



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1106: EVICTION PROTECTIONS FOR TENANTS

Prime Sponsors:

Rep. Lindsay; Velasco

Sen. Weissman; Michaelson Jenet

Fiscal Analyst:

John Armstrong, 303-866-6289

john.armstrong@coleg.gov

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Fiscal note status: This fiscal note is provided pursuant to Joint Rule 22 (b)(2) and reflects strike-below Amendment L.003

Summary Information

Overview. The bill modifies certain requirements and timelines for eviction cases and requires courts to hold a trial or hearing if an eviction defendant files an answer expressing an intent to cure.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis beginning in FY 2026-27:

- Minimal State Revenue
- State Expenditures
- Local Government

Appropriations. For FY 2026-27, the bill requires an appropriation of \$324,947 to the Judicial Department.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$363,245	\$220,695
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	1.5 FTE	1.5 FTE

**Table 1A
State Expenditures**

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$324,947	\$182,397
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$38,299	\$38,299
Total Expenditures	\$363,245	\$220,695
Total FTE	1.5 FTE	1.5 FTE

Summary of Legislation

For forcible entry and detainer (FED, or eviction) cases, the bill prohibits a party from filing a complaint that includes a minor as a named defendant. Courts must dismiss any complaint in violation of this requirement and order the filer to pay any legal costs for the defendant within seven days of the filing date.

Under current law, if a landlord has filed an eviction case due to nonpayment of rent, the landlord must accept payment due before a judgement is issued and the court must dismiss the case if payment is issued (right to cure). The bill requires courts to hold a trial or a hearing in eviction cases if the defendant's answer expresses their intent to cure.

Under current law, if an eviction case is appealed, the defendant must deposit rent due while judgement is pending for the appeal. The bill clarifies that the defendant must pay rent and requires the court to dismiss the appeal if the defendant fails to pay rent within 10 days of the due date.

The bill extends the timeline for an officer to execute a writ of restitution in most eviction proceedings from ten days after the judgement to 14 days. For tenants facing eviction that qualify for certain public assistance programs, current law requires the writ to not be executed until 30 days after judgement, unless a substantial lease violation has occurred or if the landlord manages five or fewer properties. The bill modifies these exceptions; writs for substantial lease violations involving tenants on public assistance must be issued 10 days after judgement and writs for landlords managing five or fewer properties must be issued 14 days after judgement.

Background and Assumptions

Between 2023 and 2025, an average of 44,039 eviction cases were filed in the courts annually. Hearings or trials were heard in approximately 8 percent, or 3,670 cases. The fiscal note assumes that the requirement to hold a trial or hearing if a defendant expresses an intent to cure will increase the overall percentage of hearings and trials in eviction cases by 9 percent, representing 17 percent of all cases filed, or an additional 3,927 hearings annually. These hearings will require approximately 15 minutes, on average, for a judicial officer to review pleadings, accept testimony, and issue rulings.

State Revenue

Starting in FY 2026-27, state revenue in the Judicial Department may increase if eviction cases involving a minor defendant are required to be amended and then refiled. The fiscal note assumes that refileing such cases will be rare and any additional court filings will be minimal. Court fees are subject to TABOR.

State Expenditures

The bill increases state expenditures in the Judicial Department by about \$363,000 in FY 2026-27 and \$221,000 in FY 2027-28 and ongoing. These costs, paid from the General Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$177,917	\$177,917
Operating Expenses	\$4,480	\$4,480
Capital Outlay Costs	\$136,550	\$0
Forms Updates	\$6,000	\$0
Centrally Appropriated Costs	\$38,299	\$38,299
Total Costs	\$363,245	\$220,695
Total FTE	1.5 FTE	1.5 FTE

Staff

Based on the time required to conduct additional hearings as outlined in the Background and Assumptions section above, the courts will require 0.5 FTE Magistrate. Based on Judicial Department common policies, each magistrate requires a ratio of court support staff. The standard ratio for county courts, where these hearings for eviction cases will be heard, is two support staff for each judge or magistrate, resulting in an additional 1.0 FTE Court Support Staff. Also, based on department common policies, magistrates require additional operating and capital outlay costs, including costs for a courtroom, conference room, office furnishings and A/V equipment. These additional costs are prorated to 0.5 FTE. All amounts above are prorated for an assumed July 1, 2026, effective date.

Forms Updates

In FY 2026-27 only, the Judicial Department will update standard instructions, answer forms and writs of restitution to comply with the bill's requirements. A total of 5 forms will be updated, at an average cost of \$1,200 per form, resulting in \$6,000 in expenses.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2026-27, the bill requires a General Fund appropriation of \$324,947 to the Judicial Department, and 1.5 FTE.

State and Local Government Contacts

Counties

Law

Denver County Courts

Local Affairs

District Attorneys

Public Defender

Judicial

Regulatory Agencies