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|--|----------|--|
| 1. Discuss and Designate New Chairperson for the Council Finance Committee | | |
| 2. Assumptions for the 2022 Budget | 40 mins. | L. Pollack T. Roche J. Poznanovic |
| 3. Immigration Legal Fund | 30 mins. | K. Stannert C. Champine L. Escalante |
| 4. Utilities Income-Qualified Assistance Program (IQAP) | 20 mins. | J. Gaskill B. Tholl |
| 5. Housing Catalyst CCIP Support | 20 mins. | M. Overton S. Beck-Ferkiss |

Council Finance Committee
Agenda Planning Calendar 2021
RVSD 05/19/21 ck

| May 24th | 2021 | | |
|----------------------------|--|--------|----------------------------|
| | Assumptions for the 2022 Budget | 40 min | L. Pollack |
| | Immigration Legal Fund | 30 min | K. Stannert C. Champine |
| | Utilities Income-Qualified Assistance Program (IQAP) | 20 min | J. Gaskill B. Tholl |
| | Housing Catalyst CCIP Support | 20 min | J. Brewen M. Overton |

| Jun. 21st | 2021 | | |
|-----------------------------|--|--------|------------------------|
| | 2020 Fund Balance, Revenue, and Expenditure Review | 30 min | B. Dunn |
| | TCEF Supplemental Appropriation | 30 min | D. Woodward |
| | Timberline Recycling Center Operations | 30 min | V. Shaw C. Mitchell |
| | Community Impact Off-cycle Investment | 30 min | TBD |

| July 19th | 2021 | | |
|-----------------------------|---|--------|--------------------------|
| | 2020 Audit Results | 25 min | B. Dunn |
| | Future capital projects and financing options | 30 min | B. Dunn |
| | Carnegie Center Renovation | 30 min | J. McDonald K. Mannon |
| | Laporte Multimodal / Siphon Ped/Bike Overpass | 30 min | B. Buckman |

| Aug. 16th | 2021 | | |
|-----------------------------|---|--------|---------------|
| | Front Range Financial Comparison | | B. Dunn |
| | 2022 Development Review and Capital Expansion Fee Updates | | J. Poznanovic |
| | GERP Review | 30 min | B. Dunn |

| Sept. 20th | 2021 | | |
|------------------------------|----------------------------------|--|------------|
| | Front Range Financial Comparison | | B. Dunn |
| | 2021 Annual Adjustment Ordinance | | L. Pollack |
| | | | |

Future Council Finance Committee Topics:

- Financial Policy Updates – October 2021
- Golf Debt Issuance
- Revenue Diversification
- Utility Long-term Financial Plan and Capital Improvement Plan – November 2021



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Finance Committee Meeting Minutes

April 19, 2021

10 am - noon

Zoom Meeting

Council Attendees: Mayor Wade Troxell, Ken Summers, Ross Cunniff, Susan Gutowsky, Emily Gorgol

Staff: Darin Atteberry, Kelly DiMartino, Kyle Stannert, Travis Storin, Carrie Daggett, John Duval, Tyler Marr, Lance Smith, Caryn Champine, JC Ward, Noelle Currell, Ryan Mounce, Tim Dailey, Meaghan Overton, Jackie Kozak-Thiel, Victoria Shaw, Sue Beck-Ferkiss, Leo Escalante, Blaine Dunn, Dave Lenz, Jo Cech, Zack Mozer, Jordan Granath, Carolyn Koontz

Others: Joe Rowan
Joshua Stallings
Patricia Miller - Thistle

Meeting called to order at 10:04 am

Mayor Troxell; I would like to note for the record that I have conferred with the City Manager and the City Attorney and have determined that the Committee should conduct this meeting remotely because meeting in person would not be prudent for some or all persons due to a current public health agency recommendation.

Approval of Minutes from the March 15, 2021 Council Finance Committee Meeting. Ross Cunniff moved for approval of the minutes as presented. Ken Summers seconded the motion. Minutes were approved unanimously via roll call by Ken Summers, Ross Cunniff and Mayor Troxell.

