



EVICTIION DEFENSE

Right to Council Policy Proposal

Safety, Housing, Education, and Homelessness Committee

May 5, 2021

Councilmember Amanda Sawyer, District 5

Councilmember Candi CdeBaca, District 9



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WHAT IT DOES?

A BILL

For an ordinance creating a new article IX establishing access to free legal services to covered individuals in Denver facing covered eviction proceedings.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That a new article IX, Tenant Legal Services, be added to read as follows:

Sec. -27-191. Legislative Intent.

The intent of this article is to establish a mechanism to provide free legal services and representation for low to moderate income individuals experiencing eviction; requiring the creation of an annual report that analyzes implementation and performance metrics in order to assess the continued needs of Denver residents and recommend adjustments to the criteria, policies, and procedures for the provision of legal services; and, requiring landlords to disclose to their tenants certain information regarding the right to full legal representation in eviction proceedings.



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WHAT IT DOES?

- ✓ Codify eviction defense program into a **right** for tenants making 80% or below of the AMI
- ✓ Require a landlord or property manager to provide tenants with a copy of a tenant rights brochure when a tenant signs a lease AND at the time that an eviction lawsuit is commenced by the owner or landlord against the tenant
- ✓ Require the City to provide funds explicitly for legal assistance for qualifying persons no later than their first court date
- ✓ Require an annual report to assess impact and needs



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WHAT IT DOES NOT DO?

- ❌ Create a new, permanent funding mechanism
- ❌ Create a *universal* right
- ❌ Create a new entity/division in the City Charter



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COST

\$3.8 million in legal services provision + \$200,000 for HOST FTE + outreach =
\$4 million annual initial investment

		2021	2022	2023	2024
Program & Legal Staff					
-	Budgeted	\$1,300,000	\$300,000	\$300,000	\$0
-	Additional Estimated	\$1,508,000	\$3,500,000	\$3,500,000	\$3,800,000
HOST Staff					
-	Budgeted	\$0	\$0	\$0	\$0
-	Additional Estimated	\$75,000	\$150,000	\$150,000	\$150,000
Outreach, Education & Procurement					
-	Budgeted	\$0	\$0	\$0	\$0
-	Additional Estimated	\$75,000	\$50,000	\$0	\$0
TOTAL COST:		\$2,958,000	\$4,000,000	\$3,950,000	\$3,950,000

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COST

- Denver Evictions filings (5-year average 2015-2019): 8,800
- RTC need and acceptance at 80% AMI: ~4,750
- Pilot program cost per case (generous!): \$880
 - Includes salaries and benefits for attorneys, paralegals, and navigators in additions to overhead costs
- Target cost per case: \$800
- HOST FTE (salary + benefits), marketing and outreach costs: \$200,000



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CONCERNS

? Britta: Is HOST the right agency to do this?
Yes, eviction defense is a key component of housing stability and eviction defense dollars are going to HOST currently

? Kniech: Is implementation date appropriate?
We can compromise based on Kniech's proposal of Sept. 1

? Kniech: Can we cross-reference the registry code?
Yes, change made in new draft

? Kniech: Does the DHA reference conflict with fed law?
No

? Kniech: Does the definitions section on "covered individual" obligate us to serve anyone?
No

? Torres: Do our legal partners have the capacity to provide services at this scale?
Yes, attorneys want to do this work and have been with little to meaningful investment

? Torres: What is necessary to be a provider?
We currently put out an RFP with language specifying what we need. Qualifications are defined in RFP stage.



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QUESTIONS



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