



AGENDA

Housing, Neighborhood Services and Redevelopment Policy Committee

Thursday, January 12, 2023, 11:00 a.m.

VIRTUAL MEETING

City of Aurora

15151 E Alameda Parkway

Public Participation Dialing Instructions

Dial Access Number: 1.408.418.9388 | Access code: 2496 309 8884 | Event password: aurora | This meeting will be live-streamed city's YouTube channel. Watch at [YouTube.com/TheAuroraChannel](https://www.youtube.com/TheAuroraChannel).

Council Member Crystal Murillo, Chair

Council Member Juan Marcano, Vice Chair

Council Member Alison Coombs

The Housing, Neighborhood Services and Redevelopment Policy Committee's goal is to:

- Maintain high quality neighborhoods with a balanced housing stock by enforcing standards, in relation to new residential development, and considering new tools to promote sustainable infill development;
- Plan for redevelopment of strategic areas, including working with developers and landowners, to leverage external resources and create public-private partnerships

Pages

1. Call to Order

2. Approval of Minutes

2.a December 1, 2022

3. Announcements

4. New Items

1

4.a Resolution to Support the 2023 IGA with Adams County to Fund Colorado Legal Services' Landlord/Tenant Legal Services Program

- Resolution to Support the 2023 IGA with Adams County to Fund Colorado Legal Services' Landlord/Tenant Legal Services Program
10 minutes

5. Miscellaneous Matters for Consideration

5.a Updates From Community Members

6. Adjournment

**HOUSING, NEIGHBORHOOD SERVICES & REDEVELOPMENT POLICY
COMMITTEE**

December 1, 2022

Members Present: *Council Member, Chair Crystal Murillo
Council Member, Juan Marcano*

Others Present: Mattye Sisk, Adrian Botham, Tim Joyce, Jacquelyn Bayard, Andrew Rael-Trujillo, Courtney Tassin, Angela Garcia, Emma Knight, Jeannine Rustad, Dayna Ashley-Oehm, Sandra Youngman, Scott Campbell, Alicia Montoya, Roberto Venegas, Emily Fuller, Andrea Amonick, Jessica Prosser, Rachel Allen, Jennifer Orozco, Mindy Parnes, Craig Maraschky, Augusta Allen, Daniel Brotzman, Brandon Cammarata, Daniel Money, Saadia Aurakzai-Foster, Rochelle Nadeau (attendee)

WELCOME AND INTRODUCTIONS

Council Member Murillo welcomes everyone to the meeting.

MINUTES

November 2, 2022 minutes are approved.

ANNOUNCEMENTS

Emma Knight, Manager of Homeless Programs, announces that the point-in-time volunteer portal is open for sign-ups. The 2023 Point-in-Time count will be on Tuesday, January 31st. The information session will be held on December 6 at 6:30 PM.

NEW ITEMS

Aurora Mobile Response Team Update

Summary of Issue and Discussion

Courtney Tassin presents this item. The Aurora Mobile Response Team (AMRT) is composed of a licensed mental health professional from Aurora Mental Health Center and a paramedic or EMT from Falck Rocky Mountain. The team operates from Wednesday through Saturday from 8 AM to 6 PM in West Aurora and expanded its services to Northwest Aurora. AMRT responds to low-intensity, active mental health calls, through Aurora Dispatch. They are trained to triage calls that come through and are self-dispatching. Operations began on September 8, 2021. Since then, there have been 507 calls for service with 29 Emergency Room (ER) diversions. These ER diversions are due to the team de-escalating situations, providing crisis intervention and safety planning, or utilizing a lower level of care which resulted in \$118,000 of cost savings. There were 0 calls where APD was called emergent to the scene. However, APD requested the team 108 times, which led to a cost reallocation of alleviating APD to \$24,000. The most common calls are welfare checks, suicidal parties, and post-contact follow-ups.

Aurora Dispatch created a code to add into call notes to track how many calls would have been appropriate for AMRT. 1,146 calls for service were identified. This number is believed to be higher due to a level of error that it relies on the dispatcher to put the information in. In November, Aurora was devastated by another shooting. During this, AMRT was requested to assist grieving children

and families while Victim Services were en route and APD focused on the criminal aspects of the situation.

Questions/Comments

CM Marcano asks if AMRT has reached out to healthcare providers to see if they would be willing to contribute to the program and expand its services to increase the number of ER diversions. Courtney says there have not been any formal conversations. However, internal conversations have been had regarding leveraging hospital partners for funds. She adds that the new vendor is with the hospital system and offers a match program which may significantly offset costs. CM Murillo commends the team's effectiveness and plans to share their success at her Town Hall.

Outcome – This item is informational only.