Travis Storin expressed appreciation to the Council Finance Committee members and acknowledged their service (a combined 18 years of Council Finance Committee experience) and on behalf of staff thanked the committee for their engagement. This committee has embodied our high performing board mantra He also recognized many of the significant accomplishments which include; sponsorship of our Broadband Business Plan and debt issuance, the establishment of City Give, updates to Development Review Fees and Capital Expansion Fees, the CRISP regional project within the law enforcement agencies of the area, on-bill financing and the EPIC loan program, updates to the sales tax code for internet sales, Police Regional Training Facility and the Gardens expansion just to name a few.

Mayor Troxell added his thanks Ross and Ken for their service as well.

Ross Cunniff added his thanks to current and past Council Finance Committee members and said that it has been a privilege and an honor to serve the community in this capacity. Our interaction with staff has led to a sharper organization with our combined thoughts.

A. Affordable Housing Fee Credits

Victoria Shaw, FP&A Manager, Community Services
Sue Beck-Ferkiss, Lead Specialist, Social Sustainability

EXECUTIVE SUMMARY

The purpose of this item is to seek feedback on requests from two development projects to provide fee credits from the City for qualifying affordable housing units. These units will serve households making no more than 30% area median income (AMI). At the discretion of City Council, fee credits of \$14,000 per qualifying unit of new construction may be provided under the City Code to incentivize the development of units which serve families that earn up to 30% of Area Median Income (AMI) if the proposed credit will not jeopardize the financial interests of the City.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Is Council Finance Committee supportive of issuing fee credits to two affordable housing developments with qualifying units?
2. Does Council Finance Committee have direction on which City fund to provide these fee credits from?

BACKGROUND/DISCUSSION

The City has received requests for fee credits from two affordable housing developments:

1. Housing Catalyst (HC) is developing the Oak 140 project at 140 Oak Street in Fort Collins. This project will deliver 79 affordable apartment homes and 7 of them qualify for fee credits. Their request is for a total credit of \$98,000. See HC's request attachment 1.
2. Volunteers of America (VOA) is developing Cadence, a 55-unit age-restricted affordable housing development at 2555 Joseph Allen Drive. This project will have 55 apartment homes and 18 of them qualify for fee credits. Their request is for a total of \$252,000. See VOA's request attachment 2.

Fee credits replaced the City's prior fee waiver program and is currently the City's only mechanism to specifically incentivize units which serve households that earn 30% or less of AMI. These units are the hardest to develop since they have the largest cost gap because resulting rents are extremely low. For instance, a household of two must earn no more than \$22,590 annually to qualify. Most mechanisms to incentivize affordable housing are available for units that serve up to 80% of AMI. The table below illustrates the 2020 AMI thresholds for the Fort Collins – Loveland MSA. (2021 AMI thresholds have not yet been published).

| Household Size | 100% AMI | 80% of AMI | 60% of AMI | 50% of AMI | 30% of AMI |
|----------------|-----------|------------|------------|------------|-----------------|
| 1 | \$65,900 | \$52,700 | \$39,540 | \$32,950 | \$19,800 |
| 2 | \$75,300 | \$60,200 | \$45,180 | \$37,650 | \$22,600 |
| 3 | \$84,700 | \$67,750 | \$50,820 | \$42,350 | \$25,450 |
| 4 | \$94,100 | \$75,250 | \$56,460 | \$47,050 | \$28,250 |
| 5 | \$101,700 | \$81,300 | \$61,020 | \$50,850 | \$30,550 |
| 6 | \$109,200 | \$87,300 | \$65,520 | \$54,600 | \$32,800 |
| 7 | \$116,700 | \$93,350 | \$70,020 | \$58,350 | \$35,050 |
| 8 | \$124,300 | \$99,350 | \$74,580 | \$62,150 | \$37,300 |

Fee waivers were previously calculated based on the sum of eligible fees, prorated by the percent of the development's total units which are restricted to serve $\leq 30\%$ AMI. Fees historically considered eligible for waiver include:

- Development Review Fees
- Building Permit Fee
- Capital Expansion Fees (including those for Fire, Police, Streets, and Parks)

Other fees collected by the City that are not considered eligible for waivers include fees which are collected on behalf of other agencies (such as Larimer County or Poudre School District) and fees for utilities.

