



JUDICIAL DISTRICT OF COLORADO
ADMINISTRATIVE ORDER 20-108

SUBJECT: Forcible Entry and Detainer Procedural Rules

To: All Judicial Officers, Court Executive, Clerk of Court, Court Staff, District Attorney, Public Defender, Boulder County Bar Association, Chief Probation Officer, Probation Staff, Community Justice Services, County Attorney, Sheriff, Jail, Law Enforcement

From: Ingrid S. Bakke **DATE:** May 2, 2024
Chief Judge

This order replaces 20th Judicial District Administrative Order 20-108 version dated 6/1/20, 6/2/20, 12/7/20, 1/12/21, 2/1/21, 2/17/21, 5/14/21, 6/18/21, 7/14/21, 9/7/21 and 10/14/21.

For all Forcible Entry and Detainer (FED or Eviction) proceedings in the Twentieth Judicial District, it is hereby ORDERED:

1. All Forcible Entry and Detainer cases shall be filed by the Wednesday 10 days in advance of the Friday return date by 5 p.m.
2. In the Boulder Justice Center there shall be a weekly cap or limit of sixty-five (65) cases that can be filed composed of fifteen (15) pro se cases and fifty (50) law firm cases. Additionally, no law firm shall file more than thirty (30) cases in any given week.
3. In the Longmont Justice Center there shall be a weekly cap of twenty-five (25) cases that can be filed composed of five (5) pro se cases and ten (10) filings per firm.
4. In cases where mandatory mediation is not already required by statute, all parties are encouraged to mediate or attempt to mediate prior to the first appearance at Court. If mediation has not already taken place, the court will order parties to participate in mediation on the morning of the first appearance.
5. Parties to a residential action must either appear in person or comply with C.R.S. 13-40-113.5(1)(a) to appear remotely by WebEx (video or phone). Parties to commercial actions must appear in person unless remote appearance is approved by the court in advance of the scheduled hearing.
6. This court authorizes the City of Boulder Eviction Prevention and Rental Assistance Services (EPRAS) staff and their contract attorneys to receive suppressed records, pursuant to C.R.S. 13-40-110.5.
7. A list of available resources as required by C.R.S. 13-40-111(5) is attached to this Administrative Order.

A handwritten signature in black ink, appearing to read 'Ingrid S. Bakke'. The signature is fluid and cursive, with the first name 'Ingrid' written in a large, flowing script, followed by 'S.' and 'Bakke'.

Hon. Ingrid S. Bakke
Chief Judge
Twentieth Judicial District

Eviction Mediation Services Available

In response to the unique needs arising from the COVID-19 pandemic, Boulder County Courts are encouraging parties to seek mediation services prior to your FED court date.

What is Mediation?

Mediation is an informal voluntary process for parties who have a conflict that they have been unable to resolve. The mediator is a neutral person who assists the parties in discussing the situation and reaching a solution that will be effective and practical for everyone involved. If an agreement is reached and signed, the stipulation is sent to the courts to be reviewed and approved by the judge.

What are the Benefits of Mediation?

- Meetings scheduled quickly, typically 1 week
- Parties have control over their agreement
- Virtual meetings to support social distancing
- 70% of mediations reach agreement
- Stipulation automatically entered into the court process for judge to review and enter on the case
- Process is voluntary, parties can still pursue eviction process if no agreement is reached

1. Payment plan
2. Negotiate move out date
3. Plan to correct a lease violation in order to remain in the property
4. Dismiss case if the tenant follows through on their commitments

****To provide more assurance, many agreements include a provision for the eviction to enter automatically without returning to court if tenant defaults on agreement**

Possible Agreement Terms:

Parties must appear at court if mediation is unsuccessful

Contact the Appropriate Mediation Program Below:

For properties in Boulder, Gunbarrel, Nederland, Louisville, Superior and surrounding areas, contact:

**City of Boulder
Community Mediation Service
303-441-4364 mediation@bouldercolorado.gov**

For properties in Longmont, Lafayette, Niwot, Lyons, Allenspark and surrounding areas contact:

**City of Longmont
Mediation Services
303-651-8444**

Other Resources:

Boulder County Legal Services (Low-income and seniors only) (303) 449-7575

Short term financial assistance, food and other resources:

Boulder: Emergency Family Assistance Association (EFAA), 303-442-3042, Efaa.org

Longmont: OUR Center (303) 772-5529, Ourcenter.org

East County: Sister Carmen, 303-665-4342, www.sistercarmen.org

PREPARING FOR EVICTION COURT LANDLORDS AND TENANTS

**I'm a tenant and I've just been served a summons to appear in eviction court.
What should I do?**

- Don't wait! The sooner you communicate with your landlord or their attorney, the better. Many issues can be resolved before the court date if you and your landlord can agree to the terms (for example: paying back rent, negotiating a move-out date, etc.). Any agreement between you should be put in writing and signed and dated by both of you.
- If you have been unable to work things out with your landlord directly, seek information about your rights (see page 4 of this document) and/or contact the appropriate mediation service below.

**For properties in the City of Boulder:
Community Mediation Service
www.bouldercolorado.gov (303) 441-4364**

**For properties in the City of Longmont:
Longmont Mediation Services
www.longmontcolorado.us (303) 651-8444**

- Come to court and be on time! Your summons will list the court date and time:

SUMMONS IN FORCIBLE ENTRY AND UNLAWFUL DETAINER

To the above-named Defendant(s), take notice that:

1. On _____, 20__ , at _____ o'clock .M. in the _____ County Court, _____, Colorado, the Court may be asked to enter judgment against you as set forth in the complaint.

- If you are not present at court, an eviction order may automatically be entered against you.

What can I expect at court?

The judge will usually require the landlord (or landlord's attorney) and the tenant(s) to talk to each other before hearing the case. This is a chance for them

to reach an agreement of their own, on their own. A mediator may be available to help the parties talk to each other and write up an agreement.

Typical types of agreements might include:

1. Tenant(s) pays the landlord on the day of court and stays in the property.
Or
2. The landlord agrees to give the tenant(s) a little more time to move out. A move out date is agreed upon. Or
3. The landlord and tenant(s) agree upon a payment plan for the tenant to get caught up with rent or a plan to correct a lease violation so that the tenant(s) may remain in the property. Due dates are agreed upon.
4. The landlord might agree to vacate the order of eviction if the tenant follows through on their commitments.

I'm a landlord. What if we come to an agreement but the tenant falls through on their commitment? Do I have to start this whole process over again? No. You can include in your written agreement that a judgment for possession (eviction) and a writ and/or a money judgment will automatically issue, upon landlord's request and without further notice to the tenant(s), if the tenant doesn't follow through on their commitments.

What if we can't come to an agreement?

The judge will recall the case and both the landlord and/or the landlord's attorney and the tenant(s) will come to the front of the courtroom. If the tenant has a legal defense to the eviction, the judge will have the tenant file an answer and set the case for hearing within the next week. If the tenant does not have a legal defense, and the court grants the landlords' motion for judgment, the tenant will have 48 hours to move out.

What can I ask for in court?

- An interpreter
- Mediation
- Information about the Self-Help Center and other resources

Things to Bring to Court

- Documentation to prove that the complaint is true or not true
- If the tenant agrees they owe the landlord money, they should bring cash or a verifiable form of payment.
- If your children must come with you, please bring an adult to be with them in the playroom or hallway

I'm a tenant and couldn't pay my rent because I got sick and lost my job. Will I be allowed to stay because it wasn't my fault?

Most reasons people have for not paying rent, whether it's job loss, illness, medical expenses, or other hardships, are not considered a legal defense and will not prevent you from being evicted. Consult with an attorney for information about what is considered a valid defense for non-payment of rent.

