

## **We Oppose HB-1159: *Eviction without Due Process***

### **This bill does three things:**

1. Allows a landlord to shortcut the eviction judicial process by obtaining a court order that would give the landlord possession of a property before a tenant can offer their perspective at an eviction hearing.
2. Expands the legal definition of forcible entry and detainer.
3. Creates two new crimes—unlawful occupancy and unlawful reentry—that would be punishable by a fine as high as \$25,000.

**HB-1159 violates due process.** Before an eviction, tenants are entitled to appropriate notice and an opportunity to present their perspective at a hearing before a judge. Tenants are given three days to comply or the opportunity to file an answer to dispute claims made against them. This bill shortcuts this process and puts the tenant out before they have an opportunity to answer an eviction demand. Many tenants might have changed locks as a reasonable precaution, and under this bill, they would be unable to explain their circumstances. This policy would be unfair and would undermine the integrity of judicial process.

**HB-1159 is unnecessary.** There are strong laws in place to address both forcible entry and detainer and trespassing. A tenancy may be terminated at any time on the basis of nonpayment of rent, unlawful possession of property, or substantial violations including acts that endanger others or the property and certain violent or drug-related offenses. In Colorado, criminal trespass can be in the first, second, or third degree, with penalties ranging from a small fine and probation to as much as three years in prison and a \$100,000 fine. This bill is needless and duplicative.

**HB-1159 increases the criminalization of homeless.** According to the University of Denver Law School, Colorado's 76 largest cities have 351 anti-homelessness ordinances. The impact of these ordinances is evident: living without a home in Colorado nearly guarantees that a person will break the law. Establishing the crimes of unlawful occupancy and unlawful reentry would further punish homeless Coloradans for basic acts of survival.

**HB-1159 may have a disproportionate effect on domestic violence survivors.** A domestic violence victim may change the locks on their residence as a matter of safety. Under this bill, victims may be charged with forcible entry and detainer and removed from their home without the chance to explain their situation or take precautions to ensure their own or their children's safety. Adding the crimes of unlawful occupancy and unlawful reentry would also be harmful to domestic violence survivors. It is not uncommon for women to be arrested when they reenter their former residence to gather children's clothing and personal items after escaping a dangerous situation. This bill would weaken protections for domestic violence survivors.

**HB-1159 is especially burdensome for people with disabilities.** Fast-tracking the eviction process would be particularly harmful for people who need time to gather medications or medical equipment. If people with disabilities are removed from the property under a temporary, mandatory injunction, and they lose access to their belongings, it could be life threatening. Finding another accessible living space without notice is an impossible challenge.

## **In Opposition to HB17-1159**

**All Families Deserve A Chance Coalition**

**Colorado Coalition for the Homeless**

**Colorado Center on Law and Policy**

**Women's Lobby of Colorado**