In 2020, City Council changed this subsidy from a pro-rated waiver to a flat credit of subsidy. The amount was set to \$14,000 per unit for new development units and \$5,500 per unit for redevelopment units where the project gets the benefit of prior fees paid on the property. This simplified the process and provided predictability to developers. City Council retained discretion to authorize each request. Authorization is dependent on a determination that issuing the credits will not jeopardize the financial health of the City. City Council may also direct staff on which fund, such as General Fund or Affordable Housing Capital Fund, to use when issuing waivers.

The request from HC is for Oak 140 to be located at the site of the former Elks Lodge at Oak and Remington Streets in downtown Fort Collins. All 79 new apartments will be restricted affordable. It will have a mix of studio, one and two-bedroom apartments with the vast majority one bedroom. They will be priced to target households earning between 30% and 80% AMI. 7 units qualify for fee credits because they will be restricted to serve households with $\leq 30\%$ AMI. This project, in partnership with the Fort Collins Downtown Development Authority, aims to fill a demand for downtown employees that find downtown housing costs a challenge to living near where they work.

The request from VOA is for Cadence, a 55-unit age- and income restricted housing community in one building at 2555 Joseph Allen Drive near the corner of Drake Street and Timberline Road. All 55 new apartments will be affordable. They will be priced to target adults 55+ earning between 20% and 80% AMI. 18 units qualify for fee credits because they target households at or below 30% AMI. Including 20% AMI targets is unusual and will serve extremely low-income households. The location of this community is near a bike path, a bus route and a supermarket which are well suited to the special population (seniors) targeted by this project.

These two requests are the first requests to be considered under the new fee credit process. Both requests are for qualifying new units of construction. Therefore, the flat fee to be applied to these requests is \$14,000 per unit. The total of the two requests is \$350,000. In the past, fee waiver reimbursements have been funded from General Fund Reserves or the Affordable Housing capital Fund (AHCF), which is part of the Community Capital Improvement Project funding. Often the cost was split between these two sources, as shown in the below table:

| Project | Backfill of Waivers | | | Backfill Sources | | |
|-----------------------|---------------------|--------------|-------------------|-------------------|---------------------|-------------------|
| | Total Waivers | % Backfilled | Total Backfill | General Fund | Transportation Fund | AHCF |
| Redtail Ponds | \$ 274,762 | 85% | \$ 233,781 | \$ 274,199 | \$ - | \$ - |
| Village on Redwood | \$ 100,708 | 0% | \$ - | \$ - | \$ - | \$ - |
| Oakridge Crossing | \$ 90,923 | 100% | \$ 90,923 | \$ - | \$ - | \$ 90,923 |
| Village on Horsetooth | \$ 352,319 | 83% | \$ 292,345 | \$ 179,845 | \$ - | \$ 112,500 |
| Mason Place | \$ 326,081 | 90% | \$ 294,054 | \$ 190,554 | \$ 3,500 | \$ 100,000 |
| Total | \$ 1,144,793 | 80% | \$ 911,103 | \$ 644,598 | \$ 3,500 | \$ 303,423 |

The AHCF currently has \$810,359 available, and 28% of AHCF dollars through 2020 have been used to fund fee waivers.

*U.S. Census Quarterly Retail E-Commerce Sales 4th Quarter 2020

**Top 10 US companies based on % of e-commerce sales, eMarketer, July 2018

Discussion / Next Steps:

Ken Summers: we have \$810K in the Affordable Housing Fund – gives us 43% of our goal units
Sounds like a good deal – 1/3 of the fund for 43% of the goal sounds like a good deal

Ross Cunniff; I support doing this - appreciate the renaming from waiver to rebate
I think a split between General Fund and Affordable Housing Fund – 50/50 might be the most rational split – view it as a matching type of fund – I do not have a hard and fast – a split makes sense

Mayor Troxell; are there any other funding sources?

