



COLORADO FUTURES CENTER

Eviction Cases in Colorado County Courts: A summary and limitations of data available from July 2017 – June 2021

Prepared in Support of Enterprise Community Partners

SUMMARY: OCTOBER 2022

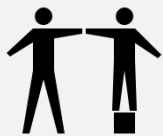
Inquiry



In 2021, the Colorado Legislature's Joint Budget Committee requested information from the State Judicial Department on eviction cases filed from fiscal years 2017-18 through 2020-21, 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. Enterprise Community Partners obtained the Department's response, and subsequently worked with Colorado Futures Center (CFC) to request additional information and clarification from the Department and Denver County Court to allow for an accurate, robust assessment of the initial response.



Enterprise and CFC established research questions before receiving data from State Judicial Department and Denver County Court, ultimately seeking to understand which Coloradans are most at risk of and impacted by residential eviction, and the impact of current policy and programmatic interventions. Some but not all questions could be answered from the data provided. This presentation summarizes findings responsive to the original inquiry and highlights gaps in available data that preclude a full understanding of the original inquiry.



How can these data help better understand the magnitude and impact of evictions and what resources would be most effective in mitigating negative impacts of the eviction process on renters, landlords, public systems, and communities as a whole?

Should these data not answer the collections of questions, what enhancements (collection or reporting) are necessary to be able to do so in the future?

Guide to This Presentation

Executive Summary | Background

Why a Focus on Evictions

- Impact of housing instability

Picture of Eviction Filings in Colorado County Courts, July 2017 through June 2021

- Insight currently available data provides

Blind Spots

- Questions we are unable to answer

Next Steps

- Recommendations for future data collection and provision

How Things Came to Be – Market Forces

UNFAVORABLE LENDING

Many households victim to sub-prime loans, ultimately leading to future vulnerability

2007

MASS FORECLOSURES

Previous homeowners become renters, with banks holding large swaths of units

2009

WEAK HOUSING PRODUCTION

After the Great Recession, housing now greatly lagged that of the unexpected household growth – vacancy rapidly declines

2012

WAGES LAG HOMEPRICES

Culmination of previous forces driving prices even higher, more cost-burdened or having to double-up – implications for evictions?

2015

LAST FRONTIER

Low-income communities exposed to significant pressures of displacement, as few places remain affordable

2017

SHAPING THE FUTURE

Grappling with displacement and preparing for unknown impacts from the COVID crisis / eviction moratoria

2022

Strength and Stability of Place

While other factors exist, housing and economic security are closely intertwined with facets of education and health outcomes that determine the strength of place. This is the lens through which the following slides support the need to focus attention on the state of evictions across Colorado's communities and what resources could be brought to bear to mitigate the most detrimental impacts evictions have on the household.

HOUSING
Housing affordability is a primary driver of community stability over time. It relates to household income by way of (typically) being the largest budget item.

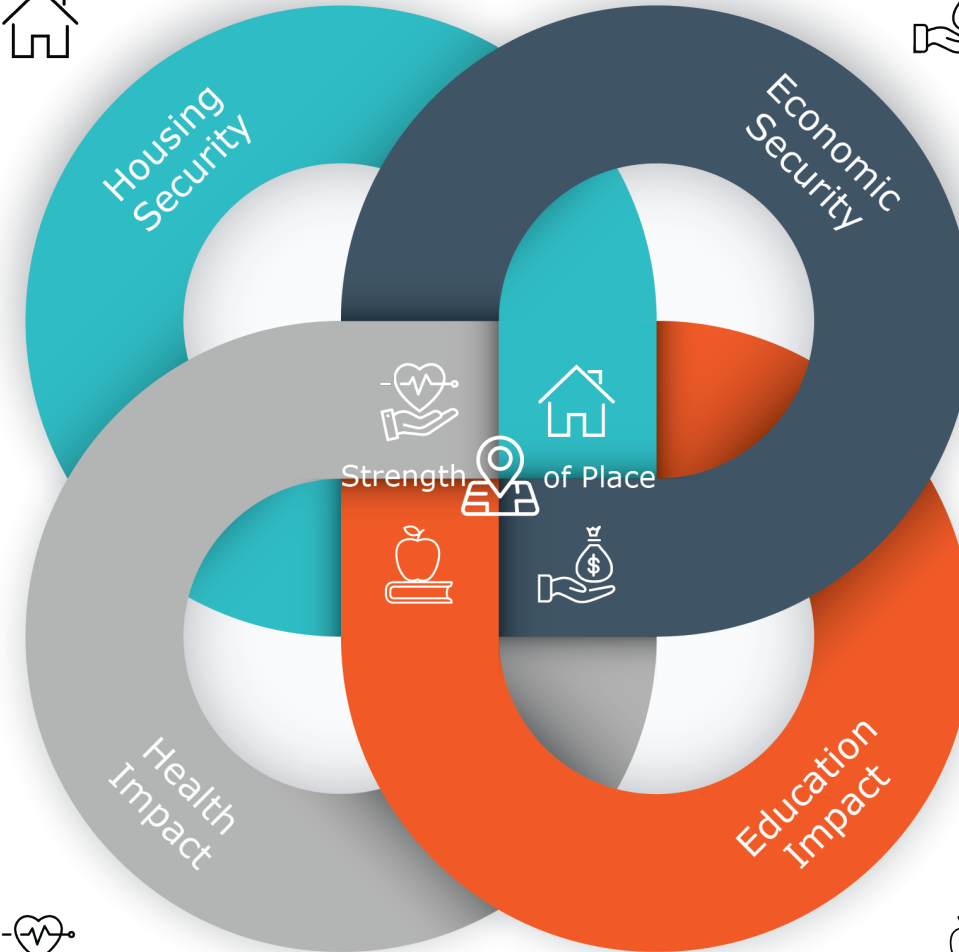


WAGES
Wages translate into household income and therefore afford expenses like housing, food, transportation and healthcare.



HEALTH
Health (physical and mental) is impacted by community stability through its multiple forms of social determinants.

EDUCATION
Education is represented primarily in two ways. One drives the ability to secure reliable well-paying jobs and therefore afford stable housing. The other related to impacts that housing stability has on children's academic performance.



Data Provided by State Judicial Department and Denver County Court

State Judicial Department – the base file contains the variables requested from the original Joint Budget Committee request for information (RFI) dated April 21, 2021 (with all personal identifying information removed), except for two case details the Department reported not being able to extract:

- Whether the eviction was residential or commercial
- Zip code of the address where the eviction occurred
- Upon request of Enterprise and CFC, Department staff provided information clarifying and updating information in the base file, and additional variables beyond the original RFI to provide greater clarity on final resolution of all filed cases including:
 - Default judgements
 - Case dismissals/closed cases

Denver County Court– these data were provided by court staff at the request of Enterprise and CFC, as the State Department’s base file did not include Denver County Court information. Denver provided separate Excel files matching the time period of the State’s base file, with multiple worksheets to align respective outcomes with those requested in the original RFI fulfilled by State Judicial.

More detail on these files can be obtained from the memo from the State Court Administrator’s Office to the Joint Budget Committee dated November 1, 2021, and the data addendum composed by Enterprise and CFC documenting communication and clarification of variables, as well as pertinent metadata for additional variables provided as noted above.

Picture of Eviction Filings in Colorado County Courts, July 2017 – June 2021

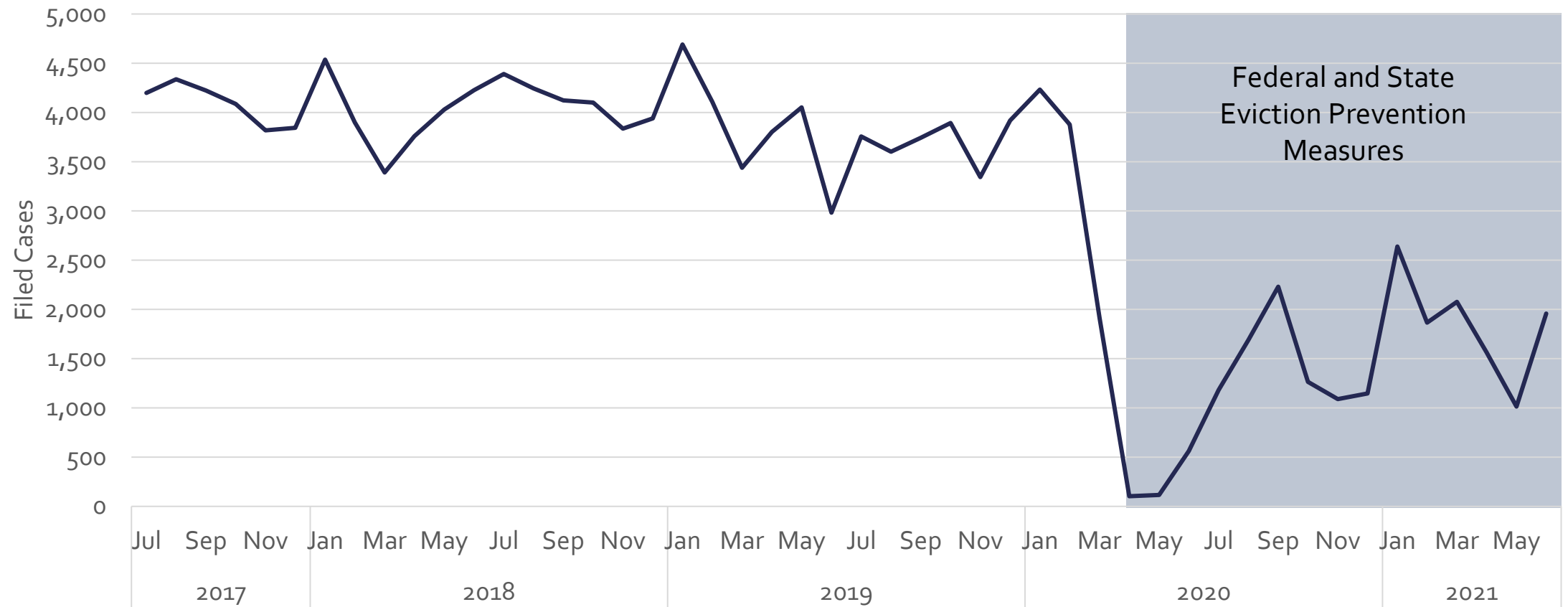
INSIGHT CURRENTLY AVAILABLE DATA PROVIDES

Eviction is a process therefore, it's complicated.

