



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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OVERVIEW

Background & Problem

Need for Right To Counsel

Stakeholder Process Overview

Solutions Explored & Chosen

Cost Analysis



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WHY ARE WE HERE?

"The Biden administration is stepping up pressure on the nation's biggest residential landlords following reports that apartment building owners were seeking to evict tens of thousands of renters **despite federal freezes on evictions** implemented during the coronavirus pandemic.

On Monday, officials with the Federal Trade Commission and the Consumer Financial Protection Board sent out a letter to dozens of debt collectors and major landlords who collectively house more than two million people.."

~New York Times, May 4, 2021



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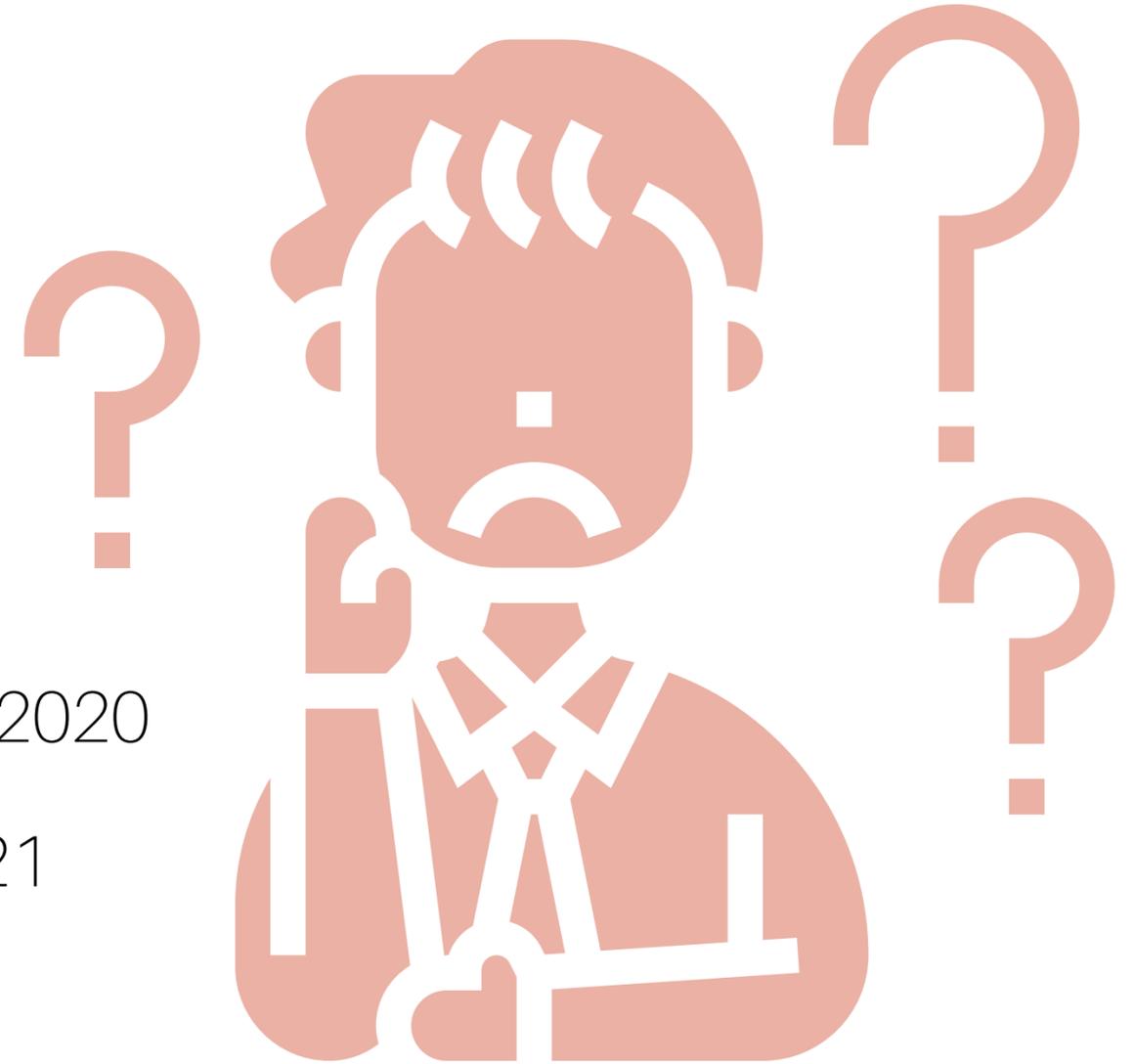
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BACKGROUND & PROBLEM

- Pre-COVID19 Housing Crisis
 - More than 46% renters cost-burdened
 - Unprecedented rates of homelessness, PIT 4,071
- Eviction Defense Pilot Program, 2018
- COVID19 Eviction Moratoria
 - Statewide eviction moratorium expired on Dec. 31, 2020
 - Federal CDC moratorium extended to June 30, 2021



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MORATORIUM CHALLENGES

- To be protected under moratorium, tenant must sign and provide landlord a declaration stating they are experiencing financial hardship due to COVID-19.
- CDC moratorium does not require landlord to provide notice of protections.



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DENVER EVICTIONS FILED

2019

9,249 evictions

2020

3,912 evictions

DURING MORATORIUM!

2021

1,514 evictions
*As of April 27th

DURING MORATORIUM!



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Pre-Covid 2020 vs late 2020

Pre-COVID

Jan 2020, 920 evictions
Feb 2020, 819 evictions

Baseline expectation

State & Fed Moratorium

Nov 2020, 205 evictions
Dec 2020, 239 evictions

Altered, compounding



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EVICTIONS DESPITE MORATORIUM

According to Denver County Court data,

- 90% of eviction filings resulted in eviction during COVID
- 95% of landlords were represented by counsel
- Only 1% of tenants were represented by counsel



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RACIAL & SOCIAL EQUITY

- Black and Latino individuals and families are significantly more likely to face eviction
- Black female renters are filed against for evictions at double the rate of white renters.
- Families with children disproportionately receive eviction judgments.
- During September and October of 2020, Colorado adults living in households with children were nearly **3X as likely** as those without children to report being behind on rent, and significantly more likely to have slight or no confidence in their ability to pay next month's rent.
- Black women with children face the highest rate of eviction.



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LONG TERM CONSEQUENCES OF EVICTION

- Homelessness
- Financial dependence on others
- Mental health declines
- Inability to rent in my own name afterward
- Children's health declines



*Consistent with national data: <https://www.aspeninstitute.org/blog-posts/a-glimpse-into-the-eviction-crisis-why-housing-stability-deserves-greater-attention/>



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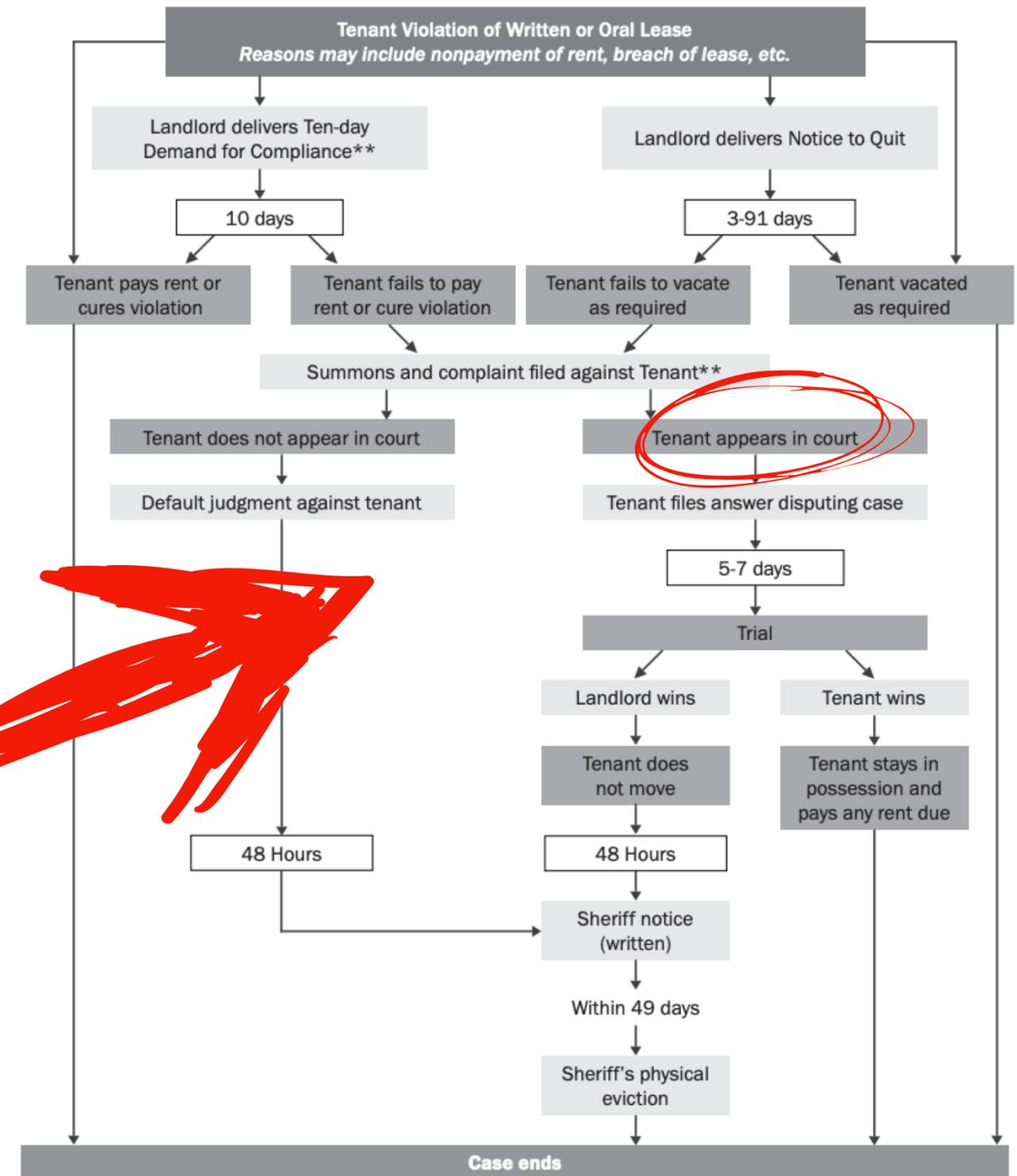
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CURRENT PRACTICE

Resources are provided at 1st court appearance. If tenant reaches out via 311 they are routed to TRUA.

- Courts inform of resources
 - Tenant only learns their options for current legal support if they appear in court. Most self-evict
- TRUA
 - Design and administrative challenges slowing the disbursement of funds.
 - No immediate prioritization of evictions

Evictions Timeline



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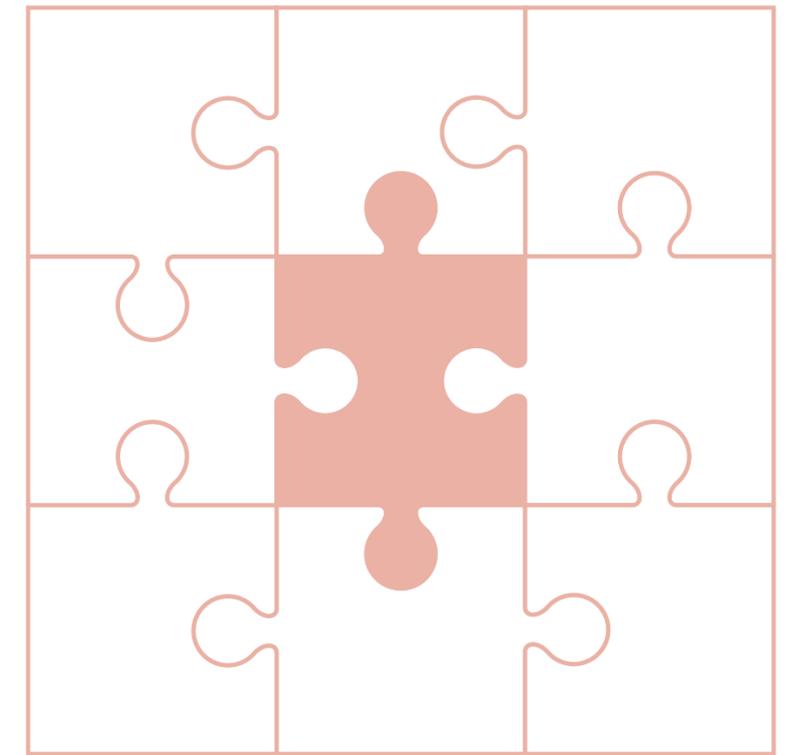
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GAPS IN CURRENT APPROACH

- Fragmented approach
 - Eviction Defense pilot began prior to consolidating/creating HOST
- Much more investment downstream rather than prevention
 - Preventing an eviction is the least costly, most effective way to mitigate homelessness paired with rental assistance; 4:1 ROI
 - Data has shown that evictions are not only caused *by* economic hardships but are themselves a root cause of poverty and homelessness.
 - Credit, permanent record, total disruption



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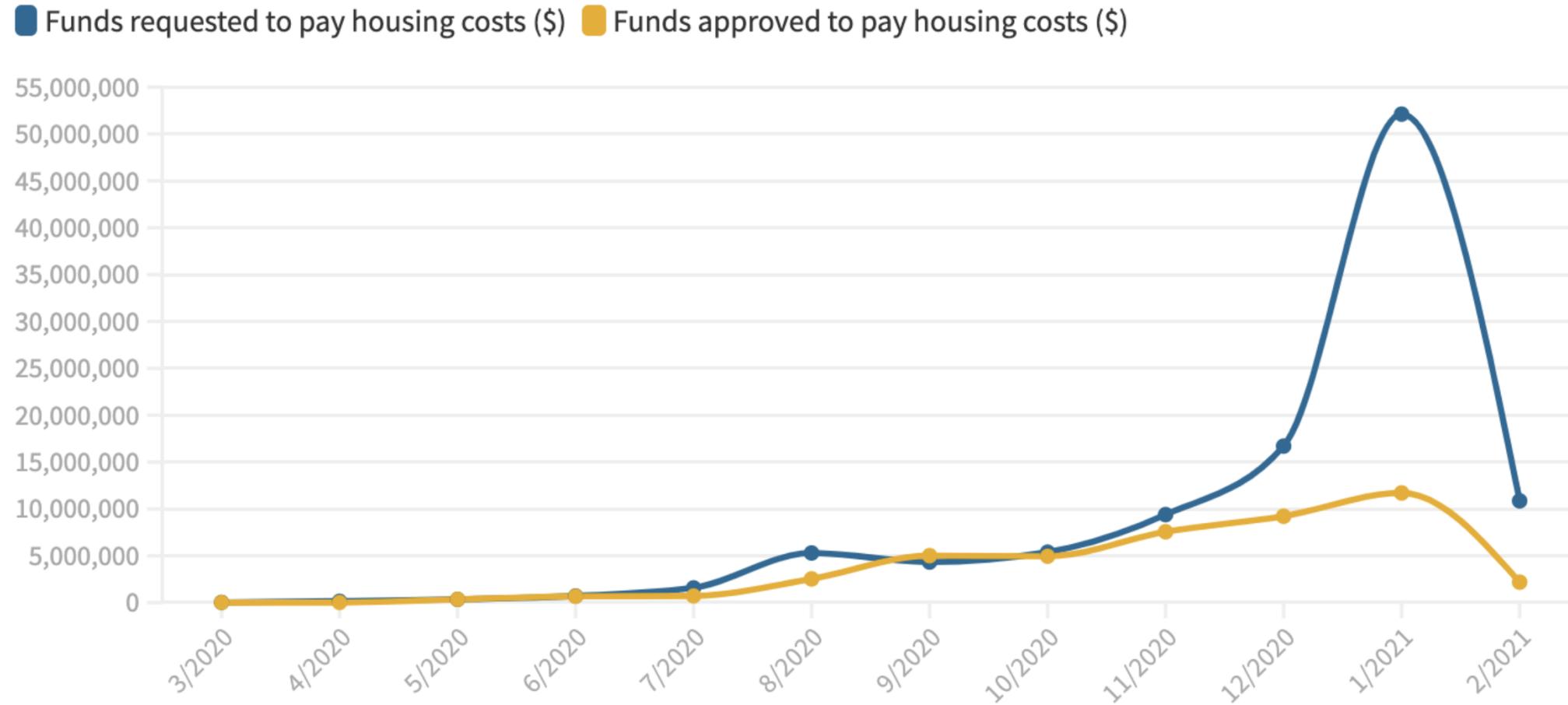


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EVICTION & TRUA SURGE



Source: Colorado Department of Local Affairs (DOLA).