Victoria Shaw; largely these two funds; General Fund and the Affordable Housing Capital Fund

Mayor Troxel; the question is more the split than from what source
I am fully supportive – fee credits with qualifying units are a good outcome - let us start with 50/50 split unless a case can be made for something else – this is my current thinking

Ken Summers; would this be coming out of General Fund reserves?

Travis Storin; this would come from the unassigned reserve bucket - I think historically this committee has been comfortable using 25% from the Affordable Housing Capital Fund toward this purpose and 75% General Fund unassigned reserves.

Mayor Troxell; I am ok however it is presented and codified then. More basis for where you are coming from right now.

Ross Cunniff; balanced 25% from Affordable Housing Capital Fund – that makes sense as a rational basis - Other uses for Affordable Housing Capital Fund – this is an important use but not the only use.

Ross Cunniff; ballot language lists a variety of other uses

Sue Beck-Ferkiss; the ballot language allows for this fund to be used for 1 or more affordable housing developments or rehab -it has to be for affordable housing - the development or rehabilitation of affordable housing

Ken Summers; is there a certain balance that we are required to maintain in the Affordable Housing Capital Fund?

Travis Storin; it has a fixed amount around how much would be allocated to this one relative to the other 16 funds - across 10 years this fund has a \$4M projected revenue stream- so far we are exceeding that amount as a component of the CCIP ¼ cent tax - no minimum fund balance

Ross Cuniff; I would like to keep the purchase of land as an option from this fund which is one of the reasons for trying to keep funds in there.

GENERAL DIRECTION SOUGHT

1. Is Council Finance Committee supportive of issuing fee credits to two affordable housing developments with qualifying units?
2. Does Council Finance Committee have direction on which City fund to provide these fee credits from?

Result:

Committee would be supportive of \$200K allocated from the Affordable Housing Capital Fund and \$150K from the General Fund Reserves / unassigned. An interest in additional codification needed and noted.

B. Immigration Legal Defense Fund

JC Ward, Senior City Planner, CDNS

Leo Escalante, Community Engagement Specialist, CPIO

EXECUTIVE SUMMARY (a brief paragraph or two that succinctly summarizes important points that are covered in more detail in the body of the AIS.)

The purpose of this item is to respond to a request from some members of Council for an off-cycle general fund appropriation to create a Municipal Immigration Legal Fund pilot program. If approved, this appropriation would create a pilot grant program to provide local access to immigration legal services for Fort Collins residents seeking citizenship or lawful presence. Grant funds will be awarded to legal service providers based on a competitive process and will be dedicated to program administration, education, and outreach; providing defense for people at risk of deportation; children seeking Special Immigrant Juvenile Status; and for community members seeking pathways to citizenship and lawful presence also known as Affirmative Cases.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback does the Council Finance Committee have regarding the research and unmet needs assessment for immigration legal services in Fort Collins?
2. What feedback does the Council Finance Committee have regarding the funding level or services that could be provided to Fort Collins residents as part of a municipal immigration legal fund?

BACKGROUND/DISCUSSION (details of item – History, current policy, previous Council actions, alternatives or options, costs or benefits, considerations leading to staff conclusions, data and statistics, next steps, etc.)

During the March 23 City Council Virtual Work Session, City staff from Neighborhood Services and the Communications and Public Involvement Department presented their findings from the research conducted on immigration legal defense funds implemented in 42 different jurisdictions across the country. The information covered included demographic data and unmet needs assessment in Fort Collins, program design from other jurisdictions, potential funding, and service level options to assist undocumented residents in Fort Collins with pathways to lawful citizenship and lawful presence, and strategic alignment with City Council priorities to improve safety, community trust, equity, and livability.

