



EVICTIION DEFENSE

Right to Council Policy Proposal

Budget & Policy Committee

January 14, 2021

Councilmember Amanda Sawyer, District 5

Councilmember Candi CdeBaca, District 9



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org



BILL SPONSORS

Amanda Sawyer, District 5

Candi CdeBaca, District 9

CO- SPONSORS

Hopefully you!



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

WHY ARE WE HERE?

"We are a homeless response system that is stretched to the very thinnest we've ever been — with resources and staffing and locations, and the idea that somehow we would be able to help another 800 or 1,000 people in the coming weeks is just unfathomable. It causes a lot of anxiety for us. How are we going to help people find homes?"

~Cathy Alderman, Colorado Coalition for the Homeless
Westword, July 17, 2020



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

PRE-COVID HOUSING CRISIS

- Housing crisis pre-COVID-19
 - More than 46% renters cost-burdened
- Unprecedented rates of homelessness
 - PIT 4,071
- Rent Control Ban & Telluride
- Linkage fee insufficient
- Construction costs high
- Housing costs outpaced wages

Renters and Owners: Households and Restricted Units by AMI

Area Median Income	Households & Units by AMI				Households by AMI (2017)
	All Households (2017)	Cost Burdened Households (2017)	Restricted Units Complete (2019)	Restricted Units Under Construction (2019)	
▲					122,993 0-80% AMI
0-30% AMI	34,399	28,364	1,784	125	Restricted Units (2019) 23,271 0-80% AMI
31-50% AMI	34,558	27,630	7,584	267	
51-60% AMI	22,663	15,628	9,948	427	
61-80% AMI	31,373	14,102	3,542	114	
81-100% AMI	30,955	10,244	413	18	
Total	153,948	95,968	23,271	951	

Source: 2017 American Community Survey PUMS; Denver Department of Housing Stability

There are approximately 4 times as many cost burdened households in need of affordable units in Denver as there are income restricted units available. The gaps are even bigger at the lowest income levels.



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

EVICTIION MORATORIUM

- Statewide eviction moratorium expired on Dec. 31
- Federal CDC moratorium will expire on Jan. 31
- Beginning Jan. 1, landlords may now provide tenants with 10 day notice, instead of 30 day notice



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

DENVER EVICTION TOTALS

2019

9,249 evictions

2020

3,912 evictions

DURING MORATORIUM!



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

EVICTIONS DESPITE MORATORIUM

- 90% of eviction filings resulted in eviction during COVID
- 95% of landlords were represented by counsel
- Only 1% of tenants were represented by counsel
- 1 in 4 Coloradans are facing eviction right now.



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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.