<https://public.tableau.com/profile/connor.everson5568#!/vizhome/HousingReliefProgramsDashboard/ApplicationsRequests>

• Data reflects total amount of money requested through both the Emergency Housing Assistance Program (EHAP) and the Property Owner Preservation Program (POP) through DOLA. February 2021 data is current as of February 19, 2021. 9News obtained the data through a open records request to DOLA.

<https://www.9news.com/article/news/investigations/colorado-covid-evictions/73-e10a1374-cf15-47a8-bd02-9a412754988d>



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PROGRAM VS RIGHT

There is a known power imbalance inherent in eviction proceedings that cannot be corrected passively.

- The Eviction Legal Defense pilot success & challenges
- The courts impartiality
- Articulated pathway to support & coordinated resources
- Current limitations in access to eviction data
- Preparation for mounting problem



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EVICTIION LEGAL DEFENSE PILOT SUCCESS

In the 2018 pilot program run by Colorado Legal Services (CLS):

- 70% of clients still had to move out, but no judgment was entered upon move-out
- 28% of clients retained housing AND avoided a money judgment
- 2% judgment for possession entered

Avg. cost per case

- 1,159 unduplicated households served 2019 and 2020 (601 in 2019; 558 in 2020). Spent \$499,879.13 = \$431/household for eviction legal assistance



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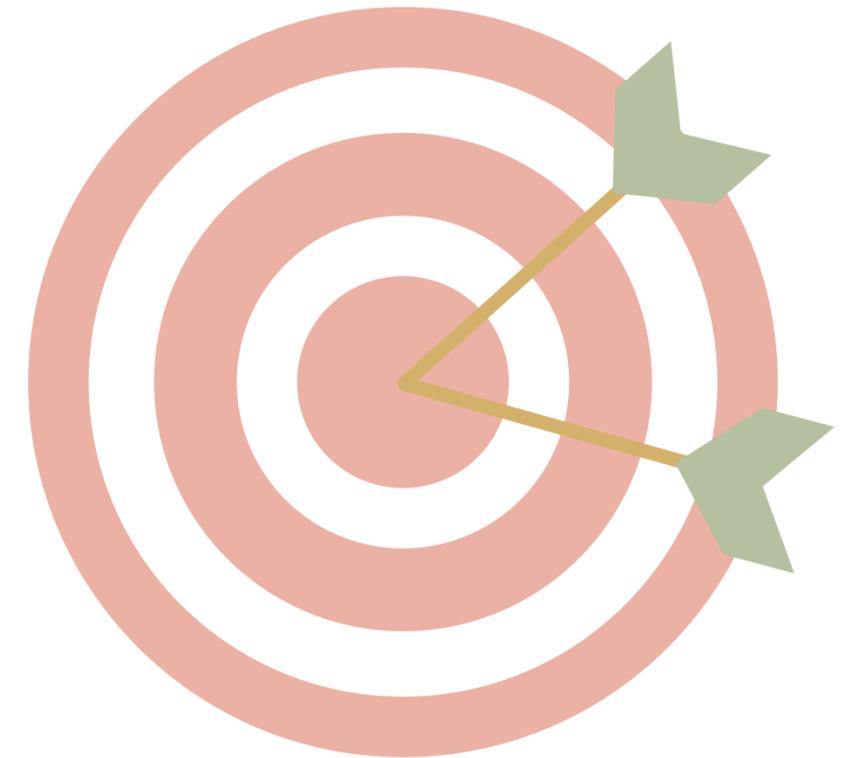


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RACE & SOCIAL JUSTICE OUTCOMES

·Of the clients served by CLS:

- 40% of clients reported having a disability
- 31% were families with children
- 41% were people of color



*Consistent with national data: <https://www.stout.com/en/services/transformation-change-consulting/eviction-right-to-counsel-resources>



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LEVELING THE PLAYING FIELD

"People with disabilities who become evicted often lose the ability to be housed in the future. We have had people tell us about experiences in court when they are unrepresented: making an agreement with a lawyer they thought was there to help them but it was the lawyer for the landlord, paying someone all of the cash they had only to have the money never recorded and the debt remained, agreement to leave thinking the eviction was going to be removed from their record, and people showing up at the wrong court, or on the wrong day or time."

-Julie Reiskin, Executive Director, Colorado Cross Disabilities Coalition



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STAKEHOLDER ENGAGEMENT PROCESS

General Timeline of Events

Nov-Dec 2020

Pre-ordinance
Conversations with
housing service
providers, analysis of
national and local
data including
eviction defense
pilot program

Jan 2021

Presentation of
systemic issues and
research findings at
Budget & Policy
Committee

Feb-Mar 2021

Stakeholder
Engagement
including Council
1:1s, focus groups,
town halls, and
survey collection

Apr 2021

Analysis of survey
results, ordinance
draft, round two of
Council 1:1's.



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ENGAGEMENT OVERVIEW

- Councilmember 1:1 → 13 councilmembers
- Agency Meetings → 25 agencies, depts & organizations
- Survey → 269 respondents
- Focus Groups → 2 focus groups
- Town Halls → 2 town halls
- Community Orgs → 55 orgs



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OUTREACH HIGHLIGHTS

Apartment Association of Metro Denver
Colorado Legal Services
Colorado Coalition for the Homeless
Colorado Homes for All
Colorado Realty & Property Management, Inc.
COVID-19 Eviction Defense Project
Denver Department of Housing Stability
Denver Housing Authority
Denver Office of Financial Empowerment
Denver Evictions Group
Denver Public Defender's Office
Denver County Court
Denver City Council (Two rounds of 1:1's)
GES Coalition
Investment Community of the Rockies
Renter's Roundtable
The Colorado Health Foundation



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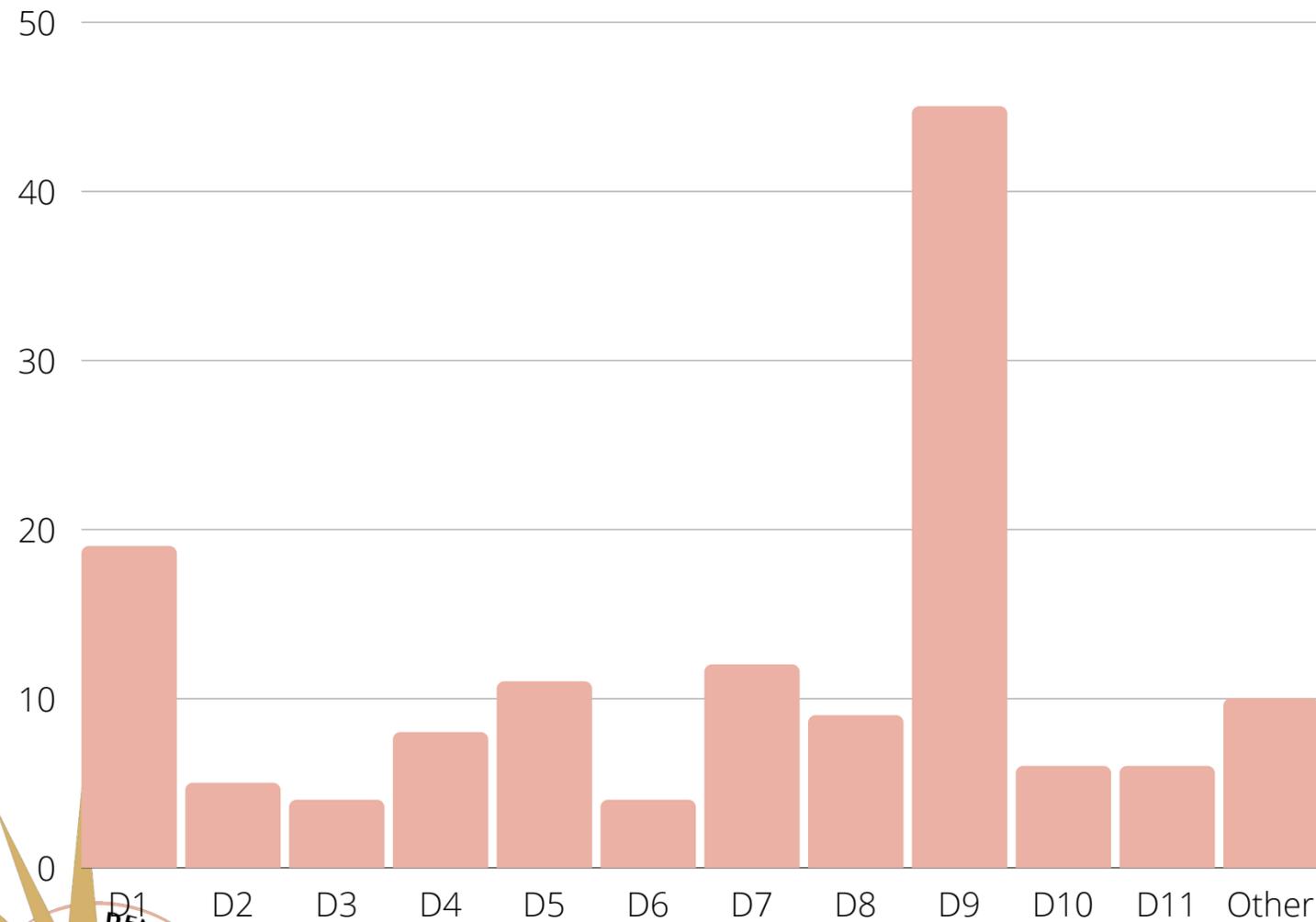
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CONSISTENT SURVEY RESULTS

Landlord Respondents by District

Total landlord respondents: 147

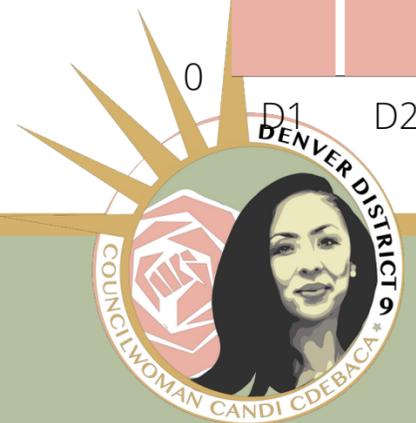
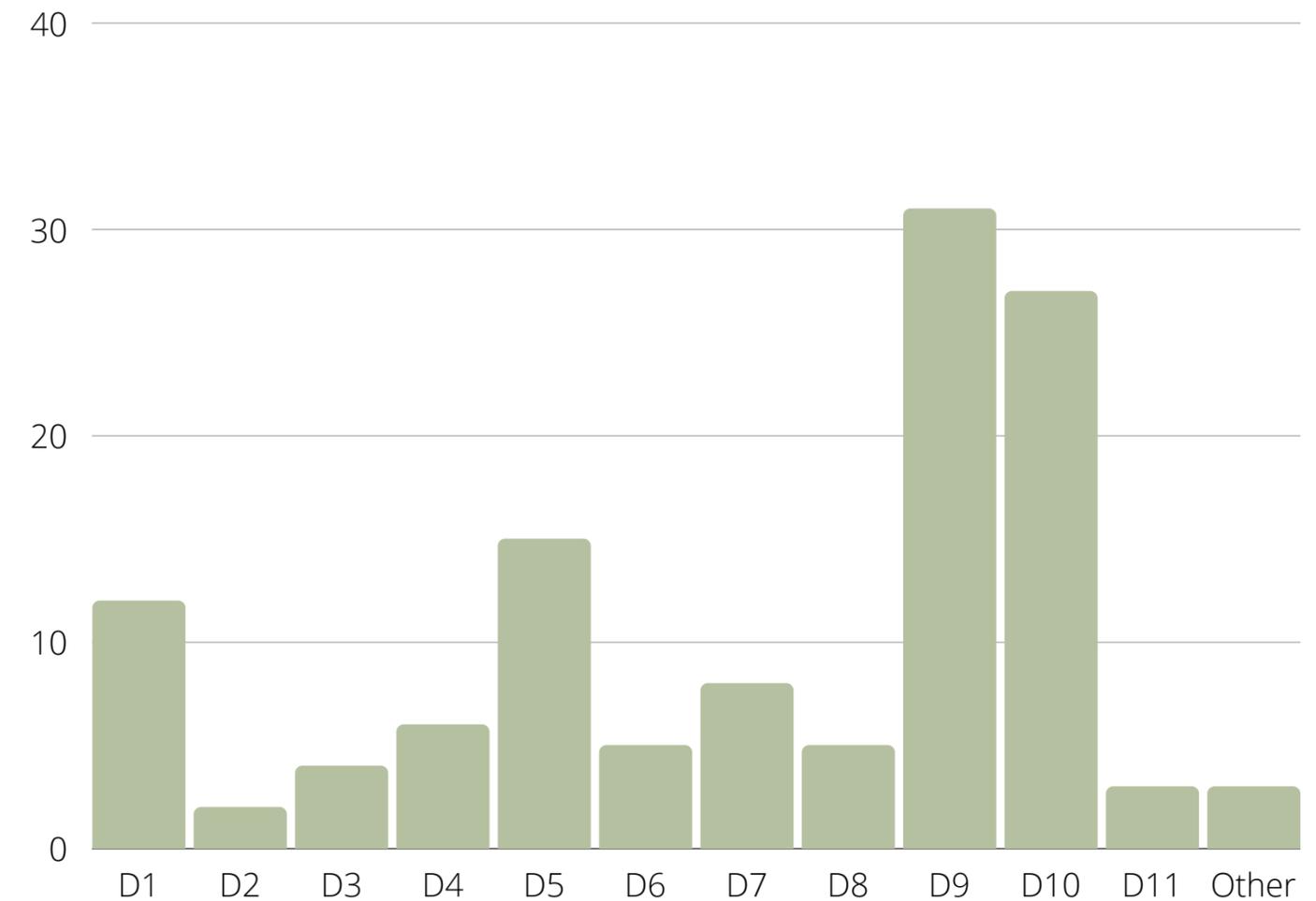
Have evicted tenants: 63