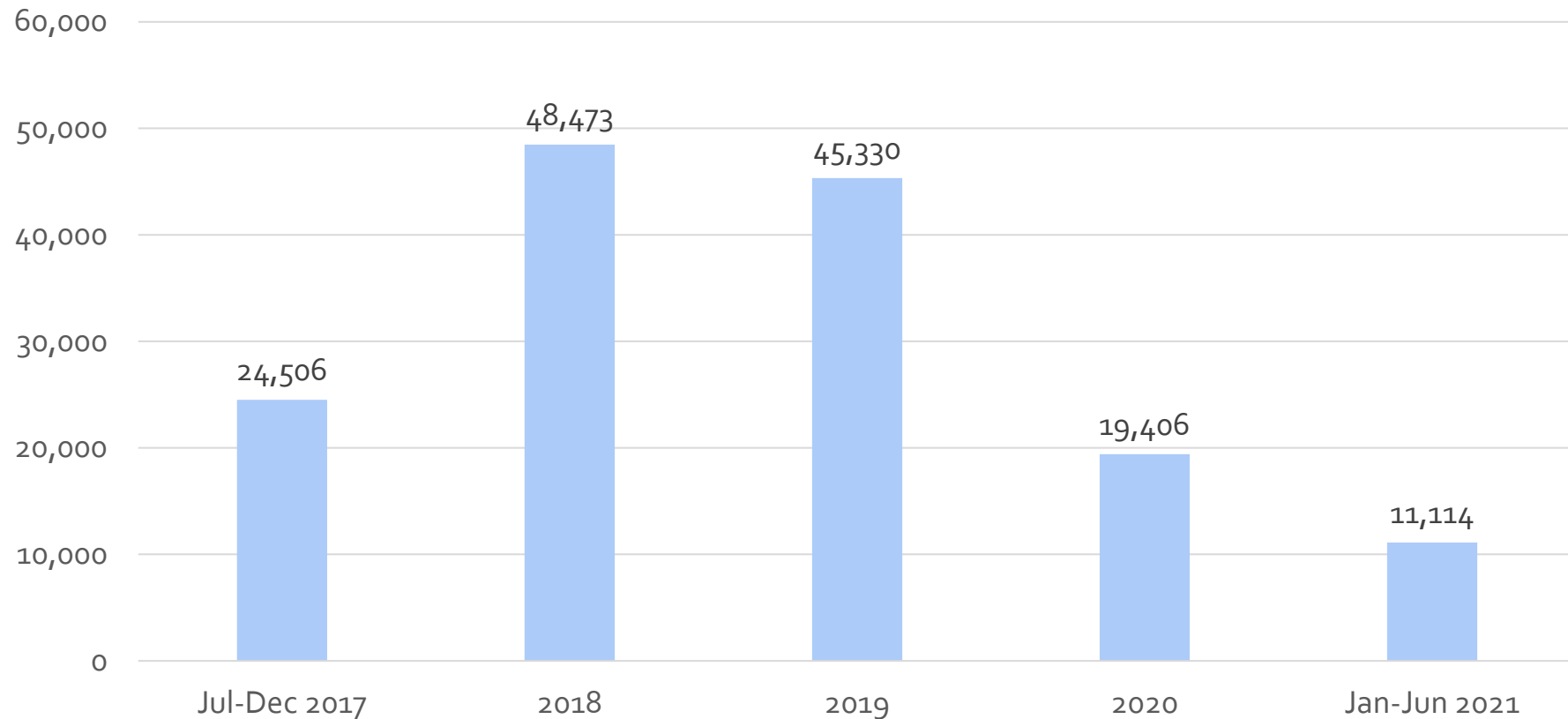
What we can say from these data:

- Total cases filed in each Colorado county court by month/year
- Total cases filed by county per 1,000 renter households
 - Denver County only – cases filed by zip code
- Total judgments for possession issued
- Total writs of restitution issued Total cases by whether renters, landlords, both, or neither party had legal representation at any point in the court process
- Total number of cases with money judgments, by principal and total judgment amounts
 - Assessed by legal representation and average dollar amount
- Total cases with certain identified outcome
 - Assessed by parties' legal representation

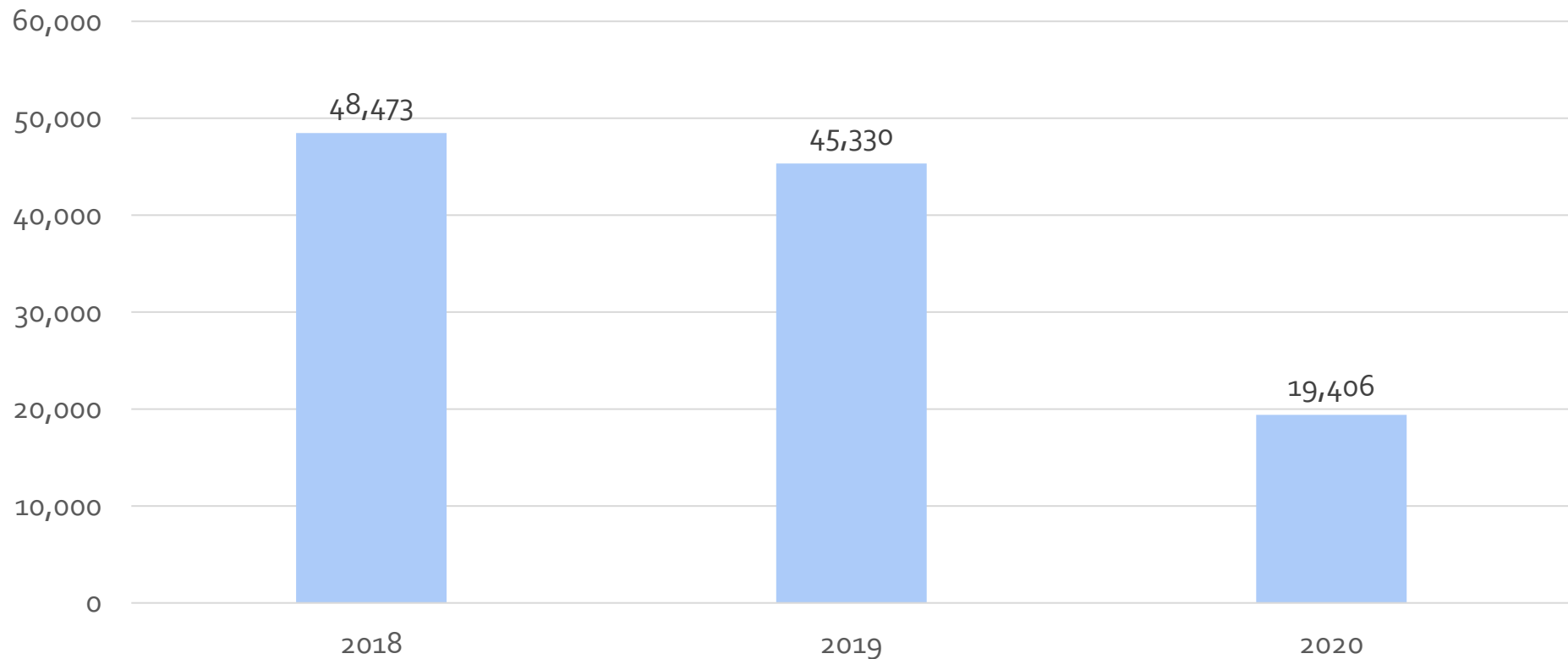
Eviction Cases filed in Colorado County Courts, by Month



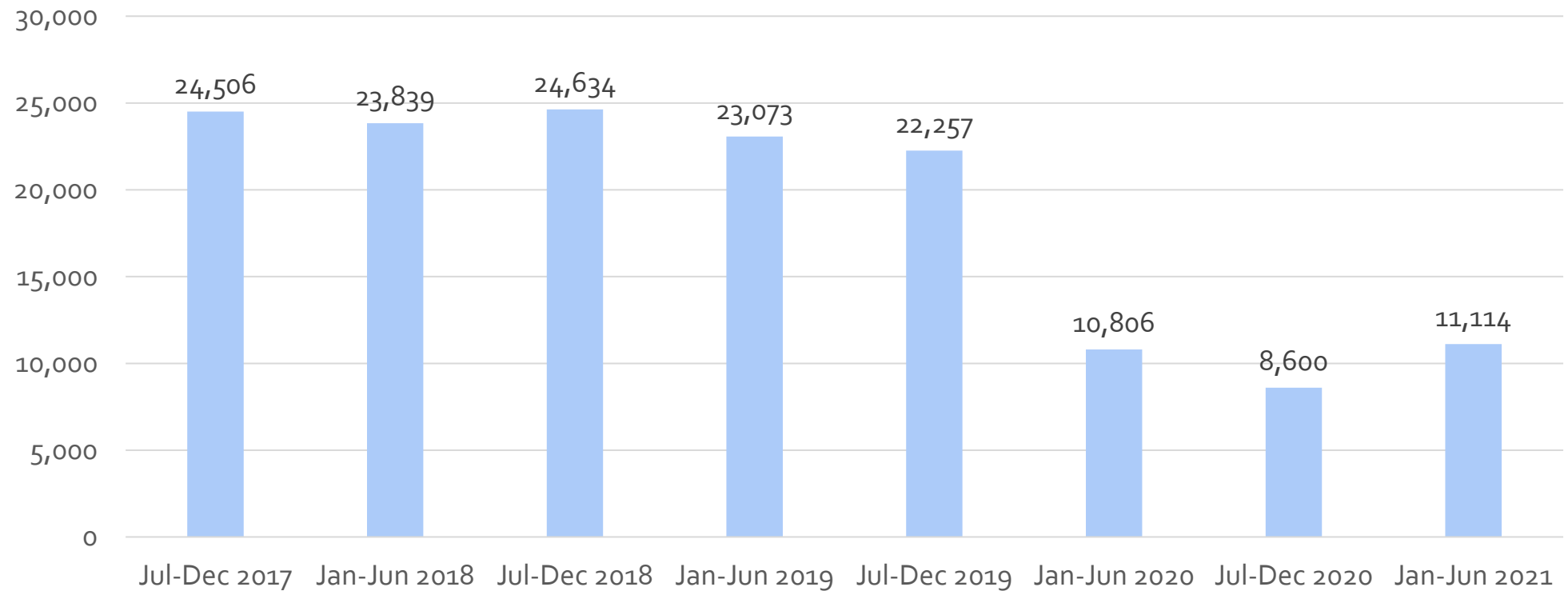
Total Eviction Cases Filed Statewide July 2017 – June 2021, by Calendar Year



Total Eviction Cases Filed Statewide, by Full Calendar Year



Total Eviction Cases Filed Statewide July 2017 – June 2021, by 6-Month Increments

