



## Please SUPPORT HB20-1009: Fairness in Access to Eviction Court Records

**Sponsors: Rep. Dominique Jackson and Sen. Faith Winter**

**Problem:** When an eviction is filed in court—even when it is dismissed for being unfounded or retaliatory—it produces a court record. This court record may be purchased by third party companies to include in “tenant screening reports,” and ultimately, it may be used to deny a person housing.<sup>1</sup> This means that even when a tenant wins and gets the case dismissed, they still may end up losing in the long-run.

Fearing this “scarlet letter” and the consequences of a court record, many renters are afraid to defend their rights in court. When they receive a demand to pay a fee, some renters will comply by paying out of pocket even if the request is unfair or meritless.

However, an eviction *filing* is not the same as an eviction. In many cases, it is not an accurate reflection of someone’s history as a tenant and should not be used to deny someone housing.

Considering these issues, several states have implemented or are in the process of developing legislation that would limit public access to court records of *dismissed* evictions.

**Solution:** This bill provides that when an eviction is filed, it is initially “suppressed” from public access (meaning only the courts and the parties to the case can access the record) while the case is pending. This record would remain under suppression unless an eviction is ordered by the court or the parties agree to keep the record private.

In eviction proceedings, the law allows parties to “vacate” and dismiss an eviction if there is agreement—and this policy would be a reasonable extension of this practice. This is not an unusual practice in our legal system, as the law already allows parties in many civil actions to keep records confidential if there is agreement.

This policy would allow people to be able to defend their rights without fear of the ensuing court record.

**Please support HB20-1009 to bolster due process rights for renters.**

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<sup>1</sup> “[Prejudged: The Stigma of Eviction Records](#),” Housing Action Illinois & Lawyers’ Committee for Better Housing, (March 2018)

**For more information, please contact:**

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## Supporters of Fairness in Access to Eviction Court Record

9to5 Colorado	Fair Chance
AARP Colorado	Good Business Colorado
Adams County	Healthier Colorado
All Families Deserve a Chance Coalition	Interfaith Alliance of Colorado
Apartment Association of Metro Denver	Jefferson County Food Policy Council
Apartment Association of Southern Colorado	League of Women Voters of Colorado
Association for Colorado Centers for Independent Living (ACCIL)	Lutheran Advocacy Ministry-Colorado
Bayaud Enterprises	Mental Health Colorado
Bell Policy Center	Mile High Connects
Center for Health Progress	National Association of Social Workers-Colorado
Center Toward Self-Reliance	Northern Colorado Rental Housing Association
Colorado Apartment Association	People's Advocacy Council
Colorado Center on Law and Policy	Raise Colorado
Colorado Coalition for the Homeless	Refugee Action Coalition of Colorado
Colorado Children's Campaign	Rodfei Tzedek
Colorado Cross Disability Coalition	Spring Institute
Colorado Fiscal Institute	The Arc of Adams County
Colorado Lawyers Committee	The Arc of Southwest Colorado
Colorado Poverty Law Project	The Denver Foundation
Colorado Senior Lobby	The Gathering Place
Colorado Social Legislation Committee	The Independence Center
Colorado Village Collaborative	Together Colorado
Denver Metro Fair Housing Center	United for a New Economy (UNE)
Denver Regional Council of Governments	Violence Free Colorado
Energy Outreach Colorado	Weld County Apartment Association
Enterprise Community Partners	

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