Renter Respondents by District

Total renter respondents: 122

Experienced eviction: 20



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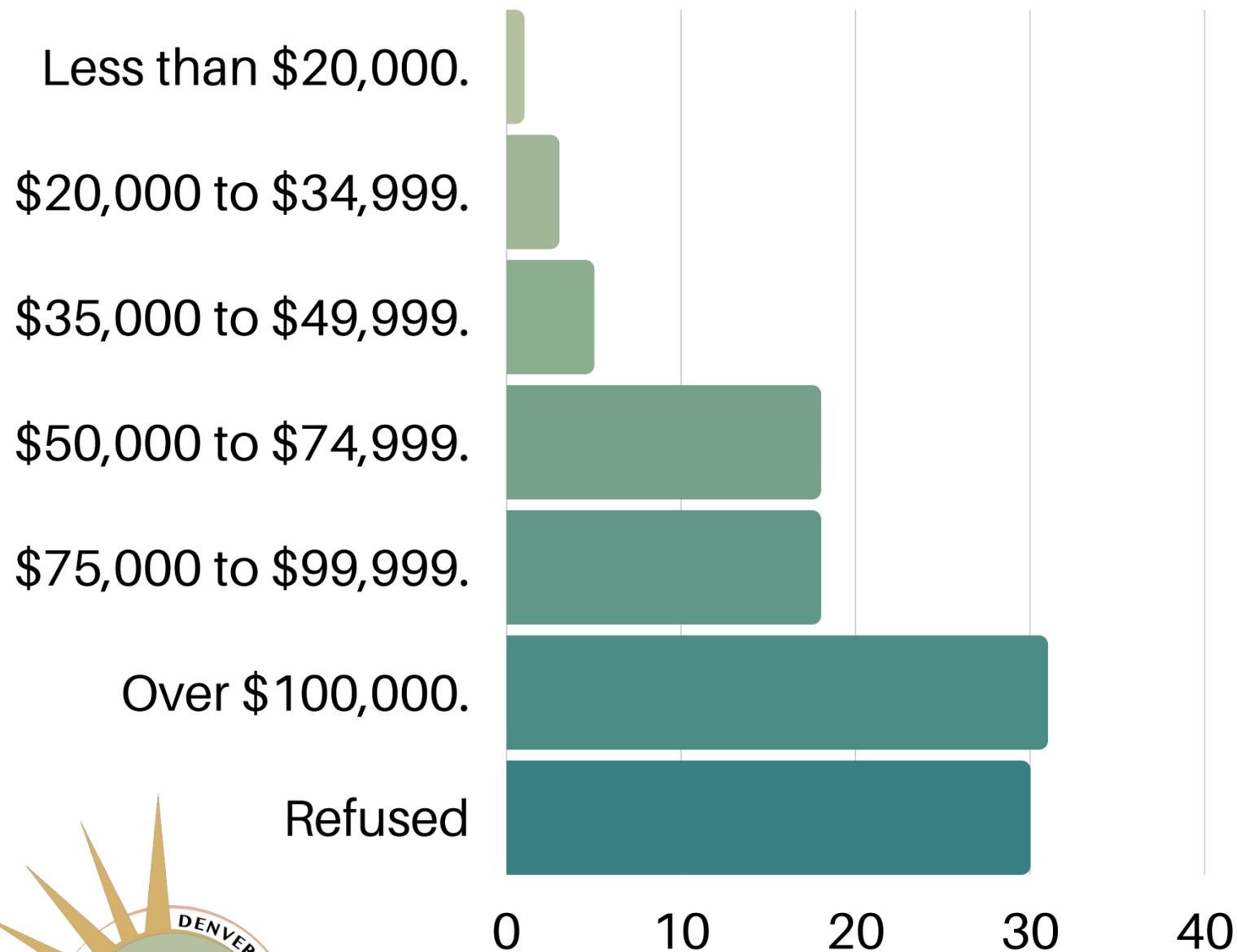
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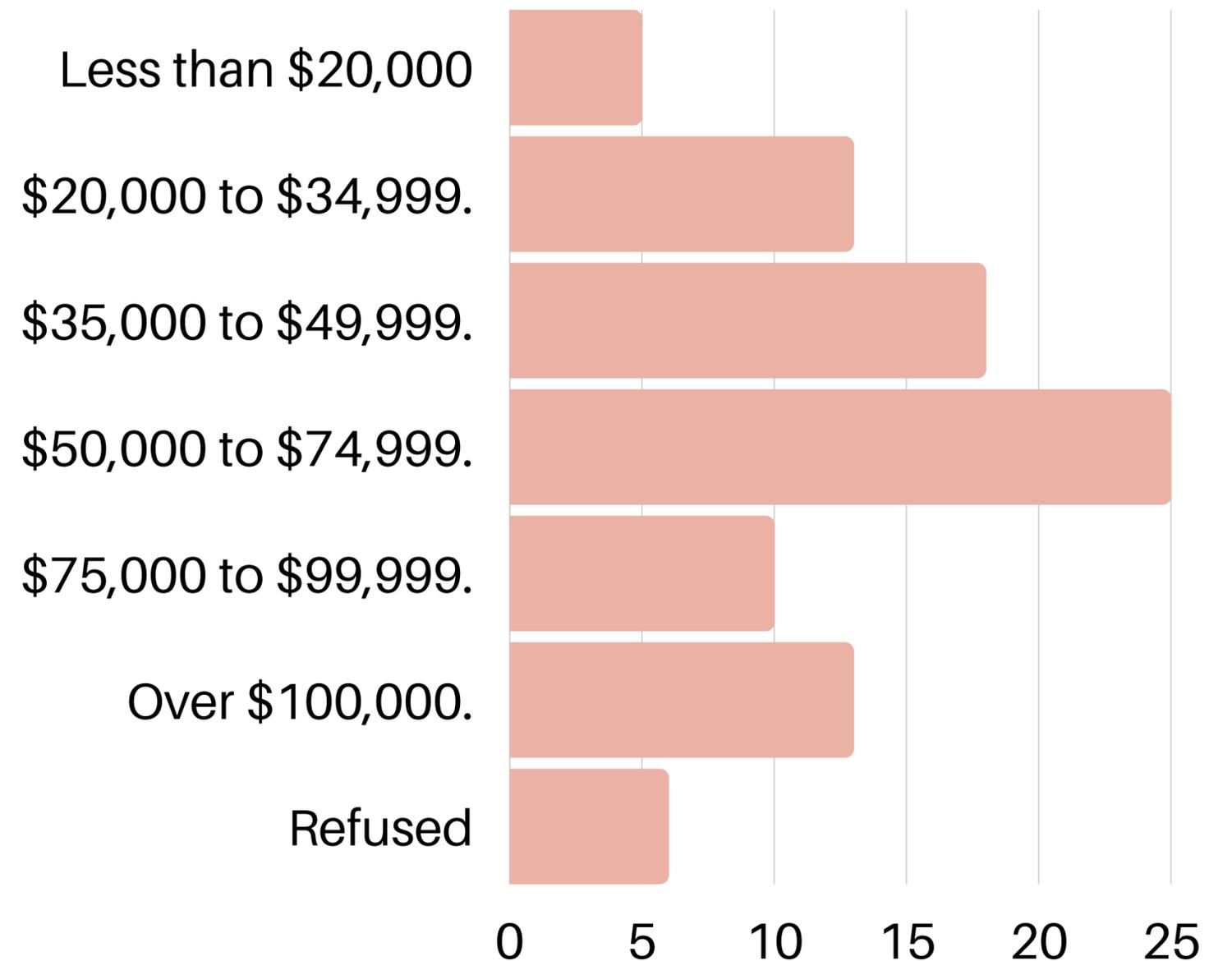
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SURVEY RESPONDENTS

Landlord Respondents-Income



Renter Respondents- Income



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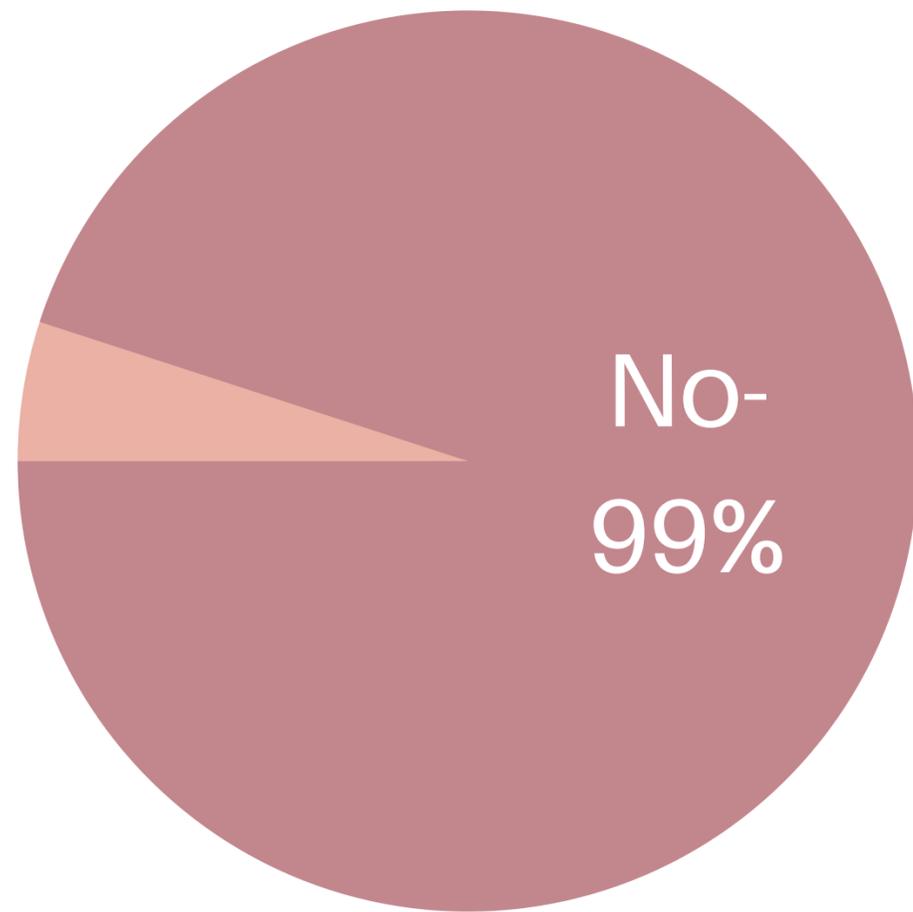
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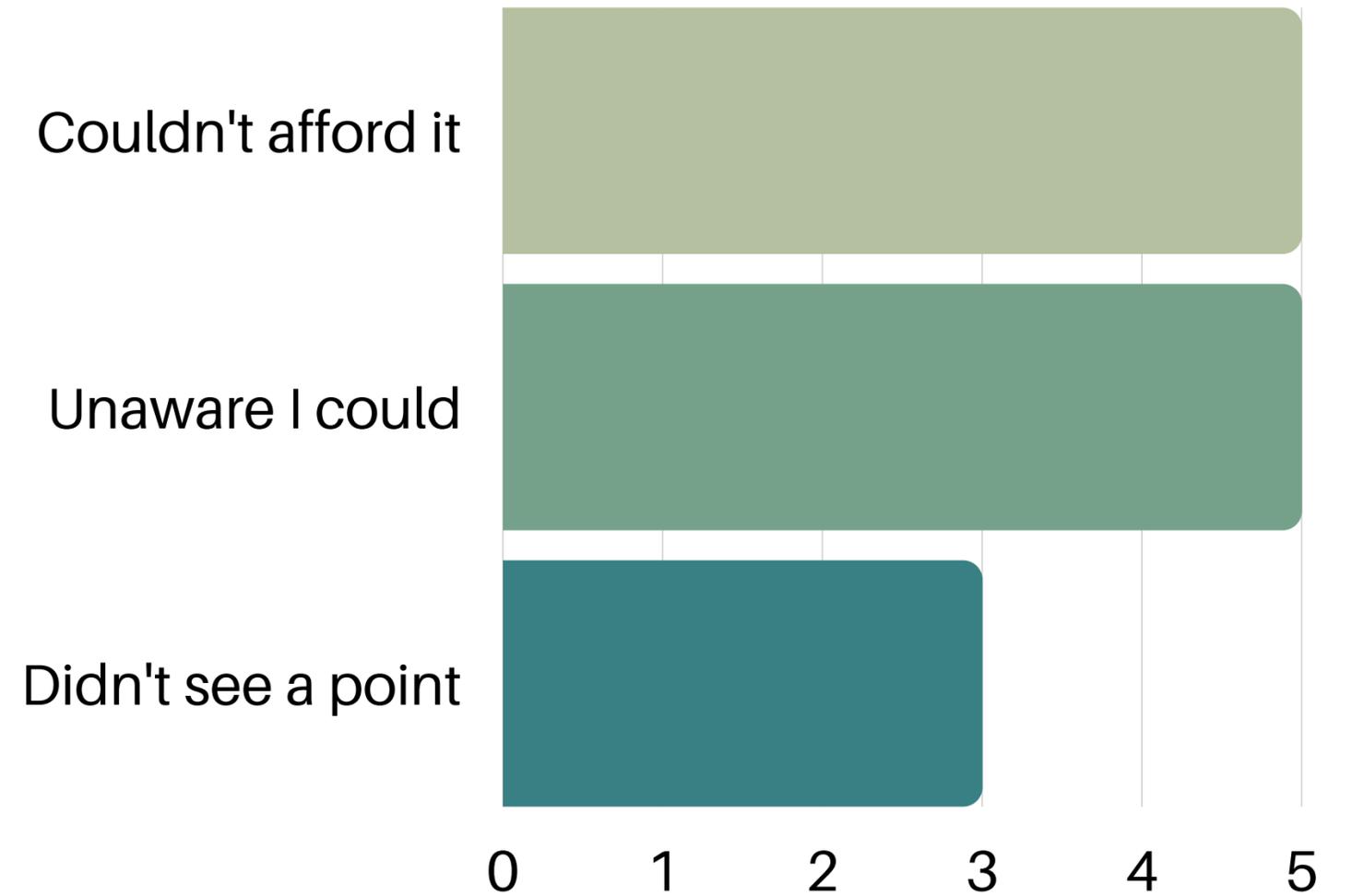
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SURVEY RESULTS

Tenants Represented by Attorney?