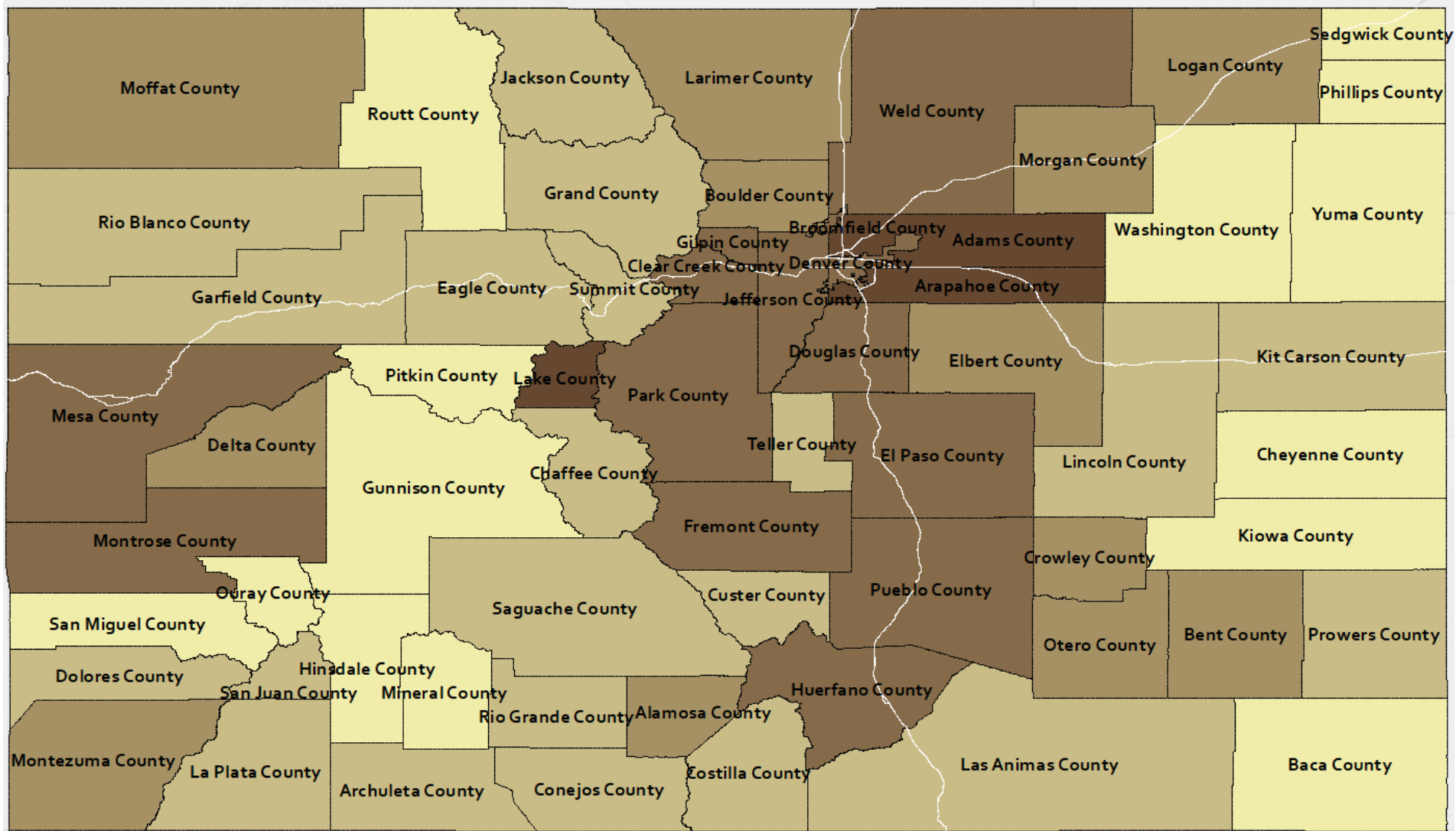


Eviction Case Filing Rates

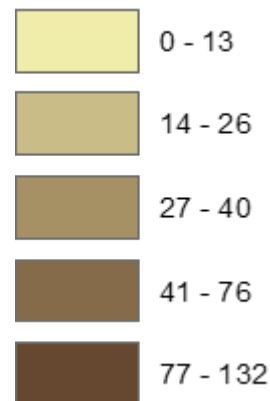
To standardize eviction filings and enable comparisons between counties regardless of population, CFC determined an eviction filing “rate” for each county by determining how many evictions were filed per 1,000 renter households in that county, in each of the three complete calendar years for which we have data. This chart shows the counties with the highest eviction rates for each of these three calendar years.

While highly populated Front Range counties account for most cases filed, other counties emerge as leading in eviction filings when accounting for the prevalence of renters.

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

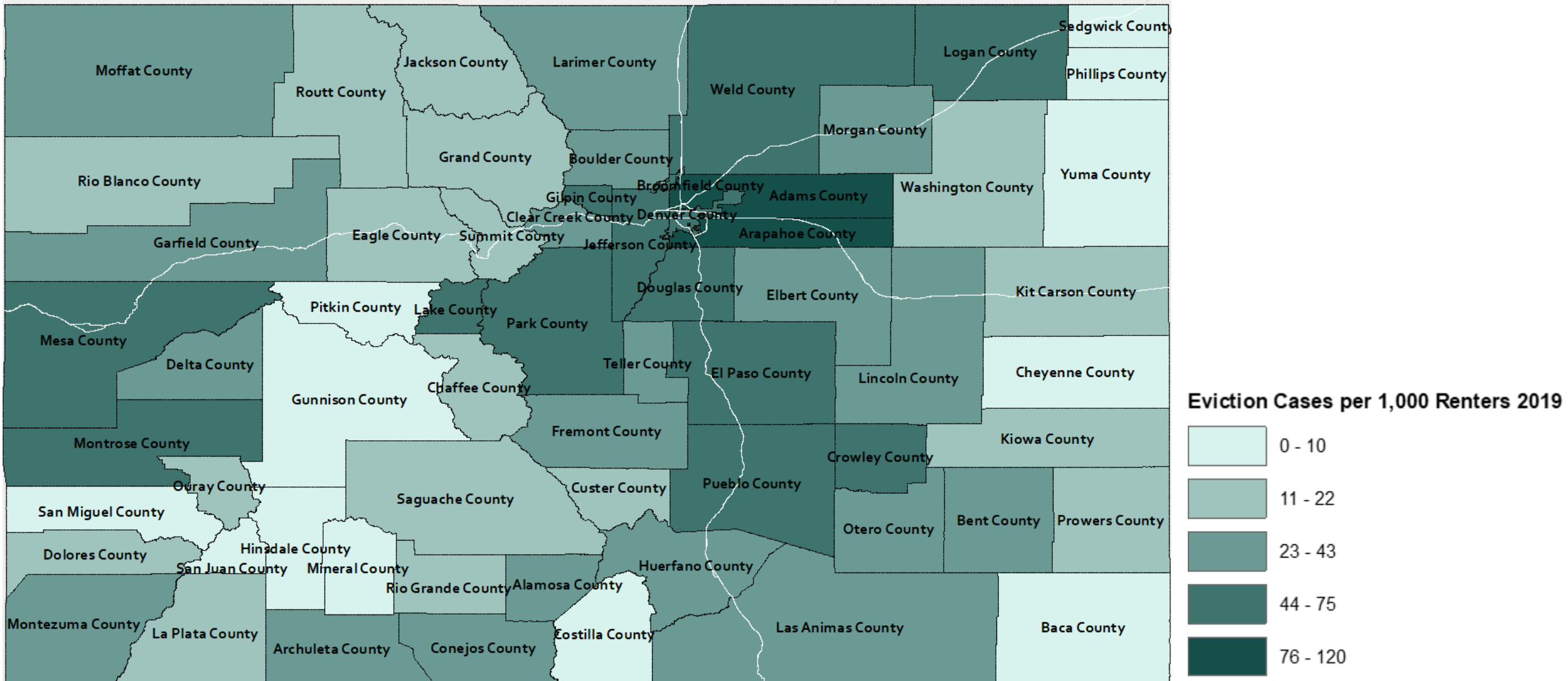


Eviction Cases per 1,000 Renters 2018



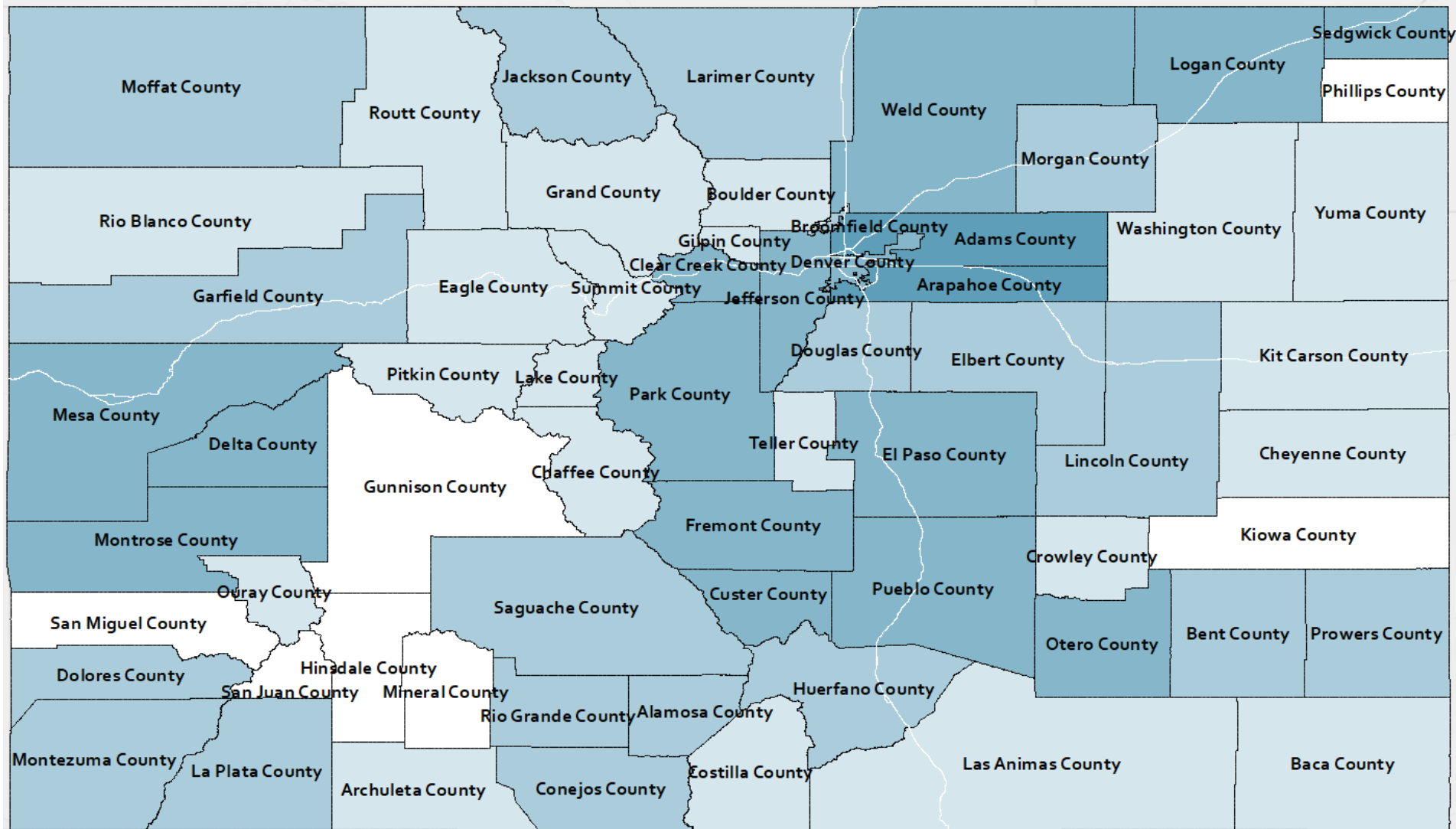
Colorado County Eviction Filings: 2018

THE SMALLEST GEOGRAPHIC UNIT AVAILABLE IN THE STATE JUDICIAL DEPARTMENT'S BASE FILE THE COUNTY IN WHICH THE EVICTION WAS FILED.