candidebacaD9



@candidebacaD9



@candidebacaD9



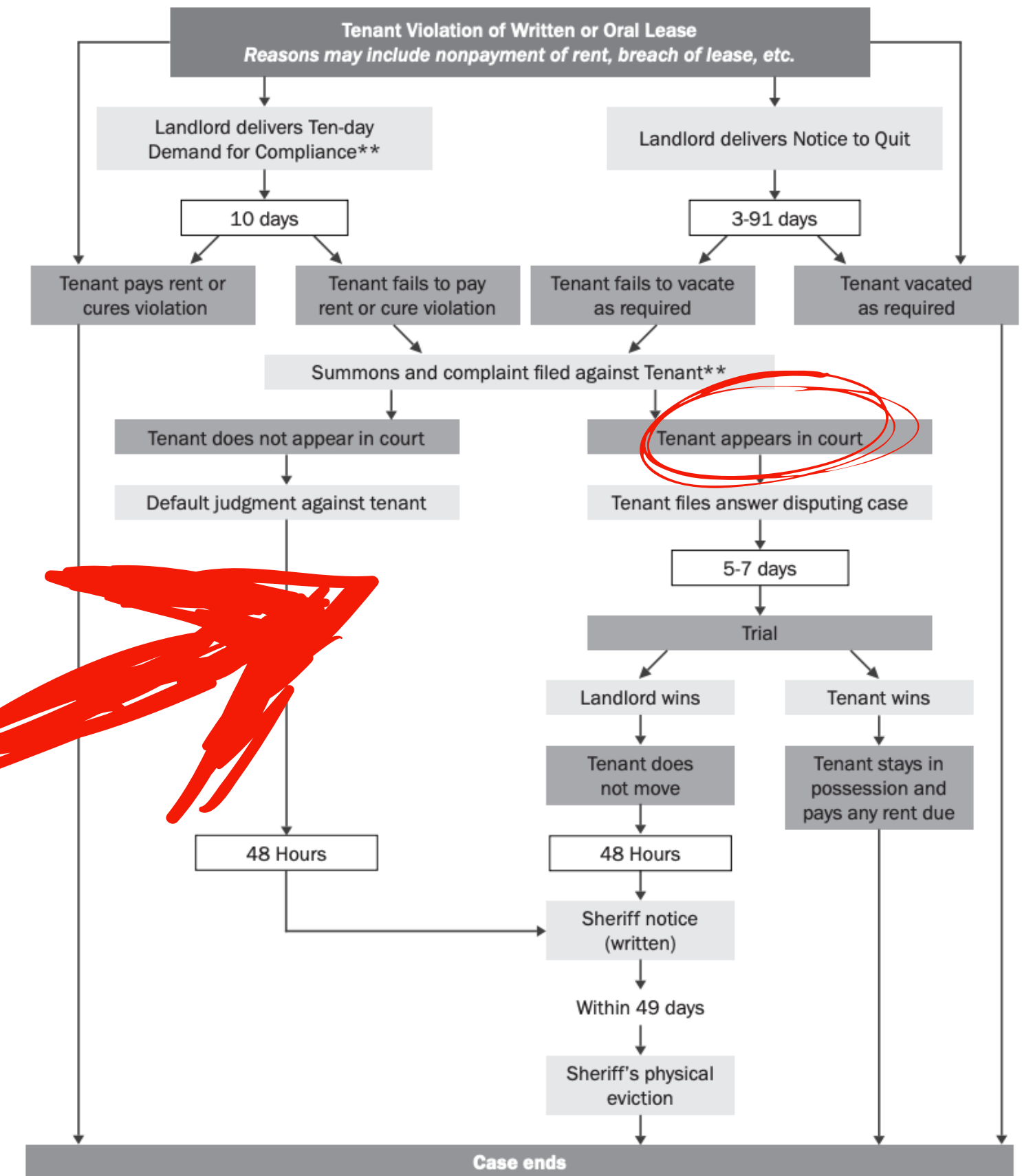
district9@denvergov.org

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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

RACIAL & SOCIAL EQUITY

Evictions are a Racial Justice Issue & Impact Families with Children

- 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.



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

EVICTIION DEFENSE WORKS

The Eviction Legal Defense Fund

- Colorado Legal Services increased the # clients by 66% in the year that it received ELDF funds (FY 2020)
- In the year it received ELDF funds CLS increased its number of eviction assistance clinics from 7 to 198.

Of the 1,233 clients served by CLS in the year it received ELDF funds:

- 493 clients reported having a disability
- An estimated 31 percent were families with children
- An estimated 41 percent were from communities of color

*CLS was not able to serve at least 323 individuals and families, who were turned away.



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

GAPS IN CURRENT APPROACH

- The process for getting tenants resources is not streamlined nor mandatory and occurs too late in the process
 - Little coordination from across agencies, courts cannot pick a side
- Best investment!
 - 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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

PROGRAM VS RIGHT

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

- The Eviction Legal Defense pilot as a program has proven that the passive access to legal services rather than guaranteed representation is not the best way to maximize minimal housing stability resources.
- The courts have a duty to not advantage a party. Resources that are not a right are perceived as advantaging one side and courts are reluctant to actively outreach to tenants.
- Denver does not have a tenant legal representation office and relies on the courts as the provider of information.
- The OFE is not an extension of HOST or Clerk & Recorder- limited/different access
- No coordinated pathway to wrap around supports early on in the process or throughout/post



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

POLICY PROPOSAL

Universal Right to Counsel

Ordinance change

- Corrects the imbalance of power and knowledge
- Increases likelihood of that tenant will stay housed, negotiate safe terms, and avoid homelessness
- Reduces downstream costs to the City in a range of service areas



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

OTHER RTC CITIES

1. New York
2. Washington DC
3. San Francisco
4. Newark
5. Cleveland
6. Philadelphia
7. Boulder



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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.