Reasons



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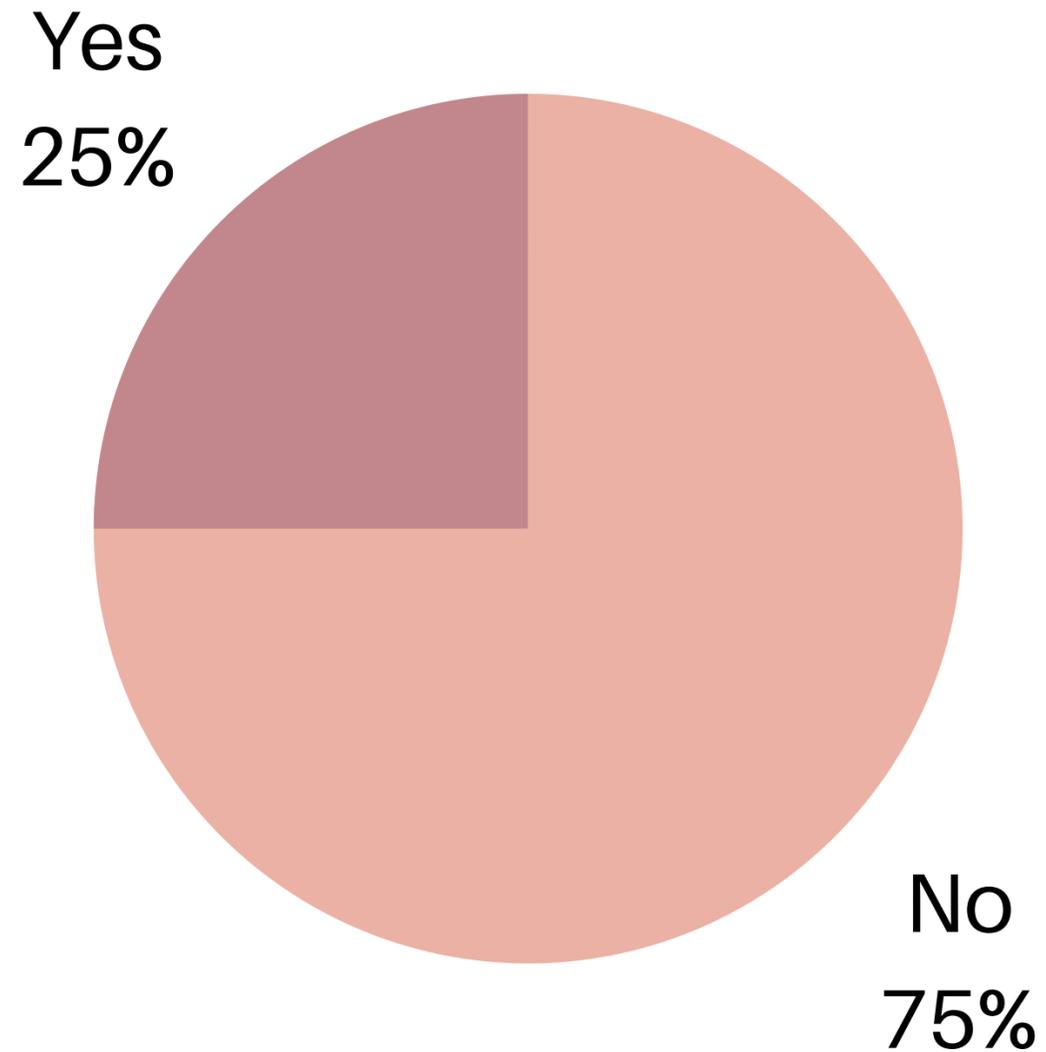
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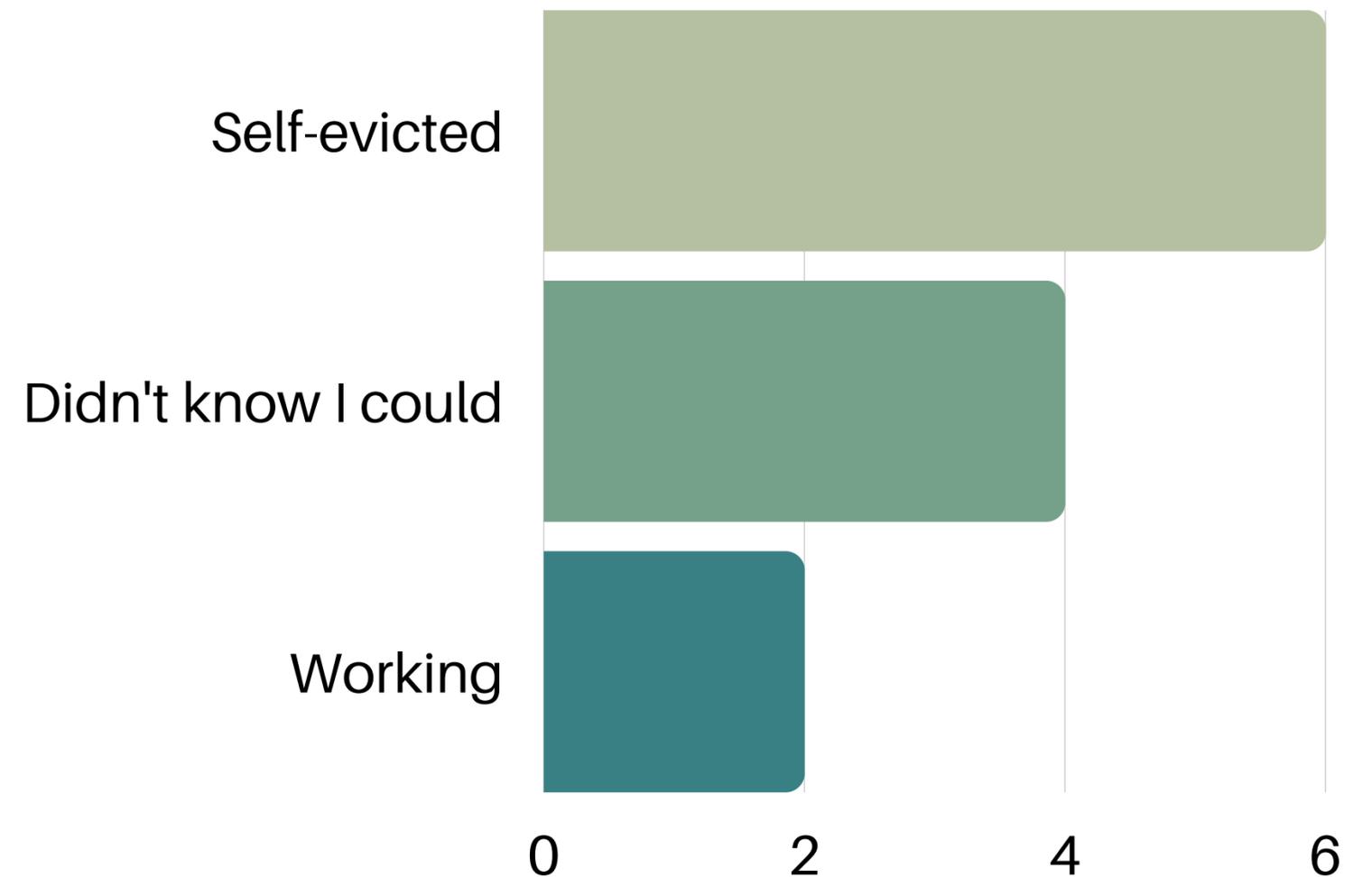
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SURVEY RESULTS

Tenant Attended 1st Court Appearance



Reasons?



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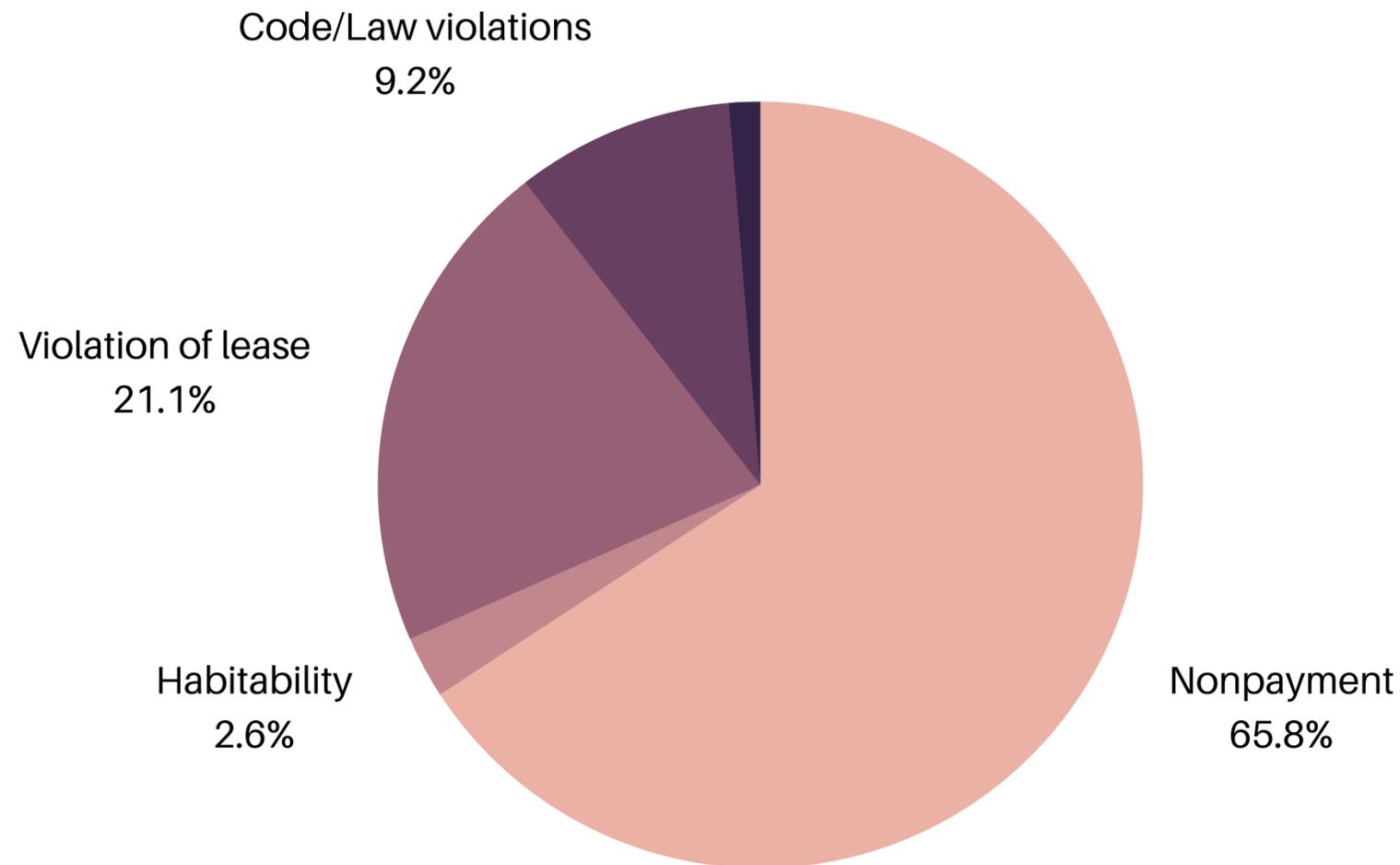
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SURVEY RESULTS

Reasons for Evictions



While most evictions are for nonpayment, not all evictions are formal or for nonpayment. Some evictions are **"constructive evictions"** or retaliatory for tenants raising complaints.

*Consistent with national data: <https://evictionlab.org/why-eviction-matters/#why-do-people-get-evicted>



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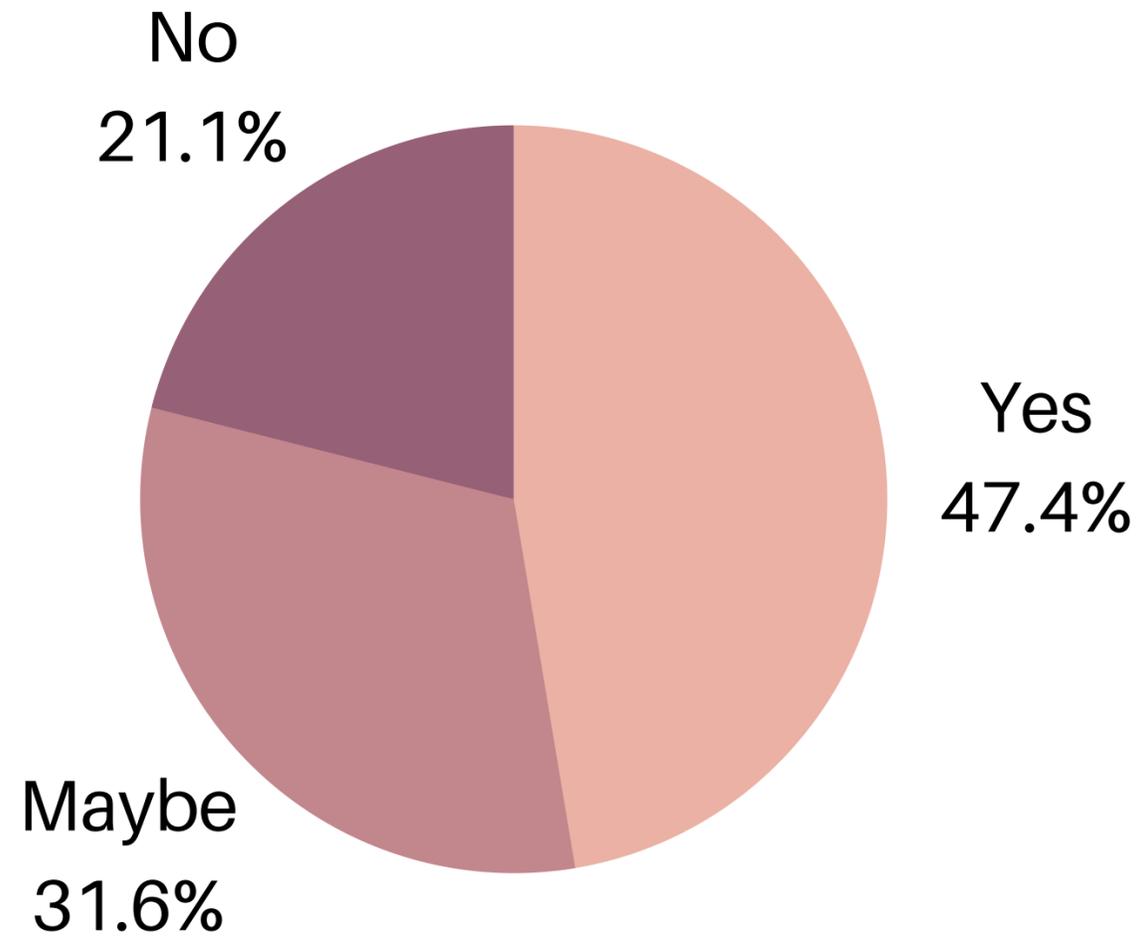
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SURVEY RESULTS

Would tenant representation matter?



Possibilities?