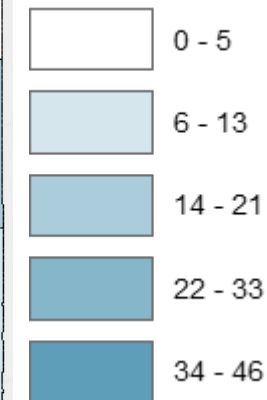


Colorado County Eviction Filings: 2019

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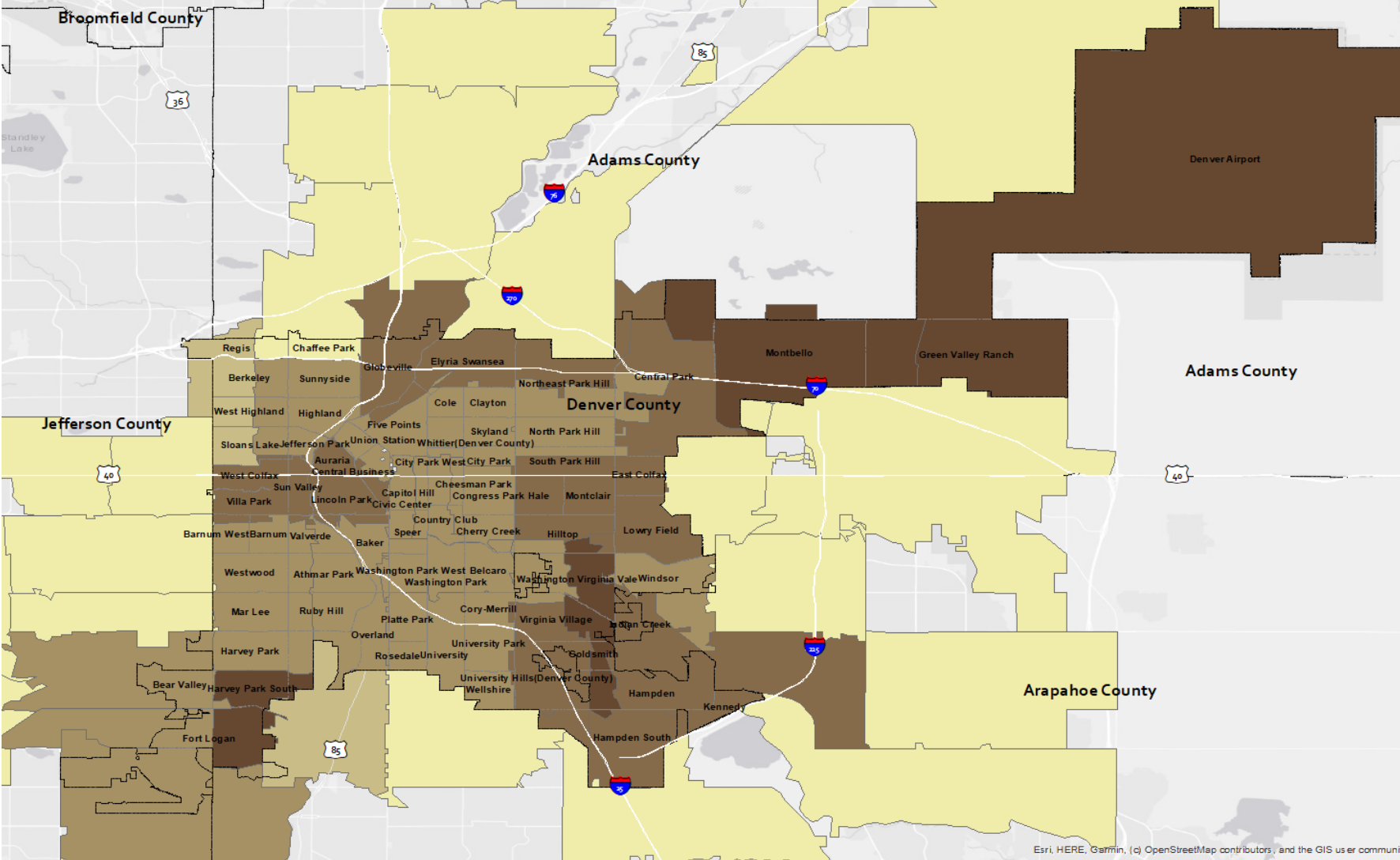


Eviction Cases per 1,000 Renters 2020

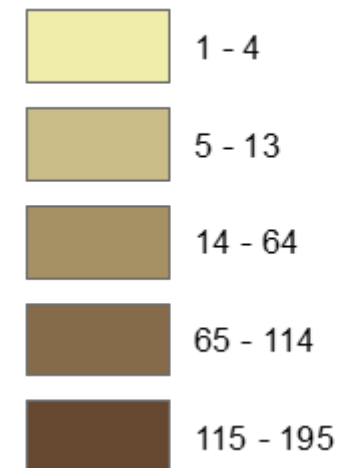


Colorado County Eviction Filings: 2020

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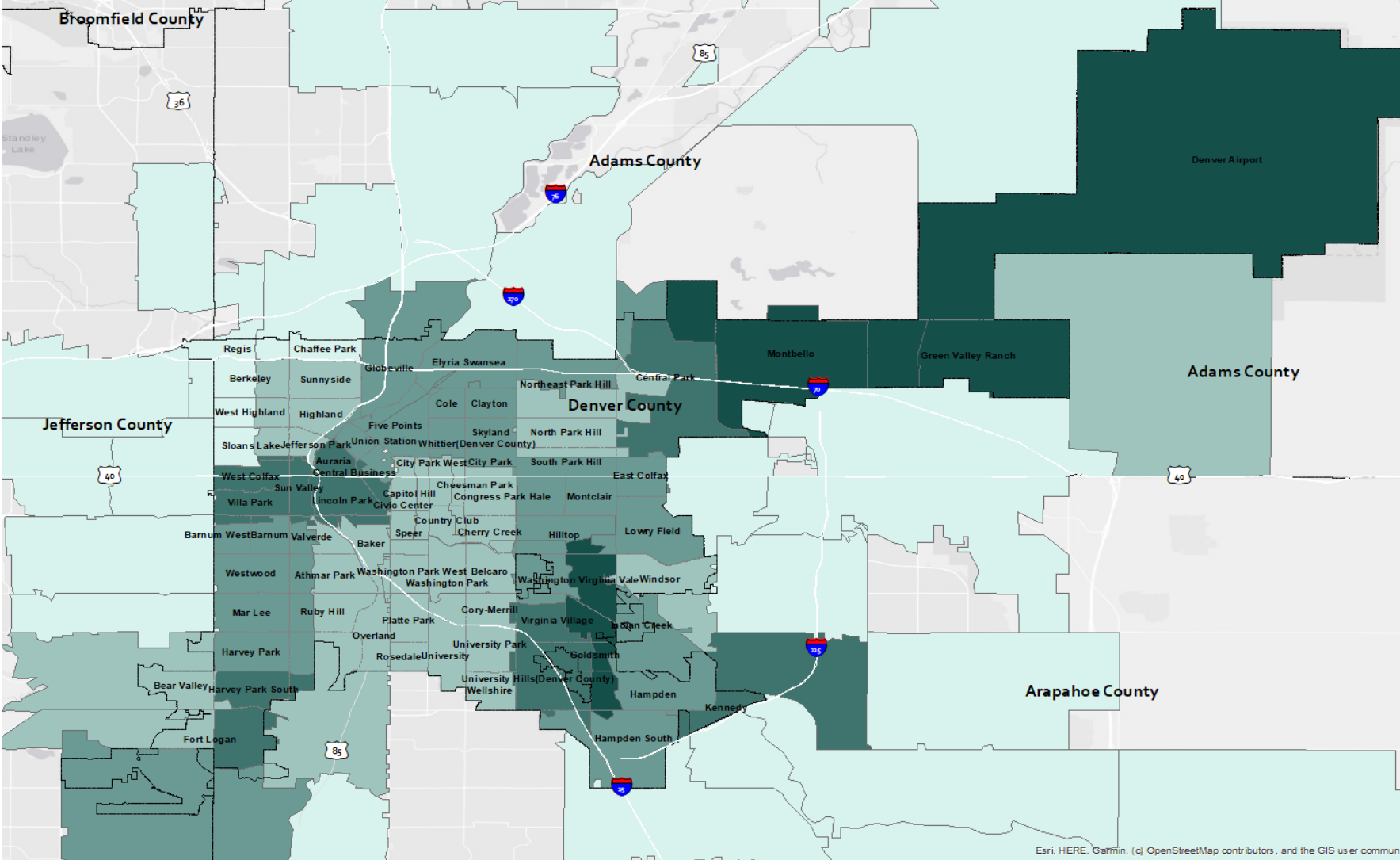


Eviction Cases per 1,000 Renters 2018

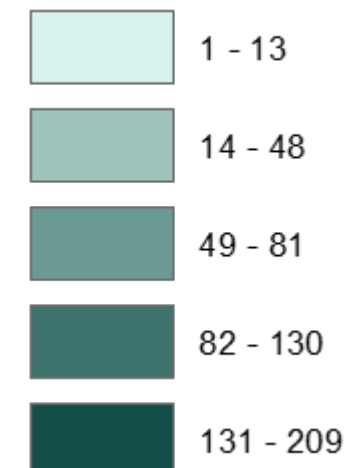


Denver Eviction Filings: 2018

ONLY DENVER COULD MAKE CASES AVAILABLE BY ZIP CODE.