Common Eviction Court Terms:

Stipulation: Agreement between the landlord and tenant(s) that, once signed by a judge, becomes an order that can be enforced by the court.

Judgment for Possession: The legal term for an eviction.

Writ of Restitution: An order from the court giving authority to the sheriff to remove the tenant from the property as early as 48 hours after the eviction order is entered in court. A writ of restitution is valid for 49 days.

Stay of Execution: An agreement by the landlord to postpone taking the writ of restitution to the sheriff beyond the default 48 hours, thus providing the tenant more time to move out.

Set the Case for Trial: If the tenant files an answer with a legal defense, as determined by the judge, a trial will be set. The trial date will usually be within 5 days.

Dismissed without prejudice: The case could be re-filed in the future based on the same issues.

Dismissed with prejudice: The case cannot ever be re-filed in the future based on the same issues.

Additional Resources

Legal

**Eviction (Forcible Entry and Detainer)
Information and forms**
www.courts.state.co.us

**Boulder County Legal Services (Low-
income and seniors only)**
(303) 449-7575

**CU Boulder Student Legal Services (for
students only)**
www.cubouldersls.com
(303) 492-6813

Law Line 9 (9News/KNBC Service)
Each Wednesday of the month, 4 pm – 6:30
pm
(303) 698-0999

**Bridge to Justice (Low- and moderate-
income)**
<https://www.boulderbridgetojustice.org>
(303) 443-1038

Self Help Center (assistance in filling out
court forms)
Office at 1777 6th Street
BoulderCourtSelfHelp@judicial.state.co.us
(303) 441-4741

Basic Needs

Emergency Family Assistance Association (EFAA)

For families with minor children and/or others needing short term financial assistance and other resources. Shelter, food, transportation, rent assistance, furniture, banking, money management info & more.

1575 Yarmouth Ave. Boulder
303-442-3042 or 303-665-8064
Efaa.org

OUR Center

Drop-in or call to make an appointment to request emergency food, supplies and services. Serves breakfast and lunch and has an off-site clothing bank for residents of the greater Longmont area.

220 Collyer St., Longmont
(303) 772-5529
Ourcenter.org

This document was prepared by The City of Longmont Mediation Services and The City of Boulder Mediation Service

Eviction Prevention Services Available

Don't wait! The sooner you communicate with your landlord or their attorney, the better to avoid an eviction. Services are available to assist.

LIVE IN BOULDER? You have access to a new eviction program offering free legal representation and help with rent payments.

City of Boulder Eviction Prevention Services

<https://bouldercolorado.gov/community-relations/eviction-prevention-services>
303-441-3414

LIVE IN BOULDER COUNTY, BUT OUTSIDE CITY LIMITS?

Mediation Services can help you reach an agreement with your landlord prior to court:

For properties in Longmont, Lafayette, Niwot, Lyons, Allenspark and surrounding areas contact:

City of Longmont
Mediation Services
303-651-8444

For properties in Gunbarrel, Nederland, Louisville, Superior and surrounding areas, contact:
City of Boulder
Community Mediation Service
303-441-4364
mediation@bouldercolorado.gov

Legal Assistance:

Boulder County Legal Services
(Low-income and seniors only)
303-449-7575

Bridge to Justice
(moderate income)
303-443-1038

Help with Rental Payments, food or other financial assistance (for all residents of Boulder County):

Boulder County: Housing Hotline: 303-441-1206

Boulder: Emergency Family Assistance Association, 303-442-3042, Efaa.org

Longmont: OUR Center (303) 772-5529, Ourcenter.org

East County: Sister Carmen, 303-665-4342, www.sistercarmen.org

FOR MORE INFORMATION ON EVICTION PROCESS AND AVAILABLE RESOURCES:

<https://bouldercolorado.gov/community-relations/eviction-prevention-services>