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STAKEHOLDER PRIORITIES

FAIRNESS & EQUITY

- Corrects the imbalance of power and knowledge; due process of law + procedural fairness

BETTER OUTCOMES

- Increases likelihood that tenant will stay housed, negotiate safe terms, make landlords whole and avoid homelessness

FISCAL RESPONSIBILITY

- Reduces downstream costs to the City in a range of service areas + increases judicial efficiency



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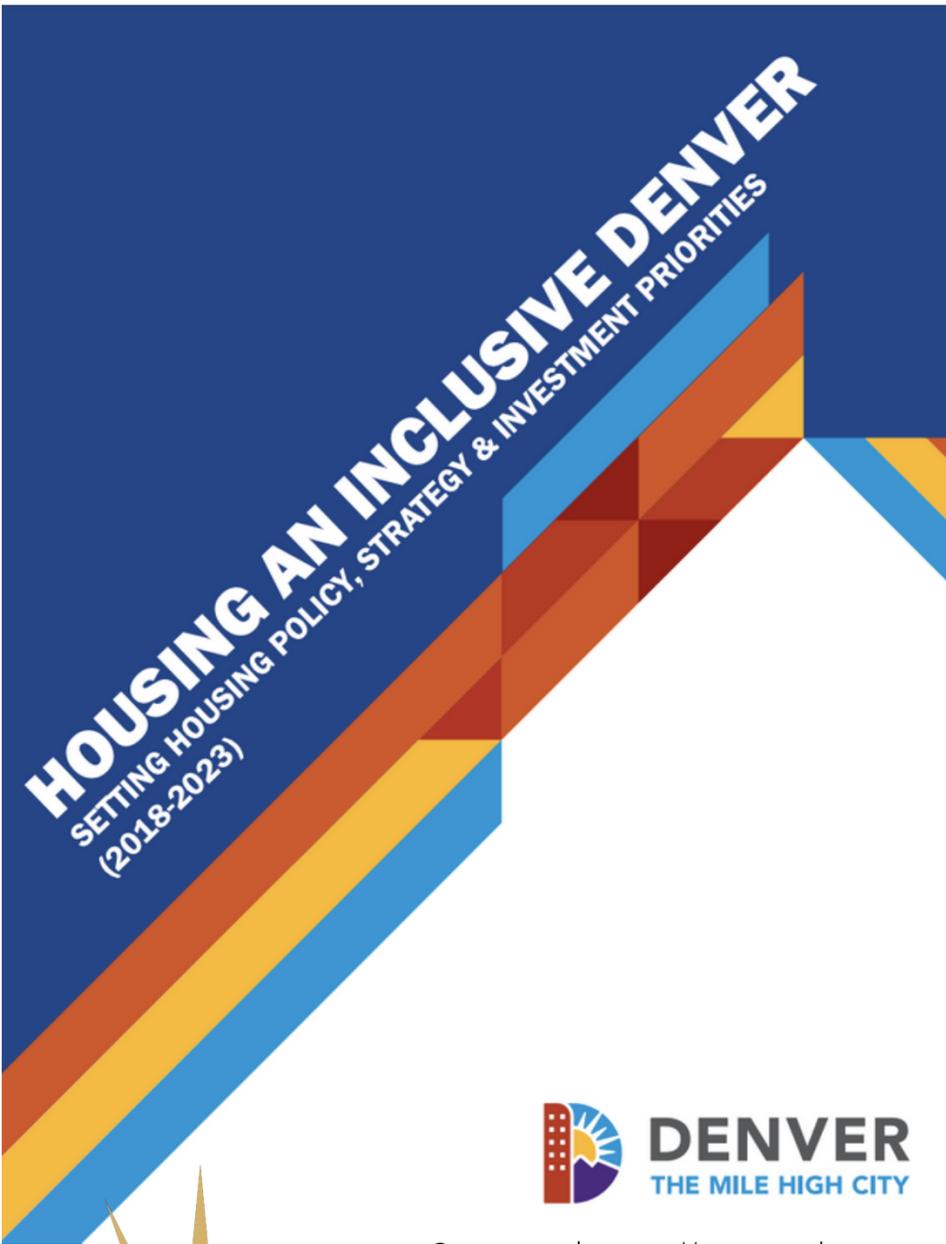


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CONSISTENCY WITH A PLAN?



Recommendation 4: Promote programs that help households stay in their existing rental housing through comprehensive eviction assistance. The City and its partners should continue to support direct financial assistance aimed at stabilizing residents experiencing a housing crisis to help prevent eviction, displacement, and homelessness.



GOAL: Stabilize residents at risk of involuntary displacement by supporting programs and policies that help a resident maintain their existing housing or stay in their community.

TARGET OUTCOMES: If local and federal resources remain consistent with current levels, **the City and its partners will aim to serve at least 10,000 households by 2023 through program investments such as tenant – landlord counseling, eviction assistance, and emergency home repair programs.**

Source: https://www.denvergov.org/content/dam/denvergov/Portals/690/Housing/HousingInclusiveDenver_FINAL_020918.pdf



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CHALLENGES EXPLORED

-  Where will it live?
-  Who will be eligible?
-  What data should to be collected to inform future policy and funding needs?



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WHAT WILL IT DO?

- ✓ 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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DOES IT MAKE CENTS?



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RTC NEEDS + FUNDING ESTIMATES

Other cities:

City	Eligibility	Estimated Need	Recommended Funding	Current Funding
Baltimore	No restrictions	7,000	\$5.7 million	
Cleveland	One or more children and at or below poverty line	9,000		\$2.7 million
Newark	200% or less of the poverty line	3,000 – 5,000	\$1.5 million+ in attorney salaries alone	\$400,000
Philadelphia	200% or less of the poverty line	4,400	\$3.5 million	\$500,000
San Francisco	No restrictions	1,800		\$9.8 million

*Produced by Legislative Services



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RTC DENVER FUNDING ESTIMATES

- 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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RTC DENVER FUNDING ESTIMATES

\$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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RTC COST SAVINGS ESTIMATES

If 3-5% of program participants avoid homelessness each year, this program could pay for itself through avoided costs from sources including:

- Significantly lower emergency shelter and housing program costs
- Decreased education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness.
- A reduction in additional law enforcement and incarceration costs
- A gradual reduction in the number of eviction cases filed resulting in improved use and efficiency of court resources
- Increased economic activity due to retention of housing and employment

Denver could see a return of \$12 million or more annually.

*Analysis conducted by Legislative Services



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EXISTING FINANCIAL COMMITMENTS

- Denver 2021 budget allocated \$1.8M to Eviction Legal Defense (began in 2018), up from \$297K in 2020. Supplemental of 300k was added to DHS budget for eviction assistance.
- SB20B-002: Housing and Direct COVID Emergency Assistance: Amongst rental assistance, directs \$1M from the General Fund to the Eviction Legal Defense Fund (state grants to partner providers)



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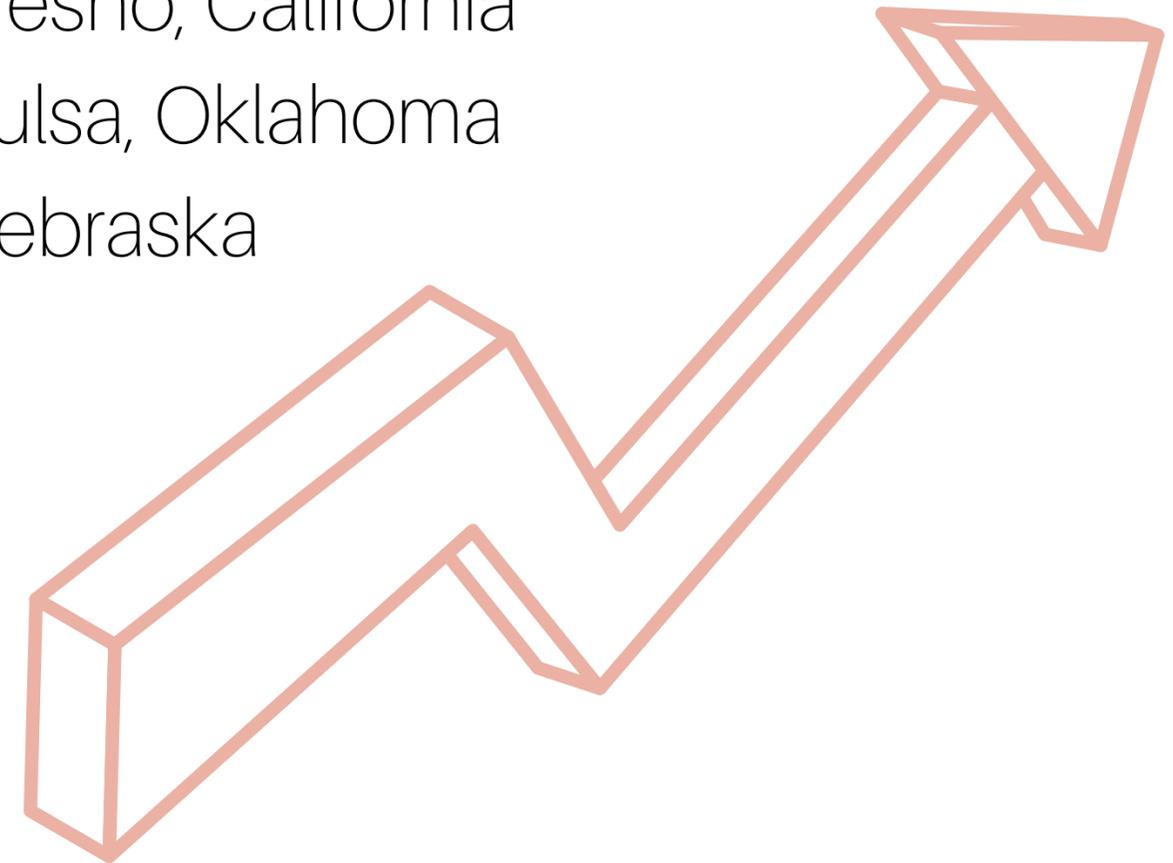
OTHER RTC CITIES

Passed

1. New York (July 2017)
2. Washington DC
3. San Francisco (June 2018)
4. Newark (Dec 2018)
5. Cleveland (Sept 2019)
6. Philadelphia (Nov 2019)
7. Boulder (Nov 2020)
8. Seattle (March 2021)
9. Maryland (April 2021)
10. Washington (April 2021)

Considering

1. Fresno, California
2. Tulsa, Oklahoma
3. Nebraska



*List is growing by the day!



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OTHER RTC SUCCESSES

New York

- 86% of represented tenants able to stay in their homes.
- 98% of tenants represented in administrative termination of tenancy proceedings.
- Eviction rate in relevant zip codes down more than 30%.

San Francisco

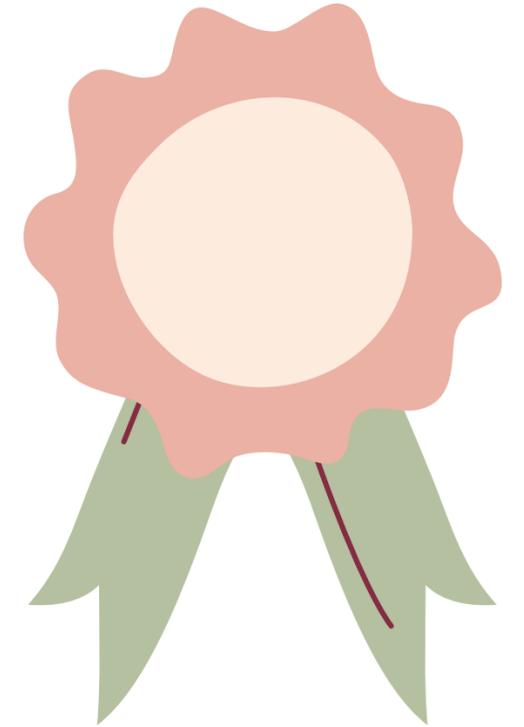
- 67% of represented tenants able to stay in their homes.
- Eviction filings declined by 10%.

Cleveland

- In first 6 months, 93% of those represented avoided eviction or involuntary move.
- 83% who were seeking additional time to move were able to get it.

Los Angeles

- 89% of tenants represented by lawyers achieved a favorable outcome.



*Source:: The Network for Public Health Law



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ROI

In NYC the payoff was evident after only one year; 3:1 - 4:1 ROI

Figure 2: Evictions declined more than five times faster in RTC zip codes than in non-RTC zip codes

	2017	2018	percent change
RTC zip codes	4,563	4,051	-11%
Comparable non-RTC zip codes	13,219	12,932	-2%
Total	17,782	16,983	-4%



Source: DOI data. Analysis included 20 RTC zip codes and 80 comparable non-RTC zip codes. Please see the methodology statement below for more details.



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ENDORSEMENTS



HEALTHIER™
COLORADO



NEW ERA
COLORADO



CENTER FOR
HEALTH PROGRESS

Colorado
Poverty
Law Project



COLORADO
CROSS-DISABILITY
COALITION



Mental Health
Center of Denver



COLORADO
CHILDREN'S
CAMPAIGN

Every Chance for Every Child



Colorado Center
on Law and Policy

& counting!



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QUESTIONS



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APPENDIX

New York:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80&Options=ID|Text|&Search=214-B>

DC:

<https://lims.dccouncil.us/Legislation/B22-0024>

San Francisco:

<https://sfgov.legistar.com/LegislationDetail.aspx?ID=3268932&GUID=EEA4358C-C18D-4AE9-B682-9295A3AC3FAA&Options=ID|Text|&Search=eviction>

Newark:

<https://newark.legistar.com/LegislationDetail.aspx?ID=3600177&GUID=706512AB-9068-4508-8193-1F1C1293ABE5&Options=&Search=&FullText=1>

Cleveland:

<https://cityofcleveland.legistar.com/LegislationDetail.aspx?ID=4138057&GUID=C96C18A7-4516-4439-A9FF-A3766DB6066D&Options=ID|Text|&Search=eviction>

Philadelphia:

<https://phila.legistar.com/LegislationDetail.aspx?ID=3943568&GUID=EC5846F5-CECE-414F-A9F4-CA2F49D698B1&Options=ID%7CText%7C&Search=tenants&FullText=1>

Boulder:

<https://bouldercolorado.gov/central-records/document-archive>



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CURRENT FUNDING - LINKS

<https://denver.legistar.com/LegislationDetail.aspx?ID=4765247&GUID=F4CA7A38-6691-43AD-8F1E-224A58BAF70D&Options=ID|Text|&Search=eviction>

A resolution approving a proposed Agreement between the City and County of Denver and Colorado Legal Services, Inc. for eviction legal assistance to eligible households in the City and County of Denver. Approves a contract with Colorado Legal Services for \$1,112,520 and through 12-31-23 for eviction legal assistance, citywide (HOST-202157453). The last regularly scheduled Council meeting within the 30-day review period is on 3-8-21. The Committee approved filing this item at its meeting on 2-3-21.

<https://denver.legistar.com/LegislationDetail.aspx?ID=4699551&GUID=7A0B7019-51F6-4A15-A5CE-E5F32EE6D5DD&Options=ID|Text|&Search=eviction>

Denver Human Services requests \$300,000 in supplemental appropriation primarily to address a higher demand in rental and eviction assistance. The current appropriation to the General Assistance Fund No. 13305, cost center 5551100 is \$1,510,015. The requested supplemental will bring the appropriation level to \$1,810,015, representing a 20% increase. The 2021 Human Services budget includes an additional \$1 million specifically appropriated for eviction assistance.

SB20B-002 State dollars

The bill requires the state treasurer to transfer \$500,000 from the general fund to the eviction legal defense fund for the purpose of providing legal representation to indigent tenants to resolve civil legal matters arising on and after March 1, 2020, concerning an eviction or impending eviction related to the public health emergency caused by the COVID-19 pandemic. The state court administrator must use the money by June 30, 2021.

Current partner provider grantees (not exclusively Denver providers):

Colorado Legal Services- 1.3mil

9to5- 130,000

CO Poverty Law Project- \$70,000



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APPENDIX - CITY COUNCIL EQUITY LENS

- Are all historically disadvantaged groups who are affected by the decision we are making currently represented in this process including those who have been historically oppressed because of their race, gender, sexual orientation, class, disability, immigration status and age? Have we heard the voices of those who are affected?
- How will the proposed decision affect each group?
- How will the proposed decision be perceived by each group?
- Does the decision advance racial equity or mitigate unintended consequences?
- Have we checked our own biases in this process?
- Are we conscious of how our privilege is showing up in this process?
- Is racial equity at the core of our thinking and decision-making?
- What revisions are needed in the decision under discussion?
- Have we also considered other groups who might be affected?
- Have we considered access limitations?
- Who might be uncomfortable in this decision?
- Have we included mechanisms to lift up/hear silenced voices?
- Is there a better path forward?
- What additional work is needed?



