

## CHAPTER 379

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**COURTS**

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**HOUSE BILL 24-1099**

BY REPRESENTATIVE(S) Lindsay and Soper, Amabile, Boesenecker, Brown, Clifford, Duran, Epps, Froelich, Garcia, Herod, Jodeh, Joseph, Kipp, Mabrey, Marvin, Rutinel, Titone, Weissman, Willford;  
also SENATOR(S) Buckner and Pelton B., Coleman, Cutter, Exum, Gonzales, Hansen, Jaquez Lewis, Kolker, Michaelson Jenet, Mullica, Priola, Winter F.

**AN ACT**

**CONCERNING PROCEDURAL REQUIREMENTS IN EVICTIONS, AND, IN CONNECTION THEREWITH, PROHIBITING CERTAIN FEES FOR A DEFENDANT, DIRECTING COURTS TO SERVE CERTAIN DOCUMENTS ON A DEFENDANT'S BEHALF, AND MAKING AN APPROPRIATION.**

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

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

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

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

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

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*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.*

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

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

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

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

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

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

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

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

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

allegations against you, and whether you believe you were given proper notice of the landlord's reasons for terminating your tenancy before you got this summons. ~~When you file your answer, you must pay a filing fee to the clerk of the court.~~ If you are claiming that the landlord's failure to repair a residential premises is a defense to the landlord's allegation of nonpayment of rent, the court will require you to pay into the registry of the court, at the time of filing your answer, the rent due less any expenses you have incurred based upon the landlord's failure to repair the residential premise; unless the court determines that you qualify to have this requirement waived due to your income."

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

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

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

Approved: June 4, 2024