Aurora Housing Authority Update

Summary of Issue and Discussion

Dayna Ashley-Oehm with the Aurora Housing Authority (AHA) presents an update on the application of the Montgomery County Revolving Housing Production Loan Fund into Aurora. Montgomery County set out a production goal of 41,000 units over 10 years and partnered with their Housing Authority as the developer. There is \$50 million in bond funds and a \$3.4 million appropriation to create the Production Fund which provides the low-cost construction equity to be repaid at project stabilization. In Aurora, there is a goal produce 7,500 low-income units serving households below the \$25,000 annual household income, 6,000 units for higher earners, and another 956 units for new growth.

There are several projects in Aurora's development pipeline. In 2022, Liberty View will have 59 units of senior rental Veteran's housing with state plus 4% tax credit deal. Out of the \$20 million deal costs, \$11.9 million were covered by the tax credit equity. Also in 2022, Range View will produce 223 units for those between 30-70% AMI. In 2023, 100 units will be brought in by Walden 35 using the tax credit mechanism. The \$37 million deal uses \$16.5 million in tax credits to help bring equity and serve those lower incomes at 30-60% AMI. In 2024, Eagle Meadows, Jewell Apartments, and Peoria Crossing will provide over 246 units. Peoria Crossing is a tax credit deal. Of the \$30 million deal, almost \$15 million comes in the form of tax credit equity. Aurora Metro Senior Housing Project, which also uses tax credits, will provide 222 units. In 2025, there will be 40 permanent supportive housing units built in conjunction with Aurora Mental Health Center. From 2022 to 2024, AHA will overall provide 850 units with the tax credit program to meet the low-income goal of Aurora.

Montgomery County wanted to accelerate the housing development beyond tax credits, increase the density of developments, create a low-cost capital source to support housing development outside normal funding sources, and provide both affordable and market-rate units in one development. Montgomery County has made 200-plus-unit deals. Based on these, the funding mechanism would be bonds. The sale of bonds would capitalize on a housing production loan fund. Housing production loans would be awarded to developers such as AHA. When the project is stabilized, typically after a 5-year period, the fund would be recapitalized with proceeds from the deals.

For the 268-unit deal, in which 80 units are low-income, they are leveraged to a construction loan that makes up 84% of their overall financing. The housing production loan fund makes up another 12%. In this case, there is also owner equity of \$5 million. It is assumed that the evolution of the market rate can help offset the costs needed to repay the revolving loan fund. It is assumed that rents

will rise aggressively annually which will produce more equity in the deal by the time they need to recapitalize the loan fund. The financing, entitlements, construction, and lease-up periods for housing development take up to 4.5 years. Lower-income housing has faster lease-ups since there are not as many units and they are highly coveted. For 72 units in Colorado, 35% comes from federal credits, 34% comes from construction loans, and 15% from state credits. It is a much more complicated capital stack and is limited by the tax credit rounds available through CHFA. It would take 3.3 years to do a tax credit deal including the tax credits application, entitlements, construction, and lease-up.

The overall cost of the 268-unit deal in Montgomery was \$122 million with the perm debt at \$99 million, mezz debt which replaces the bond construction during construction financing at \$15 million, and equity of \$7 million. In this deal, they were able to borrow the perm debt at a lower interest rate under 5%. The Per Unit Per Annum (PUPA) expense to keep the units up and running is also rising. For affordable housing, the PUPA would be around \$7,000. In a market-rate structure, there are expectations regarding amenities that increase overall operating costs.

In Aurora, the typical rent for a 2BR apartment would be around \$2,000 at the market rate. Taking into account the rent structures in Colorado, 268 units, a 5% vacancy, PUPA of \$10,000, a \$3.4 million NOI, and a 5.5% mortgage rate, there would be \$62 million in debt. This is in comparison to the \$122 million deal of the same number of units in Montgomery County. If 80 units were to serve households at 50% AMI, the rent would be \$1,300 for those units. There will be a total mortgage of \$50 million. Deducting this from the \$122 million deal in Montgomery, Aurora could sell a \$72 million gap. If the 80 units were to serve 30% AMI, the gap grows further to \$82 million. The state of Colorado has a pilot program with the Middle-Income Housing Authority serving those in 80% to 120% AMI. They do not have any deals that can qualify. The current interest rate environment is not conducive to bond funding. Moreover, the repayment of the bond loan fund is contingent upon aggressive rent growth. With market-rate units embedded within low-income units, the overall rent value had to be deducted to feed the project and the market-rate rents were not achieved. Developers would then have to take the risk of a hefty debt on a deal that depends on the growth in rents to repay everything. There are also concerns about limited land sizes which limits the number of units for these deals. Currently, entitlements for these deals are growing from 15 months. Also, there is a question if tax credits are not used on these affordable deals, how will compliance be done to make sure that the 50% AMI units are actually serving the correct households? Given the interest rate environment, the gap growth is more significant which means that more equity is needed to make the deals work and meet affordability objectives.

