

# FACING EVICTION ALONE

## A STUDY OF EVICTIONS

Denver, Colorado  
2014-2016



AUBREY HASVOLD  
Colorado Coalition for  
the Homeless

JACK REGENBOGEN  
Colorado Center on Law  
and Policy

# SUMMARY OF FINDINGS

In 2016, there were more than eight thousand eviction complaints filed against residents of Denver,<sup>i</sup> in addition to nearly 37,000 evictions filed in other Colorado counties.<sup>ii</sup> The stakes of these eviction proceedings are high, as a loss in court not only results in a tenant's dispossession of their home, but also produces an "eviction record" that limits future housing prospects. Further, the loss of shelter, even for brief periods, often causes unemployment, educational disruptions, and food insecurity for families.

Most residential evictions are filed in county court, after a landlord files a complaint to evict (also known as a Forcible Entry & Detainer, or "FED" complaint). In these proceedings, both parties can be represented by an attorney, but unlike in a criminal case, legal representation is not guaranteed. If a party is unable to afford an attorney, they must proceed without the assistance of counsel.

Given the link between evictions and economic insecurity, the Colorado Center on Law and Policy and Colorado Coalition for the Homeless set out to study eviction proceedings in Denver. In particular, the goal was to gain insight into two questions: (1) Are landlords and tenants in Denver both able to secure the assistance of a lawyer in an eviction proceeding, and (2) Does having legal representation affect residents' likelihood of preventing an eviction?

This study reviewed Denver County eviction cases from 2014 to 2016 and examined cases initiated by Denver Housing Authority, as well as several major private housing property managers in the region. The analysis was also informed by a larger dataset of nearly 93,000 eviction cases between 2001 and 2017. The results suggest that renters in Denver are severely disadvantaged in eviction cases. Among the findings:

- **Tenants are virtually never represented by counsel in eviction cases.** While landlords had legal representation in every case reviewed, tenants were only represented by an attorney in 1 to 3 percent of the cases reviewed.
- **The assistance of an attorney significantly improved tenants' chances of remaining in their homes.** In the few instances in which a renter had legal counsel, they usually prevailed in the eviction proceeding. Without representation, the dispossession rate was 43 percent in DHA cases and 68 percent in the sample of private housing cases.
- **Many tenants lost possession of their homes due to "stipulated" agreements.** This suggests that, without the assistance of counsel, many renters are unable to protect their interests in court.

- **Landlords filed many evictions due to only a few dollars of unpaid rent.** For example, Denver Housing Authority filed one eviction over an alleged \$4<sup>a</sup> of unpaid rent, and the median amount in dispute was only a bit higher than \$200.
- **Physical addresses of defendants suggest that evictions disproportionately affect neighborhoods with more people of color and areas of rapid growth and gentrification.**

The evaluation of this data clearly indicates a need for Denver's policymakers and housing advocates to advance solutions that would improve access to justice for tenants facing eviction.

<sup>a</sup> In this case, no eviction resulted and the resident remained housed with DHA, however, the filing will remain on the tenant's public record.

This study was conducted using an electronic, searchable database of Denver County Court cases. Records could not be pulled based on the type of case, but rather, the name of the parties. Accordingly, as the largest subsidized housing provider in the city, DHA was selected as a benchmark for comparing eviction trends in Denver. While DHA is the plaintiff that brings the most eviction cases in Denver County Court, they only represent a small fraction<sup>b</sup> of the total cases filed. As a contrast to DHA, this study also relied on cases brought by five prominent private companies and two nonprofit property managers in the Metro area.<sup>iii</sup> These private housing property managers (PHPM) were chosen based on their size and the availability of data. To supplement several electronic files that were missing information, some case information was also obtained from the Office of Denver County Court Records.

DHA operates nearly 4,000 public housing units subsidized by the U.S. Department of Housing and Urban Development, and it administers Section 8 housing vouchers that allow low-income residents to obtain private housing. Per federal guidelines, residents pay only 30 percent of their household income for rent, with a minimum of \$50. Because DHA houses many of Denver's low- and extremely low income individuals and families, they play an important role in overall housing stability.

For each case reviewed, the recorded information included: (1) which parties had legal representation; (2) the outcome of the case; (3) whether the court ordered a writ of restitution, which allows the Sheriff's Office to forcibly dispossess a tenant; (4) the monetary amount in dispute, if any; (6) whether the defendant (tenant) submitted an answer to the eviction complaint; and (6) the residential address of the tenant.

While there was some inconsistency in how the outcomes of eviction cases are categorized, each outcome could be classified in one of five ways:

- 1) Judgment for possession: The court rules in favor of the plaintiff (property manager) against the defendant (tenant) and orders an eviction.
- 2) Stipulation and order: The court enforces an "agreement" that typically allows a property manager to dispossess a tenant under certain timeframes or conditions.

<sup>b</sup> Among the 92,969 cases analyzed, DHA was listed as filing 2701 FEDs, or 3 percent.

3) Non-judgment stipulation: While not considered a formal judgment, this outcome often results in the dispossession of a tenant.

4) Dismissal without prejudice: The court dismisses the eviction complaint, but a landlord may re-file it for the same reasons (e.g. overdue rent) in the future.

5) Dismissal with prejudice: The court dismisses the eviction complaint, and a landlord may not bring suit for the same reason again in the future.

There are some legal nuances that distinguish the first three outcomes, and in some contexts, people use the term eviction to refer to different outcomes. Generally, however, judgments for possession, stipulated orders, and non-judgment stipulations, resulted in a tenant's dispossession of their home. Therefore, when determining the correlation between legal representation and outcome—with only a few exceptions— these outcomes were classified as the “dispossession of tenant” in order to arrive at an “effective eviction rate.”<sup>c</sup>

If a case originally resulted in a judgment against the tenant, but the court eventually “vacated” this outcome and dismissed the complaint to evict, the case was categorized as a dismissal with or without prejudice. There were also a few “non-judgment stipulations” that allowed a tenant to stay in the property after furnishing overdue rent, which were not classified as a “dispossession” or “eviction.”

The larger dataset included was treated differently. Since many of the cases did not include electronic filings, these cases were not reviewed individually but were compiled and categorized by the City of Denver. The cases spanned from 2001 to 2017, however the majority were from 2008 to 2016. The dataset may not represent all cases brought during this time. For these cases, the analysis included an additional category for “vacated judgments” that were not clearly dismissed with or without prejudice. This data also distinguished different types of judgments for possession (e.g. judgments for money and possession), which were consolidated into a single category. The cases classified as stipulated judgments were counted as dispossessions. The cases categorized as non-judgment stipulations were counted as dispossessions, even though it is possible that some tenants were able to remain housed within this set of cases.

<sup>c</sup> This data was based on Denver County Court records that are publicly available. DHA has stated their intention to update any records that are incomplete.

With Denver Housing Authority eviction filings, 294 cases in 2014, 297 cases in 2015, and 269 in 2016 were reviewed, for a total of 860 evictions filed. These represent every eviction filed by Denver Housing Authority for those years.

