

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. 21-059
Safety, Housing, Education, and
Homelessness Committee

A BILL

For an ordinance creating a new article IX pertaining to 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.

Subject to appropriation, the intent of this article is to codify access to 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, requiring landlords to disclose to their tenants certain information regarding the right to full legal representation in eviction proceedings.

Sec. 27-192. Definitions.

The following words and terms, when used in this chapter, shall have the meanings set forth below:

(1) *Covered individual* shall mean any person who seeks legal services in a timely manner and who occupies a dwelling in the city under a claim of legal right other than the owner, including any tenant in a building owned, operated, or managed by the Denver Housing Authority, whose income is equal to or less than 80% of the area median income as defined in 27-103, D.R.M.C., is either facing eviction or some action by a governmental assistance-providing agency (including termination/notice of termination of subsidy) that adversely affects a tenant's rights, duties, welfare or status and could result in eviction.

(2) *Covered proceeding* shall mean any judicial or administrative proceeding to evict or seeking possession of a dwelling unit or to terminate tenancy or housing subsidy of a covered individual, any proceeding deemed by a designated organization as the functional equivalent of such a proceeding, or any first appeal of such a proceeding.

(3) *Designated organization* shall mean any entity that has the capacity to provide legal representation to covered individuals in covered proceedings.

(4) *Full legal representation* shall mean ongoing legal representation provided by a

1 designated organization to a covered individual and all legal advice, advocacy, mediation,
2 negotiations, and assistance associated with a covered proceeding.

3 **Sec. 27-193. -Selection of designated organization and access to legal services.**

4 (a) Subject to appropriations, the city shall provide funding to be used exclusively for the
5 administration of the program and the provision of legal representation to covered individuals in
6 covered proceedings.

7 (b) The city shall oversee the procurement and selection process of designated
8 organizations to provide full legal representation, subject to appropriations, to covered individuals in
9 need of representation in covered proceedings.

10 (c) Covered individuals will receive full legal representation, subject to appropriations, in a
11 covered proceeding as soon as practicable after the initiation of a covered proceeding, but no later
12 than their first scheduled appearance.

13 (d) The executive director of the department of housing stability shall grant priority to
14 covered individuals with the lowest median income.

15 **Sec. 27-194. -Report required.**

16 The executive director of the department of housing stability shall submit an annual report to city
17 council fifteen months following the execution of contracts funded under section 27-193 that will be
18 used to assess the program and access to legal representation under this article. The annual report
19 shall include information from the prior year regarding:

20 (a) Number of covered individuals served or denied services;

21 (b) Description of legal representation performed and cost per case;

22 (c) Income levels of individuals served and individuals who were denied service for income
23 qualification;

24 (d) Information that was voluntarily disclosed concerning demographics of individuals served;
25 and,

26 (e) Case disposition or outcome data.

27 **Sec. 27-195. -Required disclosures.** Beginning January 1, 2022, or upon earlier adoption of the city
28 approved notice in accordance with 27-201(a), landlords or any agent working on behalf of a property
29 owner shall provide the city's approved written notice of tenants' rights and resources. The landlord
30 must provide such notice to tenants at each of the following times:

31 (a) at the time of executing a lease;

32 (b) at any time the owner or operator makes any rent demand posted pursuant to C.R.S. § 13-
33 40- 104;

34 (c) at the time that the Denver Housing Authority or any other affordable housing provider
35 sends a notice to terminate a tenant's subsidy or tenancy.

1 **Sec. 27-196. -Rules and regulations.**

2 The executive director of the department of housing stability may adopt such reasonable rules
3 and regulations as may be necessary for the administration and enforcement of the provisions of this
4 article.

5 **Section 2. Effective date.** This ordinance shall be effective September 1, 2021.

6
7 COMMITTEE APPROVAL DATE: _____, 2021.

8 MAYOR-COUNCIL DATE: _____, 2021.

9 PASSED BY THE COUNCIL _____ 2021

10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____ 2021

12 ATTEST: _____ - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER
15

16 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2021; _____ 2021

17
18 PREPARED BY: _____; DATE: _____
19

20 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
21 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
22 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
23 3.2.6 of the Charter.
24

25 Kristin M. Bronson
26 City Attorney
27

28 BY: _____, _____ City Attorney DATE: _____