Questions/Comments

CM Marcano mentions that Aurora has had market-rate developments with more units, including a wrapped garage, for less than 1/3 of the total figure shown. He asks where the discrepancy originates. He comments that if the information is true, then no department is feasible whether market rate or not. Dayna says AHA does not develop market rates. She mentions that a market rate deal looking to sell over 200 units valued the replacement costs at \$400,000 per unit. This is directly affected by the rising construction costs. Craig Maraschsky adds that the numbers presented include tap fees, construction, engineering, architecture, and other fees. CM Marcano states it would be helpful to dig into how the numbers were calculated. He adds that the PUPA seems very high per unit. He asks what those are typically spent on. Dayna answers that the number was taken from the Montgomery County example. She states that the PUPA is used for the salary of people onsite, those who work in maintenance, those who work in property management, and utility fees for common areas. She adds that material and salary costs continue to rise. She mentions that they are now seeing PUPA at \$7,000 per unit in the affordable portfolio.

CM Marcano agrees that land costs and parcels are a challenge. He highlights the importance of a strong partnership between the city and AHA. He mentions they recently acquired the first parcel for this specific purpose. He states that he needs to follow up with other individuals and circle back with AHA to discuss the findings. Craig says they could get CHFA in to talk with city staff and council members to explore the model and what can be done from a policy standpoint. He mentions that they can discuss putting more resources towards pure low-income instead of having some affordable units within higher-income units. CM Marcano emphasizes that his goal is to provide enough housing to actively compete with the private for-profit sector and drive their prices down. He adds that he wants to focus on where they have the largest housing deficits.

Outcome – This item is informational only.

Prairie Dog Relocation Ordinance

Summary of Issue and Discussion

Dan Money presents the Prairie Dog Relocation Ordinance patterned after Parker, Colorado's ordinance. This would require developers to relocate prairie dogs in a humane way. However, if they must be exterminated, the developers should ensure it is done through what the state deems the most humane way.

Questions/Comments

Jessica mentions that staff weren't sure HORNS was the appropriate policy committee for this ordinance. CM Marcano mentions that they had conversations regarding how the ordinance would impact development. The feedback received stated that it would fall in line with the existing development schedule and would not become burdensome. He explains that they wanted to bring this to HORNS to have conversations regarding how the ordinance would impact Animal Services in terms of facilitating or supervising. CM Murillo expounds that the intent of the ordinance is to relocate prairie dogs in the most humane way possible. However, based on past conversations, this may not be feasible. She requested to have more information as to which departments would be impacted by the ordinance and what considerations they might need before going to Study Session. Jessica says they have previously done some relocation from city-owned land through the Parks Department, but this is not in the purview of Animal Services. Augusta Allen adds that Animal Services only deal with domesticated animals, not wildlife. She explains that prairie dogs are referred to the Division of Wildlife through the state.

Jeannine Rustad stresses that the development community will not take action and expend money until they have gone through the development process. She mentions that Parker has a 30-day requirement and asks if there is any room between that and the proposed 6-month requirement. She further asks what documentation will be required from developers. CM Murillo comments that she hoped the conversation would be more thought through before it was brought forward. CM Marcano explains that the 6-month requirement came from conversations regarding what the typical development timeline looks like since they did not want this ordinance to be a hurdle. He says that he is open to changing this. He adds that it would have been more appropriate to present this item at the Parks Commission if PROS is the one that deals with the relocations. Jeannine mentions that based on the ordinance and discussions with Dan Money, it is the onus of the developer to relocate, not PROS.

Jessica explains that they had an employee out on medical leave, which delayed the discussion of the item. Based on previous discussions, PROS would only be working on city-owned land and city

open space. When staff met internally, they felt the onus would be on the developer and the city. She adds that they could create a regulatory authority and that the state has some regulatory authority over wildlife. Staff felt the item would be appropriate for the PED Committee given its impact on developers, but they wanted to at least introduce the item at HORNS given it was previously postponed. CM Murillo says the item is not ready to go to Study Session. She adds that she would be happy to meet with the team and asks when it would be feasible to have further discussions. Jeannine says they will coordinate schedules. She adds that they will send the item to the right place to address the relocation and regulation conversations. CM Murillo suggests discussing it before the end of the year or early January.

Outcome – This item requires further discussions and will not yet go to Study Session.