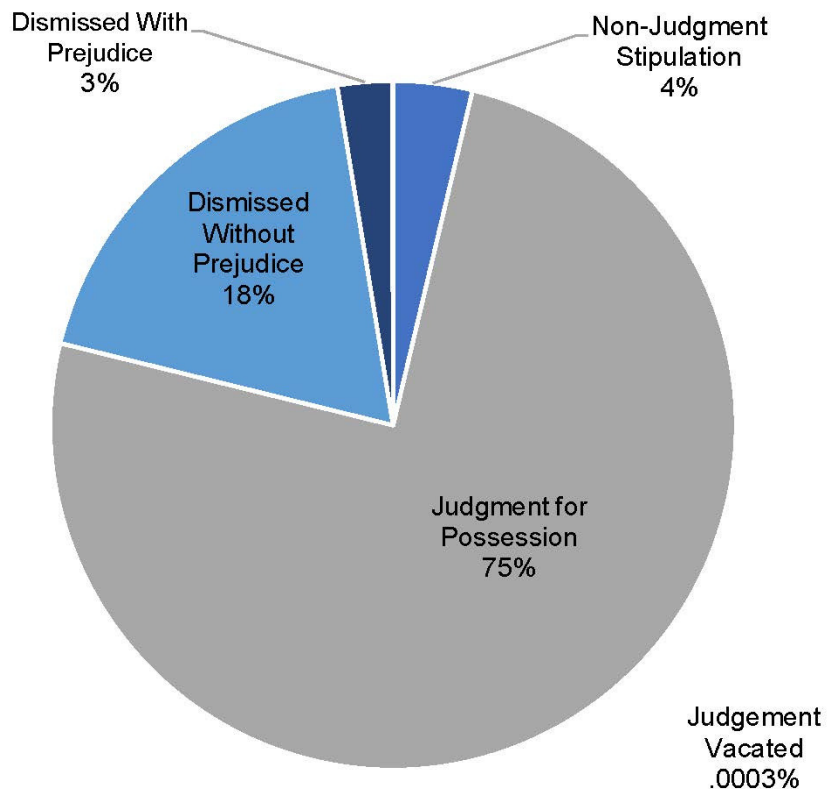
The private housing property managers examined included 329 cases in 2014, 360 cases in 2015, and 371 in 2016, for a total of 1,060 evictions filed. These reflect every eviction filed by the seven property managers that were examined during those years.

Please note that for each “case,” there were often multiple tenants/defendants who resided at the same residence.

## 1) In evictions, tenants almost never had the assistance of legal counsel, and most lost possession of their homes in court.

In the larger dataset, 813 of 92,969 tenants, or less than 1 percent, were represented by counsel. Among landlords, 82,747, or 89 percent, were represented. As shown in the chart below, the overall dispossession rate was 79 percent, with 73,875 tenants displaced.

Eviction Cases 2001-2017



In the cases reviewed individually, only a handful of tenants had the assistance of an attorney. In 2014, in the DHA cases, defendants had legal representation in only 9 out of 294 cases, a 3 percent rate of legal representation. In 2015, DHA tenants had counsel in only 7 of 297 cases, for a 2 percent rate of representation. And in 2016, the tenant was represented in 9 of 269 cases, for a 3 percent representation rate. The average rate of representation was 3 percent.

Private housing tenants faced even lower rates of legal representation. In 2014, these tenants had counsel in only 4 of 329 cases, a 1 percent rate of representation. In 2015, renters had counsel in only 7 of 360 eviction cases, a 2 percent rate of representation. Finally, in 2016, only 5 households of 371 had counsel, for a 1 percent representation rate. The average rate was 1.5 percent.

In contrast, in every case for each year, both Denver Housing Authority and the private property managers had the assistance of a lawyer, a 100 percent rate of legal representation.

When forced to defend against an eviction without the assistance of counsel, most tenants lost possession of their residences.

In DHA eviction proceedings, nearly half of unrepresented tenants lost possession of their residence. In 2014, 149 of 285 DHA cases involving unrepresented tenants resulted in dispossession, an effective eviction rate of 52 percent. In 2015, 121 of 290 DHA cases involving unrepresented tenants ended in dispossession, for an effective eviction rate of 42 percent. And in 2016, 88 of 260 DHA cases involving unrepresented tenants resulted in dispossession, for an effective eviction rate of 34 percent. The overall effective eviction rate for this time span was 43 percent.

The effective eviction rates were even higher in the private housing cases that were examined. In 2014, when the tenants were unrepresented by legal counsel, 220 of 325 private housing cases resulted in the dispossession of the tenants, for an effective eviction rate of 68 percent. In 2015, the same was true in 240 of 353 cases, also an effective eviction rate of 68 percent. And in 2016, this occurred in 251 of 366 cases, for an effective eviction rate of 69 percent. The dispossession rate over the three-year span was 68 percent.

Many of these cases also resulted in a court ordering a writ of restitution, which authorized the sheriff's physical displacement of the tenants. While tenants may lose their homes without a writ of restitution, these orders often result in

their displacement with less notice and more inconvenience. In DHA evictions, judges issued 88 writs of restitution in 2014, 79 in 2015, and 75 in 2016, for a total of 242 over the three-year period. Writs of restitution were issued more often in the private housing evictions. In the private housing cases we reviewed, 200 writs of restitution were issued in 2014, 220 in 2015, and 218 in 2016, for a total of 638 over the course of the three years.

Without the assistance of counsel, it is likely that some tenants were unaware of their right to or did not know how to submit answers (formal legal responses) to a landlord's eviction complaint. Among pro se tenants in DHA cases, only 18 of 285 filed answers in 2014, 18 of 290 in 2015, and 19 of 260 in 2016. In total, for these DHA tenants, only 55 of 835 (7 percent) answered the eviction complaint.

Similarly, for private housing pro se tenants, only 9 of 325 filed answers in 2014, only 22 of 353 filed answers in 2015, and only 33 of 266 filed answers in 2016, for a total of 64 of 944 (7 percent) during this time span. In the absence of an answer, many of these cases were resolved by "stipulated agreement," while some produced "default" judgments against the tenant. In the former instance, tenants would sign a stipulated agreement without ever filing an answer to the complaint. In the latter instance, tenants did not appear at their court proceeding, and as a result, the court would order their eviction.

These findings reveal a noteworthy difference in public housing versus private housing eviction cases. In particular, DHA's relatively lower dispossession rate (43 percent) compared to the dispossession rate in PHPM evictions (68 percent) suggests that DHA may be more willing to work with tenants on a mutually agreeable resolution that does not result in displacement. DHA reports that onsite property managers meet with tenants one-on-one to discuss delinquent payments and lease violations prior to filing for eviction, and service coordinators work to refer residents to outside agencies that can assist with payment of rent. In both public and private cases, however, tenants' prospects of preventing an eviction increase significantly when counsel represented them in court.

Collectively, these findings suggest that the vast majority of tenants are not able to dispute an eviction on an equal basis with a landlord, since the latter is significantly more likely to have the assistance of legal counsel and prevail in Denver County Court.



## 2) The very few tenants who have legal assistance are much less likely to be evicted.

Although only a small fraction of tenants had legal counsel in the cases examined, for these renters who were fortunate enough to have the help of a lawyer, their chances of preventing an eviction increased dramatically.

Among the DHA eviction cases in 2014, represented tenants avoided eviction in 7 of 9, or 78 percent, of cases. In 2015, tenants with counsel succeeded in 7 of 7 cases, meaning that these represented tenants were able to remain in their homes 100 percent of the time. And in 2016, represented tenants remained housed in 6 of 9, or 67 percent, of cases. Overall during this span, represented public housing tenants were able to remain in their homes 80 percent of the time.

This trend was also reflected in the private housing evictions we reviewed. In 2014, the 4 defendants with lawyers prevented dispossession in 100 percent of cases. During 2015, among represented tenants, 6 of 7, or 86 percent, avoided dispossession. And in 2016, each of the 5 represented tenants avoided eviction. Overall, represented private housing tenants kept their homes 94 percent of the time.

Therefore, while the sample size of cases involving represented tenants is remarkably small, the results in these rare instances suggest that the assistance of legal counsel has a profound effect on tenants' prospects of remaining in their residence.

