

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 24-0639.01 Anna Petrini x5497

HOUSE BILL 24-1099

HOUSE SPONSORSHIP

Lindsay and Soper,

SENATE SPONSORSHIP

Buckner and Pelton B.,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROCEDURAL REQUIREMENTS IN EVICTIONS, AND, IN**
102 **CONNECTION THEREWITH, PROHIBITING CERTAIN FEES FOR A**
103 **DEFENDANT, DIRECTING COURTS TO SERVE CERTAIN**
104 **DOCUMENTS ON A DEFENDANT'S BEHALF, AND MAKING AN**
105 **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>.)

Current law establishes a schedule of filing fees for litigants in civil actions in county courts. The bill eliminates the fee for a defendant

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.

filing an answer in an eviction proceeding.

Current law permits a party to submit and a county court to grant a motion to waive filing fees in a residential eviction action. The bill removes the process for securing a waiver of these filing fees. Current law prohibits a county court from assessing fees when indigent parties e-file motions, answers, or documents in connection with evictions. The bill removes the reference to indigent parties and instead prohibits a county court from charging defendants fees for filing motions, answers, or other documents in evictions. The bill requires a county court to timely mail copies of any answers or other filings to a plaintiff on a defendant's behalf. The bill prohibits the court from charging a fee related to the mailing.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-32-101, **amend**
3 (1)(c)(III.5) introductory portion; and **add** (1)(c)(V) as follows:

4 **13-32-101. Docket fees in civil actions - judicial stabilization**
5 **cash fund - justice center cash fund - justice center maintenance fund**
6 **- created - report - legislative declaration.** (1) At the time of first
7 appearance in all civil actions and special proceedings in all courts of
8 record, except in the supreme court and the court of appeals, and except
9 in the probate proceedings in the district court or probate court of the city
10 and county of Denver, and except as provided in subsection (3) of this
11 section and in sections 13-32-103 and 13-32-104, there shall be paid in
12 advance the total docket fees, as follows:

13 (c) (III.5) Except as provided in ~~subsection (1)(c)(IV)~~
14 SUBSECTIONS (1)(c)(IV) AND (1)(c)(V) of this section:

15 (V) A DEFENDANT OR THIRD-PARTY DEFENDANT SHALL NOT BE
16 CHARGED ANY FEE, CHARGE, OR COST FOR FILING AN ANSWER IN RESPONSE
17 TO A FORCIBLE ENTRY AND DETAINER COMPLAINT, REGARDLESS OF
18 WHETHER THE FILING OF THE ANSWER INCLUDES A COUNTERCLAIM OR
19 CROSS CLAIM, AND REGARDLESS OF WHETHER A MONEY JUDGMENT IS

1 BEING SOUGHT FOR ANY AMOUNT.

2 **SECTION 2.** In Colorado Revised Statutes, 13-40-113.5, **amend**
3 **(1)(b), (1)(c), and (1)(d); and add (1)(e) as follows:**

4 **13-40-113.5. Residential actions in county court - remote**
5 **participation - electronic filing - procedures for technology failure -**
6 **auxiliary services providers.** (1) For a residential action filed in county
7 court pursuant to this article 40:

8 (b) A pro se defendant may file an answer electronically through
9 an e-filing system. If either party is pro se, the party may file a motion or
10 other documents, including, but not limited to, evidence OR additional
11 documentation, ~~or a motion to waive filing fees,~~ electronically through an
12 e-filing system.

13 (c) (I) ~~The court shall not assess an e-filing or service fee on a~~
14 ~~motion to waive filing fees. If a motion to waive filing fees is submitted,~~
15 ~~the court may request additional documentation and the court shall give~~
16 ~~the petitioner at least twenty-four hours to provide the requested~~
17 ~~documentation to the court.~~

18 (II) The court shall not assess, CHARGE, OR COLLECT an e-filing
19 fee, service fee, or any other fee associated with the ~~e-mail~~ filing of
20 motions, answers, or documents ~~for an indigent party, and~~ THAT ARE
21 FILED BY A DEFENDANT.

22 (d) The court shall comply with any federal or state law or
23 regulation, including any supreme court directive or policy, regarding the
24 provision of accommodations for people with a disability or for people
25 with limited English proficiency during any proceeding, regardless of
26 whether the proceeding is conducted in person or remotely by phone or
27 video on a platform designated by the court; AND

1 (e) IF A PRO SE DEFENDANT FILES AN ANSWER OR ANY OTHER
2 DOCUMENT PHYSICALLY INSTEAD OF FILING ELECTRONICALLY THROUGH
3 AN E-FILING SYSTEM, THE COURT SHALL TIMELY SERVE THE DOCUMENT ON
4 THE PLAINTIFF ON BEHALF OF THE DEFENDANT AND SHALL NOT CHARGE
5 ANY FEE OR COST RELATED TO THE SERVICE.

6 **SECTION 3.** In Colorado Revised Statutes, 13-40-111, **amend**
7 (1) as follows:

8 **13-40-111. Issuance and return of summons.** (1) Upon filing
9 the complaint as required in section 13-40-110, the clerk of the court or
10 the attorney for the plaintiff shall issue a summons. The summons must
11 command the defendant to appear before the court at a place named in the
12 summons and at a time and on a day not less than seven days but not more
13 than fourteen days ~~from~~ AFTER the day of issuing the same to answer the
14 complaint of plaintiff. A court shall not enter a default judgment for
15 possession before the close of business on the date upon which an
16 appearance is due. The summons must also contain a statement addressed
17 to the defendant stating: "If you do not respond to the landlord's
18 complaint by filing a written answer with the court on or before the date
19 and time in this summons or appearing in court at the date and time in this
20 summons, the judge may enter a default judgment against you in favor of
21 your landlord for possession. A default judgment for possession means
22 that you will have to move out, and it may mean that you will have to pay
23 money to the landlord. In your answer to the court, you can state why you
24 believe you have a right to remain in the property, whether you admit or
25 deny the landlord's factual allegations against you, and whether you
26 believe you were given proper notice of the landlord's reasons for
27 terminating your tenancy before you got this summons. ~~When you file~~

1 your answer, you must pay a filing fee to the clerk of the court. If you are
2 claiming that the landlord's failure to repair a residential premises is a
3 defense to the landlord's allegation of nonpayment of rent, the court will
4 require you to pay into the registry of the court, at the time of filing your
5 answer, the rent due less any expenses you have incurred based upon the
6 landlord's failure to repair the residential premise; unless the court
7 determines that you qualify to have this requirement waived due to your
8 income.

9 **SECTION 4. Appropriation.** (1) For the 2024-25 state fiscal
10 year, \$122,743 is appropriated to the judicial department. This
11 appropriation is from the general fund. To implement this act, the
12 department may use this appropriation as follows:

- 13 (a) \$3,623 for general courts administration; and
- 14 (b) \$119,120 for information technology infrastructure.

15 **SECTION 5. Act subject to petition - effective date.** This act
16 takes effect November 1, 2024; except that, if a referendum petition is
17 filed pursuant to section 1 (3) of article V of the state constitution against
18 this act or an item, section, or part of this act within the ninety-day period
19 after final adjournment of the general assembly, then the act, item,
20 section, or part will not take effect unless approved by the people at the
21 general election to be held in November 2024 and, in such case, will take
22 effect on the date of the official declaration of the vote thereon by the
23 governor.