Chapter 94-107(a) Draft Ordinance Change Discussion and Fiscal Analysis

Summary of Issue and Discussion

CM Marcano and Sandra Youngman present this item. The ordinance aims to provide timely responses to noise complaints and share the load with APD. In 2020, there were 7,000 disturbing the peace and noise complaints. In 2021, there were over 9,000, and 6,000 from January to October 2022. Calls come in and are labeled as “Disturbing the Peace/Noise.” Upgraded APD radios needed by Code Enforcement Officers (CEO) to monitor and scan Dispatch calls would cost \$6,000 per piece. Current radios can only talk to Dispatch for communication, but do not allow scanning calls throughout the city. Updated computers would cost \$5,100 each to allow CEOs to listen to calls and drill down on the complaint. Two additional noise meters would also be needed. Training for radios, computers, noise meters, and self-defense equipment must also be done. The team would require two CEOs to do the noise meter readings and respond to noise complaints, and a supervisor to provide assistance. Officers have a \$27 average hourly rate, a \$47 time-and-a-half rate, and a \$63 double-time rate. Supervisors have a \$39 average hourly rate, a \$63 time-and-a-half rate, and an \$84 double-time rate. Equipment needed per officer would cost \$11,000. Code Enforcement receives 30 to 35% of complaints through Access Aurora. In the wintertime, the team does systematic housing inspections across all apartment complexes in Aurora.

Scenario 1: Dispatch to calls on weekdays. Two CEOs would monitor the MDC in their vehicle in addition to doing their other daily work. Two CEOs would then be dispatched to respond to noise complaints. If they determine there is a safety issue, they will have to call APD for assistance. The CEOs would also gather information, take noise meter readings, and conduct an investigation. If a summons is issued, they must prepare the court file and attend the trial. Calls for service are minimal from 8 AM to 4 PM from Mondays through Thursdays. However, there are more calls from Friday through Sunday.

Scenario 2: Weekend Response. Officers would be paid \$47 per hour for an 8-hour shift totaling around \$800 for two officers per weekend day. The team would also require a supervisor.

Scenario 3: Next-Day Response. Access Aurora sends complaints to the appropriate CEO. Two CEOs would respond to the reporting parties, obtain evidence, review, determine the violation, and determine the responsible party. If there is a violation, a summons and court files will be prepared. Code Enforcement also offers mediation services with \$5,000 in the budget and about \$100 per hour. The approximate time to complete it is 3 hours through Community Mediations Concepts (CMC) where all the information is referred to. However, all parties must be willing to participate in the

mediation process. This scenario also requires a CEO to respond, take statements, make contact, and complete the referral. CMC contacts the parties, explains the mediation process, works through the process, does a follow-up, and completes it after a minimum of 30 days. Outstanding issues will also be addressed by CMC. It is recommended to increase the mediation budget to \$10,000.

Questions/Comments

CM Marcano asks how effective the Mediation Approach was in the past and how well it is utilized. Sandra answers that Animal Services and Community Engagement have used it in the past, but it is not widely utilized and was used only 10 times in 2022. She adds that some parties may not be willing to follow through with the process. CM Marcano asks if this would be effective for noise complaints. Sandra says it's hard to say given that some people are unwilling to talk about issues and there are concerns about retaliation. She adds that people also have different thresholds of what noise affects them. Jessica says it would be a more effective response for chronic noise issues between neighbors, but it may not be as effective for those wanting immediate responses. Jessica mentions that noise complaints are projected to be 7,300 in 2022.

CM Marcano says he is interested in pursuing a pilot program. He asks if the upgraded radios and noise meters would still be decent investments or could be repurposed if they decide to not pursue the program after the pilot. Sandra says she thinks so, but will double-check. CM Marcano states that it would be good to take things off APD's plate and provide better and more immediate responses to residents. He asks if the equipment could be easily repurposed by other departments for other uses. Roberto Venegas says they could explore shared uses and reach out to other departments.

CM Marcano asks for the yearly staffing costs for the weekend response. Sandra responds that taking this on would stretch out Code Enforcement and they are still in the hiring process. CM Marcano says there would be FTEs incorporated in the cost in addition to the materials. Sandra asks if they would only calculate 8 AM to 4 PM rates, or after-hour rates considering there may be some safety issues for after-hours. CM Marcano requested both be presented.

Roberto suggests analyzing if the task could be done by staff in other departments who are trained or if they require other FTE with a different kind of training. He mentions that adding this to Code Enforcement would be challenging for their staff. CM Marcano says he is open to suggestions as to who will enforce the ordinance. Roberto says they can provide the cost calculations, but suggests having further conversations to explore other areas.

Outcome – This item is informational only. Staff is requested to provide further information on the fiscal impact of specific scenarios discussed.

MISCELLANEOUS MATTERS FOR CONSIDERATION

None.

Updates from Community Members

None.