## 3) Many evictions are the result of "stipulated agreements."

As mentioned in the Methodology section above, one of the possible outcomes in an eviction case is for the parties to reach an agreement that they ask the court to enforce. This is known either as a stipulation and order or stipulated agreement. Some cases may also result in "non-judgment stipulations," which are not legal evictions but could end in dispossession.

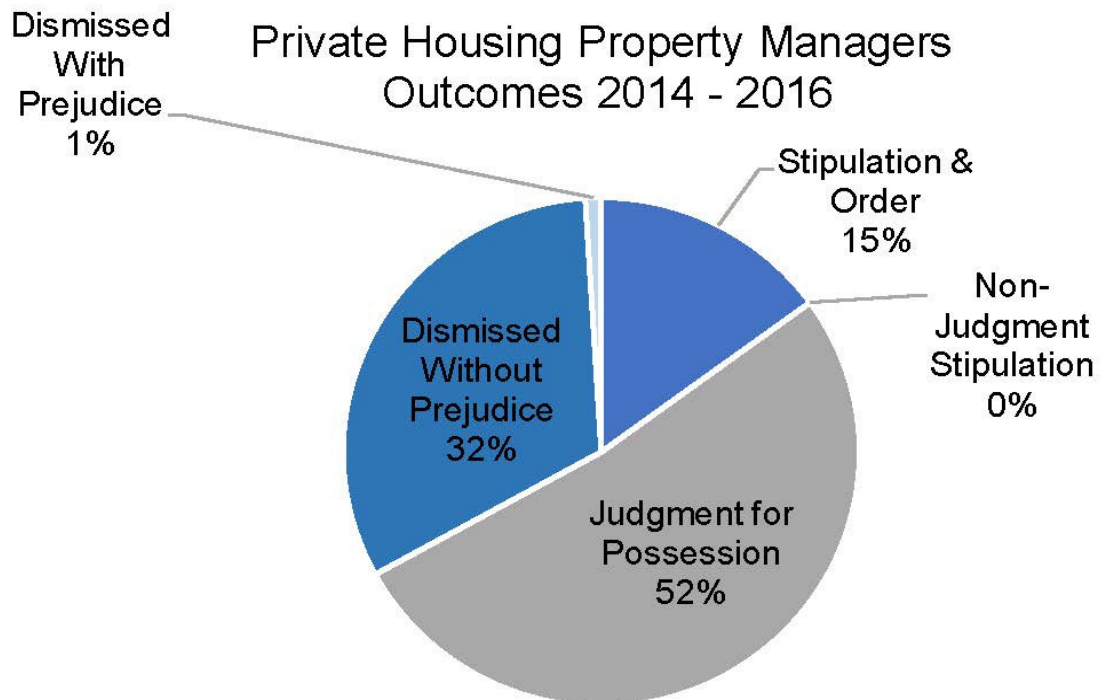
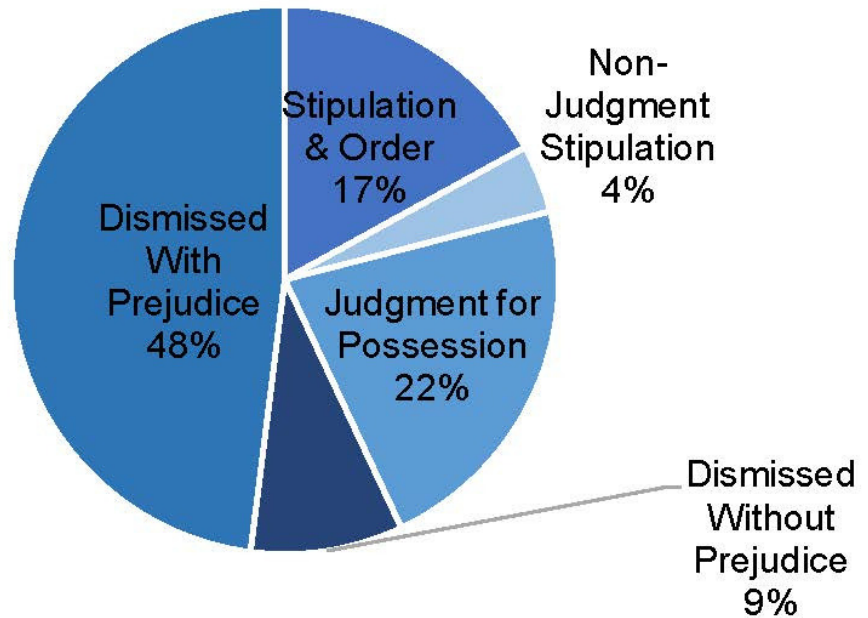
On rare occasions, non-judgment stipulated agreements might provide a tenant with additional time to move out and find a new residence. In a small handful of cases reviewed, agreements allowed a tenant to remain in their residence if they furnished a certain amount of disputed rent by a particular date. These outcomes, however, are the exception to the rule.

In virtually all of the reviewed cases that resulted in a stipulation and order, the tenant lost possession of their home. Further, in most of these cases, the tenant consented to their dispossession within a timeframe (e.g. five days) that could be much shorter than the time it might have taken to dispute the eviction in court. Consequently, many renters may be forced to find new housing within an impossibly short amount of time, which increases their vulnerability to homelessness. While these agreements are technically “voluntary” in a legal sense, they almost always undermine the interests of the tenant. The prevalence of these stipulated agreements suggests that, without the assistance of counsel, many tenants may be confused by the judicial process and do not fully comprehend the implications of their agreement.

During eviction proceedings in Denver County Court, certain procedures may be contributing to this outcome. For example, after arriving at court, many defendants are encouraged to confer with the landlord’s attorney. Some have reported confusion during this process, since it may not be apparent to tenants whether the person they are speaking with is a court employee or opposing counsel. Furthermore, although tenants legally have the right to decline to participate in settlement negotiations, many are not necessarily aware that they are allowed to simply file an answer instead of negotiating. As a result, most tenants facing an eviction inadvertently consent to their own dispossession without ever having an opportunity to present their case to a judge.

The results of this study suggest that stipulated orders/agreements are common. Among all of the DHA evictions reviewed 144 of 860 cases resulted in a stipulation and order. As reflected on the first graph below, when combined with the 29 non-judgment stipulations, these outcomes almost equaled the 189 judgments for possession. This means that roughly half of the tenants who are dispossessed in court have legally consented to their own evictions. Of the cases that resulted in a dismissal, 80 cases were dismissed without prejudice, and 413 dismissed with prejudice.

## Denver Housing Authority Outcomes 2014 - 2016



Similarly, as shown in the graph above, dispossessions by stipulated agreement were also evident in the private housing cases that were reviewed. Among PPHM cases, however, the rate of judgments for possession was much higher than DHA eviction cases. Furthermore, in DHA eviction cases, tenants were much more likely to see the eviction dismissed with prejudice (48 percent)

than in the PHPM cases (1 percent), which protects the tenant from facing a future eviction for the same alleged reason. This may suggest that DHA was more willing to work with tenants to completely resolve a dispute than its private-sector counterparts. Nonetheless, regardless of whether a case is dismissed with or without prejudice, merely filing an eviction burdens tenants with a court record that often hinders future housing prospects.

Nevertheless, in both contexts, the frequency of cases resulting in stipulated orders/agreements— which almost always cause a tenant’s dispossession— underscores another pitfall that tenants encounter when they are unrepresented by counsel during an eviction proceeding.

#### **4) Property managers are filing evictions for relatively small amounts of unpaid rent.**

In the majority of cases that were reviewed, the landlord alleged an amount of overdue rent owed by the tenant. In light of the various fees and costs associated with executing an eviction, it is striking how many cases involved relatively small amounts of disputed rent.

