

A New Normal: How Eviction Court Filing Data Can Advance a More Stable Housing Ecosystem for all Coloradans

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About Enterprise Community Partners

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A New Normal:

How Eviction Court Filing Data Can Advance a More Stable Housing Ecosystem for All Coloradans

The coronavirus pandemic illuminated and exacerbated the housing affordability crisis long present throughout Colorado, prompting historic government interventions. From the end of March 2020 through August 2021, some form of federal or state moratorium on evictions for nonpayment of rent was in place. Collectively, about \$875 million in state and federal funds were dedicated to emergency rental and homeowner assistance. The state legislature called a special session to address the crisis, Governor Polis convened a Special Eviction Prevention Task Force,¹ and a statewide Affordable Housing Transformational Task Force was appointed to advise on pandemic recovery fund investments and policy advances.²

Now, with temporary legal protections long expired and emergency assistance winding down, it is critically important to understand the impact of these interventions, particularly for renters and property owners. The pandemic has provided an opportunity to envision a more balanced housing ecosystem with greater stability for renters and predictability for landlords, but policymakers and program implementers need robust, statewide evidence to identify and sustainably scale long-term measures to achieve this new normal. As one of the only available means to quantify housing instability, eviction court filings can provide valuable information.

Key Definitions

Affordable – Not having to spend more than 30% of a household's income on housing and utility costs.

Answer – Court filing by a renter detailing why a landlord should not legally be able to evict; necessary for a trial.

Counterclaim – Court filing by a renter, in response to an eviction, that claims the landlord has failed to fulfill a legal obligation.

Demand for compliance or possession – Legal form a landlord must give a renter to initiate the eviction process specifying the amount of overdue rent or lease violation, whether the renter can legally remedy the situation and how long the renter has to either remedy or vacate the property.

Judgment for possession – Court order in a landlord's favor forcing the renter to vacate the property, also known as an eviction or an eviction judgment.

Money judgment – A court order stating the landlord is entitled to a specific amount of money.

Stipulated agreement – Landlord and renter negotiate outside of the courtroom to mutually agree on how to resolve the case.

Writ of restitution – A court order that authorizes law enforcement to schedule an eviction and forcibly remove the renter.

The Lasting Harms of Housing Instability

Stable housing is foundational to the wellbeing of individuals, families and communities. Access to a stable home enables people to further their economic prosperity, invest time and energy into caregiving, achieve educational and employment goals, participate in community and maintain their mental and physical health.³ Conversely, housing instability – getting priced out, missing housing or utility payments, frequent moves, eviction or foreclosure and experiencing homelessness – can have devastating consequences from health and job stability to children’s educational outcomes.^{4,5,6} Losing one home makes it harder to find another, as property owners and lenders consider income, housing history and legal involvement. The compounding nature of housing instability can create intergenerational cycles of poverty that are difficult to break.^{7,8}

Some people are more likely to experience housing instability than others, largely due to structural discrimination and inequity in the U.S. housing system.⁹ Those living on low or fixed incomes have an increasingly difficult time securing a sustainably affordable home. People of color and immigrant households are disproportionately represented among renter households and those struggling with housing instability writ large, due to systemic racism.^{10,11} And, compared to homeowners, renters are particularly susceptible to housing instability – specifically eviction – as they tend to have fewer financial resources, are often given less leeway for late payments, and are subject to property owners’ terms.





Why Eviction Court Data Matters

Under Colorado law, if a renter fails to pay rent on its due date or otherwise violates their lease, a landlord can issue a **demand for compliance or possession**, typically notifying the renter they have 10 days to pay rent, remedy the violation, or move out of the home.[†] If the renter does not respond within 10 days, a landlord may file eviction proceedings in court — referred to in legal terms as a “forcible entry and detainer” (FED).¹² The renter is then summoned to appear before a judge at a certain date and time. Most renters do not or cannot respond to that summons, resulting in a default **judgment for possession**. Some renters file an **answer** or **counterclaim** disputing the landlord’s initial filing, prompting a trial where a judge will find in favor of either the landlord or renter; a settlement can also be agreed to by both parties. If the landlord wins in court and the renter does not leave the property, a sheriff can physically remove the renter and their belongings 10 days after a judge’s ruling for eviction.¹³