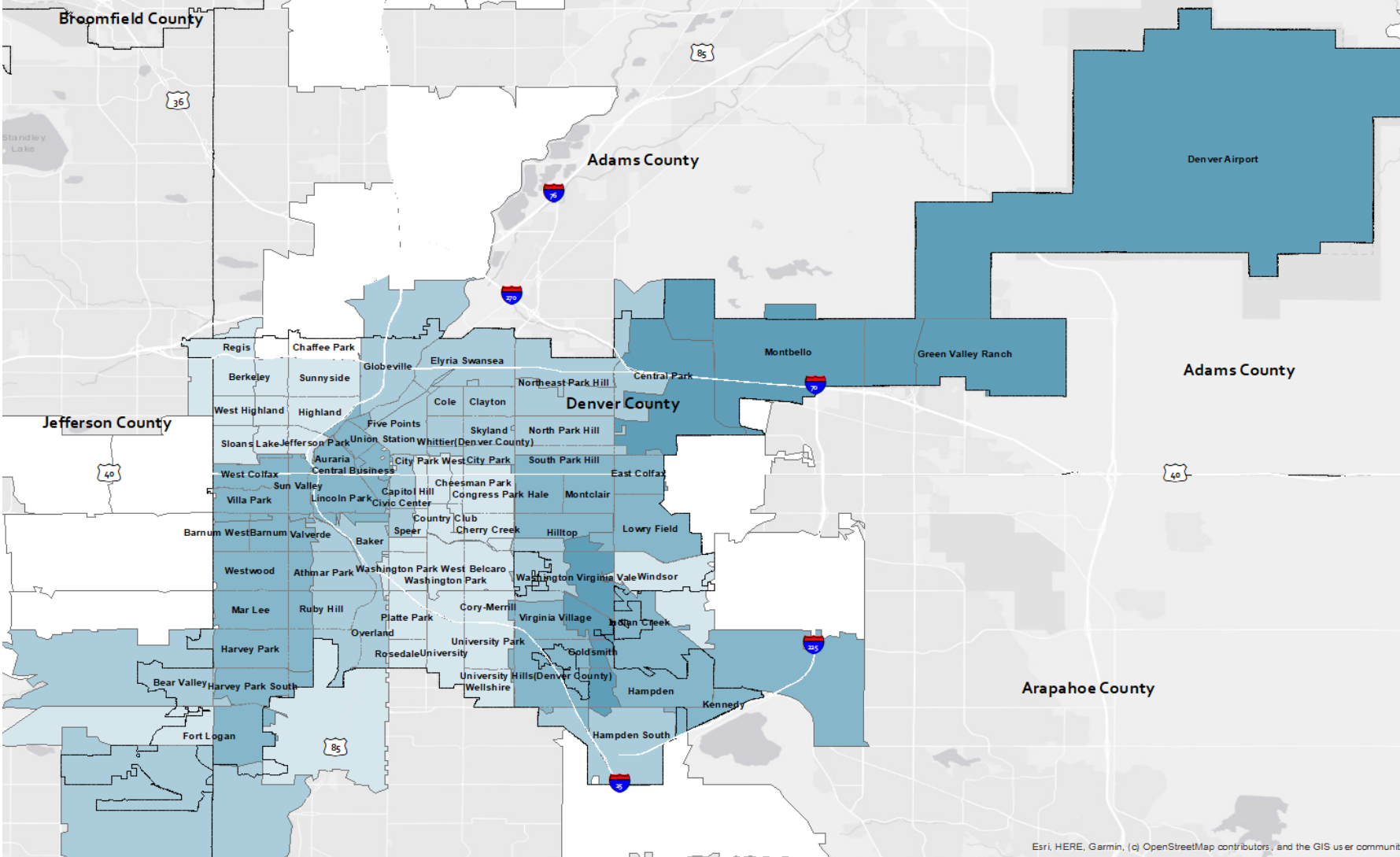


Eviction Cases per 1,000 Renters 2019

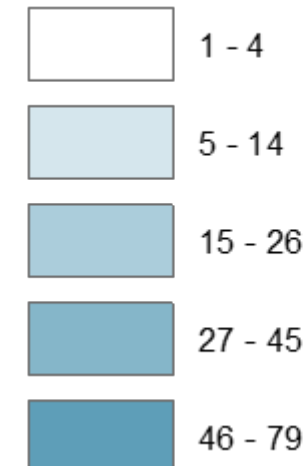


Denver Eviction Filings: 2019

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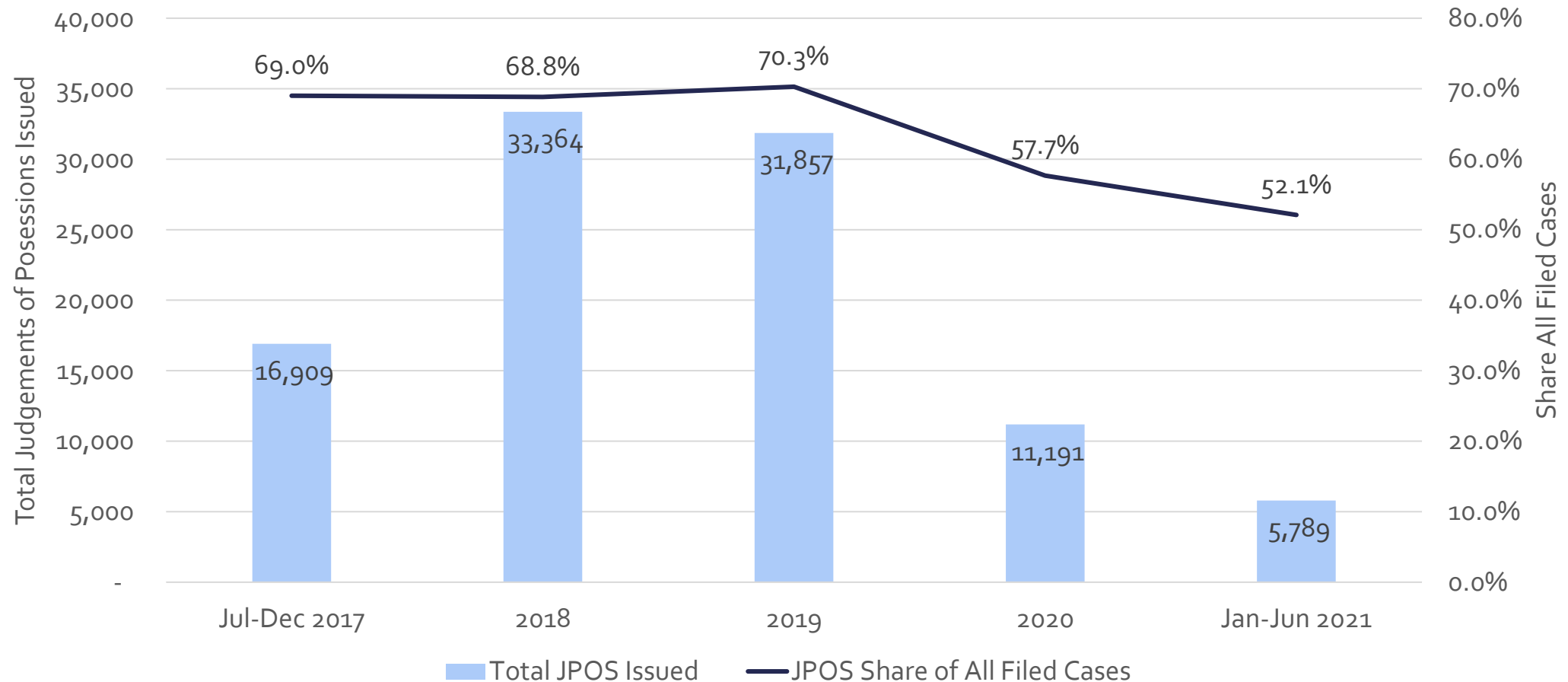
Eviction Cases per 1,000 Renters 2020



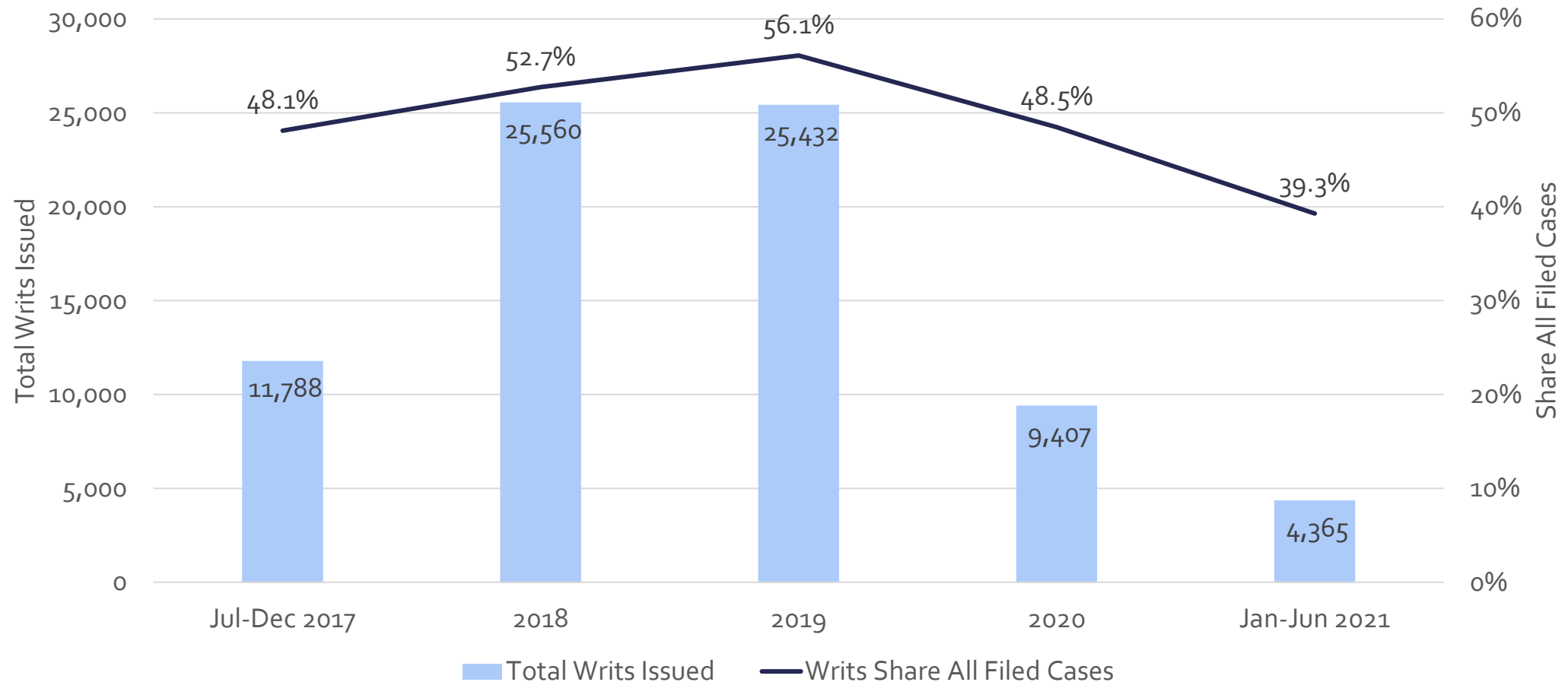
Denver Eviction Filings: 2020

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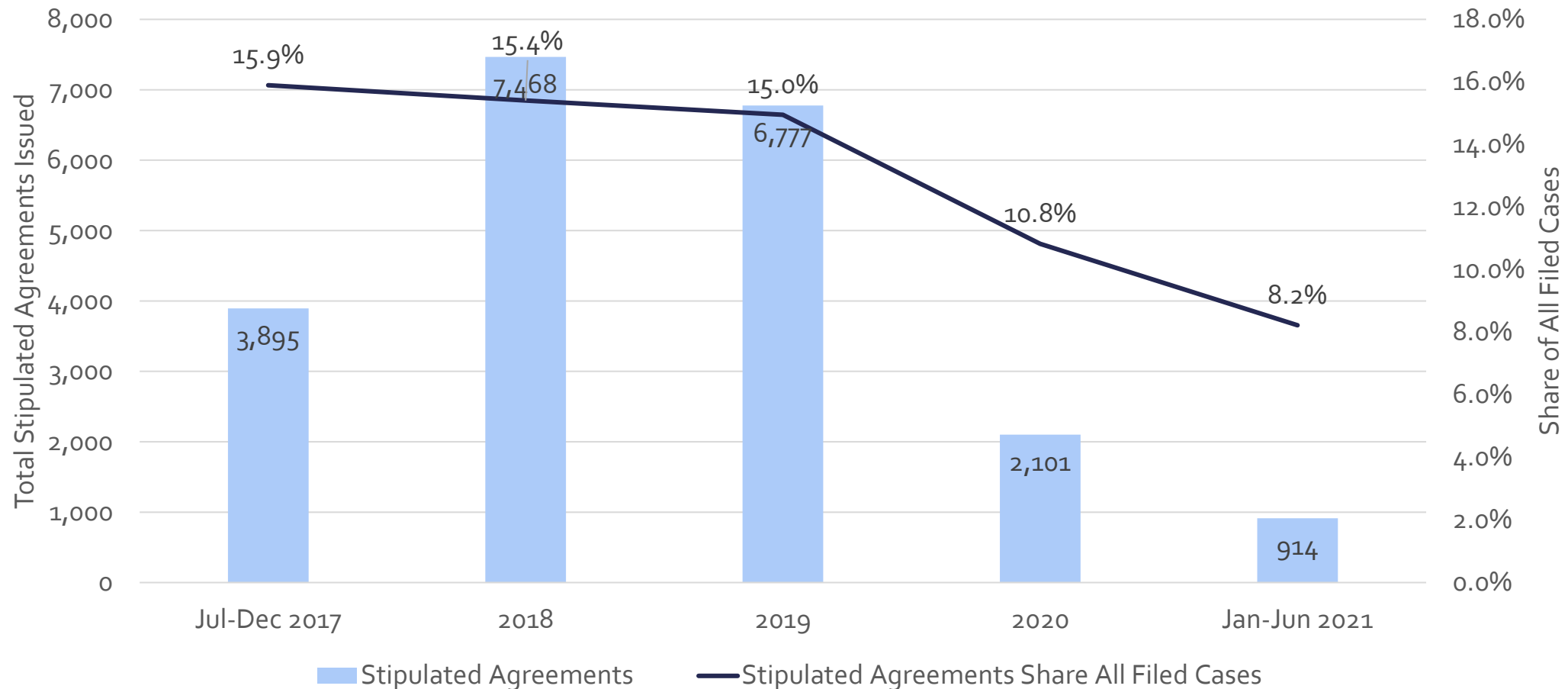
Judgments for possession (JPOS): total and as a percentage of all eviction cases filed



