



*The Potential “Eviction
Crisis”:
Housing in Economic
Uncertainty*

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Framework of the City and County of Denver's Housing Programs

- ▶ Housing policies and programs are implemented and overseen by the **Department of Housing Stability** (“HOST”)
 - ▶ HOST was created on September 27, 2019 by Executive Order
 - ▶ HOST was established to “develop and implement policies and oversee investments along the housing continuum, from residents experiencing homelessness, to those seeking to find new housing opportunities, and stabilize homes they already live in.”

Department Organization

- ▶ HOST is comprised of four divisions:
 - ▶ Operations Division
 - ▶ Homelessness Resolution Division
 - ▶ Housing Opportunities Division
 - ▶ Housing Stability Division
- ▶ Housing Stability Division
 - ▶ Helps residents stay in homes they already live in through policy, investment, and partnerships that preserve affordable housing and stabilize residents at risk of voluntary displacement
 - ▶ Services include: eviction assistance, rent and utility assistance, and home repairs

Primary Funding Sources for HOST

- ▶ Federal Funding
 - ▶ Community Development Block Grant (“CDBG”)
 - ▶ HOME Investment Partnership Program (“HOME Program”)
 - ▶ Housing Opportunities for Persons with AIDS (“HOPWA”)
- ▶ Local Funding
 - ▶ General Fund
 - ▶ Dedicated Funding for Affordable Housing

Local Funding - Affordable Housing Fund

In 2016, the City Council enacted an ordinance to create dedicated funding for affordable housing (the “Affordable Housing Fund”).

The Affordable Housing Fund is comprised of revenue from two sources:

- Affordable Housing Linkage Fee Revenue Fund
- Affordable Housing Property Tax and Other Local Revenue Fund

The Affordable Housing Fund is designed to support the development, rehabilitation, and preservation of affordable housing and providing programmatic support for low- and moderate-income households.

Permissible Uses of Affordable Housing Fund

- ▶ Affordable Housing Linkage Fee Revenue Fund
 - ▶ Increase the supply of affordable rental housing and funding of rental assistance programs for households earning 80% or less of the Denver area median income (“AMI”)
 - ▶ Increase the supply of for-sale housing for households earning 80% or less of AMI
 - ▶ Support homebuyer assistance programs for households earning 80% or less of AMI
- ▶ Affordable Housing Property Tax and Other Local Revenue Fund
 - ▶ Production or preservation of rental housing and funding of rental assistance programs for households earning 80% or less of AMI
 - ▶ Production or preservation of for-sale housing for households earning 100% or less of AMI
 - ▶ Homebuyer assistance programs for households earning 120% or less of AMI
 - ▶ Development and preservation of supportive housing services for homeless persons

Rental Assistance Programs Funded

- ▶ Affordable Housing Fund
 - ▶ Temporary Rental and Utility Assistance (“TRUA”) Program
 - ▶ Eviction Defense Program
- ▶ Federal Funding (CDBG, HOME Program, HOPWA)
 - ▶ Landlord/Tenant Rights and Related Housing Information Referral Program
 - ▶ Rental/Homeowner Access and Modification Program
 - ▶ Tenant Based Rental Assistance
 - ▶ Short-Term Rental, Utility, Mortgage Assistance

TRUA Program

- ▶ Launched in 2017
- ▶ Serves residents earning 80% or less of AMI
- ▶ Provides up to 6 months of emergency rental assistance
- ▶ Provides up to 2 occurrences of utility assistance
- ▶ 2020 - \$2,000,000 of local funds awarded
- ▶ Administered by two non-profit corporations

Eviction Defense Program

- ▶ Pilot program funded and launched in 2018
- ▶ Launched as a full program in 2019
- ▶ Serves residents earning 80% or less of AMI
- ▶ Administered by non-profit corporation
- ▶ Contractor provides free legal assistance to individuals facing evictions
 - ▶ Offices located in City and County Court building
- ▶ 2020 - \$300,000 of local funds awarded

Impact of COVID-19 to City Rental Assistance Programs

- ▶ Loss of Revenue to City General Fund and Affordable Housing Fund
- ▶ TRUA Program
 - ▶ 270% increase in number of applications
 - ▶ Unduplicated Households Served:
 - ▶ 2019 (January – December): 996
 - ▶ 2020 (January – August): Over 1,500
 - ▶ City Response:
 - ▶ Revised Program Guidelines
 - ▶ Supplemented contracts with \$300,000 in local funds
 - ▶ Allocated \$4,000,000 of Coronavirus Relief Funds to a Coronavirus Emergency Rental and Utility Assistance

Impact of COVID-19 to City Rental Assistance Programs

- ▶ Eviction Defense Program
 - ▶ Program saw an initial drop in utilization
 - ▶ Denver County Court suspended operations on March 16, 2020
 - ▶ Civil proceedings are currently being held virtually
 - ▶ Number of evictions proceeding through the court have dropped

What is the Current Landscape?

- ▶ Governor's Executive Order Limiting Certain Evictions
 - ▶ Order D 2020 101 was issued on June 13, 2020, but provisions have been extended through four subsequent Orders (set to expire October 22, 2020)
 - ▶ Extended notice and cure periods within the Forcible Entry and Detainer provisions of the Colorado Revised Statutes
- ▶ Center for Disease Control Moratorium on Evictions
 - ▶ Published September 4, 2020 in the Federal Register (Vol. 85, No. 173)
 - ▶ Established a temporary eviction moratorium to prevent the further spread of COVID-19
 - ▶ Effective through December 31, 2020
- ▶ Special Eviction Prevention Task Force
 - ▶ Created by Governor's Executive Order B 2020 006 "to consider causes of and propose solutions to housing instability arising from the economic impact of COVID-19."
 - ▶ Four meetings have been held as of October 1, 2020
 - ▶ Recommendations are required to be submitted to the Governor by October 12, 2020

What Happens Next?

- ▶ City and County of Broomfield enacted an Emergency Ordinance that temporarily prohibits a landlord from assessing fees or penalties as a result of a tenant failing to timely pay rent if the tenant provides evidence of adverse financial or health related hardship because of COVID-19
 - ▶ Emergency Ordinance remains in effect until November 1, 2020 or when the Governor rescinds the declaration of a disaster emergency related to COVID-19
- ▶ Denver is likely to extend and further supplement current TRUA Program and Eviction Defense Program contracts
- ▶ Closely monitor recommendations from the Special Eviction Prevention Task Force and State action

Questions?