In Colorado, a landlord must pay the court a \$97 fee to file an FED complaint, and the Denver Sherriff’s Department requires \$120 to serve a writ of restitution. Despite these fees, many landlords pursued evictions against tenants, while alleging small amounts of unpaid rent.

Among DHA’s 2014 evictions, 207 cases alleged unpaid rent. While a few cases skewed the average amount of disputed rent to \$392, the median amount was only \$226. The range spanned \$15 to \$3,532. In DHA’s 2015 cases, based on 235 cases alleging unpaid rent, the average amount was \$452, the median \$261, and the range spanned \$4<sup>d</sup> to \$8,676. Of the 210 cases in which money was claimed, the average amount was \$451, the median was \$274, and the amounts ranged from \$20 to \$4,739.

Compared to DHA, private landlords alleged higher amounts of unpaid rent. A possible explanation for this is the generally higher cost of “market rate” rentals. In 296 cases from 2014, the average amount of rent sought by the private property management companies we reviewed was \$1,214, the median was \$1,155, and the range spanned from \$15 to \$4,192. These figures were similar for 307 private housing cases in 2015 that alleged overdue rent, with an

<sup>d</sup> As noted, the resident remained housed with DHA.

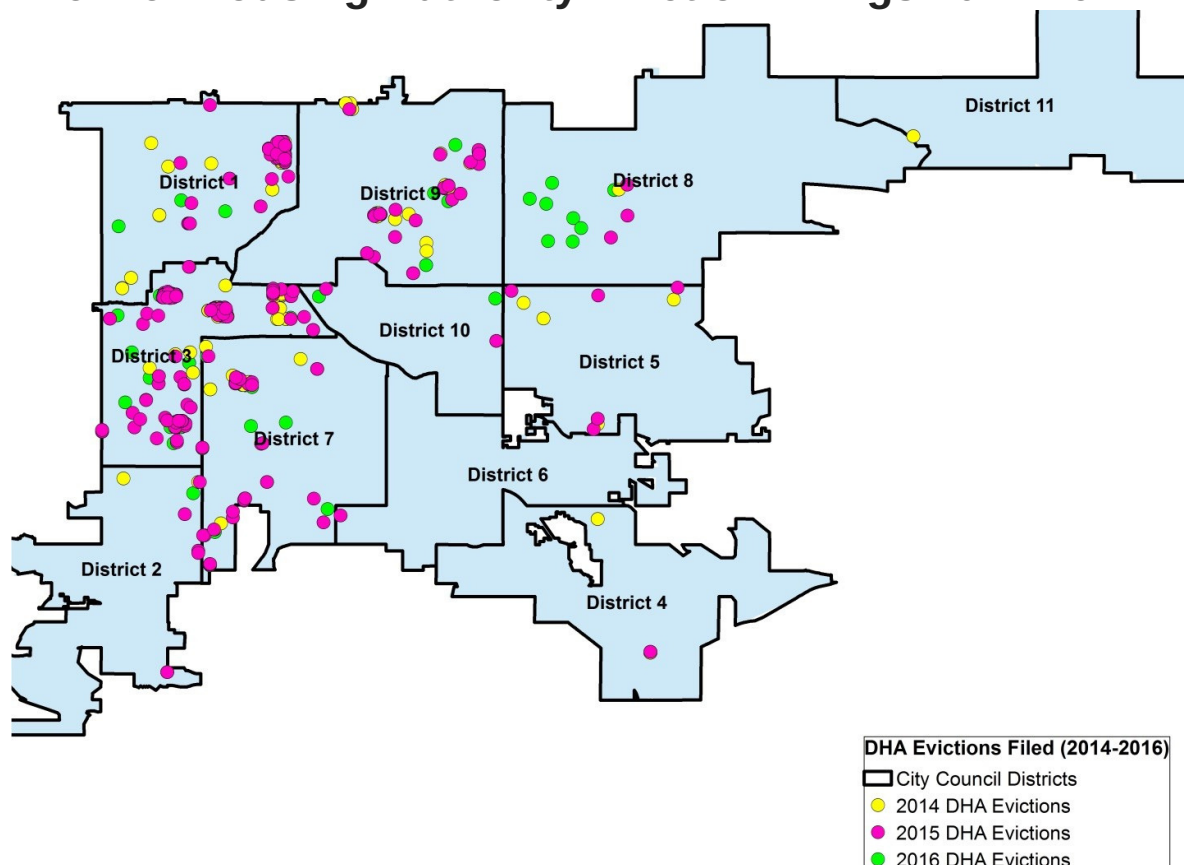
average of \$1,460, a median of \$1,250, and a range spanning \$30 to \$7,890. Of the 333 cases claiming money in 2016, the average amount disputed was \$1,655, the median was \$1,455, and the range was from \$76 to \$8,694.

For both DHA and the private property management cases, the number of evictions filed on the basis of overdue rent totaling in the double digits was surprising. In most of these cases, the only stated reason for the eviction was unpaid rent.<sup>e</sup>

### 5) Eviction cases disproportionately affected neighborhoods with higher concentrations of people of color and areas experiencing rapid development.

By recording the residential addresses of the defendants, the particular neighborhoods and Denver City Council districts most affected by the evictions could be mapped. The DHA evictions from 2014 to 2016 involved addresses located in the areas on the map below.