Next meeting: TBD

Meeting Adjourned:

APPROVED: _____
Committee Chair, Crystal Murillo



CITY OF AURORA

Council Agenda Commentary

Item Title: Resolution to Support the 2023 IGA with Adams County to Fund Colorado Legal Services' Landlord/Tenant Legal Services Program
Item Initiator: Jessica Prosser, Director of Housing and Community Services
Staff Source/Legal Source: Emma Knight, Manager of Homelessness / Tim Joyce, Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

COUNCIL MEETING DATES:

Study Session: 1/23/2023

Regular Meeting: 1/30/2023

ITEM DETAILS:

- Resolution to Support the 2023 IGA with Adams County to Fund Colorado Legal Services' Landlord/Tenant Legal Services Program
10 minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Study Session | <input type="checkbox"/> Approve Item as proposed at Study Session |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only | |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field. | |

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: *(Check all that apply)*

- | | |
|---|---|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Does Not Recommend Approval |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |

Minutes Attached

Minutes Not Available

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

In 2018, Adams County approached several cities in their county, including the city of Aurora, to request their participation in a pilot program to assist low-income residents of Adams County facing evictions with legal assistance. Council entered into an IGA in 2018, along with Adams County, the cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City, Aurora, and Northglenn, and the city and county of Broomfield to fund the Colorado Legal Services Eviction Clinic. Council has approved a renewal of the IGA every two years since.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

A presentation is attached showing the number of individuals and families served through this program. In 2022 98 households were served. Staff is recommending renewing the \$25,000 per year contract with Colorado Legal Services for representation of qualified individuals regarding pending evictions.

QUESTIONS FOR COUNCIL

Does the Committee approve of moving the resolution forward to Study Session?

LEGAL COMMENTS

Colorado Constitution, Article XIV, Section 18, Subsection (2)(a) permits the state or any of its political subdivisions in cooperating or contracting with one another or with the government of the United States to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units, including the sharing of costs, the imposition of taxes, or the incurring of debt. Council may, by resolution, enter into contracts or agreements with other governmental units or special districts for the joint use of buildings, equipment, or facilities, and for furnishing or receiving commodities or services. (City Charter, art. X, sec. 10-12). The Mayor must sign all intergovernmental agreements to which the city is a party. (City Code Section 2-31(b)(2)) (TJoyce)

PUBLIC FINANCIAL IMPACT

YES NO

If yes, explain: \$25,000 of Marijuana Tax Revenue and this is budgeted in that fund.

PRIVATE FISCAL IMPACT

Not Applicable Significant Nominal

If Significant or Nominal, explain: N/A

RESOLUTION NO. 2023-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, EXPRESSING THE AURORA CITY COUNCIL'S SUPPORT FOR THE INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY, COLORADO LEGAL SERVICES, THE CITIES OF AURORA, THORNTON, FEDERAL HEIGHTS, BRIGHTON, COMMERCE CITY, WESTMINSTER, AND NORTHGLENN, AND THE CITY AND COUNTY OF BROOMFIELD REGARDING CONTRIBUTIONS TOWARD A LANDLORD/TENANT LEGAL SERVICES PROGRAM

WHEREAS, in 2018, Adams County approached several cities in their county, including the city of Aurora ("City"), Colorado, to request their participation in a pilot program to assist low-income residents of Adams County facing evictions with legal assistance; and

WHEREAS, Adams County, the cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City, Aurora, and Northglenn, and the city and county of Broomfield collaborated to fund Colorado Legal Services' Eviction Legal Defense Clinic operated by Colorado Legal Services; and

WHEREAS, the Eviction Legal Defense Clinic provides legal assistance to low-income households to help prevent or mitigate the adverse familial and societal impacts of involuntary displacement or homelessness; and

WHEREAS, the City's expected contribution to the Eviction Legal Defense Clinic will be \$25,000 for each year of the two-year term of the agreement; and

WHEREAS, intergovernmental agreements are authorized by Article XIV, Section 18 of the Colorado Constitution, and by Colorado Revised Statutes, Section 29-1-203; and

WHEREAS, pursuant to Aurora City Charter section 10-12, City Council may, by resolution, enter into contracts or agreements with other governmental units for the furnishing of services; and

WHEREAS, the contributed funds will support and administer a modest but very significant landlord/tenant legal services program through Colorado Legal Services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The intergovernmental agreement between the City of Aurora, Colorado, and Adams County, the cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City, and Northglenn, the city and county of Broomfield, and Colorado Legal Services is hereby approved.

