

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

**DRAFT  
12.23.22**

**DRAFT**

LLS NO. 23-0223.01 Shelby Ross x4510

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Lindsay,**

**SENATE SPONSORSHIP**

**(None),**

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**BILL TOPIC:** "Remote Participation In Residential Evictions"  
**DEADLINES:** Finalize by: JAN 12, 2023 File by: JAN 17, 2023

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**A BILL FOR AN ACT**

101      **CONCERNING REMOTE PARTICIPATION IN A RESIDENTIAL EVICTION**  
102      **FILED IN COUNTY COURT.**

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**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>.)*

- For a residential eviction action filed in county court, the bill:
- Requires the court to allow either party to choose to appear in person or remotely at any return, conference, hearing, trial, or other court proceeding;
  - Authorizes a defendant to file an answer electronically by e-mail or through a secure website and either party to file

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

- a motion or other documents electronically by e-mail or through a secure website; and

  - Requires the court to comply with federal and state law or regulations, including supreme court directive or policy, regarding the provision of accommodation for people with a disability or for people with limited English proficiency.

Upon filing a complaint, the bill requires the court to notify the complainant of the option to participate in person or remotely and of the option to submit any motion or other documentation electronically.

If a party is appearing remotely and the party is disconnected, the bill requires the court to make reasonable efforts to contact the party and wait 60 minutes for the party to reestablish connection. If the party is unable to reestablish connection, the bill requires the court to reschedule the hearing for the first available in-person date after the date of the originally scheduled hearing.

The bill requires the summons to include a statement in bold-faced type notifying the defendant that either party has a right to appear remotely and providing information for how a party can electronically submit any motion or other documentation.

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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 and declares that:

4 (a) Many renters face significant barriers to appearing in court for  
5 an eviction in person, including work, child care, transportation, and  
6 living with a disability. Attending court proceedings in person can require  
7 renters facing eviction to miss work, find and fund child care, and incur  
8 transportation costs.

9 (b) Renters living in rural parts of Colorado may be particularly  
10 challenged in appearing in person for an eviction, as county courthouses  
11 may often be located dozens of miles away;

12 (c) When renters do not appear for an eviction court proceeding,  
13 a default judgment is automatically entered against them, and the renter  
14 is evicted without a hearing;

1 (d) Data shows that parties are more likely to participate in an  
2 eviction proceeding if there are options for remote participation. One  
3 study in Arizona found that when a county adopted processes for remote  
4 participation in eviction hearings, the percentage of renters who did not  
5 appear in court decreased from 40% to 13%.

6 (e) Ensuring that parties to an eviction proceeding can participate  
7 in the legal process is in the best interest of all parties and a responsible  
8 use of government resources. A survey of litigants, attorneys, and other  
9 court participants on remote participation in court proceedings found that  
10 92% of respondents cited reduced travel time, 76% cited taking less time  
11 off work, 72% reported reduced costs, and 55% reported increased safety  
12 as benefits of remote participation.

13 (f) Some Colorado courts have already adopted processes for  
14 remote participation in eviction hearings, which remove barriers to the  
15 parties' ability to appear in court. However, many courts throughout the  
16 state have yet to adopt such processes. This creates an inequitable and  
17 arbitrary procedural patchwork where access to the legal process depends  
18 on geography.

19 (g) Allowing parties to an eviction proceeding to choose how to  
20 appear at a hearing bolsters due process by increasing participation and  
21 reducing barriers in access to courts.

22 (2) Therefore, the general assembly intends:

23 (a) To create uniform access to court processes by establishing  
24 statewide standards for remote appearances in residential eviction  
25 proceedings;

26 (b) To expand participation in residential eviction proceedings in  
27 order to decrease the number of evictions by default judgment caused by

1 a party's inability to appear in court; and

2 (c) For any interpretation regarding the implementation of this act  
3 to be weighted toward expanding access to the judicial process and easing  
4 barriers to participation in residential evictions.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 13-40-113.5 as  
6 follows:

7 **13-40-113.5. Residential actions in county court - remote**  
8 **participation - electronic filing - procedures for technology failure -**  
9 **auxiliary services providers.** (1) FOR A RESIDENTIAL ACTION FILED IN  
10 COUNTY COURT PURSUANT TO THIS ARTICLE 40:

11 (a) THE COURT SHALL ALLOW EITHER PARTY TO CHOOSE TO  
12 APPEAR IN PERSON OR BY PHONE, VIRTUALLY BY VIDEO OR AUDIO, OR  
13 SIMILAR TECHNOLOGY AT ANY RETURN, CONFERENCE, HEARING, TRIAL, OR  
14 OTHER COURT PROCEEDING;