Evictions also occur in many ways outside of this legal process.¹⁴ Landlords can refuse to renew a lease at the end of its term; anecdotal evidence suggests this type of “no cause eviction” is happening more often as pandemic-related emergency rental assistance comes to an end. Many renters move out when they receive an initial demand for rent, perhaps mistaking it for an eviction order, fearing landlord retribution or a legal record, or unaware that rental and legal assistance may be available. Nationally, millions of illegal evictions take place each year in the form of tenant harassment, lockouts and other such aggressive tactics.¹⁵

Court filings cannot capture the full scope and impact of eviction, but these filings are currently the only traceable records of eviction proceedings, and inherently detail who is being legally evicted, from where, why and how each case was resolved. Such information is key to understanding trends in eviction and creating interventions with the power to reduce the incidence and harms of eviction –and housing instability more broadly – to renters, landlords, and communities. Yet national experts note the quality and accessibility of such data are widely lacking, representing a significant missed opportunity.^{16,17} Recognizing that opportunity, the bipartisan congressional Eviction Crisis Act, co-led by Colorado Sen. Michael Bennet, would establish a national database to standardize and track evictions, fund evaluation of data and relevant laws, and advance measures to reduce preventable evictions.¹⁸

For now, however, Colorado has no readily available statewide resource for timely, detailed information on eviction trends, obscuring the magnitude of the issue and the truth of who is most affected. The State Judicial Department publishes total eviction filings in its annual report¹⁹ and maintains an online count of the number of eviction cases filed monthly,²⁰ but simple counts lack specifics, the interface does not always work, and its data seems somewhat inconsistent. Moreover, Denver County Court data is not included because it operates as a municipal and county court independent of the state system. (Denver regularly analyzes and makes available eviction filing counts and some more detailed information, though this data is also not widely published.) Accessing and evaluating statewide eviction court data in meaningful detail therefore requires formal, costly data requests and sophisticated research capacity.

[†] In some instances of major or repeat lease violations, landlords do not have to allow renters time to address the problem and can force them out within a certain timeframe.

Colorado Eviction Court Filings July 2017 through June 2021: Findings and Gaps

In 2021, the Colorado Legislature's Joint Budget Committee requested information from the Judicial Department on the number of eviction cases filed from fiscal years 2017 through 2021, and for each filing: filing date, whether plaintiffs (landlords) and defendants (renters) had legal counsel at some point during the case, whether the property was residential or commercial, the zip code where the eviction occurred, and certain case outcomes.²¹ Enterprise Community Partners obtained the Department's response through Committee and Judicial Department staff, and subsequently requested additional information and clarification from the Judicial Department and Denver County Court to allow for an accurate, robust assessment of the initial response. Researchers at the Colorado Futures Center integrated data from all counties and conducted extensive analyses; the findings are summarized below.²²

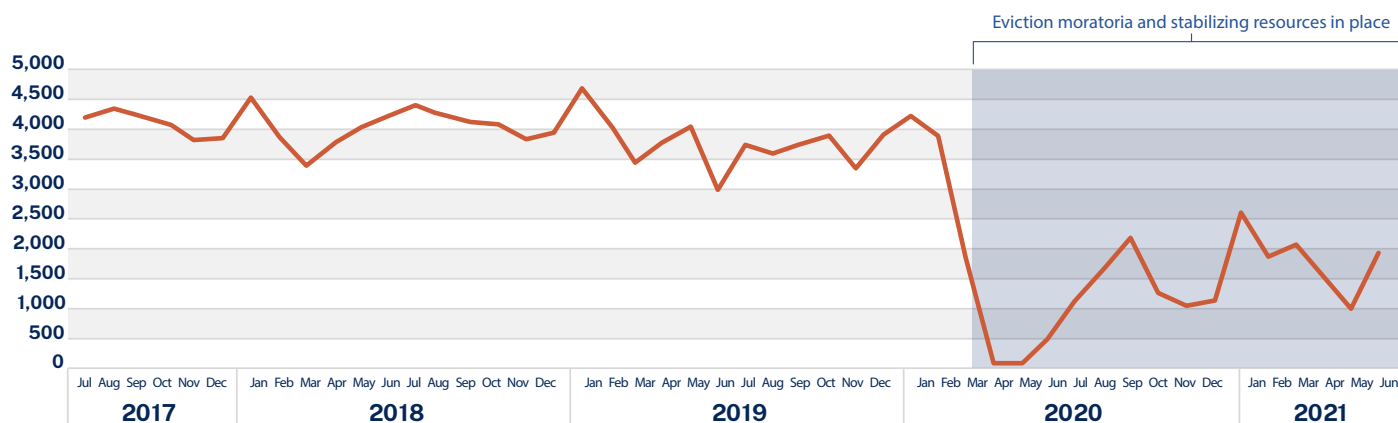
Because legislators requested data by state fiscal year, which runs July through June, these findings do not include eviction filings for the first half of 2017, or the second half of 2021. And because the Judicial Department reported not being able to identify residential versus commercial evictions, cases discussed here are limited to those filed in county courts; the vast majority of Colorado's residential evictions are filed at the county level, while commercial evictions are largely filed in district courts. Thus, county court filings are assumed to represent residential eviction proceedings while acknowledging some likely unknown exceptions.