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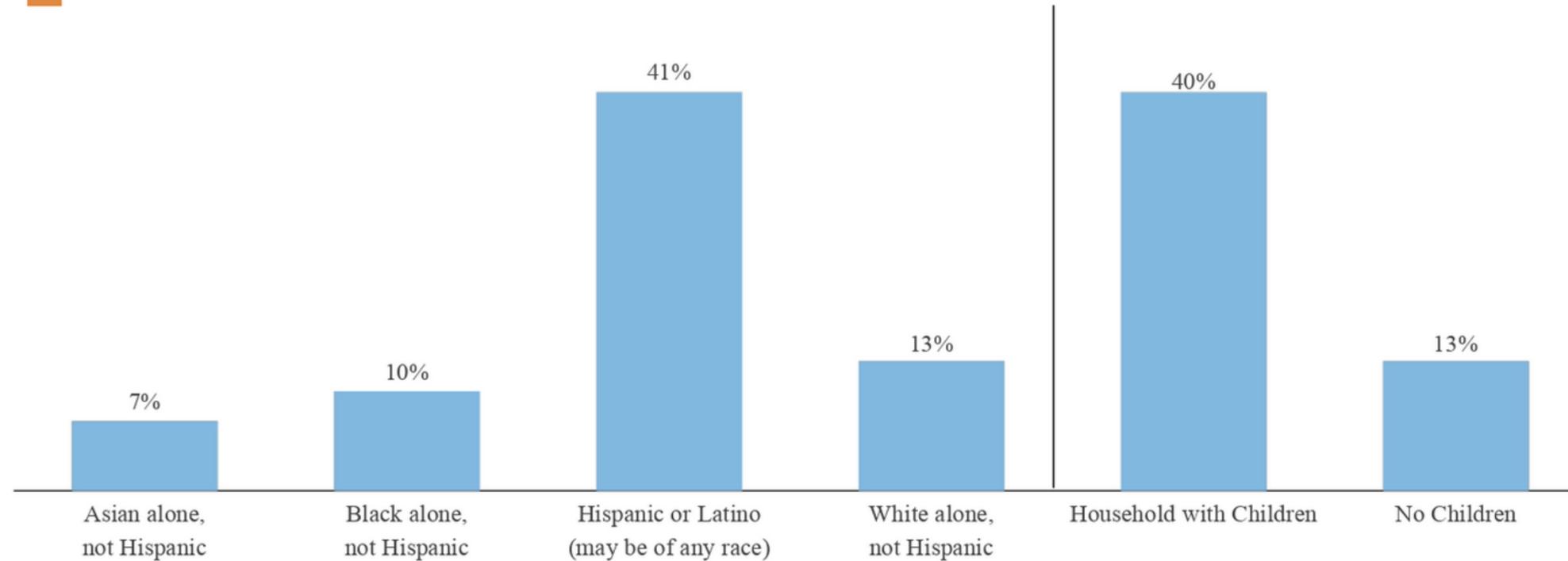


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APPENDIX

COLORADO CENSUS DATA: HOUSING INSECURITY IMPACTS HOUSEHOLDS WITH CHILDREN AND LATINOS DISPROPORTIONATELY

CO COVID Housing Insecurity, by Hispanic Origin and Race



Note: Small sample size possible for Asian, Non-Hispanic and Black, Non-Hispanic Renters

Source: Census Bureau Household Pulse Survey, Week 13 Tables 1b and 2b. The Census Bureau defines a household as housing insecure if they have slight or no confidence in their ability to pay next month's rent on time or did not pay this month's rent on time



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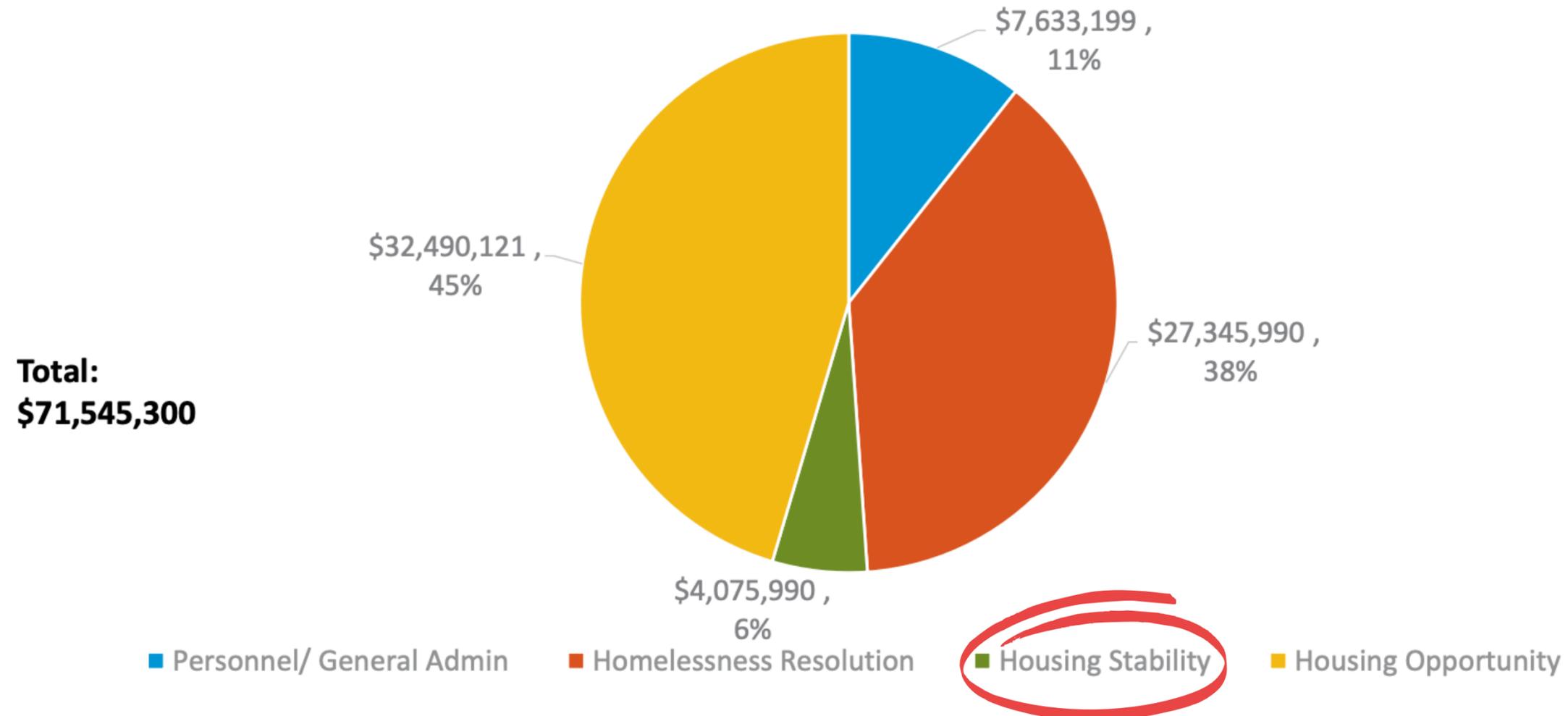
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APPENDIX

2020 Housing Stability Budget by Outcome Area



*Source: HOST



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APPENDIX

HOUSING STABILITY -2020 Contract Amounts



Agency	Type	Amount
Brothers Redevelopment, Inc.	Temporary Rental and Utility Assistance (TRUA)	\$1,000,000
Northeast Denver Housing Center	Temporary Rental and Utility Assistance (TRUA)	\$1,000,000
Colorado Legal Services	Legal Assistance (Eviction Court)	\$297,517
Denver Urban Renewal Authority	Single Family Rehabilitation/Lead Paint Abatement	\$850,000
Colorado Coalition for the Homeless	Tenant Based Rental Assistance	\$566,000
<i>Denver Urban Renewal Authority</i>	<i>Rental/Homeowner Access & Modification *</i>	<i>\$300,000</i>
<i>Denver Urban Renewal Authority</i>	<i>Emergency Home Repair*</i>	<i>\$250,000</i>
<i>Brothers Redevelopment</i>	<i>Tenant-Landlord Counseling*</i>	<i>\$80,000</i>
<i>Colorado Affordable Legal Services</i>	<i>Tenant-Landlord Counseling*</i>	<i>\$80,000</i>
	TOTAL	\$4,423,517

**Community Development Block Grant (CDBG) Funds not included in the \$71.5M HOST 2020 Budget Amount*

*Source: HOST



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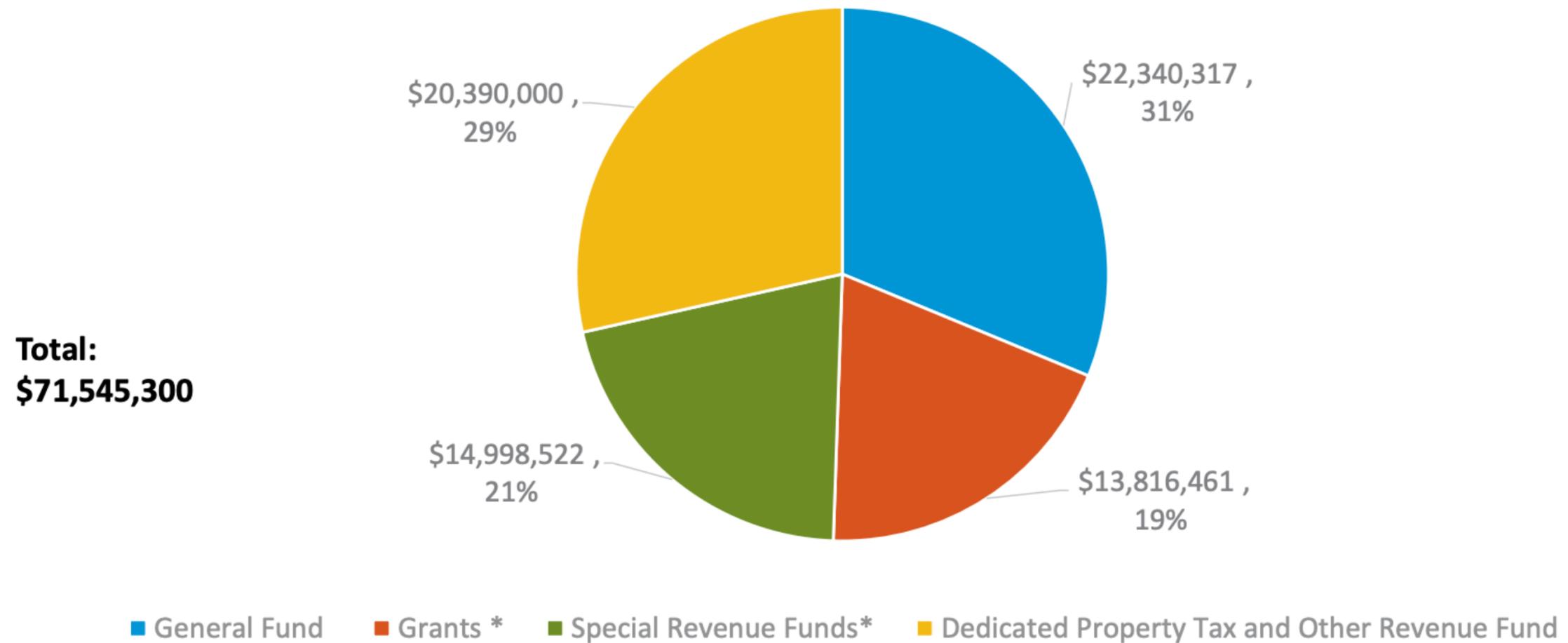
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2020 Housing Stability Budget by Fund Type



*Source: HOST



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Outcome Area	Program/Project	Policy
Homelessness Resolution	<p>Street outreach to connect residents to permanent housing and resources</p> <p>Rehousing platforms through shelter, motels, respite, and bridge housing</p> <p>Transitional housing and services</p> <p>Rapid resolution, peer navigation, and reunification, and case management</p> <p>Connection to permanent housing through rapid rehousing, supportive housing</p> <p>Employment programs, prevention programs, and other rental assistance</p> <p><i>Reimagine and redesign sheltering with emphasis on rehousing (SS)</i></p> <p><i>Ensure appropriate supportive services, esp for most vulnerable (SS)</i></p> <p><i>Convert shelters to tailored residential environments (SS)</i></p> <p><i>Redesign transportation services from shelter to housing/health (SS)</i></p> <p><i>Add 200-350 pay by night SRO for working households (SS)</i></p> <p><i>Prioritize/specialize youth for rehousing services (SS)</i></p>	<p><i>Consistent use of HMIS across system (SS)</i></p> <p><i>Consistent use of Coordinated Entry for referral (SS)</i></p> <p><i>Preference for residents exp. homelessness in new affordable housing (SS)</i></p> <p><i>Reimagine and redesign sheltering with emphasis on rehousing (SS)</i></p>
Housing Opportunity	<p>New construction of affordable rental and for-sale housing</p> <p>Preservation of existing affordable housing</p> <p>Community land trusts for long-term affordability and stewardship</p> <p>Homeownership counseling to support access to housing</p> <p>Downpayment assistance to support access to housing</p> <p>Development of supportive housing, services gap funding for supportive housing projects</p> <p><i>Explore other development support for projects without tax credits (HID)</i></p>	<p>Preservation ordinance to give notice and right to purchase affordable properties</p> <p>Inclusionary Housing Ordinance that applied to for-sale projects until 2016</p> <p>Linkage fee build alternative that applies to projects after 2017</p> <p>Height incentive zoning at pilot sites in central Denver</p> <p>Individual site negotiations when city tools like TIF, zoning or Met Districts utilized</p> <p><i>Use zoning and other incentives to create affordable housing near transit (HID, BPD)</i></p> <p><i>Clear guidelines for affordable housing at redevelopment areas (HID)</i></p> <p><i>Enhance state low income housing tax credit to create/preserve more units (HID)</i></p> <p><i>Encourage more family friendly housing throughout Denver (BPD)</i></p> <p><i>Integrate missing middle housing by increasing density near transit in exchange for affordability (BPD)</i></p>
Housing Stability	<p>Emergency home repair, single family rehab, and other rehabilitation programs</p> <p>Rental and utility assistance to stabilize residents at risk of displacement</p> <p>Tenant-landlord counseling and legal assistance to prevent eviction</p> <p>Property tax rebate program to help homeowners keep up with rising costs (DHS)</p>	<p>Protection against source of income discrimination</p> <p>State limitation on application fees, warranty of habitability</p> <p><i>Preference policy for residents at risk of displacement, previously displaced (HID)</i></p> <p><i>Rental registry for info on rental unit in city, explore more standard lease practices (HID)</i></p> <p><i>Expand Accessory Dwelling units, use as wealth building tool (HID, BPD)</i></p>
Multiple Areas		<p><i>Update zoning code to have more inclusive household definition, support affordable housing development, group living (BPD)</i></p> <p><i>Leverage land from other public, quasi public partners for housing and other investments (HID)</i></p>



