

Denver County Eviction Legal Defense Fund
2018 Report

Denver County Eviction Legal Defense Fund:

A Description of the Denver Residents Served

2018 Report

Submitted by

Steve DelCastillo, PhD

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Introduction

In 2017 a consortium of Denver-based agencies and individuals (Colorado Coalition for the Homeless, Colorado Center on Law and Policy, and the Denver Housing Authority) released a report, *Facing Eviction Alone: A Study of Evictions, 2014-2016*, that provided data on evictions within Denver. The report focused on data analyzed from several data bases and focused on the following information:

- Which parties had legal representation;
- The outcomes of the case;
- Whether the court ordered a writ of resolution which allows the Sheriff's office to forcibly dispossess client;
- The monetary amount of the dispute;
- Whether the defendant (tenant) submitted an answer to the eviction complaint; and
- The residential addresses of the tenant.

To deal with the concerns presented by evictions, the Denver City Council established a pilot project in June 2018 designed to provide legal defense for eligible residents. This report presents the information on the 398 clients and the households served by the project.

I. Background

Background

In 2016, there were more than eight thousand eviction complaints filed against residents in Denver, in addition to nearly 37,000 evictions filed in other Colorado counties. The stakes of these eviction proceedings are high, as loss in court not only results in a tenants dispossession of their home, but also produces an “eviction record” that limits future housing prospects. Further, the loss of shelter, even for brief periods, often causes unemployment (Facing Eviction Alone: A Study of Evictions Denver, Colorado 2014-2016, 2017).

Most residential evictions are filed in county court after a landlord files a complaint to evict (also known as a Forcible Entry & Detainer—FED Complaint). In these proceedings, both parties can be represented by an attorney, but unlike in a criminal case, legal representation is not guaranteed. If a party is unable to afford an attorney, the party must proceed without the assistance of counsel (IBID).

Furthermore, the study reviewed Denver County eviction cases from 2014 to 2016 and examined cases initiated by the Denver Housing Authority, as well as several major private housing property managers in the region. The results suggested that renters in Denver are severally disadvantaged in eviction cases. Some of the findings included:

- Tenants are virtually never represented by counsel in eviction cases.

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- The assistance of an attorney significantly improved tenants' chances of remaining in their homes
- Many tenants lost possession of their homes due to "stipulated" agreements.
- Landlords filed many evictions due to only a few dollars of unpaid rent.
- Physical addresses of defendants suggest that evictions disproportionately affect neighborhoods with more people of color and areas of rapid growth and gentrification.

In June 2018 the Denver City Council announced the establishment of the Denver Eviction Legal Defense Fund (Defense Fund). The Defense Fund is designed to provide help to renters who face eviction through a pilot legal defense fund. To qualify for the Defense Fund a tenant must be a Denver city resident with a household income below 200 percent of the poverty line. For the individual person the income limit is \$24,120, and for a family of four it is \$49,200. (Denver Post, 2018)

The Colorado Legal Services (CLS), which has aided tenants in public and subsidized housing, joined as a partner to run the program. During the pilot, a staff attorney and a paralegal, along with pro bono help from other lawyers, were projected to help 200 people with services ranging from quick legal advice to full representation in eviction cases.

II. Client Eligibility

The Colorado Legal Services (CLS) staff has established a protocol for identifying and serving clients during the pilot project. This protocol included:

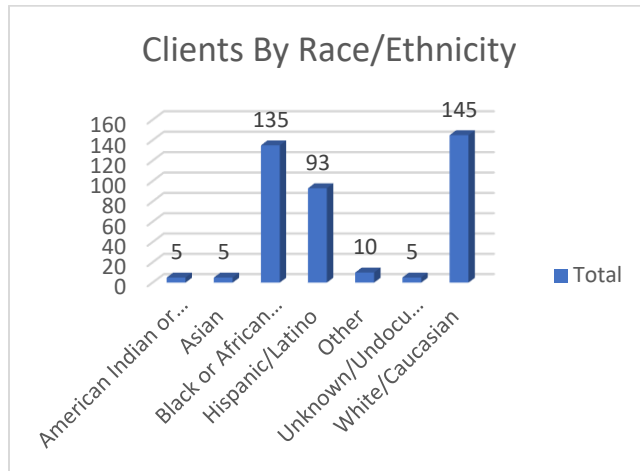
- 1) The client attends court for the return date. CLS assists the client the same day to get a trial date. Usually within one week, CLS negotiates on the client's behalf. The results of a case include one of three possibilities: a) a stipulated agreement; b) goes to trial; or c) is dismissed; or
- 2) The client receives a notice of either non-payment of rent or they are being sued. The client calls the CLS office with the staff screening the potential client to ensure s/he is eligible for service while collecting more information. The client is then either referred to the housing department or is told to meet the CLS at the courthouse. With the latter, the case then continues as described above. (CLS, 2018)