Residential Eviction Filings: Totals and by Geography

From July 2017 through June 2021, 148,829 evictions were filed in Colorado's county courts. In 2018 and 2019, the two full calendar years for which the Judicial Department provided data before the onset of the pandemic, more than 48,500 and 45,300 evictions were filed, respectively (see Figure 1).

From 2019 to 2020, statewide filings dropped by 57% as eviction moratoria went into effect, state-provided rental assistance started to come online, and Colorado renters were temporarily given 30 days (rather than 10) to make missed rent payments. Many mission-driven landlords also voluntarily stopped evicting for back-due rent in the pandemic.

Figure 1: Total Evictions Filed Across Colorado County Courts



Source: CFC calculations, Judicial and Denver eviction case files

Figure 2: Eviction Cases Filed per 1,000 Renter Households

2018		2019		2020	
Adams County	132	Adams County	120	Adams County	46
Arapahoe County	119	Arapahoe County	110	Arapahoe County	46
Lake County	89	Park County	75	Weld County	33
El Paso County	76	Lake County	70	Clear Creek County	30
Jefferson County	67	El Paso County	69	Custer County	29

Source: CFC calculations, Judicial and Denver eviction case files

To compare eviction filings by county, the Colorado Futures Center established a rate, or the number of evictions filed per 1,000 renter households in each county, for calendar years 2018 through 2020 (see Figure 2). Across all three years, Adams and Arapahoe Counties had the highest eviction filing rates, with El Paso and Lake Counties both ranked among the top five in each pre-pandemic year. Even when adjusted for renter population, eviction filings were **generally higher** in Colorado's more populated counties, before and at the beginning of the pandemic.

The Judicial Department did not report zip-code level data, limiting statewide geographic comparisons to the county level. However, zip-code level data was provided by Denver County Court, enabling a clearer understanding of **which Denverites** are most impacted by eviction at the neighborhood level. From 2018 through 2020, higher eviction filing rates largely followed areas of the city where residents are predominantly lower-income, nonwhite and particularly vulnerable to involuntary displacement.^{23, 24}

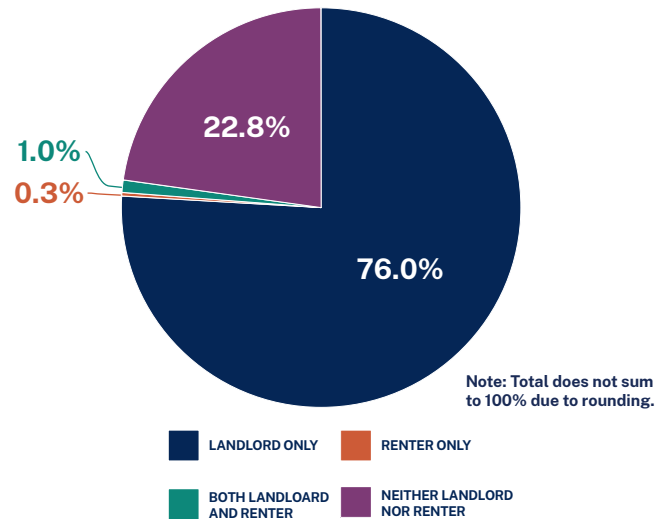


Case Outcomes and Legal Representation

There is a striking and persistent disparity in access to legal representation between landlords and renters in eviction cases in Colorado. From July 2017 through June 2021, landlords had legal counsel in 77% of cases, while renters were represented in only 1.3% of all cases, with little variation year to year. Most often, landlords had legal representation at some point in the process, while renters never did (see Figure 3).