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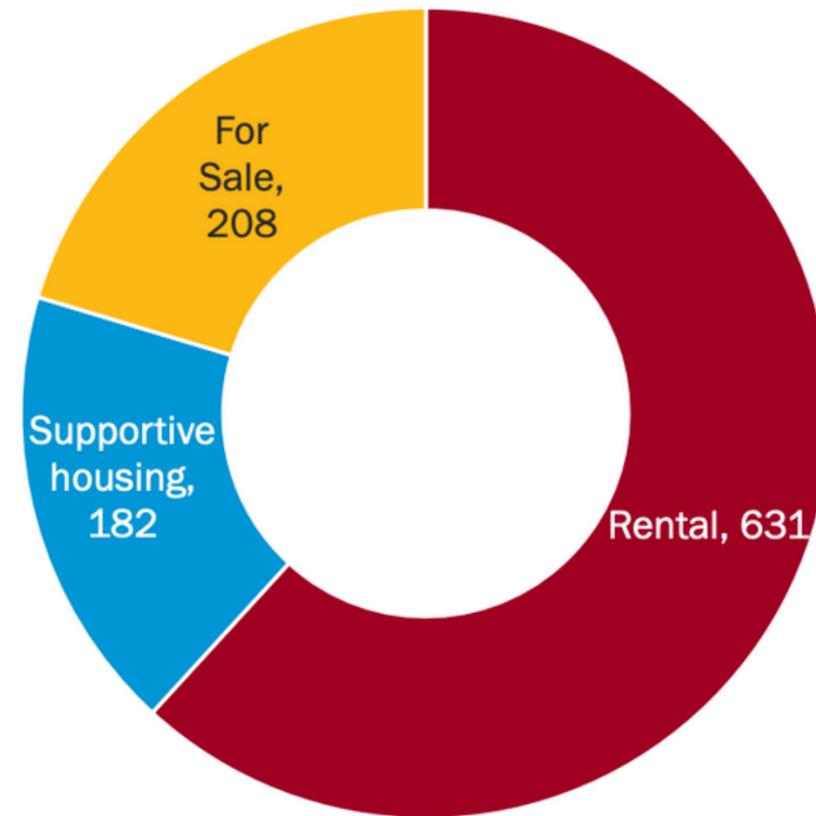
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*Source: HOST

APPENDIX

Continuing to Support Pipeline of Affordable Housing Opportunities

- 13 affordable housing projects in the pipeline for development
- Located in 7 council districts
- Expected to produce 1,021 total units
- Total dollars invested: \$17.5M



*Source: HOST



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APPENDIX

What has opened in 2020?

Ground breakings

- Spring 2020 construction began on Central Park townhomes
 - 132 home ownership units
 - \$2.64M
- May 2020 construction began on Kappa Tower II
 - 70 units
 - \$700K
- La Tella Condos (scheduled July 1)
 - 92 units
 - \$3.625M

Grand openings

- Elizabetta (Q1 2020)
 - 91 units
 - \$1.82M invested
- Atlantis (Scheduled for July 27th)
 - 60 units
 - \$800K invested

*Source: HOST



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APPENDIX

Expanding Access to Financial Assistance to Keep People in Their Homes

- Working with Temporary Rental & Utility Assistance (TRUA) partners to meet increased need
 - Since start of crisis, requests for TRUA have increased by **450%**
 - Served **996** unduplicated households in 2019 and **704** unduplicated households Jan – May 2020
 - Amending contracts to remove barriers to access (e.g., requirement for resident to pay portion)
- Utilizing \$5M in Coronavirus Relief Funds for Rental/Utility Assistance and Mortgage Assistance Programs
- Partnering with UC Berkeley and the City’s Office of Equity and Social Innovation to develop and evaluate outreach strategies and use among vulnerable groups

*Source: HOST



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APPENDIX - COMPARISON CITY DATA

CITY	Origin	Year of Origin	Management	Funding Source	Cost/Allocation (per year unless otherwise noted)	Who is Served/Eligibility	How Many People are Served	Impact
Baltimore	Ordinance (CB 20-0625)	2020	Dept. of Housing and Community Development	City of Baltimore General Fund	\$5.7 million (estimate)	All - individuals with lowest median income receive highest priority		
Boulder	Initiative (2020-2B)	2020	City - Tenants' Legal Services and Assistance Coordinator. Partnership with non-profits permitted	City of Boulder - Excise Tax	\$1.9 million	All tenants	All tenants	N/A
Cleveland	Ordinance (Ord #1001-2019)	2019	United Way and Legal Aid Society of Cleveland	City of Cleveland, Cleveland Foundation, United Way and other private philanthropy	\$2,175,428	One or more children living at or below federal poverty line	323 cases in first six months	As of 12.31.20 - 93% of clients seeking to avoid eviction were able to achieve this outcome.
Newark	Ordinance	2018	Office of Tenant Legal Services (within Dept. of Economic and Housing Development) and non-profit legal services providers	General Fund, Victoria Foundation, Santander Bank	\$400,000 (initial funding)	200% of the federal poverty level or less	No data yet but the city is anticipating serving 5,000 - 7,000 tenants per year	
New York	Ordinance (Int 2017 - 214B)	2017	NYC Office of Civil Justice in cooperation with nonprofit legal service providers	City of New York	\$15 million for first phase (2018-2022)	During phase-in, eligibility is restricted by zip codes (5 or 6 in each borough) and income (below 200% of poverty line). There are efforts underway to expand the income eligibility to below 400% of poverty line.	In 2018-19, approximately 105,000 people in 41,000 households Under current eligibility rules, by 2022 (end of phase-in), 784,000 low income tenant households (37% of all tenant households) will be eligible	"Tenant representation has drastically increased. In FY 2013, one percent of tenants were represented by counsel; in FY 2018, 30 percent of tenants had an attorney. 56% of tenants in RTC zip codes were represented by counsel in eviction proceedings."
Philadelphia	Ordinance (Bill # 190386)	2019	Managing Director's Office	City of Philadelphia General Fund	\$3.5 million (estimate)	200% of the federal poverty level or less		A Stout (global investment bank and financial consulting firm) analysis prior to the passage of the ordinance estimated that an annual investment of \$3.5 million by the City of Philadelphia could result in a savings of approximately \$45.2 million and over 14,000 tenants avoiding displacement. The costs avoided would result from reduced education, juvenile justice and welfare costs associated with homeless children, reduced costs of providing public benefits due to lost employment and housing and reduced costs associated with homelessness including additional law enforcement and incarceration costs.
San Francisco	Initiative (2018 - Prop F)	2018	Mayor's Office of Housing and Community Development and non-profit partners.	City of San Francisco - Administrative fees	\$9.8 million (FY '20-'21)	No income limit. In 2018-19, 85% of those receiving counsel were extremely low or low income.	Jul-Dec 2019: 1634 households	2/3 of participants ended up staying in their homes.
Washington DC	Ordinance (B22-0024)	2017	D.C. Bar Foundation and nonprofit partners	Civil Right to Counsel Innovation Fund - funds deposited, and any interest earned, shall not revert to GF at year end	\$4.5 million (Total)	200% of the federal poverty level or less	Approximately 25% of low-income tenants in D.C. Landlord & Tenant Court	A recent analysis demonstrated that Housing Right to Counsel Project clients are 5 times less likely to get a writ of restitution (the order that allows U.S. Marshals to schedule an eviction) and 3.5 times more likely to enter into settlement agreements.

*Research conducted by Legislative Services



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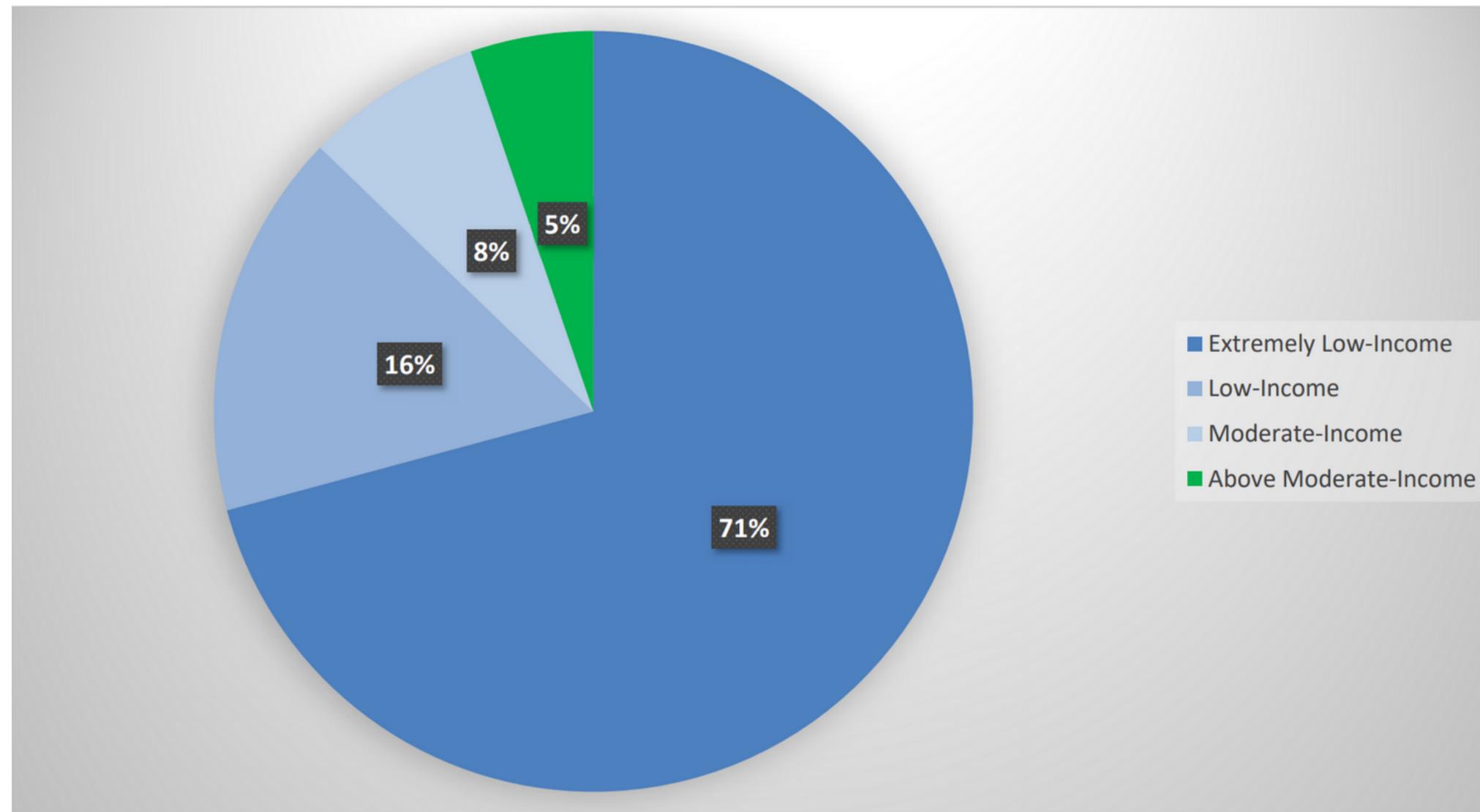
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APPENDIX - SAN FRANCISCO DATA

San Francisco All Cases in Eviction Defense System by Income Levels



Source: City and County of San Francisco



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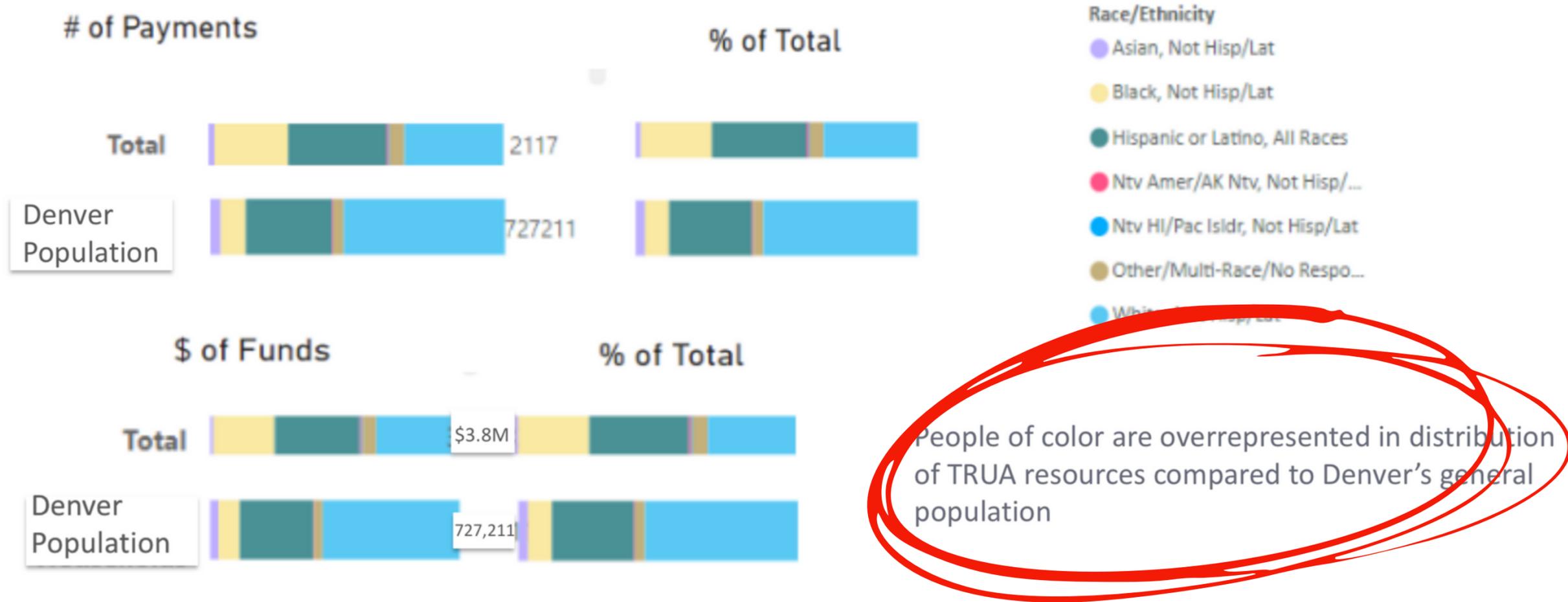
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APPENDIX

TRUA Payments Jan-Sept 2020 by Race/Ethnicity Compared to Citywide



People of color are overrepresented in distribution of TRUA resources compared to Denver's general population



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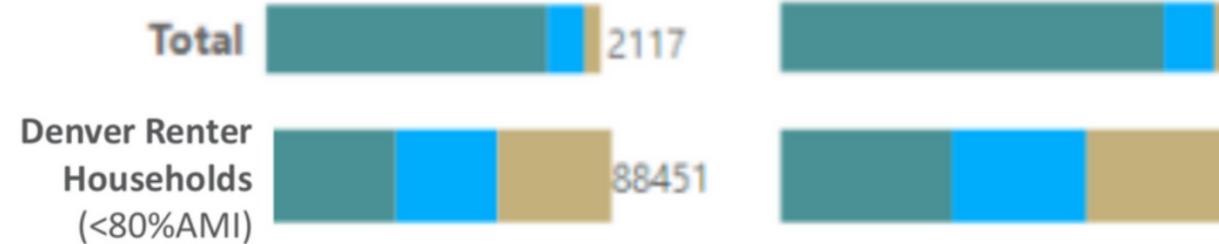
TRUA Payments Jan-Sept 2020 by Area Median Income (AMI) Compared to Citywide