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III. Results

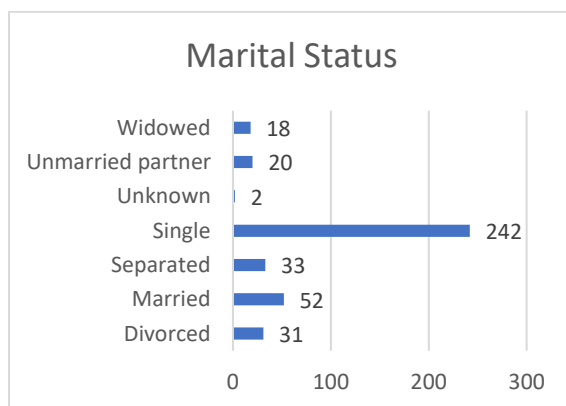
During 2018, the Defense Fund served 398 clients from 49 zip codes within Denver. The results of the pilot project (June 2018 to December 2018) are presented below. The results focus on a description of the clients served during the pilot.

Race/Ethnicity



Race/Ethnicity	Number	% of Total
American Indian or Alaska Native	5	1.3%
Asian	5	1.3%
Black or African American	135	33.9%
Hispanic/Latino	93	23.4%
Other	10	2.5%
Unknown/Undocumented	5	1.3%
White/Caucasian	145	36.4%
	398	

Marital Status

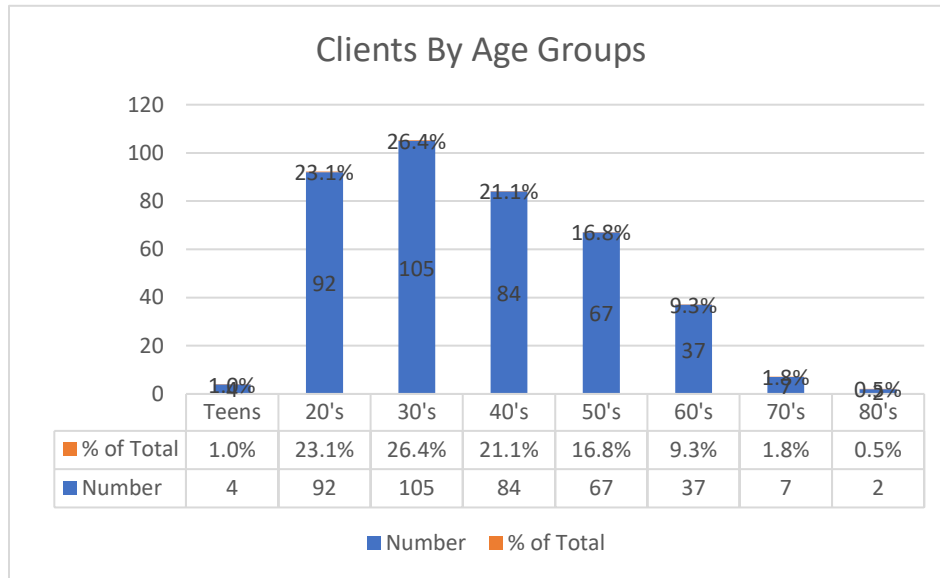


Marital Status	Number	% of Total
Divorced	31	7.8%
Married	52	13.1%
Separated	33	8.3%
Single	242	60.8%
Unknown	2	0.5%
Unmarried partner	20	5.0%
Widowed	18	4.5%
Total	398	

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Age at Intake

Client Age Range	
<i>Minimum</i>	<i>18</i>
<i>Maximum</i>	<i>81</i>
<i>Mean</i>	<i>41.4</i>
<i>Median</i>	<i>39</i>



Slightly more than seventy percent of the clients fell into the 20's, 30's, and 40's age group.