## Denver Housing Authority Eviction Filings 2014-16<sup>f</sup>

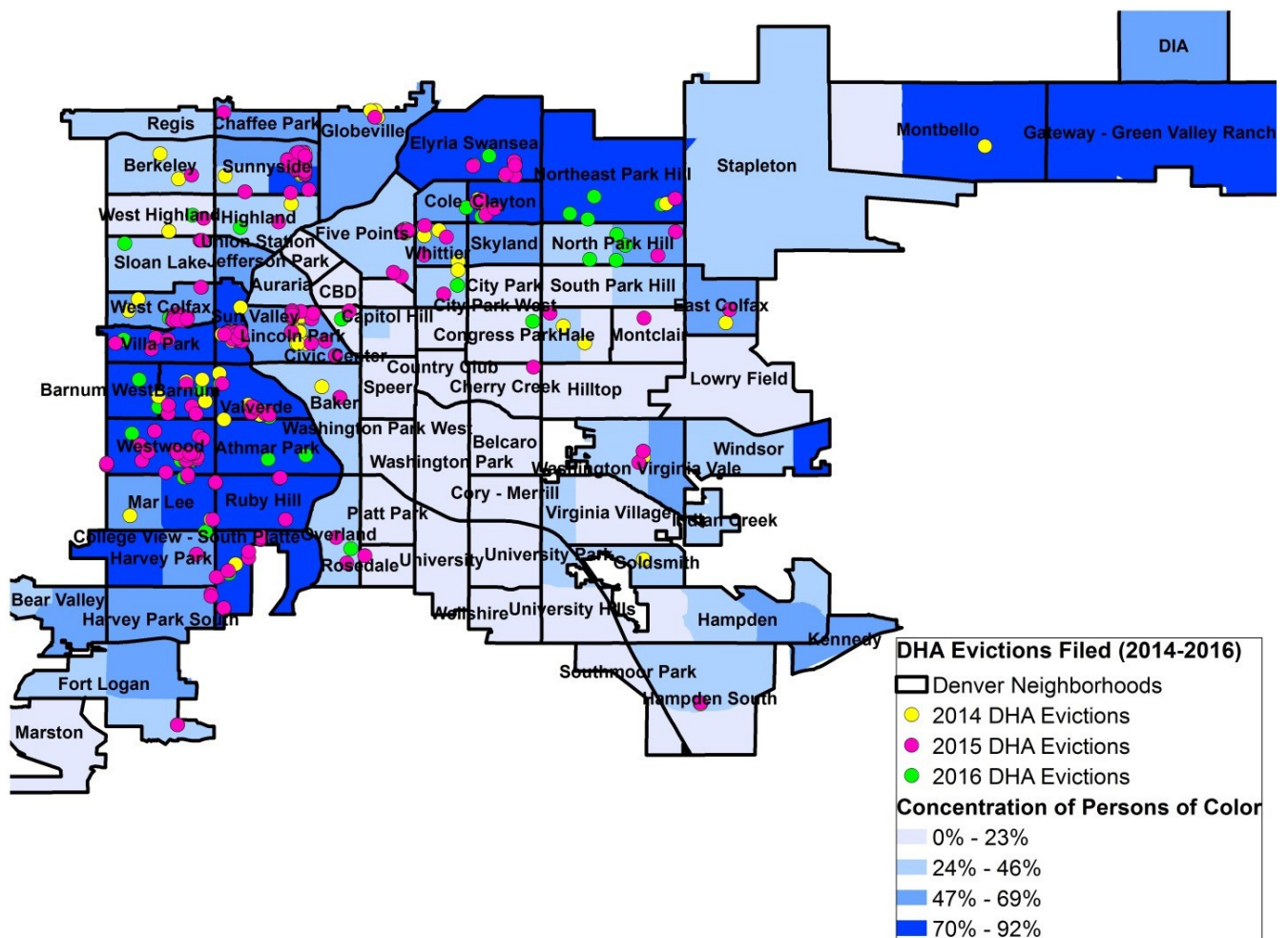


<sup>e</sup>One explanation for the prevalence of evictions filed that allege small amounts of unpaid rent, despite the relatively higher cost of filing fees, may be that overdue rent is stated as a pretense to remove tenants for other reasons that may not have justified a legal eviction. For more information, see “Evicted,” by Mathew Desmond, (2016).

<sup>f</sup>These dots represent 860 eviction cases filed. Some dots are not distinguishable when cases involve different units in the same apartment building. This is true for all maps included in this report.

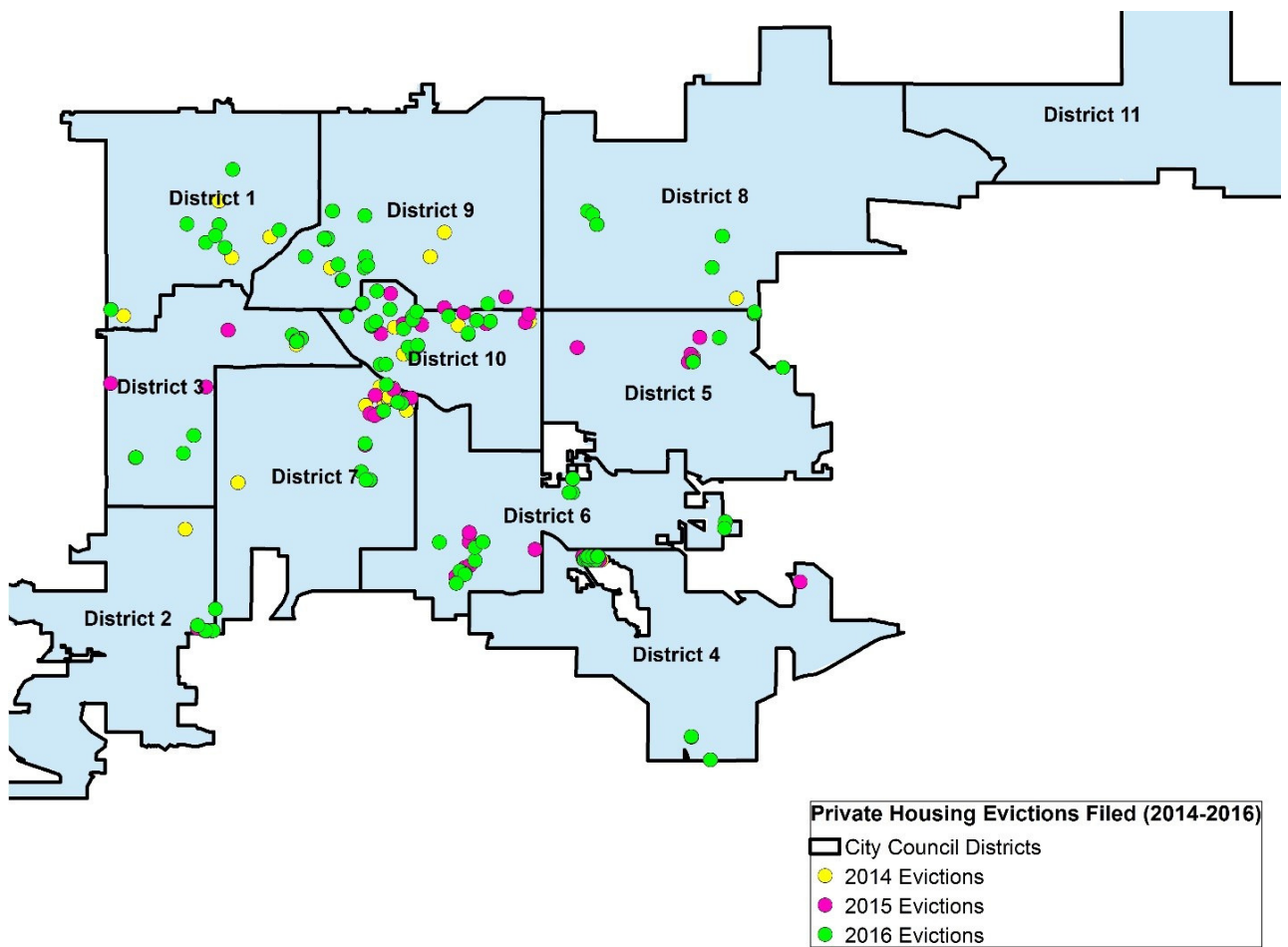
Using available Census data, these eviction cases were identified on a map of Denver with neighborhoods shaded based on the concentration of residents who identify as people of color. There is an equal distribution of people represented by each shade of blue/percentage bracket. As the map below demonstrates, the DHA evictions that were examined disproportionately involved addresses located in neighborhoods with greater concentrations of people of color. Additionally, this geographic distribution likely reflects broader racial disparities in where public housing is located throughout Denver.

## Denver Housing Authority Eviction Filings in Communities of Color 2014-16



In contrast to the DHA eviction cases, many of the private housing evictions filed involved addresses located near Denver's urban center, among neighborhoods experiencing rapid development, rising rents, and gentrification. This is reflected in the following map.

