

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. 21-0529
COMMITTEE OF REFERENCE:
4 Safety, Housing, Education & Homelessness

5
6 **A BILL**

7 **For an ordinance creating a new article IX pertaining to access to free legal**
8 **services to covered individuals in Denver facing covered eviction proceedings.**
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** That a new article IX, Tenant Legal Services, be added to read as follows:

12 **Sec. -27-191. Legislative Intent.**

13 Subject to appropriation, the intent of this article is to codify access to free legal services and
14 representation for low to moderate income individuals experiencing eviction; requiring the creation of
15 an annual report that analyzes implementation and performance metrics in order to assess the
16 continued needs of Denver residents; and, requiring landlords to disclose to their tenants certain
17 information regarding the access to full legal representation in eviction proceedings.

18 **Sec. 27-192. Definitions.**

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

21 (1) *Covered individual* shall mean an individual seeking access to legal services who
22 occupies for remuneration a building, structure, or dwelling unit as set forth in the Denver Zoning
23 Code, including those owned, operated, or managed by the Denver Housing Authority, and whose
24 income is equal to or less than 80% of the area median income as defined in 27-103, D.R.M.C.

25 (2) *Covered proceeding* shall mean any judicial or administrative proceeding related to a
26 covered individual who is facing eviction or civil claim for monetary damages for nonpayment of rent,
27 including any proceeding deemed by a designated organization as the functional equivalent of such a
28 proceeding, and any related appeals, or any action by a governmental assistance-providing agency
29 terminating a subsidy or otherwise adversely affecting a tenant's rights, duties, welfare or status.

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

32 (4) *Full legal representation* shall mean ongoing legal representation provided by a
33 designated organization to a covered individual and all legal advice, advocacy, mediation,
34 negotiations, and assistance associated with a covered proceeding.

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

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

4 (b) The city shall oversee the procurement and selection process of designated
5 organizations to provide full legal representation, subject to appropriations, to covered individuals
6 seeking representation in covered proceedings.

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

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

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

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

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

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

19 (c) Income levels of covered individuals served and covered individuals who were denied
20 service for income qualification;

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

23 (e) Case disposition or outcome data.

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

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

29 (b) at any time the owner or operator makes any rent demand posted pursuant to C.R.S. § 13-
30 40- 104;

31 (c) In addition to the requirements of 27-201(a), such notice must also be provided at the time
32 that the Denver Housing Authority or any other affordable housing provider sends a notice to terminate
33 a tenant's subsidy or tenancy.

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

35 The executive director of the department of housing stability may adopt such reasonable rules

1 and regulations as may be necessary for the administration and implementation of the provisions of
2 this article.

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

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5 COMMITTEE APPROVAL DATE: May 12, 2021

6 MAYOR-COUNCIL DATE: May 18, 2021

7 PASSED BY THE COUNCIL _____ June 7, 2021

8 *Steve Gilmore* _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____

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

14 NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

15 PREPARED BY: Kirsten Crawford, Assistant City Attorney DATE: May 20, 2021

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.
20

21 Kristin M. Bronson, City Attorney

22
23 BY: *Jonathan Griffin*, Assistant City Attorney

DATE: May 20, 2021