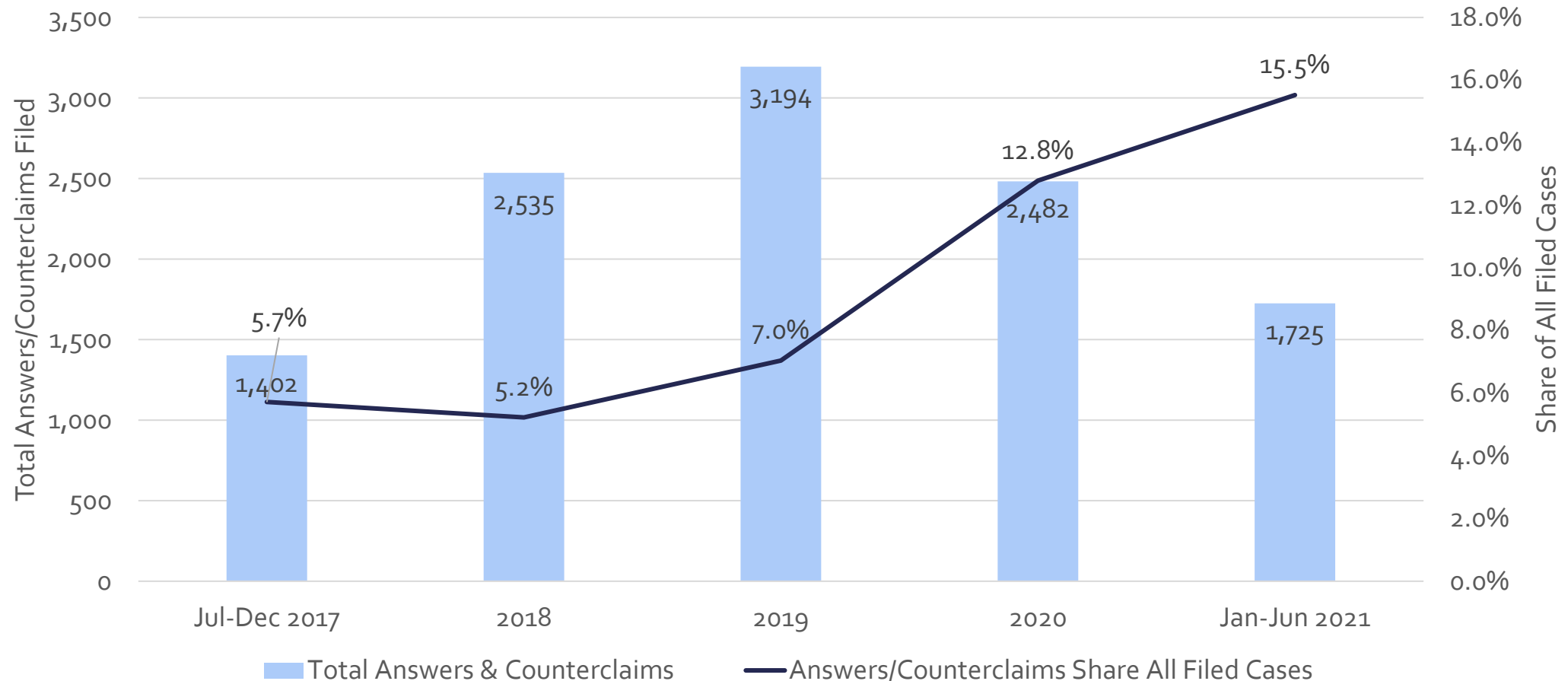
Writs of restitution: total and as a percentage of all eviction cases filed



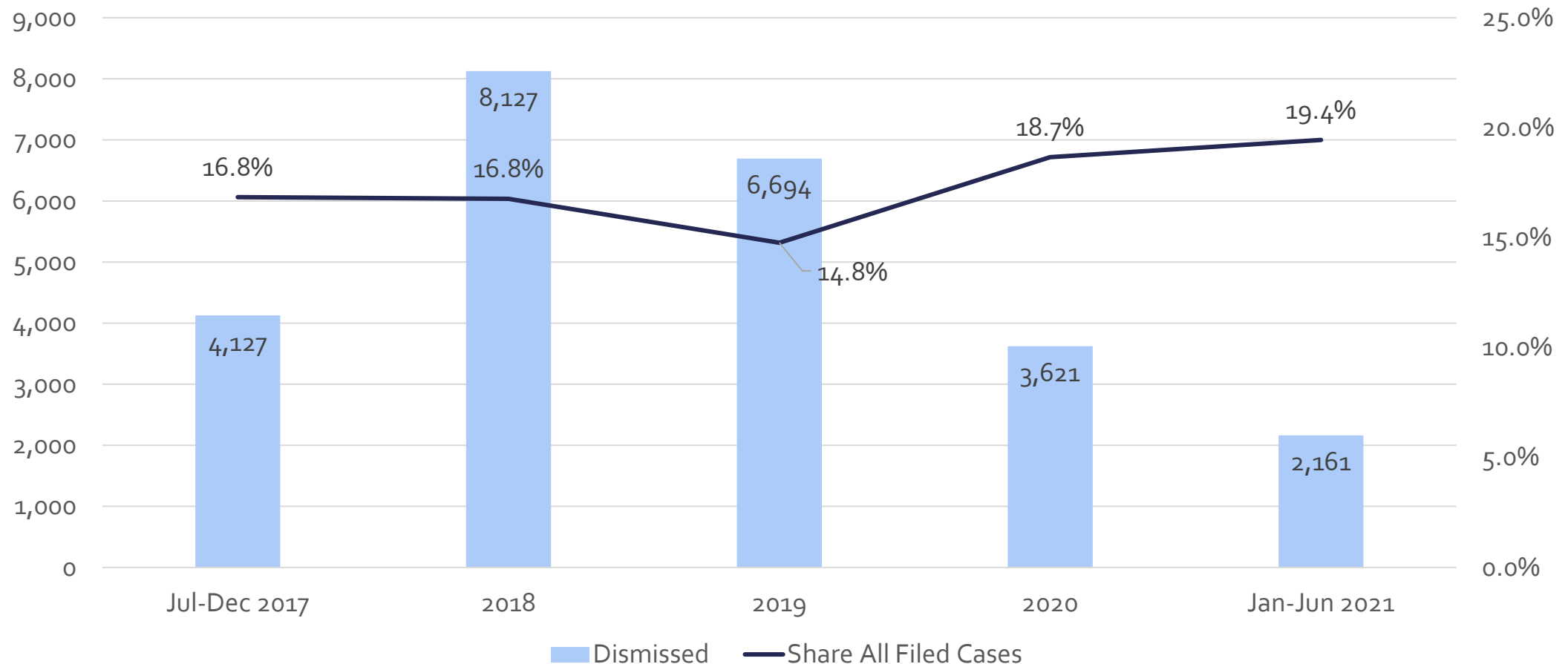
Stipulated agreements: total and as a percentage of all eviction cases filed



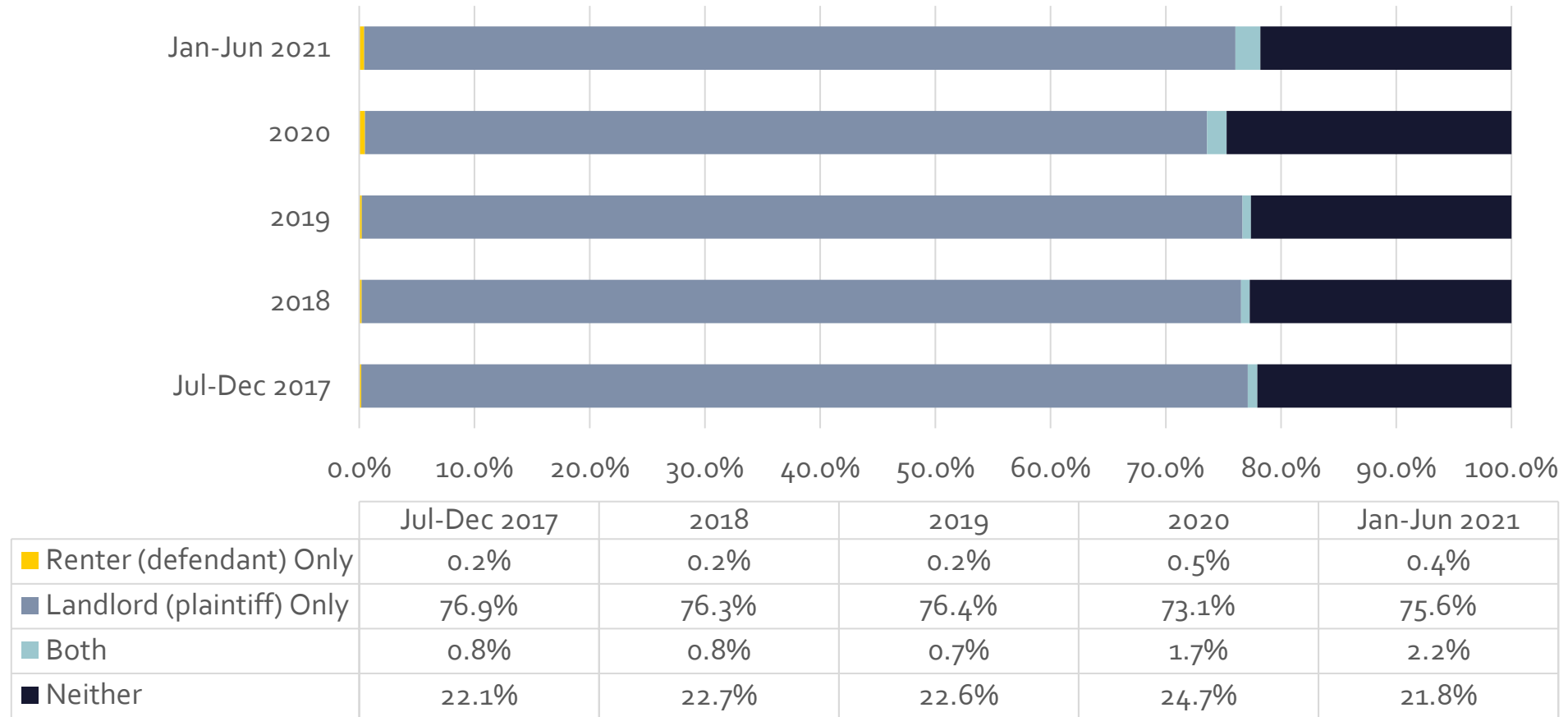
Answers and counterclaims: total and as a percentage of all eviction cases filed



Dismissals with and without prejudice (and no other outcomes): total and as a percentage of all eviction cases filed



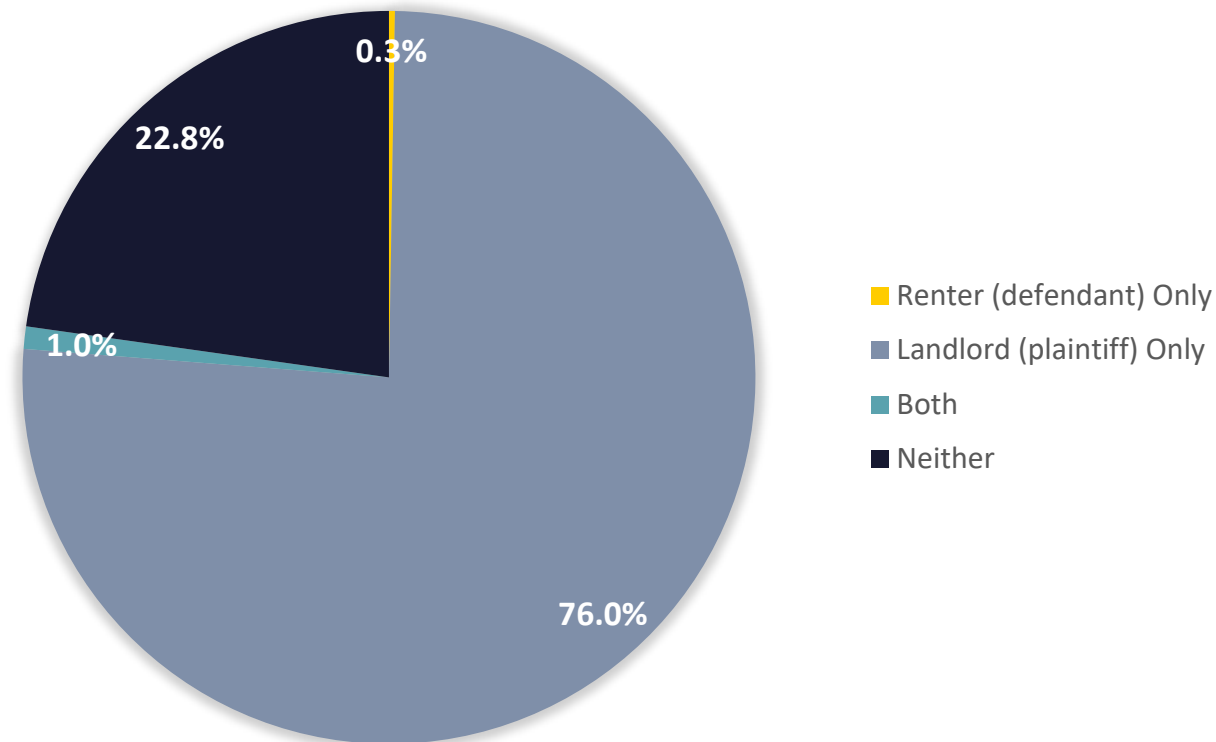
Parties' legal representation* in eviction cases filed, by calendar year