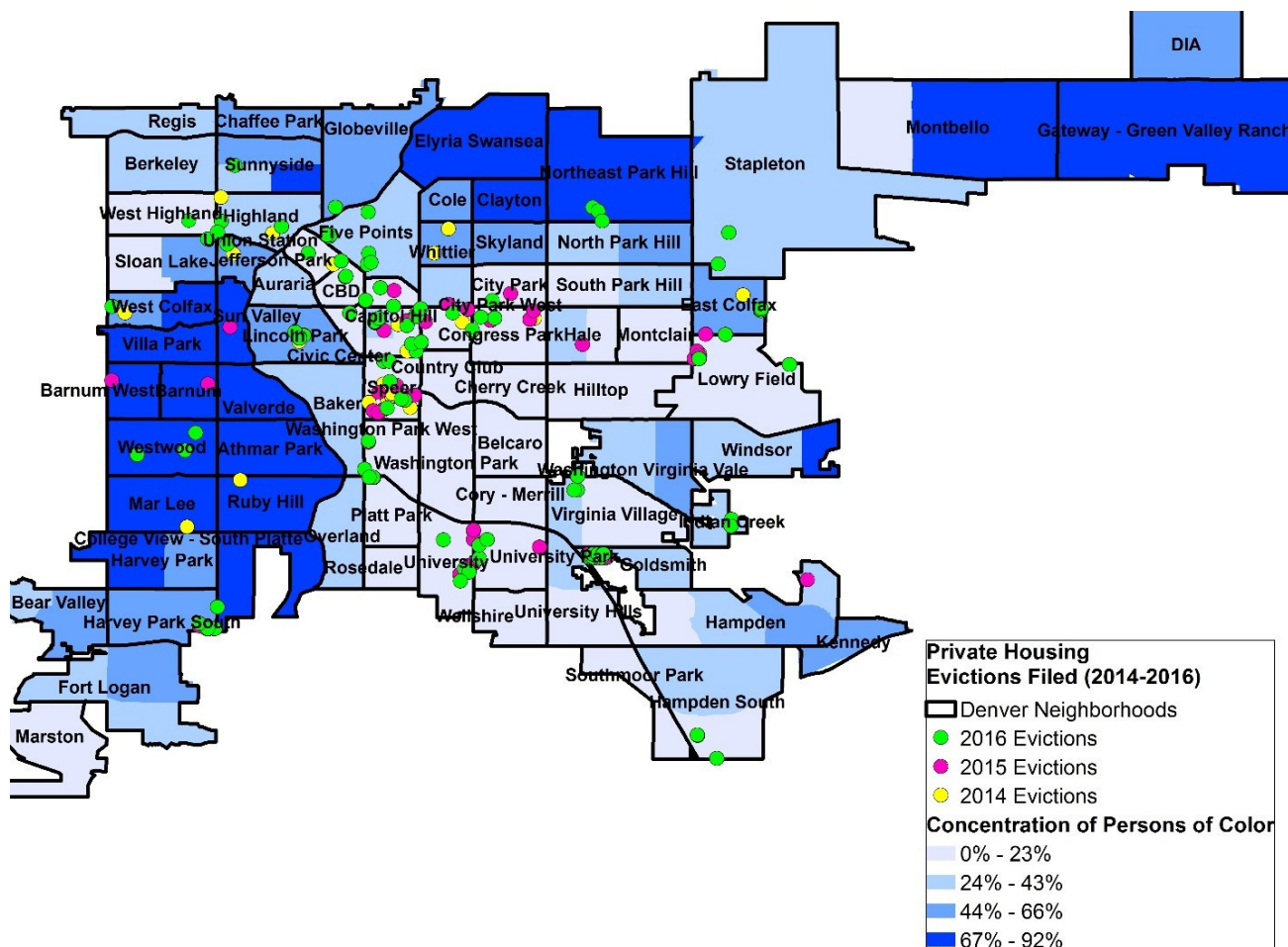
# Private Housing Property Manager Eviction Filings 2014-16<sup>9</sup>



<sup>9</sup> These dots represent 1,060 eviction cases filed.

The next map suggests that the distribution of eviction cases may also reflect the geographic and socioeconomic preferences of the particular property management companies examined.

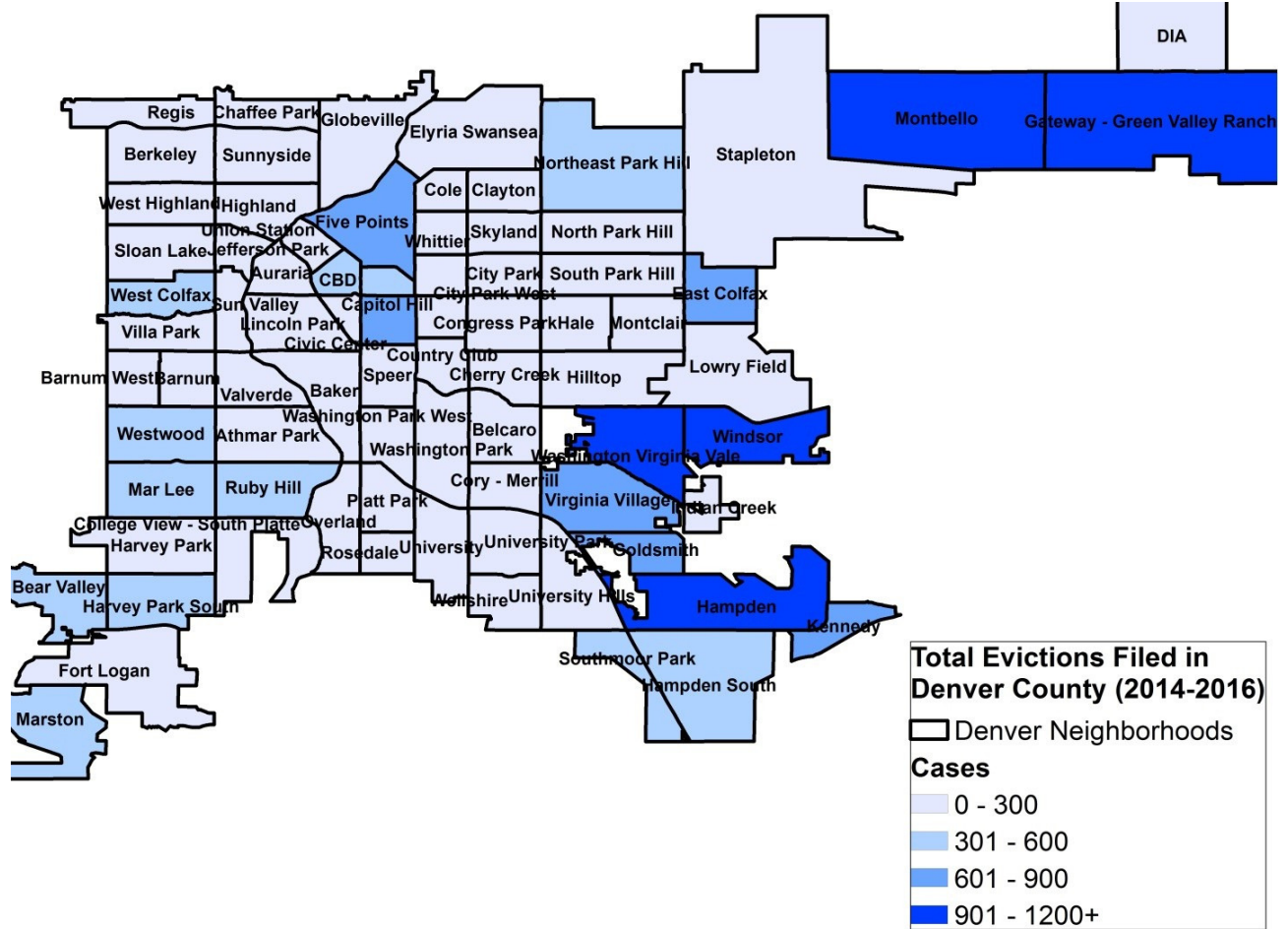
## Private Housing Property Managers Eviction Filings in Communities of Color 2014-2016