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

EXISTING FINANCIAL COMMITMENTS

- SB20B-002: Housing and Direct COVID Emergency Assistance:
Amongst rental assistance, directs \$1M from the General Fund to the Eviction Legal Defense Fund
- Denver 2021 budget allocated \$1M to Eviction Legal Defense (began in 2018), up from \$297K in 2020.



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

BOULDER RTC SUPPORTERS

Boulder Endorsements included several familiar stakeholders likely to support in Denver

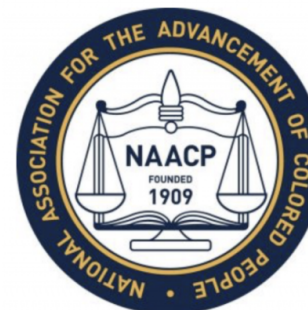


**American Friends
Service Committee**



**COLORADO CENTER
on LAW & POLICY**

Forging Pathways from Poverty



NAACP
Boulder County



NCCRC
National Coalition for a
Civil Right to Counsel



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

QUESTIONS



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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>



candidebacaD9



@candidebacaD9



@candidebacaD9

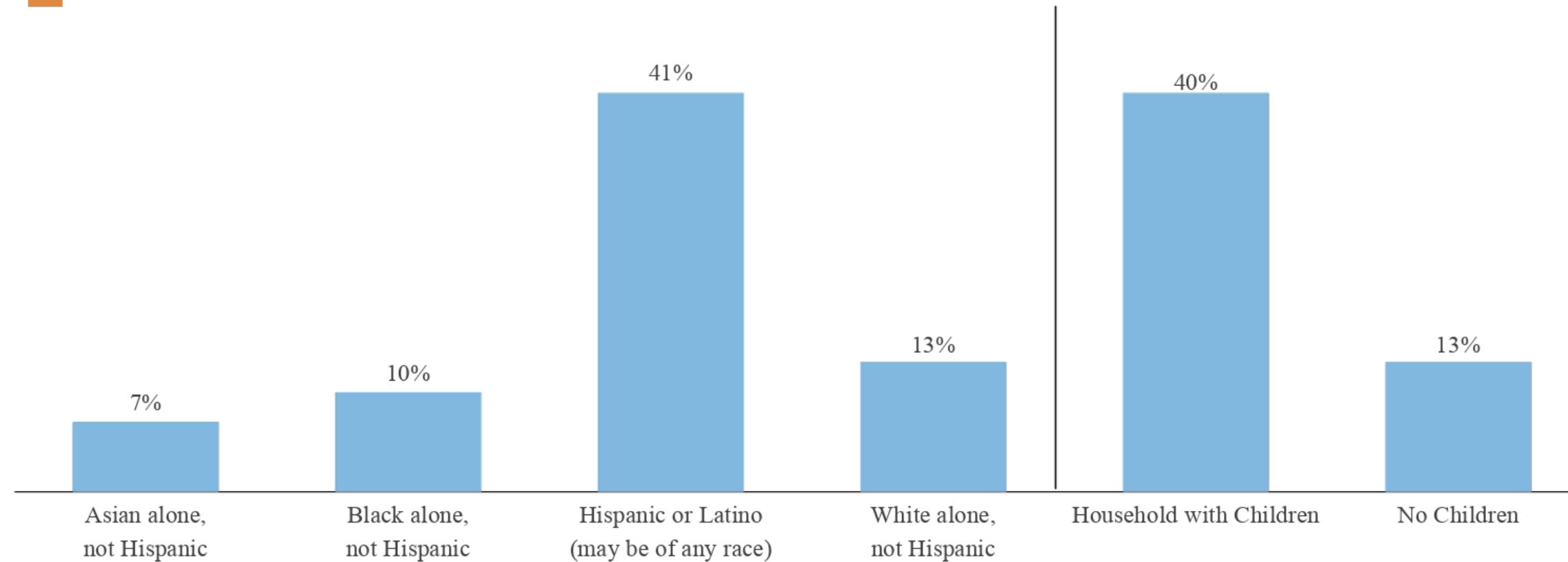


district9@denvergov.org

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



candidebacaD9



@candidebacaD9



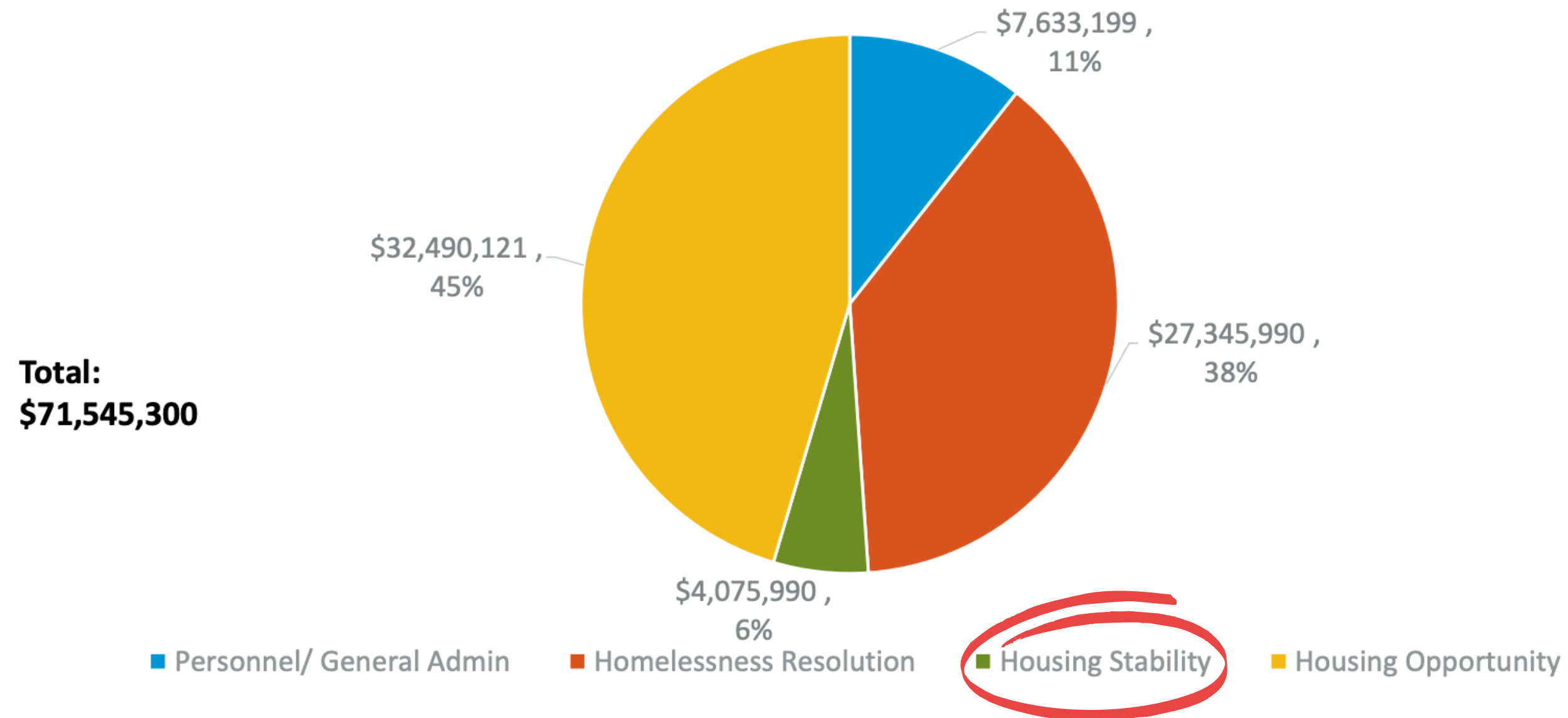
@candidebacaD9



district9@denvergov.org

APPENDIX

2020 Housing Stability Budget by Outcome Area



candidebacaD9



@candidebacaD9




@candidebacaD9



district9@denvergov.org

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
Denver Urban Renewal Authority	Rental/Homeowner Access & Modification *	\$300,000
Denver Urban Renewal Authority	Emergency Home Repair*	\$250,000
Brothers Redevelopment	Tenant-Landlord Counseling*	\$80,000
Colorado Affordable Legal Services	Tenant-Landlord Counseling*	\$80,000
	TOTAL	\$4,423,517

