

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 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.

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 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.

1 (4) *Full legal representation* shall mean ongoing legal representation provided by a
2 designated organization to a covered individual and all legal advice, advocacy, mediation,
3 negotiations, and assistance associated with such representation. Such representation includes, but is
4 not limited to, the filing of a notice of appearance on behalf of the covered individual in a covered
5 proceeding.

6 **Sec. -27-193. -Selection of designated entity and provision of legal services.**

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

10 (b) The department of housing stability shall oversee the procurement and selection process
11 of designated entities to provide full legal representation to covered individuals in need of
12 representation in covered proceedings.

13 (c) Covered individuals will receive full legal representation in a covered proceeding as soon
14 as practicable after the initiation of a covered proceeding, but no later than their first scheduled
15 appearance.

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

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

19 Beginning July 1, 2022, and each year thereafter no later than July 1, the executive director of
20 the department of housing shall submit a report to city council that will be used to assess the program
21 and the provision of legal representation under this article. The annual report shall include information
22 from the prior year regarding:

- 23 (a) Number of covered individuals served, who refused, services or were denied services;
- 24 (b) Description of legal representation performed and cost per case;
- 25 (c) Median income levels of individuals served and individuals who refused service;
- 26 (d) Information that was voluntarily disclosed concerning demographics of applicants in the
27 program; and,
- 28 (e) case disposition or outcome data.

29 **Sec. 27-195. -Required disclosures.**

30 Landlords or any agent working on behalf of a property owner must provide a copy of a tenant
31 rights brochure that includes information about representation available under this article on a form
32 approved by the executive director of the department of housing stability. Landlord must provide such
33 notice to tenants at each of the following times:

- 34 (a) at the time of executing a lease;

(b) at the time that a lawsuit is commenced by the owner or landlord against the tenant;

(c) at the time that the Denver Housing Authority sends a notice to terminate a tenant's subsidy or tenancy.

Sec. 27-196. -Rules and regulations.

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

Section 2. Effective date. This ordinance shall be effective [date/funding].

COMMITTEE APPROVAL DATE: _____, 2021.

MAYOR-COUNCIL DATE: _____, 2021.

PASSED BY THE COUNCIL _____ 2021

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2021

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2021; _____ 2021

PREPARED BY: _____; DATE: _____

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

Kristin M. Bronson
City Attorney

BY: _____, _____ City Attorney DATE: _____