT IF THE RESIDENTIAL TENANT RECEIVES SUPPLEMENTAL  
2 SECURITY INCOME, SOCIAL SECURITY DISABILITY INSURANCE UNDER TITLE  
3 II OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ.,  
4 AS AMENDED, OR CASH ASSISTANCE THROUGH THE COLORADO WORKS  
5 PROGRAM CREATED IN PART 7 OF ARTICLE 2 OF TITLE 26, AS SPECIFIED IN  
6 THE WRIT; EXCEPT IN THE CASE:

7 (I) IN WHICH A COURT HAS ORDERED A JUDGMENT FOR POSSESSION  
8 FOR A SUBSTANTIAL VIOLATION PURSUANT TO SECTION 13-40-107.5; OR

9 (II) OF A LANDLORD WITH FIVE OR FEWER SINGLE FAMILY RENTAL  
10 HOMES AND NO MORE THAN FIVE TOTAL RENTAL UNITS INCLUDING ANY  
11 SINGLE FAMILY HOMES.

12 (c) Any writ of restitution governed by this section may be  
13 executed by the county sheriff's office in which the property is located by  
14 a sheriff, undersheriff, or deputy sheriff, as described in section  
15 16-2.5-103 (1) or (2), while off duty or on duty at rates charged by the  
16 employing sheriff's office in accordance with section 30-1-104 (1)(gg).

17 **SECTION 4.** In Colorado Revised Statutes, **amend** 13-40-106 as  
18 follows:

19 **13-40-106. Written demand.** (1) The demand required by  
20 section 13-40-104 shall be made in writing, specifying the grounds of the  
21 demandant's right to the possession of such premises, describing the  
22 same, and the time when the same shall be delivered up, and shall be  
23 signed by the person claiming such possession, his agent, or his attorney.

24 (2) THE DEMAND MUST ALSO INCLUDE A STATEMENT THAT A  
25 RESIDENTIAL TENANT WHO RECEIVES SUPPLEMENTAL SECURITY INCOME,  
26 SOCIAL SECURITY DISABILITY INSURANCE UNDER TITLE II OF THE FEDERAL  
27 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ., AS AMENDED, OR

1 CASH ASSISTANCE THROUGH THE COLORADO WORKS PROGRAM CREATED  
2 IN PART 7 OF ARTICLE 2 OF TITLE 26 HAS A RIGHT TO MEDIATION PRIOR TO  
3 THE LANDLORD FILING AN EVICTION COMPLAINT WITH THE COURT  
4 PURSUANT TO SECTION 13-40-110.

5 **SECTION 5.** In Colorado Revised Statutes, 24-34-502, **add** (1.8)  
6 as follows:

7 **24-34-502. Unfair housing practices prohibited - definitions.**

8 (1.8) IT IS NOT A VIOLATION OF THIS SECTION FOR A LANDLORD TO ASK A  
9 RESIDENTIAL TENANT WHETHER THE TENANT RECEIVES SUPPLEMENTAL  
10 SECURITY INCOME, SOCIAL SECURITY DISABILITY INSURANCE UNDER TITLE  
11 II OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 401 ET SEQ.,  
12 AS AMENDED, OR CASH ASSISTANCE THROUGH THE COLORADO WORKS  
13 PROGRAM CREATED IN PART 7 OF ARTICLE 2 OF TITLE 26 FOR THE PURPOSES  
14 OF COMPLYING WITH SECTION 13-40-110 (1).

15 **SECTION 6.** In Colorado Revised Statutes, 38-12-801, **amend**  
16 (3); and **add** (2.5) as follows:

17 **38-12-801. Written rental agreement - prohibited clauses -**

18 **copy - tenant.** (2.5) (a) A WRITTEN RENTAL AGREEMENT MUST INCLUDE  
19 A STATEMENT THAT SECTION 24-34-502 (1) PROHIBITS SOURCE OF INCOME  
20 DISCRIMINATION AND REQUIRES A NON-EXEMPT LANDLORD TO ACCEPT  
21 ANY LAWFUL AND VERIFIABLE SOURCE OF MONEY PAID DIRECTLY,  
22 INDIRECTLY, OR ON BEHALF OF A PERSON, INCLUDING INCOME DERIVED  
23 FROM ANY LAWFUL PROFESSION OR OCCUPATION AND INCOME OR RENTAL  
24 PAYMENTS DERIVED FROM ANY GOVERNMENT OR PRIVATE ASSISTANCE,  
25 GRANT, OR LOAN PROGRAM.

26 (b) THIS SUBSECTION (2.5) DOES NOT APPLY TO A LANDLORD WITH  
27 FIVE OR FEWER SINGLE FAMILY RENTAL HOMES AND NO MORE THAN FIVE

1 TOTAL RENTAL UNITS INCLUDING ANY SINGLE FAMILY HOMES.

2 (3) (a) A written rental agreement must not include:

3 ~~(a)~~ (I) An unreasonable liquidated damages clause that assigns a  
4 cost to a party stemming from an eviction notice or an eviction action  
5 from a violation of the rental agreement; ~~or~~

6 ~~(b)~~ (II) A one-way, fee-shifting clause that awards attorney fees  
7 and court costs only to one party. Any fee-shifting clause contained in a  
8 rental agreement must award attorney fees to the prevailing party in a  
9 court dispute concerning the rental agreement, residential premises, or  
10 dwelling unit.

11 (III) A WAIVER OF MANDATORY MEDIATION REQUIRED PURSUANT  
12 TO SECTION 13-40-110 (1); OR

13 (IV) A CLAUSE THAT ALLOWS A LANDLORD TO RECOUP ANY COSTS  
14 ASSOCIATED WITH MANDATORY MEDIATION REQUIRED PURSUANT TO  
15 SECTION 13-40-110 (1).

16 ~~(c)~~ (b) Any clause in violation of ~~subsection (3)(a) or (3)(b) of this~~  
17 ~~section~~ THIS SUBSECTION (3) is null and void and unenforceable.

18 **SECTION 7. Appropriation.** (1) For the 2023-24 state fiscal  
19 year, \$328,026 is appropriated to the judicial department for use by courts  
20 administration. This appropriation is from the general fund. To implement  
21 this act, the department may use this appropriation as follows:

22 (a) \$246,076 for general courts administration, which amount is  
23 based on an assumption that the department will require an additional 0.6  
24 FTE;

25 (b) \$75,000 for information technology infrastructure; and

26 (c) \$6,950 for capital outlay.

27 **SECTION 8. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.