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



candidebacaD9



@candidebacaD9



@candidebacaD9

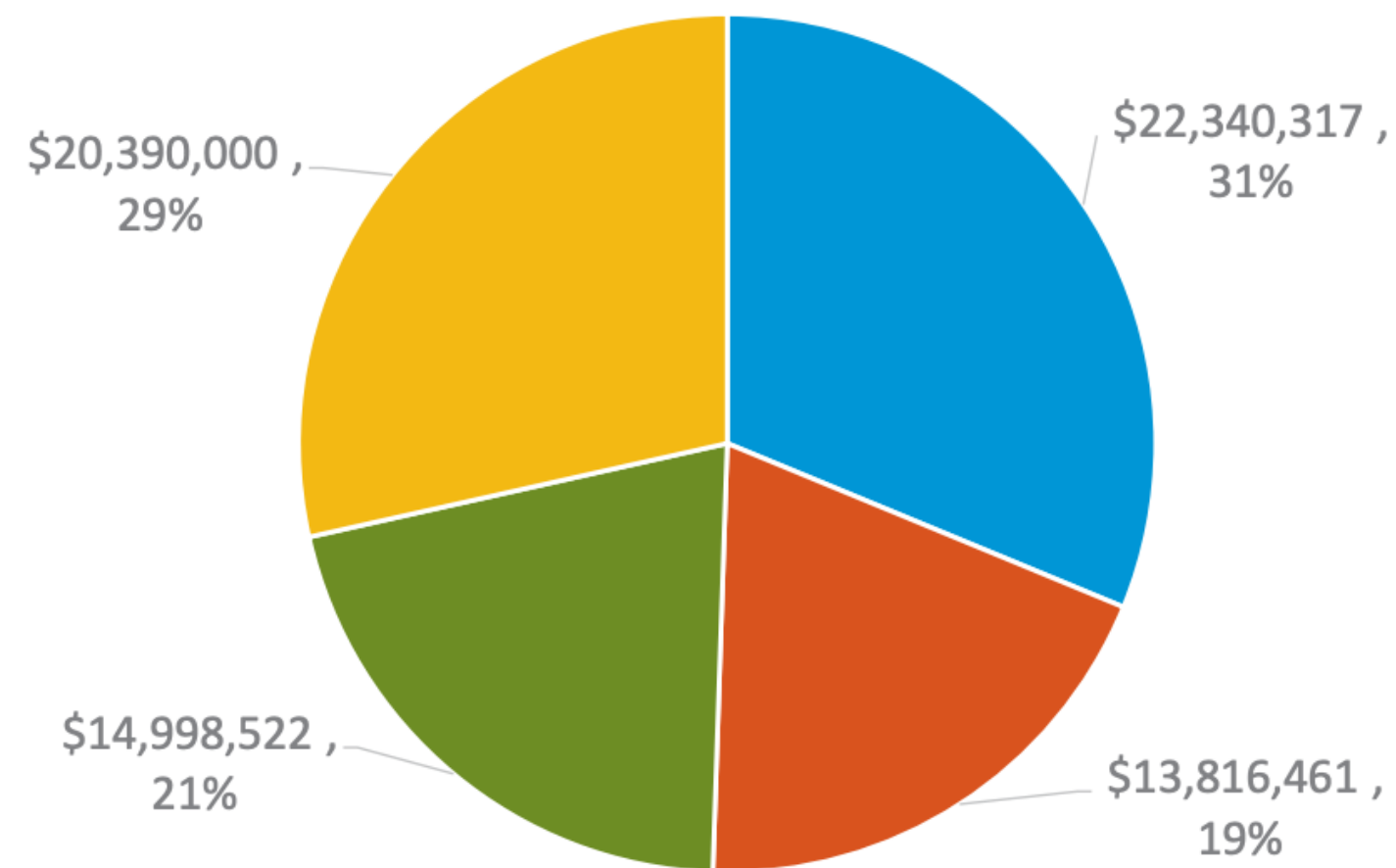


district9@denvergov.org

APPENDIX

2020 Housing Stability Budget by Fund Type

**Total:
\$71,545,300**



■ General Fund ■ Grants * ■ Special Revenue Funds* ■ Dedicated Property Tax and Other Revenue Fund