Section 2. The Mayor and the City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical

additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Tim Joyce ^{gk}
TIM JOYCE, Assistant City Attorney



Housing and Community Services
Colorado Legal Services Eviction Project IGA

January 12, 2023



History

- 2018
 - Colorado Legal Services received funding from a collaboration comprised of Adams County, the City and County of Broomfield, and the Cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City, Aurora, and later from Northglenn to create an eviction defense and housing assistance Legal Services Pilot Program.
- December of 2020 and early 2021
 - Members of the IGA approved a continuation of funding for the Eviction Legal Clinic Program through December 2022.



Eviction Legal Clinic

- Goals
 - Reduce preventable evictions
 - Mitigate eviction-related consequences
 - Connect tenants with community resources
- Services Provided to Tenants w/the Following Issues:
 - Tenants who have received a Demand for Rent, Notice to Quit or Demand for Compliance
 - Tenants who have received court papers for an eviction
 - Tenants who reside in subsidized housing who are facing eviction
 - Tenants who have a default judgment entered against them and have a basis for it to be vacated



2022 Aurora Numbers

Partner	Previous Commitment	Clinic Case	CLS Other Housing Cases	Percentage
Adams County	\$50,000	107	157	17%
Aurora	\$25,000	98	116	14%
Brighton	\$12,000	26	54	5%
Broomfield	\$15,000	13	34	3%
Commerce City	\$15,000	74	85	10%
Federal Heights	\$15,000	34	37	5%
Northglenn	\$12,000	80	67	9%
Thornton	\$20,000	161	193	23%
Westminster	\$30,000	85	143	14%
Total	\$194,000	678	886	100%



Recommended Action

- Staff recommends continued funding of CLS and support to continue the Eviction Legal Clinic through December 2024
- Staff asks that Council moves this resolution to Study Session



Comments & Questions



Contact Information:

Emma Knight

303.739.7908

eknight@auroragov.org



INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY, COLORADO LEGAL SERVICES, THE CITIES OF WESTMINSTER, THORNTON, FEDERAL HEIGHTS, BRIGHTON, COMMERCE CITY, AURORA, NORTHGLENN, AND THE CITY AND COUNTY OF BROOMFIELD REGARDING CONTRIBUTIONS TOWARD A LANDLORD/TENANT LEGAL SERVICES PROGRAM

The following Intergovernmental Agreement ("IGA") is made on this ___day of _____, 2023, by and among Adams County, Colorado Legal Services, a Colorado Nonprofit Corporation ("CLS"), and the Cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City, Aurora, Northglenn, and the City and County of Broomfield (all parties with the exception of CLS may be collectively referred to as the "Contributing Members"):

WHEREAS, CLS and the Contributing Members desire to enter into this IGA to address the cost associated with the Landlord/Tenant Legal Services Program ("Program") as defined in the Attached Scope of Services, Exhibit "A"; and

WHEREAS, the total annual cost for the Program is estimated to be somewhat over two hundred twenty thousand dollars (\$235,000) (the "Annual Cost"); and

WHEREAS, the Contributing Members desire to fund the vast majority of the cost of the Program for an additional term of two years; and

WHEREAS, the Contributing Members desire that the proportionate funding set forth herein in Exhibit "B" be committed to pay the cost of the Program; and

WHEREAS, in the event actual Program cost is less than the Annual Cost, the Parties agree that the excess funds be refunded to the Contributing Members based upon the proportionate share of their contributions.

TERMS

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. The term of this IGA shall be the second two-year term of the Program.
2. The Contributing Members agree to pay funds in accordance with Exhibit "B" directly to CLS no later than June 30, 2023 and then again no later than June 30, 2024.
3. CLS is an independent contractor responsible for management of the Program and its employees. Contributing Members will have no direct oversight of the work performed under the Program.

4. Recitals Incorporated. The recitals set forth above are incorporated into this IGA, and shall be deemed terms and provisions hereof, to the same extent as if fully set forth in this section.

5. Integration and Amendment. This IGA represents the entire agreement between the Parties with regard to the subject matter of this agreement and there are no oral or collateral agreements or understandings. This IGA may be amended only by an instrument in writing signed by all the Parties. If any provision of this IGA is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this IGA shall continue in full force and effect.

6. Nothing herein shall be deemed or construed as a waiver of the monetary limitations, or any other rights, immunities, and protections provided to the Contributing Members pursuant to the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et. seq.* as may be amended.

7. All payments of the Contributing Members under this Agreement are subject to annual appropriation of funds by their governing bodies. Therefore, nothing in this Agreement shall be deemed or construed as a multiple year fiscal obligation under the meaning of Colorado Constitution Article X, Section 20, also known as the TABOR Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this IGA to be executed as of the day and year first above written.