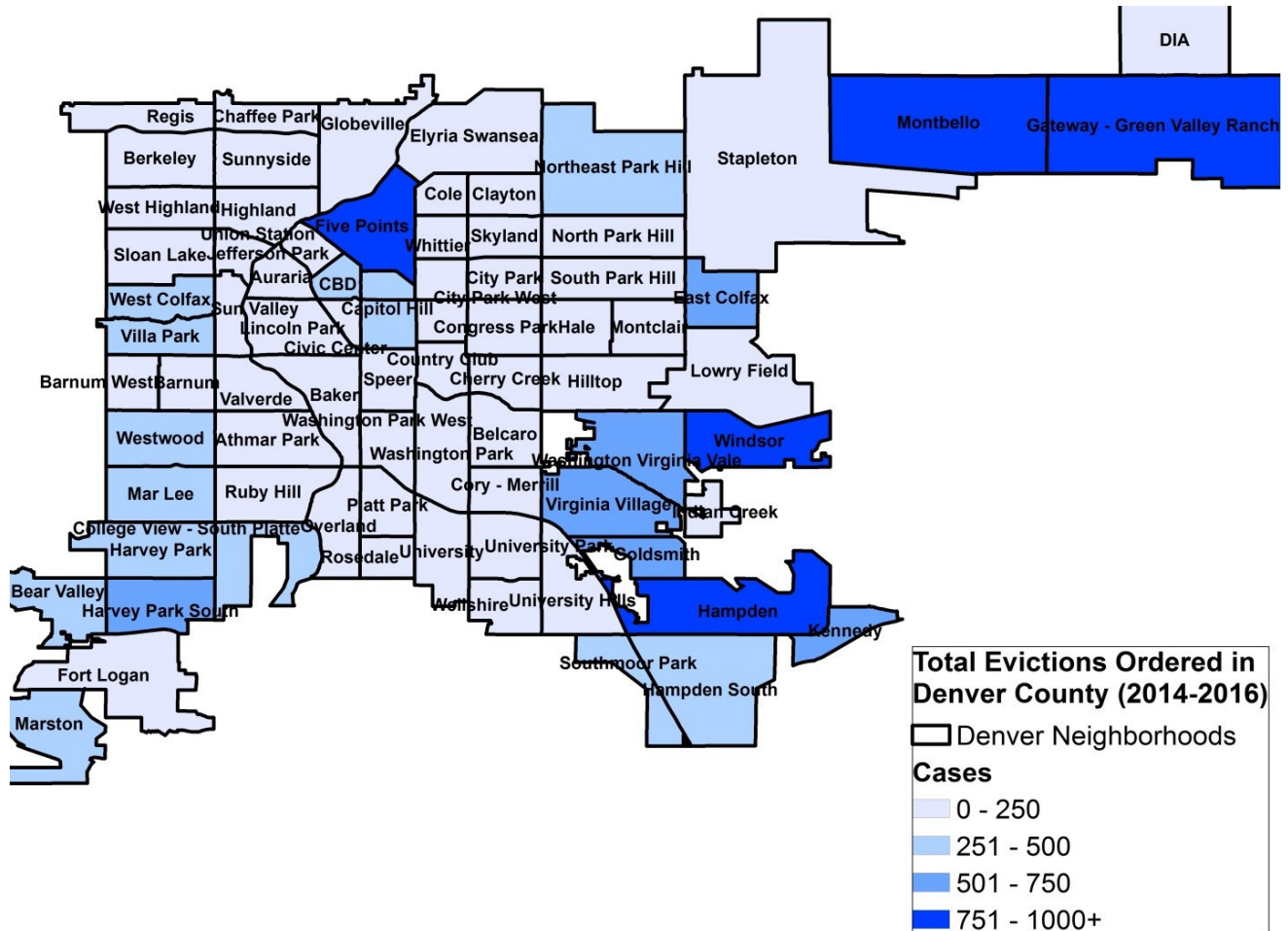
The maps of private housing eviction cases (above) provide some insight into the geographic distribution of evictions in Denver. Nonetheless, the sample size of cases contained in these maps is relatively limited, and this distribution may also reflect the particular neighborhoods where these property managers operate.



# Total Evictions Filed in Denver County 2014 - 2016



## Total Evictions Ordered in Denver County 2014 - 2016



In order to gain a fuller picture of where evictions are occurring, the two maps above reflect the distribution of nearly every eviction case from 2014 to 2016. The maps are based on 21,579 eviction filings and 17,946 evictions ordered, derived from records that were compiled by the City of Denver between 2014 and 2016 (a segment of the 92,969 cases provided by the City). These maps depict several neighborhoods that have been most affected by evictions. The first map reflects evictions filed for each neighborhood in Denver, while the second shows evictions ordered. The neighborhoods with the most evictions filed include Montbello, Gateway-Green Valley Ranch, Windsor, Washington Virginia Vale, and Hampden, with the greatest number (1,314) in the Hampden neighborhood. The neighborhoods with the most evictions ordered include Five Points, Montbello, Gateway-Green Valley Ranch, Windsor, and Hampden, with the greatest number (1,116) in Hampden. This may reflect which neighborhoods

<sup>h</sup> In the case data provided by the City, some of the evictions filed and ordered did not have addresses included and were not captured in the map. With these cases included, there were 28,997 evictions filed and 24,511 ordered between 2014 and 2016.

<sup>i</sup> Evictions ordered do not include filings that resulted in a dismissal or vacated judgment.

have the greatest concentration of renters, as well as other socioeconomic factors. Moreover, the areas with higher concentrations of eviction cases may correspond with a higher density of multi-family rental units.

Collectively, the maps above convey how eviction disproportionately affects certain neighborhoods, including communities of color in particular. These disparities are rooted in historical discriminatory trends in housing. In this sense, these maps help to illustrate the connection between promoting eviction prevention programs and advancing racial justice in housing.

# NEXT STEPS & POLICY RECOMMENDATIONS

In light of these findings, the Colorado Center of Law and Policy and the Colorado Coalition for the Homeless urge Denver's policymakers and housing advocates to dedicate resources and enact policies that would give renters a more meaningful opportunity to defend against a threatened eviction. These recommendations include:

- **Administering grants to fund eviction defense in cases that involve indigent tenants.** Improving access to legal resources would mean tenants would be less likely to have a default judgment entered against them on a complaint for Forcible Entry and Detainer; they would be better informed of available defenses; they might be able to negotiate a settlement that would buy time for an orderly departure that does not result in homelessness; and through negotiation may avoid having a record of eviction and the resulting effect of that eviction on their housing stability. This report indicates that legal assistance greatly improves a tenant's likelihood of remaining housed.

There are currently no existing long-term funding sources available to support these services. Some strategies to accomplish this objective include creating a dedicated source of funding through a surcharge on FED filings, using state or municipal housing assistance funds, and utilizing existing homelessness prevention funds. This program could develop out of the new Housing Opportunities for People Everywhere (HOPE) office or a newly-created Office of Eviction Defense.

- **Effectuating procedural reforms to bolster due process for tenants facing evictions.** FED procedures can be improved to make the process fairer to people who may be pro se, have low levels of literacy or English language proficiency, or do not have the stability in their personal lives that would allow them to fully access the justice system.

Areas for improvement include strengthening requirements for notice and for service of the summons and complaint to provide additional protections when the tenant does not personally receive the documents. Interposing an additional step in the process that would provide the tenant with an opportunity to cure could obviate the need to evict in some cases. In addition, when personal service is not achieved, the requirements for entering a judgment for possession could be strengthened to require the court to make particular findings regarding the factual basis alleged in the complaint.

– **Expanding the availability of emergency rental assistance.**

Although rent assistance, which has been administered by Denver Human Services, has helped some people avoid the loss of their homes, a number of barriers prevent individuals and families from accessing this resource. The application process is onerous in several respects, and if a family receives assistance once, they are categorically ineligible to ever reapply. Further, tenants are not able to seek assistance until they have received notice of overdue rent and cannot apply preemptively. Given that many tenants are evicted for relatively small amounts of unpaid rent, expanding the availability and accessibility of emergency rent assistance would be an effective approach to help tenants remain in their homes.