*Note: at least one party in the case had/has counsel, at some point in the court process

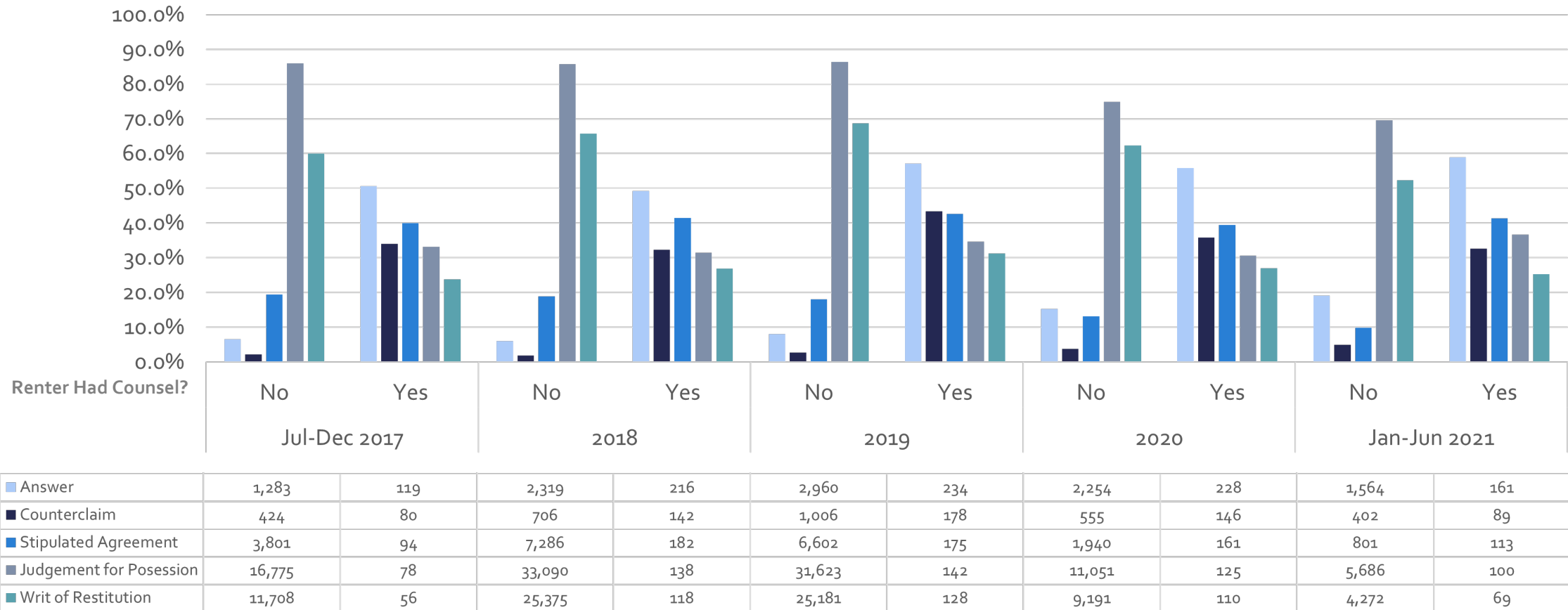
Parties' legal representation* in eviction cases filed, July 2017 – June 2021

For entire time period: 1.3% of cases had defendant counsel

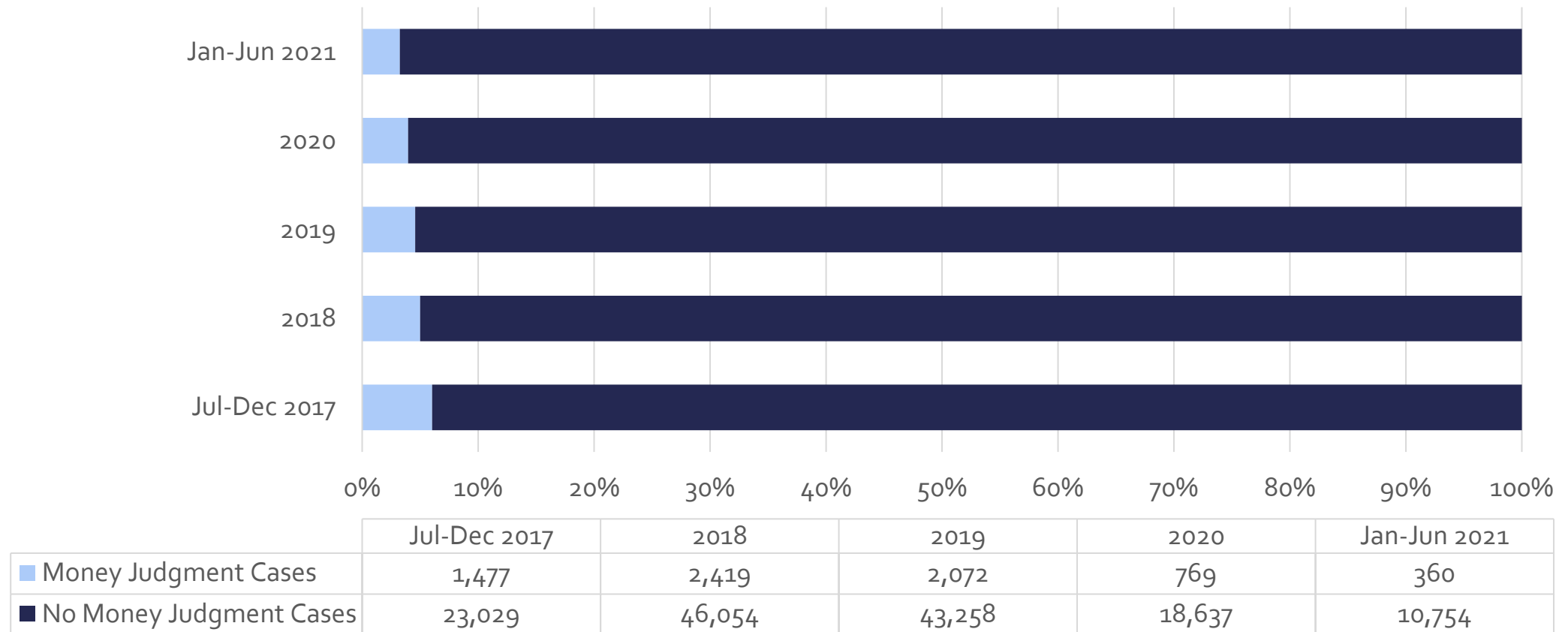


*Note: at least one party in the case had/has counsel , at some point in the court process

Share of certain eviction case outcomes, by whether renters had legal representation

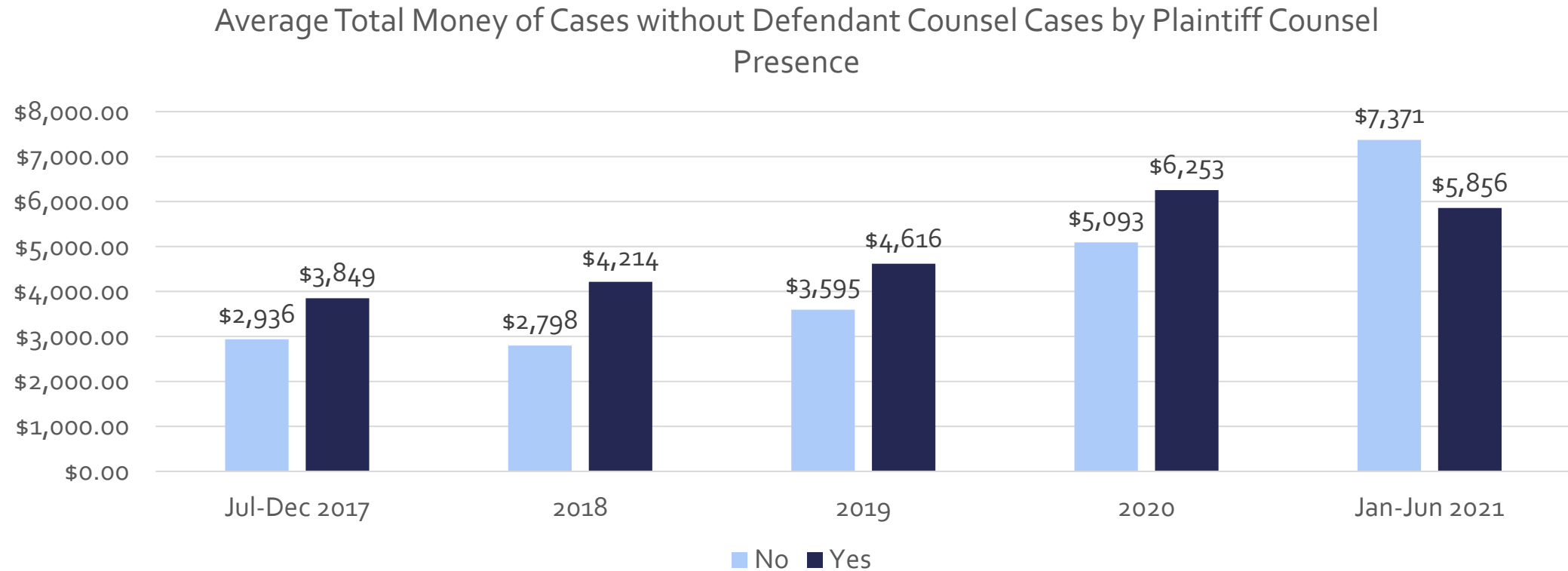


A small share of all eviction cases filed result in a money judgment



Note: these cases likely underestimate the financial impact of eviction on renters since landlords commonly send outstanding rent to collection agencies or file a separate lawsuit.