ADAMS COUNTY

By: _____
Chair, Board of County Commissioners

Date: _____

ATTEST:

APPROVED AS TO FORM:

CITY OF WESTMINSTER, COLORADO

By: _____
Donald M. Tripp, City Manager

Date: _____

ATTEST:

Michelle Parker, City Clerk

APPROVED AS TO LEGAL FORM:

David Frankel, City Attorney

CITY OF THORNTON, COLORADO

By: _____

Date: _____

ATTEST:

Nancy Vincent, City Clerk

APPROVED AS TO FORM:
Luis Corchado, City Attorney

_____, Deputy City Attorney

CITY OF FEDERAL HEIGHTS, COLORADO

By: _____
_____, Mayor

Date: _____

ATTEST:

Patti Lowell, CMC, City Clerk

APPROVED AS TO FORM:

William P. Hayashi, City Attorney

CITY OF BRIGHTON, COLORADO

By: _____
Philip Rodriguez, City Manager

Date: _____

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Jack D. Bajorek, City Attorney

CITY OF COMMERCE CITY, COLORADO

By: _____

Date: _____

ATTEST:

Laura Bauer, City Clerk

APPROVED AS TO FORM:

Robert Sheesley, City Attorney

CITY OF AURORA, COLORADO

By: _____
James M Twombly, City Manager

Date: _____

ATTEST:

Michael Lawson, Interim City Clerk

APPROVED AS TO FORM:

Tim Joyce, Assistant City Attorney

CITY OF NORTHGLENN, COLORADO

By: _____

Date: _____

ATTEST:

APPROVED AS TO FORM:

CITY AND COUNTY OF BROOMFIELD

By: _____

Date: _____

ATTEST:

APPROVED AS TO FORM:

City and County Attorney

COLORADO LEGAL SERVICES

By: Jonathan D. Asher, Executive Director

Date: _____

ATTEST:

APPROVED AS TO FORM:

Exhibit “A”

SCOPE OF SERVICES – LANDLORD/TENANT LEGAL SERVICES PROGRAM

December 5, 2022

Re: Letter of Commitment
Eviction Legal Defense
Continuation of Program Funding

Dear Contributing Local Governments,

Colorado Legal Services [CLS] understands it will receive funding pooled from your local governments to help support, administer, and continue the Adams and Broomfield Counties Landlord/Tenant Legal Services Program. The public purpose of this donation is to provide legal assistance to low-income households, to help prevent or mitigate the adverse familial and societal impacts of involuntary displacement and/or homelessness within the contributing jurisdictions.

Upon receipt of such funds in the approximate amount of two hundred twenty thousand dollars (\$220,000) per year for an additional term of two (2) years, CLS commits to use the funds as follows:

While referrals to other providers may be made for residents of any income level and donated funds may be used to represent clients with up to 250% of poverty through other providers, CLS will use the funds only to represent residents of the contributing jurisdiction earning up to 200% of the federal poverty guidelines, as revised each year by the federal government and implemented by the CLS Board of Directors, effective May 1, of each year.

- CLS will use the funds only to serve individuals in eviction and housing related matters.
- CLS will not use the funds to initiate or defend any cause of action or civil matter in which one of the local governments, or its housing authority, is an opposing party in an eviction action, but may use other funds to do so, if the professional responsibility of CLS staff to its clients require CLS staff to do so.
- CLS recognizes that while the initial attorney conducting intake may have contact with individuals who face actions initiated by the local governments or their housing authorities as their landlord, any referrals for or actual representation involving those entities will be provided by CLS attorneys currently representing ACHA tenants, or by other CLS attorneys not using donated Program funds, and these donated funds will not be used for client representation of local government or housing authority tenants who are currently receiving representation by CLS through other funding streams or sources. Receipt of these funds, however, in no

way limits the ability of CLS to provide representation to local government or housing authority tenants with non-Program staff paid from other funding streams or sources.

- The support and cooperation of the Chief Judge, judicial officers and staff of the Adams County Court being essential to the success of the Program, CLS recognizes the autonomy of the Adams County Court in overseeing any processes that affect or interact with the court, its personnel, or its space beyond client representation, and CLS will work collaboratively with the Chief Judge or his or her designee to receive guidance on any questions, procedures, or processes within the province, domain or the responsibility of the Adams County Court.
- CLS will provide the contributing local governments with data including the number and general demographics of the individuals served, referrals made to any other legal service provider, and the outcomes of the legal representation provided. Data will be provided at least every three months until the donated funds are expended, and a cumulative summary of all services provided through the Program will be submitted at the conclusion of the Program.