Percentage of Poverty

This category presents the number of clients who fall within the income levels approved by the Denver City Council.

Percentage of Poverty		
<i>Percentage</i>	<i>Number</i>	<i>% of Total</i>
0%	74	18.6%
30%-99%	147	36.9%
100%+	177	44.5%
Total	398	

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Zip Codes Served

Number	Zip Code	Frequency	Percent	Number	Zip Code	Frequency	Percent
1	80010	2	0.5	26	80219	40	10.1
2	80011	1	0.3	27	80220	22	5.5
3	80012	1	0.3	28	80221	2	0.5
4	80014	15	3.8	29	80222	15	3.8
5	80017	2	0.5	30	80223	8	2
6	80022	2	0.5	31	80224	14	3.5
7	80110	2	0.5	32	80226	1	0.3
8	80114	1	0.3	33	80227	4	1
9	80120	1	0.3	34	80228	1	0.3
12	80123	2	0.5	35	80230	3	0.8
11	80202	7	1.8	36	80231	25	6.3
12	80203	25	6.3	37	80233	2	0.5
13	80204	26	6.5	38	80235	3	0.8
14	80205	27	6.8	39	80236	8	2
15	80206	10	2.5	40	80237	9	2.3
16	80207	11	2.8	41	80238	3	0.8
17	80209	1	0.3	42	80239	25	6.3
18	80210	7	1.8	43	80241	1	0.3
19	80211	14	3.5	44	80246	8	2
20	80212	4	1	45	80247	5	1.3
21	80214	2	0.5	46	80248	1	0.3
22	80215	1	0.3	47	80249	11	2.8
23	80216	9	2.3	48	80258	1	0.3
24	80217	1	0.3	49	80918	1	0.3
25	80218	7	1.8		Total	394	99

There were 49 zip codes served. Furthermore, seventy percent (70%) of the clients served were from 14 zip codes (28.5% of the total).

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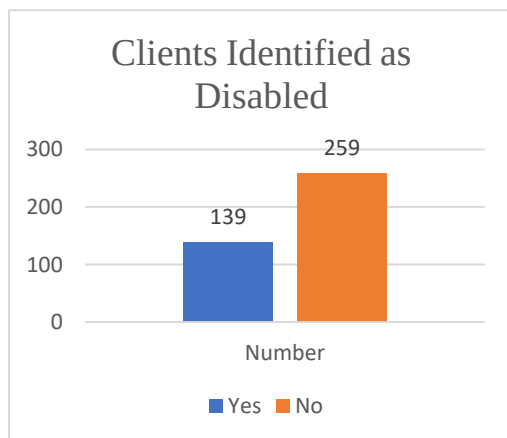
Number of Persons Under 18 Years of Age

Number of People under 18 in Households	Number of Households	% of Total	Number of Youth under 18 in Household	% of Total
0	238	59.8%	0	0.0%
1	58	14.6%	58	16.9%
2	51	12.8%	102	29.7%
3	26	6.5%	78	22.7%
4	21	5.3%	84	24.4%
5	2	0.5%	10	2.9%
6	2	0.5%	12	3.5%
Total	398		344	

The results indicated that there were 344 youth under age 18 living in the households served by CLS. This means that there almost 750 residents (adults and children under age 18) were served by the project.

Disabled

Disabled	Number	% of Total
Yes	139	34.9%
No	259	65.1%
Total	398	



The results indicated that slightly more than one third (34.9%) of the clients were identified as disabled.

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Conclusions

While the original goal was to serve 200 clients, the CLS staff, in fact, served twice the number projected. Likely this significant increase in the number of clients served over the number projected indicates the need for such services within the City and County of Denver.

In addition, while there were 398 households served, it is important to remember that there are also children living in the households and that eviction affects not only adults but also children. Approximately 750 residents were served through this project.

Overall the pilot project provided support for twice as many clients as projected. It appears that the project identified and practiced efficient methods for serving residents needing assistance.