When renters do not have counsel, they tend to pay more when landlords are represented



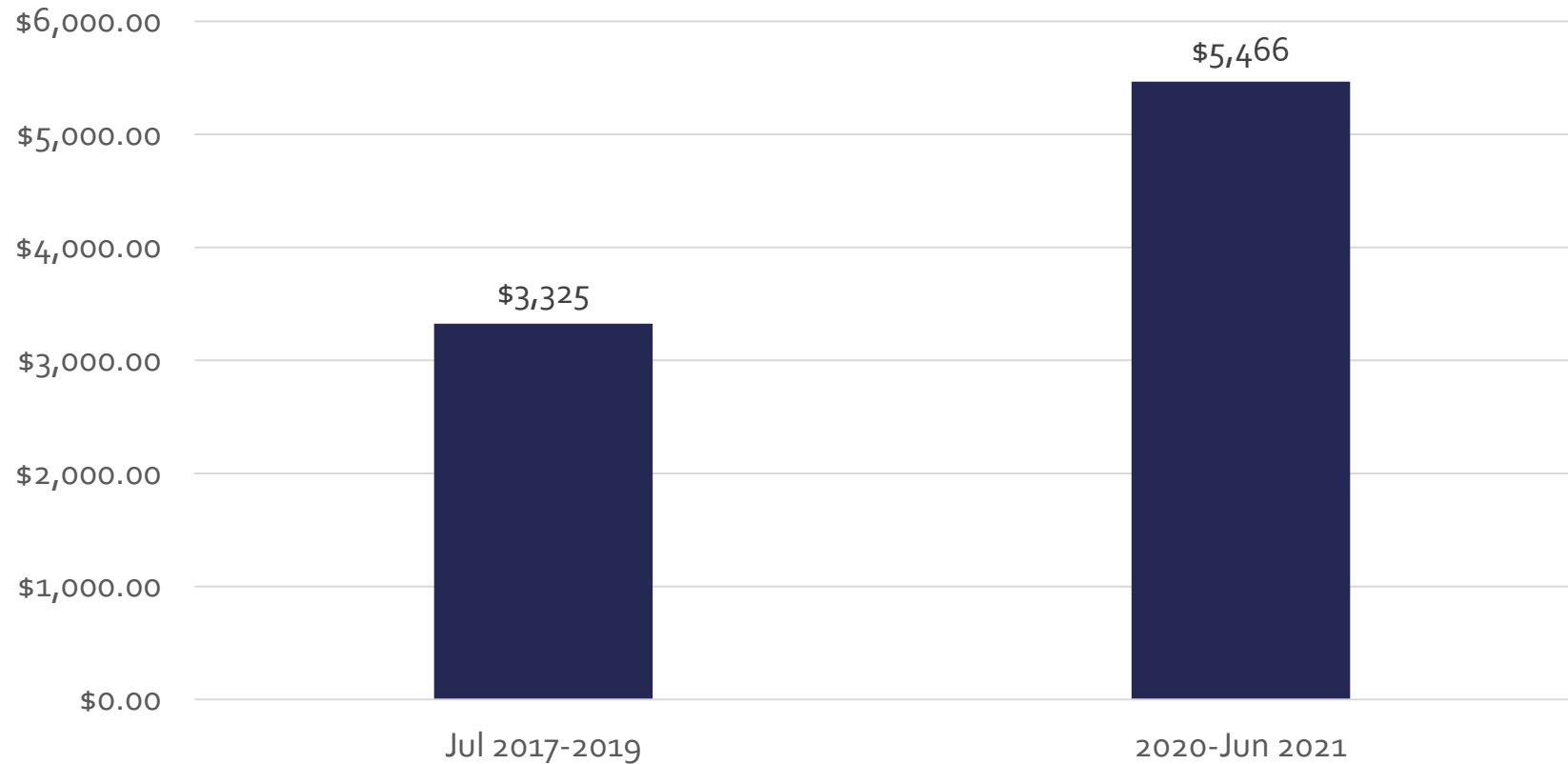
Statewide money judgment case summary

<i>Calendar Year</i>	<i>Defendant Counsel</i>	<i>Plaintiff Counsel</i>	<i>Money Judgment Cases</i>	<i>Average Total Judgment</i>	<i>Average Principal</i>
<i>Jul- Dec 2017</i>	No	No	666	\$2,936.38	\$2,774.59
<i>Jul- Dec 2017</i>	No	Yes	793	\$3,848.64	\$3,335.28
<i>Jul- Dec 2017</i>	Yes	No	1	\$277.87	\$130.00
<i>Jul- Dec 2017</i>	Yes	Yes	17	\$7,973.32	\$5,031.77
<i>2018</i>	No	No	1,208	\$2,798.14	\$2,653.73
<i>2018</i>	No	Yes	1,166	\$4,214.44	\$3,580.80
<i>2018</i>	Yes	No	12	\$3,223.25	\$3,126.63
<i>2018</i>	Yes	Yes	33	\$7,191.28	\$3,706.43
<i>2019</i>	No	No	1,011	\$3,595.29	\$3,416.05
<i>2019</i>	No	Yes	1,042	\$4,616.48	\$3,985.17
<i>2019</i>	Yes	No	7	\$6,140.72	\$4,228.93
<i>2019</i>	Yes	Yes	12	\$10,833.62	\$7,483.69
<i>2020</i>	No	No	402	\$5,092.71	\$4,847.83
<i>2020</i>	No	Yes	340	\$6,253.43	\$5,587.46
<i>2020</i>	Yes	No	3	\$7,765.62	\$7,582.19
<i>2020</i>	Yes	Yes	24	\$8,451.77	\$5,890.39
<i>Jan-Jun 2021</i>	No	No	162	\$7,370.61	\$7,195.61
<i>Jan-Jun 2021</i>	No	Yes	190	\$5,855.84	\$5,097.27
<i>Jan-Jun 2021</i>	Yes	No	3	\$4,331.97	\$4,241.67
<i>Jan-Jun 2021</i>	Yes	Yes	5	\$2,492.41	\$2,198.64

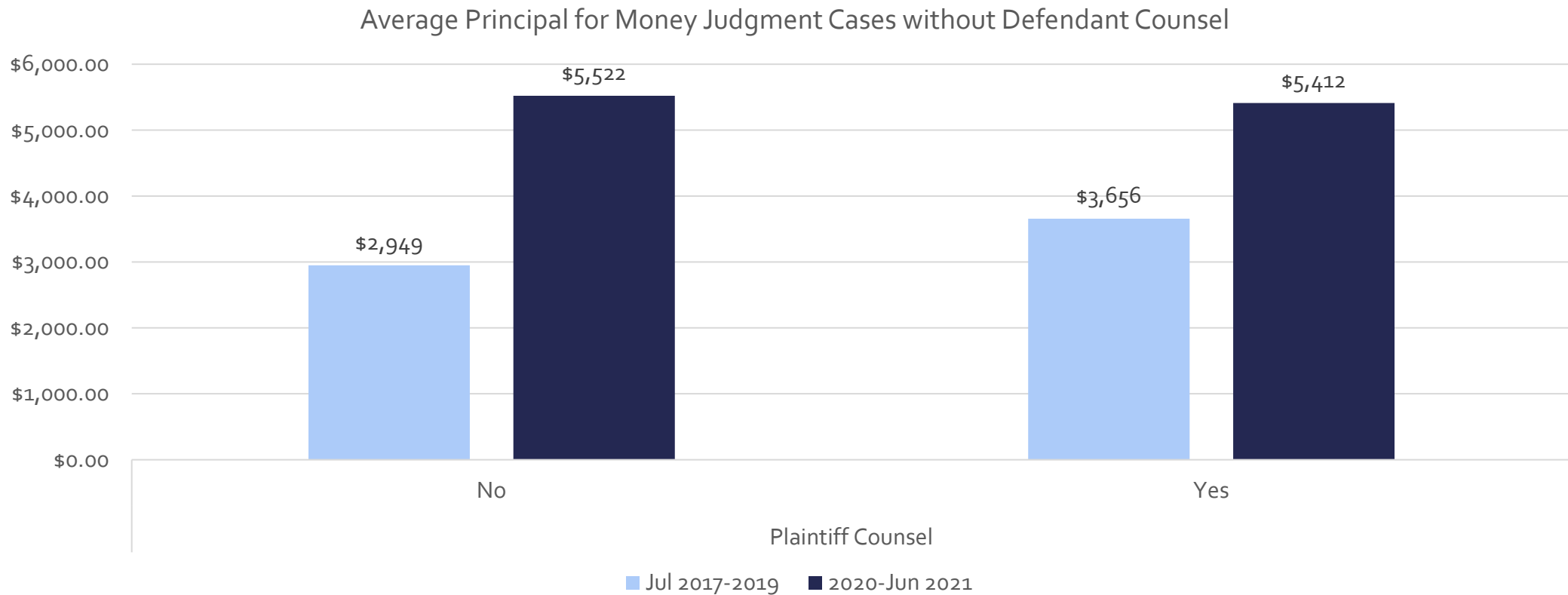
Statewide money judgment case summary, before vs. during pandemic

	<i>Defendant Counsel</i>	<i>Plaintiff Counsel</i>	<i>Money Judgment Cases</i>	<i>Average Total Money</i>	<i>Average Principal</i>
<i>Jul 2017-2019</i>	No	No	2,885	\$3,109.40	\$2,948.77
	No	Yes	3,001	\$4,257.37	\$3,656.33
	Yes	No	20	\$4,097.10	\$3,362.61
	Yes	Yes	62	\$8,110.68	\$4,800.91
<i>2020-Jun 2021</i>	No	No	564	\$5,747.00	\$5,522.19
	No	Yes	530	\$6,110.90	\$5,411.73
	Yes	No	6	\$6,048.79	\$5,911.93
	Yes	Yes	29	\$7,424.29	\$5,253.88

Average principal in money judgment cases, before vs. during pandemic



Average principal in money judgment cases where renter did not have legal counsel, before vs. during pandemic



Blind Spots

QUESTIONS WE ARE UNABLE TO ANSWER

Overview

After review and analysis of the files provided by the State Judicial Department and Denver County Court, we have concluded the following questions from our original inquiry cannot be answered from data currently accessible from eviction filings statewide:

- How many court-ordered evictions actually occurred
- How many evictions outside the court filing process occurred
- The extent of all potential case outcomes (beyond those requested in the original RFI)
- Definitively whether eviction filings are residential or commercial
- Detailed geographic and any demographic information on which households are most impacted by eviction
- Why Colorado households are being evicted
- Extent to which rental assistance (particularly for all of 2021) and legal assistance helped mitigate evictions and housing instability writ large
- What happens to Coloradans who are evicted from their homes

Next Steps

RECOMMENDATIONS FOR FUTURE DATA COLLECTION AND
PROVISION

Defining Data Needs | Recommendations

- Variables needed to better understand how pandemic-related interventions affected eviction and housing instability, and to answer yet unanswered questions:
 - Residential versus commercial eviction delineation
 - Address where eviction occurred, with zip code (preferably 9-digit) separated out
 - Reason for eviction filing
 - Case outcomes that can be consistently and clearly grouped to understand impact on renters, landlords, and systems
- More geographically granular information would enable correlation analysis with relevant community indicators and develop leading indicators of vulnerability to evictions. These leading indicators could then be used for community outreach and support services to mitigate the negative impacts of eviction.
- Any publicly available data should not identify the defendant in an eviction case, in keeping with Colorado law. Considerations should be made for public agencies and research institutions to access (and keep confidential) identifying information for purposes of greater analysis or targeted, stabilizing interventions.

Defining Data Needs | Recommendations

- Standardize key pieces of information and how those indicators are categorized and practically used across all county courts to minimize human error
- Information fields and corresponding codes in electronic case management systems should be aligned between State Judicial Department and the county courts under its umbrella and Denver County Court
- Judicial systems and files should “talk with” those of other public entities providing housing stabilization aid, such as State Division of Housing
- Consult data experts at State Judicial Department and Denver County Courts in effecting future changes

Appendix

DATA NOTES | LEGAL DEFINITIONS

Data Notes

- Data discussed here are from eviction filings in Colorado's county courts, which represent the vast majority of Colorado's residential court-ordered evictions; commercial evictions are largely filed in district courts. Because the State Judicial Department reported not being able to identify residential versus commercial evictions, we assume county court eviction filings represent the universe of residential proceedings, while acknowledging some likely unknown exceptions.
- Data was originally requested by the Colorado Legislature's Joint Budget Committee in terms of state fiscal (rather than calendar) years, which run July 1 through June 30. This analysis is therefore limited to eviction filings from July 1, 2017 through June 30, 2021.
- Case outcomes for eviction filings are not mutually exclusive. Therefore, analyses of given outcomes as a percentage of all cases will not add up to 100%.
- Cases where defendants and/or plaintiffs are noted as having legal counsel mean that at least one defendant and/or plaintiff in the case (sometimes there are multiple) had legal representation at some point in the legal process.

Legal Definitions

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

Defendant: In residential eviction cases, the person or people renting the property (renters)

Demand for compliance or possession: Legal form a landlord must give a renter to initiate the eviction process; specifies 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

Legal Definitions Cont.

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

Plaintiff: In residential eviction cases, the property owner(s)/manager(s) (landlords)

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

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The Colorado Futures Center is a 501c3 organization dedicated to informing about economic, fiscal and public policy issues impacting community economic health and quality of life.



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