CLS will use these funds for any of the following categories of expenditure: salary and benefits for an Adams County attorney to serve as the lead attorney for this continuing program who will provide the major portion of the legal representation in this Program; salary and benefits for a paralegal, who will work under the direction of the Program attorney; a portion of another CLS attorney's time, salary and benefits; and, a portion of the salary and benefits for the supervision and support of the Program staff funded herein (attorney, paralegal, and part of a second attorney's time). It is understood and agreed that the portion of the second attorney's time, and the supervisor's time attributable to this Program, will not be for cases involving any of the local government entities identified herein. The supervisory attorney, however, may represent current and future tenant in matters in dispute with local governments or housing authorities, but will do so only with other funds and will strictly account for his/her time accordingly; and any agreed upon administrative fees for volunteer attorneys, or the payment for legal representation by any non-volunteer attorney to whom cases are referred or assigned by CLS staff to an attorney or partner agency providing services by fee for service contract or other reasonable arrangement for reimbursement for the legal assistance or representation of clients.

CLS will use these funds to provide landlord-tenant legal clinics and to serve and represent clients in landlord-tenant and other housing disputes.

CLS will continue to employ a lawyer with relevant experience to oversee the Program expeditiously and efficiently. The paralegal will usually, but may not always, be the first point of contact and will screen potential applicants for services and cases, provide direct on-site advice and may provide actual representation in cases as decided by the lead attorney, in consultation with the supervising attorney(s) as appropriate. These funds and/or other CLS resources also may be used to hire one or more paralegals or other professionals deemed necessary and appropriate to perform non-representational functions in a manner that maximizes

the availability of attorney resources to increase the number of clients who may be served through the Program.

The lead attorney will also refer cases to the appropriate legal or non-legal agencies for assistance. For example:

While the Adams County Court has established systems for facilitating, recommending procedures, or requiring mediation, the Program staff or volunteers may make additional or earlier referrals for mediation where such referrals do not conflict with the systems, procedures, or orders of the Adams County Court and are in the best interest of the tenant.

-Simpler cases that would still benefit from representation may be referred to the volunteer lawyers participating in the Colorado Poverty Law Project, other legal aid provider, or to supervised clinical law students attending either of the two Colorado law schools.

CLS may, but will not necessarily, include additional volunteer and/or compensated (at a reduced fee) legal services to be provided by the clinical program at the University of Denver Sturm College of Law, and/or the Colorado Poverty Law Project and/or other legal aid provider.

CLS recognizes that additional costs and staff and resources may be required to effectively continue the Program. CLS accepts the responsibility for any additional costs and resources it determines necessary to effectively implement the Program.

CLS will continue the Program for an additional 24 months. CLS will cooperate with any request for information or data, within CLS's ability, related to any local government effort or processes of the contributing local governments required to secure additional funds necessary to extend the legal assistance and representation available to lower income tenants in the contributing jurisdictions beyond the initial Program. CLS may but need not, however, create and distribute reports particular to each jurisdiction. Reports regarding work provided under the Program most often will represent all work provided under the Program.

Jonathan D. Asher
Executive Director
Colorado Legal Services

DRAFT PROPOSED EXHIBIT “B”

Schedule of Annual Contributions for Each Jurisdiction – Three Options

Partner	Previous Commitment	Clinic Case	CLS Other Housing Cases	Percentage	<u>Option 1</u> Possible Commitment Based on Cases	<u>Option 2</u> Possible Commitment Based on 13% Increase in Program Costs + Previous Commitment	<u>Option 3</u> Possible Commitment Rounded Off
Adams County	\$50,000	107	157	17%	\$37,000	\$56,710	\$56,750
Aurora	\$25,000	98	116	14%	\$31,000	\$28,360	\$28,300
Brighton	\$12,000	26	54	5%	\$11,000	\$13,600	\$13,500
Broomfield	\$15,000	13	34	3%	\$7,000	\$16,970	\$17,000
Commerce City	\$15,000	74	85	10%	\$22,000	\$16,970	\$17,000
Federal Heights	\$15,000	34	37	5%	\$11,000	\$16,970	\$17,000
Northglenn	\$12,000	80	67	9%	\$20,000	\$13,630	\$13,600
Thornton	\$20,000	161	193	23%	\$50,000	\$22,780	\$22,800
Westminster	\$30,000	85	143	14%	\$31,000	\$34,010	\$34,050
Total	\$194,000	678	886	100%	\$220,000	\$220,000	\$220,000

* CLS handles additional cases from clients who contact CLS through the Centralized Intake Line instead of coming to the clinic, these cases are identified above and reflected in the total percentage of cases handled by CLS.

*CLS has increased the total cost of the clinics by approximately 13% to reflect increases to overall program expenditures; specifically, increases to staff salaries and fringe benefit premiums.

*CLS assumes responsibility for additional costs for the clinic including administrative overhead (Accounting, Information Technology, and Grant Management) and indirect costs (rent, utilities, phone, internet, office supplies, postage, printing, mileage reimbursement, and insurance).

* These figures are rounded off for simplicity, if this is the approach all parties to the IGA choose.