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

APPENDIX

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



candidebacaD9



@candidebacaD9



@candidebacaD9

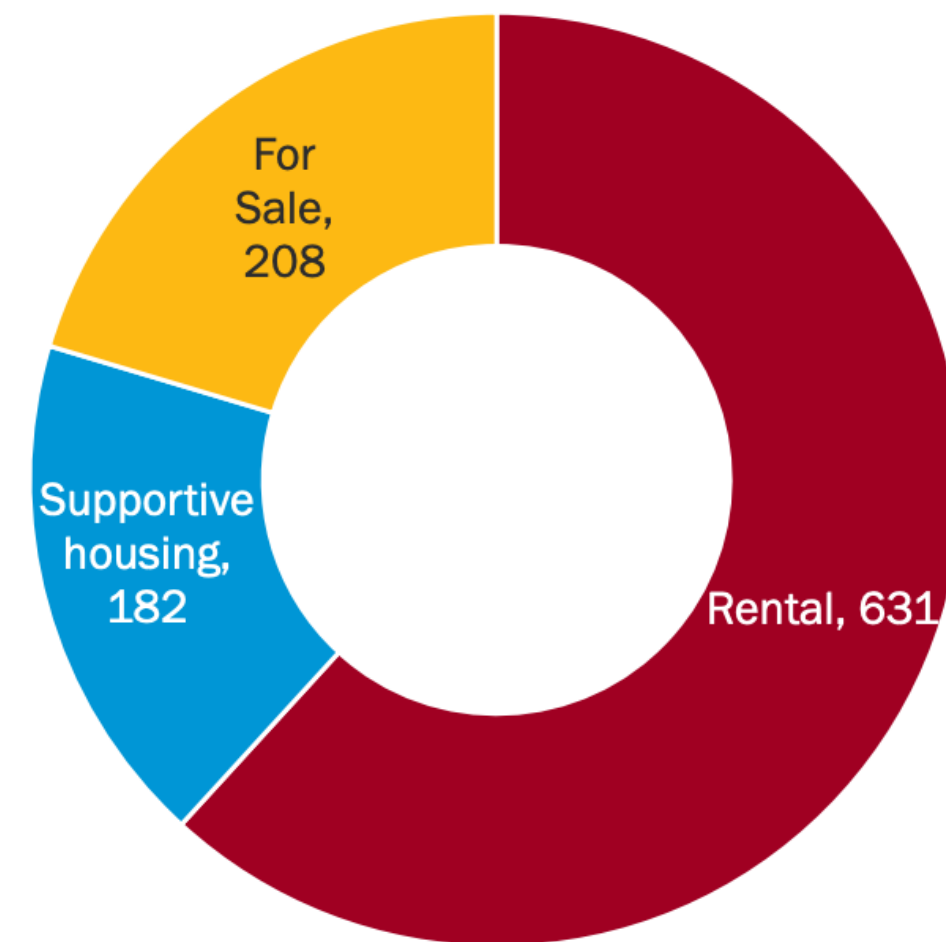


district9@denvergov.org

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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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