15 (b)(I) THE DEFENDANT MAY FILE AN ANSWER ELECTRONICALLY BY  
16 E-MAIL OR THROUGH A SECURE WEBSITE AND EITHER PARTY MAY FILE A  
17 MOTION OR OTHER DOCUMENTS, INCLUDING, BUT NOT LIMITED TO,  
18 EVIDENCE, ADDITIONAL DOCUMENTATION, OR A MOTION TO WAIVE FILING  
19 FEES, ELECTRONICALLY BY E-MAIL OR THROUGH A SECURE WEBSITE; AND

20 (II) THE COURT SHALL NOT ASSESS A FILING FEE ON A MOTION TO  
21 WAIVE FILING FEES. IF A MOTION TO WAIVE FILING FEES IS SUBMITTED  
22 ELECTRONICALLY, THE PETITIONER HAS AT LEAST TWENTY-FOUR HOURS  
23 FROM THE SUBMISSION OF THE MOTION TO PROVIDE ANY ADDITIONAL  
24 DOCUMENTATION THAT THE COURT REQUIRES TO RULE ON THE MOTION.

25 (c) THE COURT SHALL COMPLY WITH ANY FEDERAL OR STATE LAW  
26 OR REGULATION, INCLUDING ANY SUPREME COURT DIRECTIVE OR POLICY,  
27 REGARDING THE PROVISION OF ACCOMMODATIONS FOR PEOPLE WITH A

1     DISABILITY OR FOR PEOPLE WITH LIMITED ENGLISH PROFICIENCY DURING  
2     ANY PROCEEDING, REGARDLESS OF WHETHER THE PROCEEDING IS  
3     CONDUCTED IN PERSON OR BY PHONE, VIRTUALLY BY VIDEO OR AUDIO, OR  
4     SIMILAR TECHNOLOGY.

5           (2) IN THE EVENT A PARTY IS DISCONNECTED OR THERE IS A  
6     TECHNOLOGY FAILURE, THE COURT SHALL MAKE REASONABLE EFFORTS TO  
7     CONTACT THE PARTY AND SHALL WAIT AT LEAST SIXTY MINUTES FOR THE  
8     PARTY TO REESTABLISH CONNECTION WITH THE COURT. IF THE PARTY IS  
9     UNABLE TO REESTABLISH CONNECTION, THE COURT SHALL RESCHEDULE  
10    THE HEARING, TO BE HELD IN PERSON, FOR THE FIRST AVAILABLE DATE  
11    AFTER THE DATE OF THE ORIGINALLY SCHEDULED HEARING.

12           (3) A COURT SHALL NOT CONSTRUE THIS SECTION TO PROVIDE LESS  
13    THAN IS REQUIRED BY TITLE II OF THE FEDERAL "AMERICANS WITH  
14    DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED,  
15    AND ITS IMPLEMENTING REGULATIONS.

16           **SECTION 3.** In Colorado Revised Statutes, 13-40-110, **add** (3)  
17    as follows:

18           **13-40-110. Action - how commenced.** (3) UPON FILING A  
19    COMPLAINT WITH THE COURT PURSUANT TO THIS SECTION, THE COURT  
20    SHALL NOTIFY THE COMPLAINANT OF THE OPTION TO PARTICIPATE IN ANY  
21    HEARING IN PERSON OR BY PHONE, VIRTUALLY BY VIDEO OR AUDIO, OR  
22    SIMILAR TECHNOLOGY AND THE OPTION TO SUBMIT ANY MOTION OR OTHER  
23    DOCUMENTATION ELECTRONICALLY PURSUANT TO SECTION 13-40-113.5.  
24    THE COMPLAINANT SHALL ELECT HOW THE COMPLAINANT PLANS TO  
25    PARTICIPATE WHEN FILING THE COMPLAINT AFTER REVIEWING THE NOTICE  
26    FROM THE COURT. UPON RECEIVING CONFIRMATION ON HOW THE  
27    COMPLAINANT ELECTS TO PROCEED, THE COURT SHALL PROVIDE THE

1 COMPLAINANT WITH ANY NECESSARY INFORMATION TO FACILITATE THE  
2 COMPLAINANT'S PARTICIPATION.

3 **SECTION 4.** In Colorado Revised Statutes, 13-40-111, **amend**  
4 (4) and (6) as follows:

5 **13-40-111. Issuance and return of summons.** (4) A summons  
6 issued pursuant to this section must contain a statement in bold-faced type  
7 notifying the defendant that:

8 (a) Any records associated with the action are suppressed and not  
9 accessible to the public until an order is entered granting the plaintiff  
10 possession of the premises; ~~and~~

11 (b) If the plaintiff is granted possession of the premises, the court  
12 records may remain private if both parties agree to suppress the records;  
13 AND

14 (c) FOR A RESIDENTIAL ACTION FILED IN COUNTY COURT PURSUANT  
15 TO THIS ARTICLE 40, EITHER PARTY HAS A RIGHT TO APPEAR BY PHONE,  
16 VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY. IF A PARTY  
17 PARTICIPATES BY PHONE OR VIRTUALLY, BY VIDEO OR AUDIO, OR SIMILAR  
18 TECHNOLOGY, AND REMOTE PARTICIPATION IS DISRUPTED FOR MORE THAN  
19 SIXTY MINUTES, THE COURT SHALL RESCHEDULE THE HEARING IN PERSON  
20 ON THE FIRST AVAILABLE DATE AFTER THE DATE OF THE ORIGINALLY  
21 SCHEDULED HEARING. THE PARTY SHALL CONTACT THE COURT TO  
22 DETERMINE WHEN THE COURT RESCHEDULED THE HEARING.

23 (6) A summons issued pursuant to this section must also contain:

24 (a) A copy of a blank answer form required pursuant to section  
25 13-40-113. ~~and~~ THE FORM MUST INCLUDE A PLACE FOR THE RESPONDENT  
26 TO INDICATE WHETHER THE RESPONDENT WILL PARTICIPATE IN THE  
27 EVICTION HEARING IN PERSON OR BY PHONE, VIRTUALLY BY VIDEO OR

1 AUDIO, OR SIMILAR TECHNOLOGY.

2 (b) A form that allows either party to request all documents in the  
3 landlord's and tenant's possession relevant to the current action; AND

4 (c) INFORMATION FOR HOW A PARTY CAN ELECTRONICALLY  
5 SUBMIT ANY MOTION OR OTHER DOCUMENTS RELATED TO THE CASE.

6 **SECTION 5.** In Colorado Revised Statutes, 13-40-113, **amend**  
7 (4)(a); and **add** (4)(c) as follows:

8 **13-40-113. Answer of defendant - additional and amended**  
9 **pleadings.** (4) After an answer is provided to the court pursuant to this  
10 section:

11 (a) The court shall set a date for trial no sooner than seven, but not  
12 more than ten, days after the answer is filed, unless the defendant requests  
13 a waiver of this requirement in the defendant's answer or after filing an  
14 answer; except that a court may extend beyond ten days if either party  
15 demonstrates good cause for an extension, ~~or~~ if the court otherwise finds  
16 justification for the extension, OR IF A PARTY PARTICIPATING REMOTELY  
17 PURSUANT TO SECTION 13-40-113.5 WAS DISCONNECTED AND UNABLE TO  
18 REESTABLISH CONNECTION. The requirement set forth in this subsection  
19 (4)(a) does not apply to a forcible entry and detainer petition that alleges  
20 a substantial violation, as defined in section 13-40-107.5 (3), or  
21 terminates a tenancy pursuant to section 38-12-203 (1)(f).

22 (c) THE COURT SHALL PROVIDE ANY PARTY WHO OPTED TO  
23 PARTICIPATE BY PHONE OR VIRTUALLY, BY VIDEO OR AUDIO, OR SIMILAR  
24 TECHNOLOGY, WITH INFORMATION ABOUT HOW TO PARTICIPATE  
25 REMOTELY. THE INFORMATION MUST INCLUDE A PHONE NUMBER AND  
26 E-MAIL ADDRESS FOR THE COURT AND A NOTICE THAT, IN THE EVENT  
27 REMOTE PARTICIPATION IS DISRUPTED, THE COURT WILL RESCHEDULE THE

1 HEARING IN PERSON ON THE FIRST AVAILABLE DATE AFTER THE DATE OF  
2 THE ORIGINALLY SCHEDULED HEARING AND THAT THE PARTY SHALL  
3 CONTACT THE COURT TO DETERMINE WHEN THE COURT RESCHEDULED THE  
4 HEARING.

5 **SECTION 6. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly; except  
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
9 of the state constitution against this act or an item, section, or part of this  
10 act within such period, then the act, item, section, or part will not take  
11 effect unless approved by the people at the general election to be held in  
12 November 2024 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.