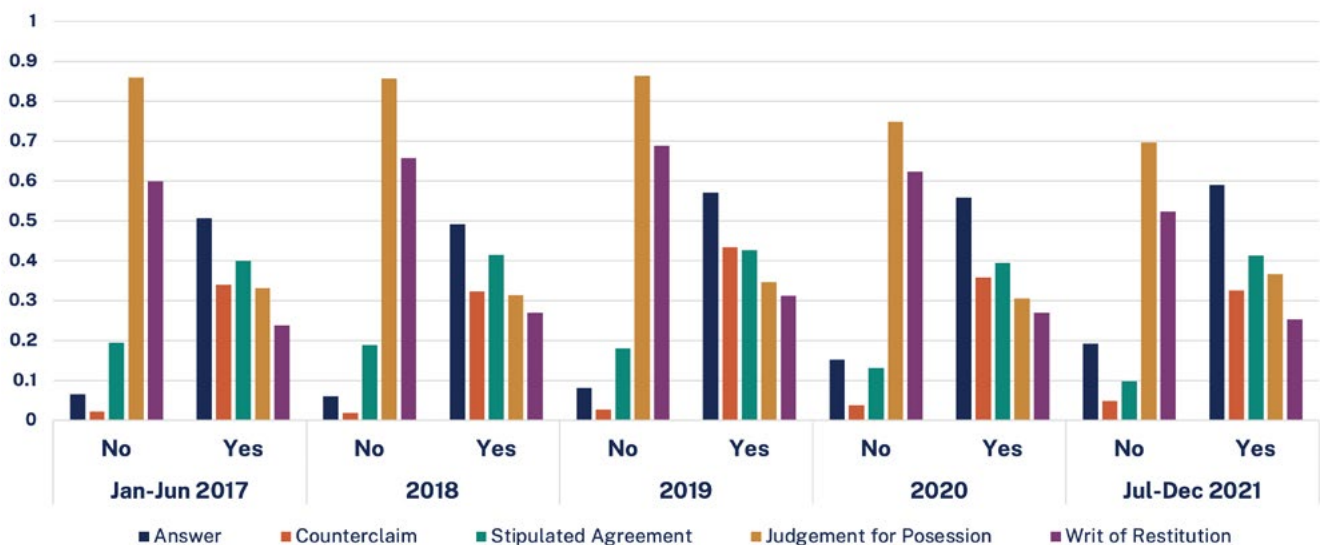
Before and during the pandemic, legal representation resulted in better outcomes for the relatively few renters who had it. Renters with legal representation were significantly less likely to have a **judgment for possession** or **writ of restitution** issued against them (see Figure 4). Moreover, renters with access to legal counsel were more likely to file a response to the filing and come to a **stipulated agreement** with their landlord. Although such agreements can sometimes result in the removal of a renter, providing alternatives to permanent eviction records can make it easier for impacted households to find and secure new housing. Notably, the specific terms of the stipulated agreements in this dataset could not be analyzed.