- Income**
- 0 - 30% AMI
 - 31 - 50% AMI
 - 51 - 80% AMI
 - No Data

*AMI=Area Median Income

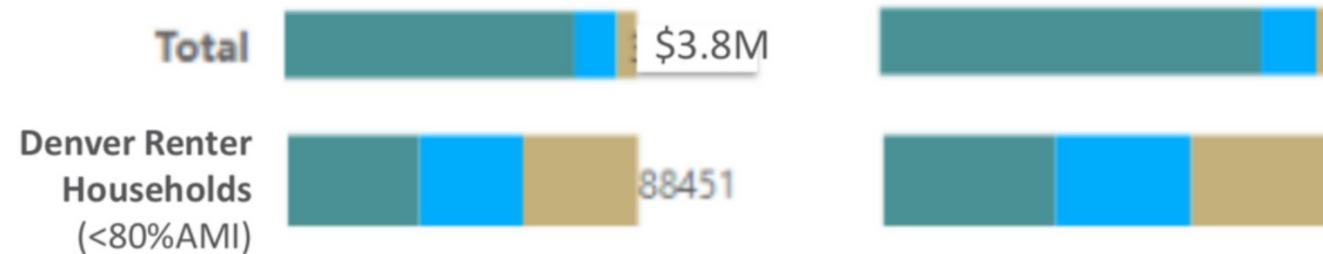
TRUA resources are primarily serving households below 30% AMI

of Payments



% of Total

\$ of Funds



% of Total



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APPENDIX

TRUA Applications Received vs Denied - Citywide

2020 Month	Complete Applications Received	Applications Denied Due to Ineligibility	Percent Denied
January	167	64	38%
February	163	55	34%
March	192	89	46%
April	245	100	41%
May	437	118	27%
June	405	47	12%
July	907	88	10%
August	811	142	18%
September	722	45	6%

Processing Times:

- Average: 2 weeks
- Minimum: 1 week
- Maximum: 5 weeks

There has been a decrease in the number of applications being denied, likely due to recent application and programmatic changes



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APPENDIX

Nationally, nearly 1 in 6 Renters are Not Caught Up on Rent; In Colorado, Unpaid Rent Could be More than \$600M by Jan 2021

- The Center on Budget and Policy Priorities (CBPP) found that nearly one in six renters are not caught up on rent
- In a September report by the National Council of State Housing Agencies, Colorado was projected to see as much as \$469-\$666 million in unpaid rent and 140,000 eviction filings by January 2021

Sources:

-CBPP Report, October 15, 2020 - [Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships](#)
-NCSHA Report, September 25, 2020 - [Analysis of Current and Expected Rental Shortfall and Potential Eviction Filings in the U.S.](#)



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APPENDIX

Households Served by TRUA, January – September 2020

- **1,796 unduplicated households served in 2020;** 987 with local funds and 809 with CRF funds
- 996 unduplicated households served in 2019
- Average Number of Months of Assistance:
 - 2020: 3 months
 - 2019: 2 months
- Average Amount of Rental Assistance
 - 2020: \$1,400
 - 2019: \$1,100



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APPENDIX - FEDERAL FUNDING FOR RTC



CARES Act funding for tenant representation

Jurisdiction	Amount of funding for legal rep	Which CARES pot	Granting governmental office, and message to them	How funding is being used, and connection to the right to counsel
Chicago	\$500k City, \$1 million County	<u>CRF</u> : \$500k <u>Other</u> : \$1 million	City of Chicago Department of Housing. LCBH had been talking about right to counsel to them even before the pandemic. Cook County funded because it's worried about eviction wave when moratorium lifts.	Both legal work and emergency rent assistance case management (since they also had CARES Act funding for emergency rental assistance). Because of strong state moratorium, pivoted from eviction defense to 1) negotiation with landlords; 2) lock-out affirmative litigation; and 3) eviction defense of cases wrongly filed in violation of moratorium's exceptions (such as "health and safety").
Delaware	\$250k committed, \$950k probable	<u>CRF</u> : \$100k; <u>CDBG</u> : \$150k committed, \$750k probable; <u>ESG</u> : \$200k probable	<u>New Castle County</u> : \$100k CRF and \$100k CDBG; <u>Sussex County</u> : \$50k CDBG <u>Delaware State Housing Authority</u> : \$750k CDBG (probable), \$200k ESG (probable). Already had very close working relationships / partnerships with all of these. Framed housing as health issue, and showed ROI for civil legal aid	Couldn't hire enough legal staff quickly enough (<5% representation prior to this, and 75% default rate), so using combination of apps, ADR, pro bono, paid private attorney involvement, law students, and some staffing up at the legal aid agencies. Stout is helping develop this "ecosystem", which can bridge to future RTC. Meet regularly with Chief Magistrate and Governor's Counsel to make sure they are on top of eviction crisis, court's caseload, and possibility of extending moratoria into 2021. Planning on op-ed to set stage for RTC legislation, and work with stakeholders through advisory council. Have identified legislative champions at city and state level to advance RTC legislation. Also have \$400k from a private foundation to help bridge to RTC.

Detroit	\$549k to be spent in second half of 2020, \$86k to be spent in first half of 2021, \$2.8 million to be spent from 7/20 to 12/21 Other CARES Act funding obtained for areas outside of Detroit.	<u>CRF</u> : \$549k <u>ESG</u> : \$86k <u>CDBG/ESG combo</u> : \$2.9 million	<u>CRF</u> : Michigan State Housing Development Authority <u>CDBG/ESG</u> : City of Detroit City had planned tenant rep pilot prior to pandemic using other funding.	Staffing eviction dockets, meeting with clients, negotiating with LLS, processing eviction diversion applications and documentation, enforcing CDC moratorium. Regular eviction defense dwarfed by eviction diversion work. Lakeshore Legal Aid hoping to study outcomes achieved during this period of near full-representation with significant rental assistance and compare them to outcomes achieved over the next year with significant representation and some amount of rental assistance and years without representation. Hope is that comparison will help make the case for right to counsel in eviction cases.
Houston	\$2 million	CRF	Conversation had been happening between Judge Brown and a county commissioner about the eviction problem. County in turn challenged city to match county's \$1 million commitment, which it did.	Representation provided for all tenants in 3 Justice of the Peace courts ("universal rep" short of RTC) as part of a "right to counsel pilot".
Los Angeles	\$4.7 million for calendar year 2021	CDBG	LA City Council. Preceded by 2 years of advocacy by citywide coalition (legal services providers, tenant organizers, tenants, and academics)	Expand Los Angeles County-funded Stay Housed LA eviction defense program (www.stayhousedla.org). Not a RTC; it's expanded rep. There is also \$1.3 million for outreach/public awareness and \$1 million for emergency rental assistance administered by legal services. Planning to build from Stay Housed LA towards RTC, and contemplating whether to go back to zip code model vs. expanding percentage represented across city.
Pennsylvania	\$8 million for civil legal services (not specifically designated for tenant rep)	CRF	State General Assembly, which responded to arguments that legal aid is frontline response to COVID-19 and that evictions spread the virus.	Funding allocated based on plans submitted by 14 legal aid programs and their partners. Funding used for combination of necessary remedial measures for remote work and safe return to office, outreach/education, and civil legal representation. Funding had to be spent on expenses incurred between 3/1/20 and 11/30/20, but contract only received on 7/2/20.

*Source: <http://civilrighttocounsel.org/>



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Week Starting	FED Filings
1/1/2020	26
1/5/2020	113
1/12/2020	152
1/19/2020	479
1/26/2020	152
2/2/2020	52
2/9/2020	58
2/16/2020	504
2/23/2020	206
3/1/2020	87
3/8/2020	38
3/15/2020	260
3/22/2020	106
3/29/2020	3
4/5/2020	2
4/12/2020	7
4/19/2020	4
4/26/2020	3
5/3/2020	2
5/10/2020	0
5/17/2020	3
5/24/2020	2
5/31/2020	3
6/7/2020	3
6/14/2020	27
6/21/2020	10
6/28/2020	14
7/5/2020	17
7/12/2020	17
7/19/2020	68
7/26/2020	57
8/2/2020	40
8/9/2020	43
8/16/2020	51
8/23/2020	76
8/30/2020	183
9/6/2020	152
9/13/2020	78
9/20/2020	117
9/27/2020	31
10/4/2020	57
10/11/2020	94
10/18/2020	7
10/25/2020	66
11/1/2020	33
11/8/2020	69
11/15/2020	28
11/22/2020	69
11/29/2020	15
12/6/2020	93
12/13/2020	53
12/20/2020	53
12/27/2020	29

Totals as of 12/31/2020
3,912

APPENDIX

Yearly FED Filings

Year	# of Filings
2008	3,689
2009	9,890
2010	10,241
2011	9,480
2012	8,771
2013	8,340
2014	8,232
2015	7,907
2016	8,419
2017	8,960
2018	9,501
2019	9,249
2020	3,912

2019		2020	
Month	FED Filings	Month	FED Filings
January	935	January	920
February	845	February	819
March	708	March	491
April	744	April	19
May	784	May	7
June	592	June	53
July	706	July	163
August	748	August	272
September	773	September	495
October	807	October	229
November	685	November	205
December	922	December	239
Total	9,249	Total	3,912

Criteria: Document was filed between 12/16/20 and 12/31/20 AND case was ALSO filed between 12/16/20 and 12/31/20	
Number of FED filings	83
Number of Answers filed	11
Number of Answers including Counterclaims filed	0
Number of Judgments entered	0
Number of Stipulated Agreements entered	1
Number of Stipulated Agreements including entry of judgment language entered	1
Number of Writs of Restitution issued	0

Criteria: Document was filed between 12/16/20 and 12/31/20 AND case <i>may</i> have been filed between 12/16/20 and 12/31/20	
Number of FED filings	83
Number of Answers filed	32
Number of Answers including Counterclaims filed	0
Number of Judgments entered	35
Number of Stipulated Agreements entered	11
Number of Stipulated Agreements including entry of judgment language entered	9
Number of Writs of Restitution issued	74
Number of Plaintiffs Represented by Counsel	79
Number of Defendants Represented by Counsel	1

*Source: Denver County Courts



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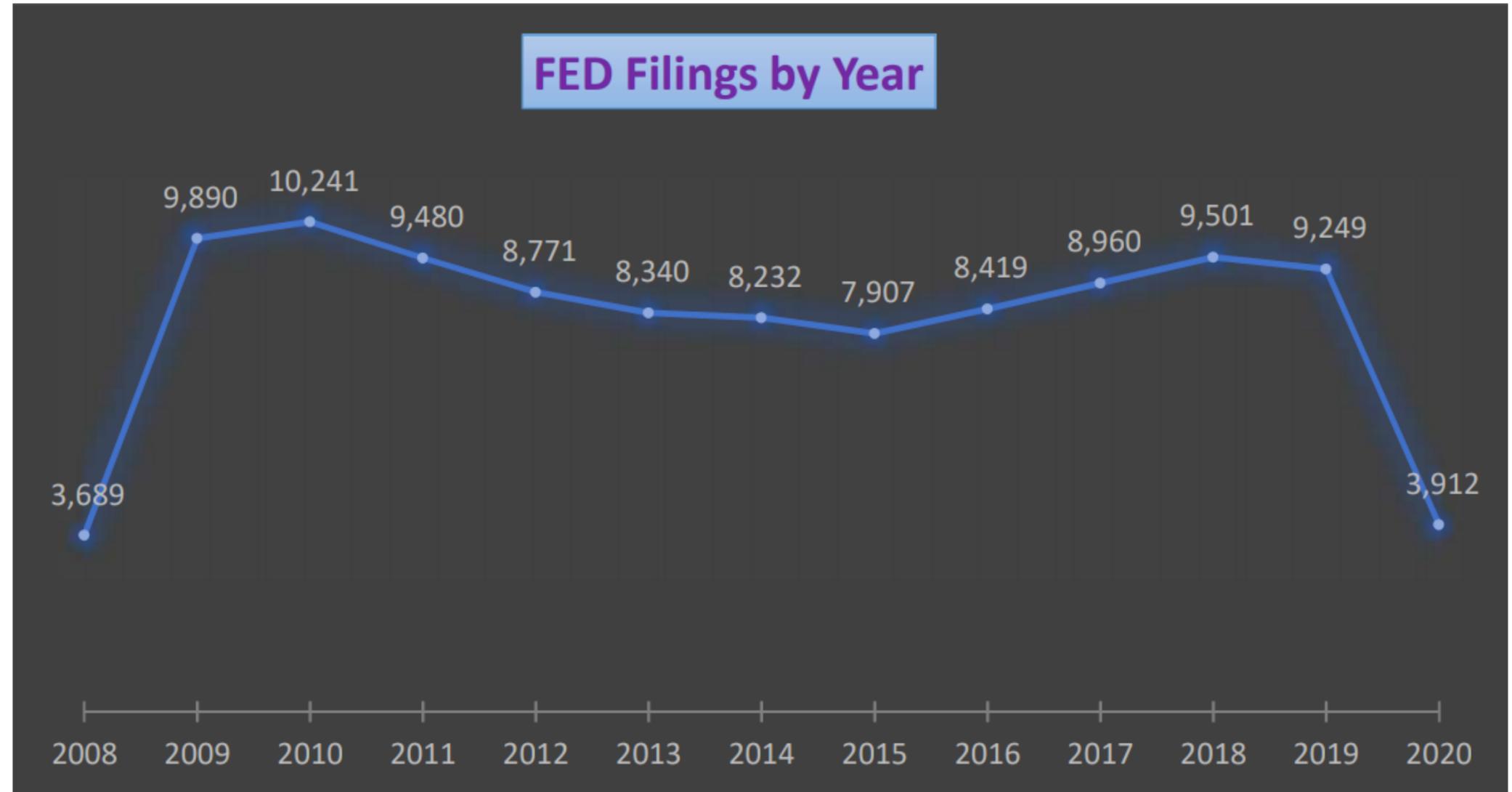
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Source: Denver County Court



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APPENDIX

Rental Stock Estimates:



Type of Housing	# of total housing units	# of potential rentals within the total	Potential rentals of total units in %
Single Family Homes	133,783 properties	25,668 rentals	19%
Condos	41,995 units	15,888 rentals	38%
Rowhouses	22,700 units	5,957 rentals	26%
Apartments	145,582 units	~6,600 parcels	100%
Total	519,838 units/properties	54,113 total with 6,600 apartment parcels	~37% of Denver housing stock are rentals

Data taken from Assessor's Office (Dec 2019) 8

Denver Assessor estimates that we have approx. 193K total rental units.

Denver Apartment Association (via testimony):

- Apartment Association represents 805 landlords.
- Those 805 landlords own 104,178K apartment units.

Source: Rental Registry Proposal: <https://denver.legistar.com/LegislationDetail.aspx?ID=4906155&GUID=5DF5FF66-D888-412D-90E7-9654F73418BA&Options=&Search=>



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