candidebacaD9



@candidebacaD9



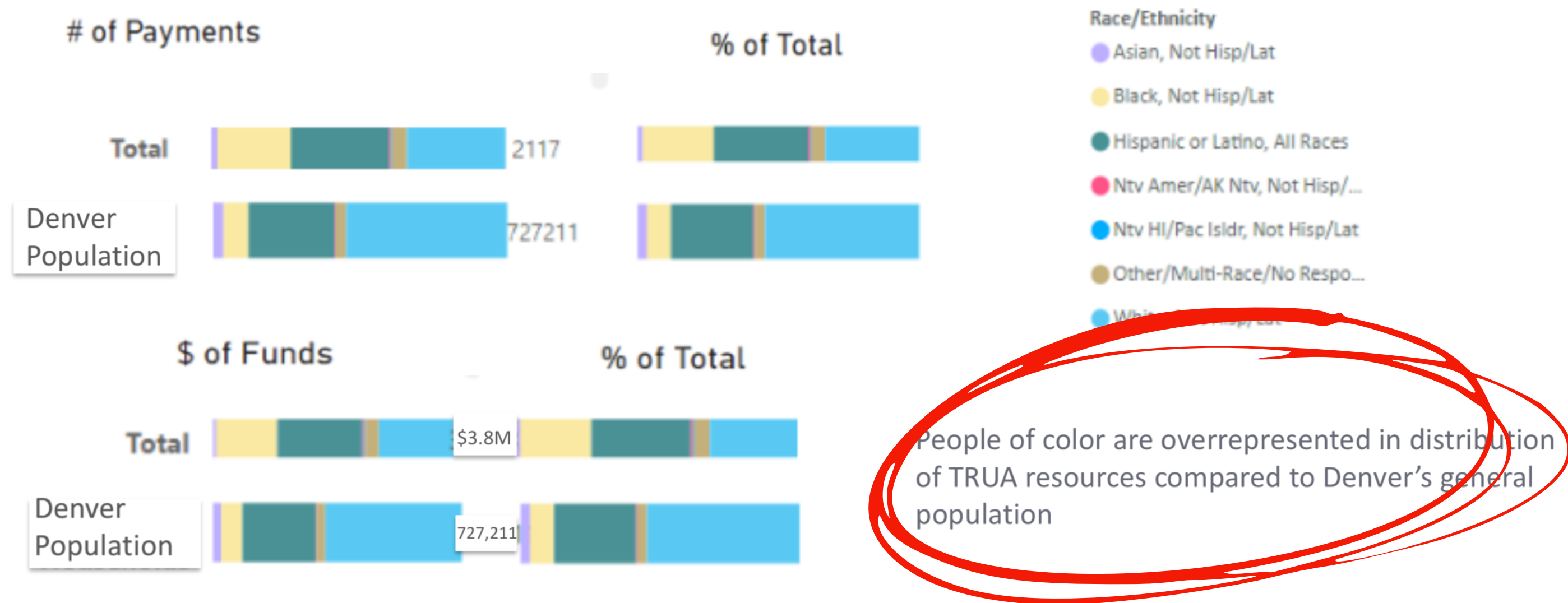
@candidebacaD9



district9@denvergov.org

APPENDIX

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



candidebacaD9



@candidebacaD9



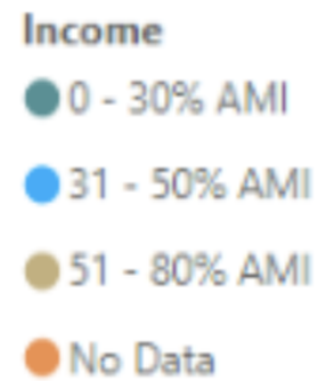
@candidebacaD9



district9@denvergov.org

APPENDIX

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



*AMI=Area Median Income

TRUA resources are primarily serving households below 30% AMI

of Payments



% of Total



\$ of Funds



% of Total



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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.](#)



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org

APPENDIX

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

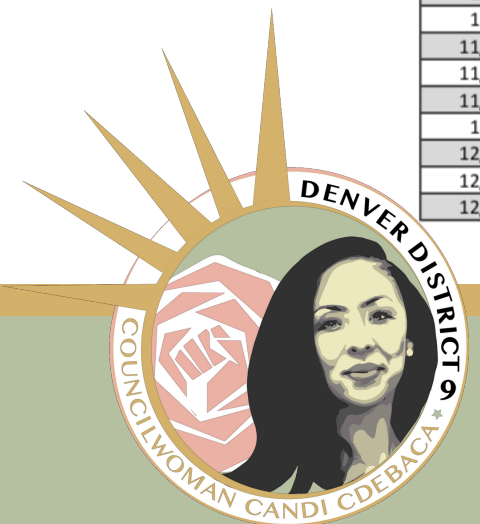
Totals a

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



candidebacaD9



@candidebacaD9



@candidebacaD9



district9@denvergov.org