Figure 3: Landlords Have Legal Representation Much More Often than Renters



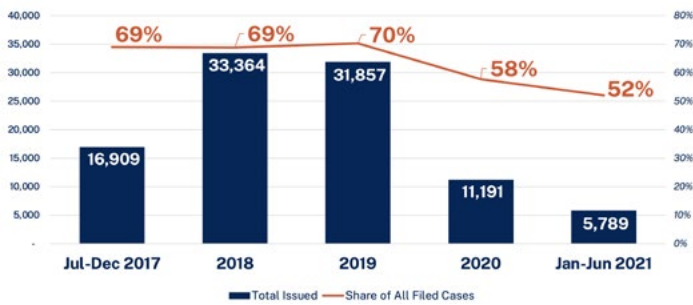
Source: CFC calculations, Judicial and Denver eviction case files

Figure 4: Renters With Legal Counsel Have Better Outcomes in Eviction Cases



Source: CFC calculations, Judicial and Denver eviction case files

Figure 5: Judgments for Possession: Total Issued and as a Share of All Eviction Cases Filed



Source: CFC calculations, Judicial and Denver eviction case files

Given the disparities in legal representation, it is not surprising that once an eviction gets to court, renters often lose. In cases filed in county courts from the second half of 2017 through 2019, about 70% ended in a **judgment for possession** with little change across years (see Figure 5). That proportion decreased to 58% in 2020 and again to 52% in the first half of 2021, showing the influence of pandemic-related legal protections and resources. Similarly, the percentage of cases ending in a **writ of restitution** was rising across Colorado before the pandemic, peaking at 56% in 2019 before falling to under half of all cases in 2020.

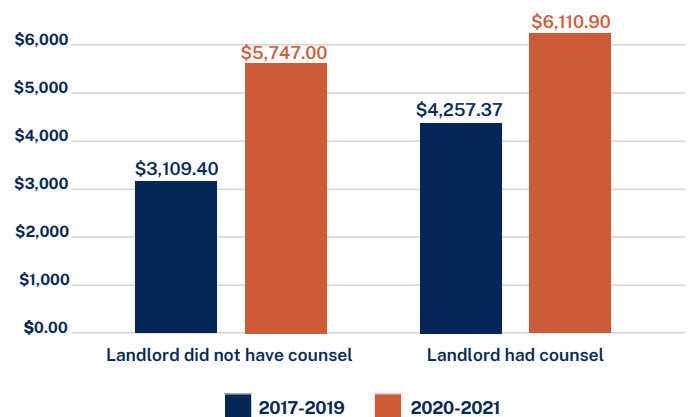
Before the pandemic, renters filed an **answer** or **counterclaim** to contest the landlord's initial filing in only 5%-7% of cases filed each year. That proportion increased to 13% in 2020 and 16% in the first half of 2021, indicating more renters had cause and resources to respond, such as pandemic-prompted expansions of legal aid.

Only a small percentage of cases resulted in **money judgments**, peaking at 6% in the second half of 2017 and declining each year thereafter. The average principal due in July 2017 through 2019 was \$3,325, increasing to \$5,465 in 2020 and the first half of 2021. This suggests that even with eviction moratoria in place, some landlords filed against renters who had fallen considerably behind on rent, likely due to lost income due to the pandemic, as well as limited rental assistance availability in the pandemic's early months. As Irma Diaz, a community navigator in Denver, [explained](#) in sharing with Enterprise her own experience with housing

instability: "The lifestyle that we lived before, we shared expenses, we lived a good life, we went out to restaurants, we took vacations if we wanted to ... And then, suddenly, it was shocking ... Covid happens. These bills continue, the rent continues. It never ends, this needing to catch up."

In nearly all eviction cases resulting in a money judgment, the renter lacked legal representation, and the average total judgment in those cases was typically higher if the landlord had counsel (see Figure 6). Importantly, these cases underestimate the financial impact of eviction on renters since landlords commonly send outstanding rent to collection agencies or file a separate lawsuit. Even when accounting for the administrative and attorney fees passed on to renters who lose in court, money judgments do not include costs of storing or replacing possessions or moving into a new home.

Figure 6: Average Total Money Judgment When Renters Did Not Have Legal Counsel



Source: CFC calculations, Judicial and Denver eviction case files

Data Gaps

While the Colorado Futures Center analysis offers actionable new insights, understanding the impact of the pandemic and related interventions – and how to best reduce evictions and their harms moving ahead – will require detailed data eviction filing data beyond June 2021. Aggregate data on filings and key case specifics should be made publicly available, without renters' personal identifiable information, on a regular basis for longitudinal analyses and timely responses, particularly if filings increase in communities most vulnerable to displacement.

