**SB22-019: Technical Clarification of Eviction Court Record Access**

Sponsored by Sen. Faith Winter and Rep. Steven Woodrow

**THE PROBLEM:** In 2020, the Colorado General Assembly passed [HB20-1009](https://leg.colorado.gov/bills/hb20-1009) to limit public access to eviction filing records, so that an eviction *filing* would not create a barrier to future housing. The intended goal was to prevent third-party tenant screening companies from accessing and disclosing an eviction filing record as part of a background check.

While this policy has proven helpful for many Coloradans, one unintended consequence is that it has prohibited attorneys, including legal aid providers, pro bono attorneys deciding whether to represent a client, and attorneys who work on behalf of landlords, from being able to access prospective clients’ court files unless they formally enter an appearance on behalf of the party. This has prevented attorneys from being able to offer legal assistance, and it has made it difficult to evaluate whether to take on a client in an eviction case. Although parties to a case can still pay for access to their records, many people do not have access to copiers, scanners, and printers, and thus, legal services providers have been constrained in assessing the merits of cases and helping prospective clients.

**THE SOLUTION:** To address this unintended consequence, Colorado’s eviction court record suppression statute (C.R.S. 13-40-110.5) should be amended to provide attorneys and support staff with access to an eviction court record if they affirm, in person or electronically:

* That they are an attorney or acting on behalf of an attorney;
* That a party to the case has given written or verbal permission for them to access the record;
* That they are only accessing the record for the purpose of (1) providing legal advice, or (2) to evaluate whether to enter an appearance on behalf of a party, and **not** for other commercial purposes.

This technical clarification will ensure that legal services providers can appropriately counsel prospective clients without undermining the policy goals of HB20-1009.

**Support for SB22-019**

All Families Deserve a Chance Coalition

Clayton Early Learning

Colorado Coalition for the Homeless

Colorado Cross Disability Coalition

Colorado Eviction Defense Project

Colorado Poverty Law Project

Enterprise Community Partners

Lutheran Advocacy Ministry Colorado