– **Identifying City resources to allow for more dispute-resolution and mediation prior to the filing of an eviction.**

A number of eviction complaints, particularly in public housing cases, were settled through the negotiation of a repayment plan that allowed tenants to remain in their homes. Even though this outcome is preferable to an eviction, the resulting court record may still negatively impact a person's future housing stability. Accordingly, the City should support public and private property managers in order to facilitate more repayment plans and resolve other compliance issues prior to the filing of an FED. Although DHA is governed by federal regulations that include various tenant protections, we encourage the City to provide financial and technical assistance to facilitate the appropriate guidance and training needed to expand dispute resolution programs. The City should also consider which DHA mediation practices would be appropriate to apply to private housing. For example, Denver County Court requires mandatory mediation for subsidized housing before an eviction can proceed, but not for private housing. This proactive approach will help reduce the costs associated with pursuing an eviction and preparing housing units for new tenants.

– **Establishing a process that would allow tenants to seal their eviction histories in certain circumstances.**

FED actions that were filed but that did not result in eviction appear in the public record and are reported in background checks, even when the parties reached a settlement. Court records are available for an indefinite period, long after a tenant may have regained financial or personal stability. Limiting the period during which an eviction could be reported on a credit or judicial history report and sealing records of actions that did not result in eviction would prevent the mere filing of a complaint or a stale record from harming a person's ability to find an affordable apartment.

➤ **Ensuring that pro se tenants are informed of existing procedures and resources.** Although there is a self-represented litigant coordinator available to help pro se litigants navigate the judicial process, their office is located on a separate floor and many people are unaware of this resource. A simple well-placed sign could help considerably. In addition, a succinct document that outlines a tenant's rights and responsibilities in an eviction proceeding could also help dispel confusion, particularly with respect to deadlines and settlement negotiations.

- i The exact number of 2016 eviction filings in Denver is unclear. According to our analysis of data provided by the City of Denver, there were 8,113 distinct eviction cases filed in 2016—although the number of people facing eviction was higher, as many of these cases involved multiple tenants living together. However, the Colorado Independent has more recently reported the number as 8,419 (“The Denver Boot,” Tina Griego, June 12, 2017). This discrepancy could reflect differences in how evictions are recorded. For example, we did not include cases that may have begun in 2015 but were resolved in 2016.
- ii “Colorado Judicial Branch: Annual Statistic Reports: 2016” p. 75
- iii This data includes evictions filed by five private companies, Cornerstone Apartments, FourStar Realty and Property Management, Holland Residential, Ross Management Group, Greystar, and two nonprofit property managers, Renaissance Property Management Corporation and Mercy Housing.
- iv Colorado Judicial Branch, JDF 100: “Instructions for Forcible Entry and Detainer / Evictions,” available at <https://www.courts.state.co.us/Forms/PDF/JDF%20100%20FED%20Instructions%20final%2012-2015.pdf>
- v Denver Sheriff Department: Civil Division, “Fee Schedule,” available at [https://www.denvergov.org/content/dam/denvergov/Portals/776/documents/Civil\\_Unit/FEES%20OF%20SHERIFF%20EFFECTIVE%202012.pdf](https://www.denvergov.org/content/dam/denvergov/Portals/776/documents/Civil_Unit/FEES%20OF%20SHERIFF%20EFFECTIVE%202012.pdf)

# FURTHER READING

Justice Crisis in Colorado 2014: Report on Civil Legal Needs in Colorado, Colorado Access to Justice Commission (2014)

Envisioning 100% Access to Justice in Colorado, Daniel M. Taubman and Melissa Hart, Colorado Law Scholarly Commons (2017)

Justice Diverted: How Renters are Processed in Baltimore City Rent Court, Dan Pasciuti and Michele Cotton, Public Justice Center (2015)

Expanding Access to Justice, Strengthening Federal Programs: First Annual Report of the White House Legal Aid Interagency Roundtable, White House Legal Aid Interagency Roundtable (2016)

No Time for Justice: A Study of Chicago's Eviction Court, Lawyer's Committee for Better Housing (2003)

The Importance of Representation in Eviction Cases: A Report on the BAA Civil Right to Counsel Housing Pilots, Boston Bar Association Task Force on the Civil Right to Counsel (2012)

Out of Reach 2015. Megan Bolton et al, National Low Income Housing Coalition (2015)

Evictions Higher in Single Family Rentals with Large Corporate Owners and Institutional Investors, Elora Raymond et al, National Low Income Housing Coalition (2017)

The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings, Stout Risus Ross, Inc. (2016)

Rise of the Renter Nation: Solutions to the Affordable Housing Crisis, Homes for All Campaign of Right to the City Alliance (2014)

New York City Guarantees a Lawyer to Every Resident Facing Eviction, Kriston Capps, CityLab (2017)

America's Insidious Eviction Problem, Gillian B. White, The Atlantic (2016)  
Why Losing a Home Means Losing Everything, Emily Badger, The Washington Post (2016)

How We Undercounted Evictions By Asking the Wrong Questions, Andrew Flowers, FiveThirtyEight (2016)



## Eviction Cases 2014 – 2016 by Neighborhood

Neighborhood	2014-2016 evictions filed	2014-2016 evictions ordered
Auraria	-	-
Country Club	3	2
Wellshire	4	4
Cory - Merrill	12	10
Washington Park	14	10
Rosedale	15	15
City Park	42	23
Platt Park	37	28
DIA	31	30
Montclair	49	31
Chaffee Park	37	34
Indian Creek	41	37
Regis	41	37
South Park Hill	53	41
Overland	53	43
Barnum West	51	47
Berkeley	54	52
University Hills	57	54
Washington Park West	76	56
West Highland	60	56
North Park Hill	64	64
Skyland	70	66
Sun Valley	90	71
Sloan Lake	80	75
Valverde	100	78
Clayton	91	86
Cherry Creek	106	94
Civic Center	132	97
Cheesman Park	151	98
University Park	108	98
Cole	112	100
Whittier	115	102
Stapleton	134	104
University	117	107
Jefferson Park	124	114
City Park West	161	115
Union Station	169	116
Baker	136	117
Barnum	139	121

Athmar Park	166	123
Congress Park	196	123
Belcaro	135	131
Elyria Swansea	139	132
Fort Logan	152	132
Globeville	148	144
Sunnyside	206	162
Highland	222	181
Hale	219	183
Lincoln Park	243	187
Hilltop	250	202
Speer	258	225
Ruby Hill	304	235
Lowry Field	262	246
Villa Park	291	257
Mar Lee	330	267
College View - South Platte	295	278
Harvey Park	296	280
Northeast Park Hill	313	298
Southmoor Park	334	306
North Capitol Hill	420	327
Marston	370	332
CBD	436	358
West Colfax	513	380
Westwood	428	388
Bear Valley	442	399
Capitol Hill	616	421
Hampden South	524	482
Harvey Park South	566	510
Virginia Village	699	522
Kennedy	869	557
East Colfax	700	560
Goldsmith	694	657
Washington Virginia Vale	929	748
Five Points	878	754
Montbello	1,150	889
Gateway - Green Valley Ranch	1,116	986
Windsor	1,227	1,035
Hampden	1,314	1,116
<b>Total:</b>	<b>21,579</b>	<b>17,946</b>

Note: This table does not include every eviction case, but only those that included addresses that were able to be mapped.