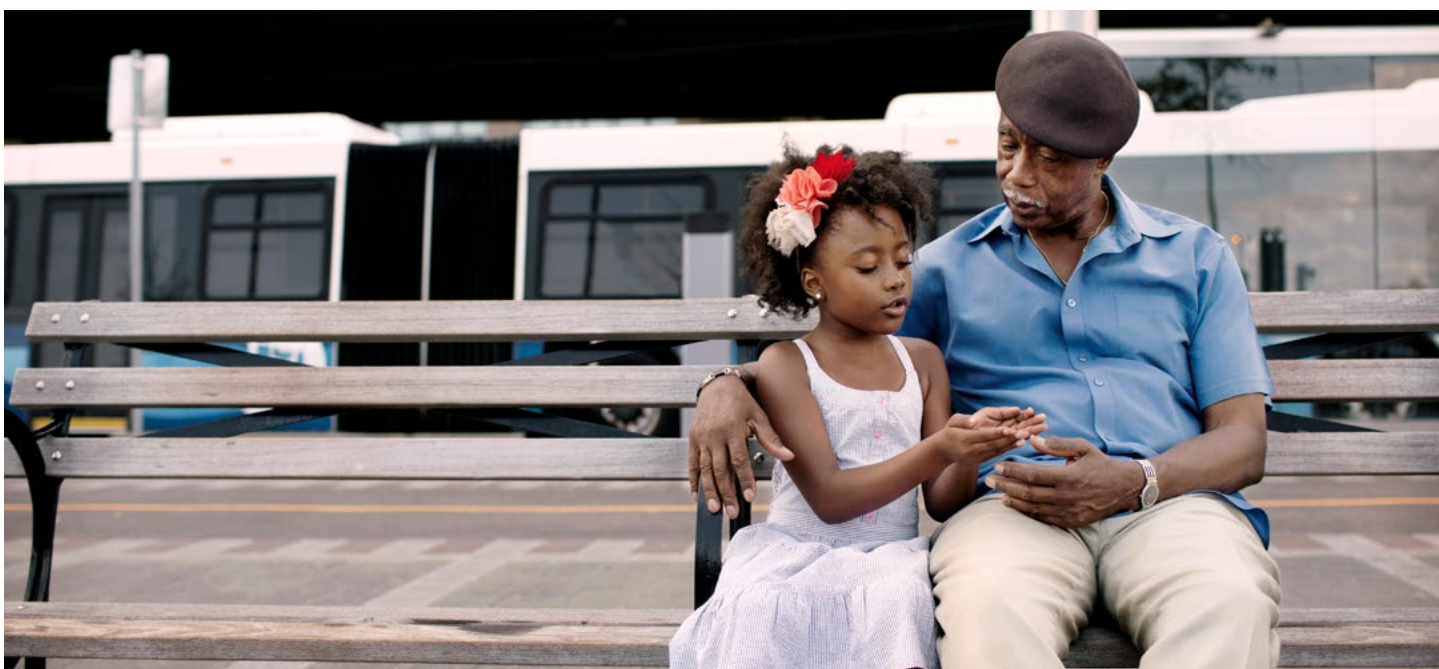
At the case level, delineating between commercial and residential evictions would allow the most accurate accounting of household impact. Ensuring all county courts can report zip-code level eviction data is essential to understanding geographic and demographic trends, as zip codes can be overlaid with census tracts and other measures. And standardizing details, such as reasons for filing and case outcomes, across all county courts would help advance a more complete understanding of what happened in each case and why, identify specific needs and direct limited resources. For instance, findings related to nonpayment of rent could help target rental assistance, ultimately reducing court proceedings and costs.

Achieving overall consistency in how eviction information is collected, managed and aggregated across all county courts would improve data quality and further best practices in upstream interventions such as targeted rental and legal assistance, landlord outreach and education, and increased affordable housing production. Ensuring systems managed by state entities can interact with each other, particularly between the Judicial Department and State Division of Housing, could promote real-time deployment of available stabilizing resources. When systems and resources are aligned, renters, property owners and communities can realize greater economic gains resulting from basic housing stability.

Key Takeaways

How to Better Utilize Eviction Court Filing Data in Colorado:

- Resource all county courts and State Judicial Department to consistently pull and report key information from eviction court filings.
- Provide for clear delineation between commercial and residential evictions.
- Enable zip code where eviction occurred to be publicly reportable.
- Make aggregate data on number and timing of filings, certain case specifics and outcomes publicly accessible in a user-friendly manner.
- Safeguard renters' personally identifiable information from public availability.
- Standardize how information for eviction filings is logged and reported across all county courts including reasons for filing and case outcomes.
- Ensure interaction across different state agencies' case management systems to align resources



Considerations From Other States

Other states' efforts to track and publish data from eviction court filings provide insight into what Colorado might emulate and avoid. The Massachusetts Trial Court maintains several interactive online dashboards summarizing helpful facts from eviction court filings, updated weekly.²⁵ Users can compare statewide totals of residential eviction filings by month or year, pre- and post-eviction moratorium. Cases filed specifically for nonpayment of rent can be broken down by filing date, county, zip code, legal representation status, case outcomes, and whether cases were filed before or after a moratorium. Trends in all types of eviction cases that ended in judgments for possession or money orders can be compared over recent years at the state level.

Massachusetts also maintains an online case management system that, while quite detailed, puts renters' personal information into the public realm. According to the Massachusetts Law Reform Institute, an unintended consequence of the state's effort to improve its case management system is that landlords, property owners and third-party companies use the database to screen potential renters, "often with unfair and dire consequences for tenants."²⁶ Experts at the Eviction Lab and New America recommend "a database that is publicly accessible — so that

citizens and elected officials can better understand housing insecurity in their communities — but is heavily anonymized so that evicted tenants aren't discriminated against by landlords or employers."²⁷ Notably, Colorado law prohibits individual eviction filings from being published until a judgment for possession is issued.

The State of Wisconsin's Eviction Data Project, an initiative of the state's Interagency Council on Homelessness, aggregates the number of eviction filings and judgments by county, updated monthly.²⁸ In the future, the Project intends to provide information by zip code for certain counties and "develop partnerships with entities to provide greater detail in data and more analysis of eviction trends and programming needs."

Maryland's legislature recently required its judiciary to "collect, compile, and share" certain data on residential eviction filings with the state's Department of Housing and Community Development starting in 2023.²⁹ The Department is charged with formatting and publishing this data on a public online dashboard, and with providing detailed datasets to state and local agencies and academic institutions interested in further analysis.

Colorado's Opportunity

Heightened public awareness of housing instability combined with an influx of federal and state resources offer Colorado policymakers the opportunity to prioritize the resources and changes necessary to collect, publish, and act on eviction court filing data. This is particularly true given the Judicial Department and State Division of Housing are committed to revamping their data management and analysis.^{30, 31}

Refining and sharing eviction data would promote the housing stability of all Coloradans. Beyond the wide-ranging benefits to individual households and communities, robust data that leads to targeted interventions could further stabilize the broader housing industry, which, at its roots, requires that small landlords and nonprofit owners are able to continue to provide safe, healthy and affordable housing.

When renters are stably housed, landlords experience lower vacancy and turnover rates and benefit from consistent rent collections. This both reduces their costs and keeps affordable housing in the hands of responsible and mission-driven owners.^{32, 33} One Massachusetts program found keeping a resident in their home cost landlords three to five times less than evicting for nonpayment of rent.³⁴

Conversely, evictions threaten affordable housing stock, in part by taking time and money from small, independent property owners of unsubsidized affordable housing. Evictions also strain court systems and increase demands on safety net resources, contributing to the high cost of eviction to state and local governments.³⁵ Without stabilizing interventions such as rental assistance or eviction diversion programs, landlords commonly rely on eviction filings as a lever to compel rent payments, perpetuating a system of crisis creation and response.³⁶

Coming through the pandemic, policymakers have the chance to advance a new ecosystem—one designed to minimize the number of eviction notices taped to renters' doors; address systemic racial barriers, giving way to more equitable access to employment, housing and health care; promote the financial well-being of individuals and their communities; and help residents achieve level ground with landlords.³⁷ Collecting and analyzing data from eviction court filings statewide would be a meaningful step toward that new and better normal.



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