Key Findings on Greatest Needs in Fort Collins

City Staff worked with several service providers in Northern Colorado with expertise in immigration services to assess current service levels and unmet need for immigration legal services. Based upon this research, the

following is a summary of our key findings to inform Council's decision on the City's role in immigration services to Fort Collins residents.

- **Limited Availability of Services:** Currently there is only one immigration attorney practicing in Fort Collins. Attorneys in other practice areas may take on immigration clients but are not focused on complex systems of administrative or immigration law, making the representation challenging and outcomes less consistent. In addition to the limited availability of direct legal representation for immigration cases in Fort Collins, legal advice and documentation assistance for cases related to extension of visas, DACA renewal, citizenship, or legal permanent resident ("LPR") applications are largely unavailable and can cost hundreds of dollars for consultation with an attorney.
- **Affordability:** According to data provided by community partners from target population surveys and feedback from engagement activities, the lack of affordable legal services and representation are considered the biggest barriers to successful integration for immigrants in Fort Collins. While we do not have access to Fort Collins-specific information, data from regional partners working with immigrant communities confirms that 2,963 Northern Larimer County residents are eligible for immigration relief and need low-cost or pro bono legal services to pursue lawful paths to citizenship and presence. We also learned that many need these services for multiple family members in the same household. Out of pocket expenses for deportation defense range from \$6,000 to \$20,000 in filing fees and \$10,000 to \$50,000 for attorney costs depending on the specifics and complexity of the case. DACA, Visa, or LPR applications and renewals have varying filing fees and though the total varies widely, average approximately \$4,000 in attorney costs.
- **High Demand for Services:**
 - In Fort Collins, 2,200 residents are eligible for naturalization and the remaining 2,300 non-citizen immigrants are estimated to be undocumented and currently at risk for detention and deportation.¹ According to local immigrant advocacy organizations conducting outreach and operating immigration hotlines, the estimated unmet need for Fort Collins Detention/Deportation cases is 75-100 per year, SIJS cases is 100 per year, and affirmative cases (DACA, LPR, Naturalization) is 400 per year.
 - As of December 2020, there were 418 Larimer County residents with pending immigration deportation proceedings initiated by Department of Homeland Security, 83 of whom lacked legal representation.⁷ The Larimer County case numbers and unrepresented immigrants in detention as of December 2020 are almost double the 2019 case numbers.
 - In the Poudre School District, there are 54 students who arrived in the U.S. as unaccompanied minors seeking asylum because they are unable to return to their countries of origin due to threat of death or imminent harm. These students could remain in the United States through Special Immigrant Juvenile Status ("SIJS"). Due to the age of the children and current placement in foster care or with relatives other than their primary caregivers, these children only have access to immigration legal services through community programs. The Interfaith Solidarity and Accompaniment Coalition fundraises and connects children with legal service providers for SIJS cases, but their work is limited by the amount raised and availability of pro bono attorneys willing to take Fort Collins cases who are also skilled in complex SIJS cases.

¹ <https://dornsife.usc.edu/csii/eligible-to-naturalize-map/>

Market Rates & Pilot Program Budget

To inform Council's consideration of the fund amount, City Staff obtained attorney costs by case type in the Fort Collins market from nonprofit immigration service providers, Rocky Mountain Immigrant Advocacy Network ("RMIAN") and Interfaith Solidarity and Accompaniment Coalition ("ISAAC") and are based on actual attorney and legal staff costs. The amounts listed cover limited filing fees associated with the pro bono representation.

| Case Type | Pro Bono Legal Costs/Case in Fort Collins market |
|--|--|
| Detention/Deportation | \$6,000/case |
| Special Immigrant Juvenile Status (SIJS) | \$4,000/case |
| "Affirmative Cases"- Deferred Action for Childhood Arrivals (DACA), Lawful Permanent Resident (LPR), or Naturalization | \$1,000/case |

Pilot Program Budget

Startup costs for the program would include funding program administration and pro bono attorney's costs to represent a minimum of 10 deportation cases to recruit and retain an attorney and support staff to provide local representation.

The pilot program is proposed for 12 months from June 2021 to June 2022 to allow time to evaluate the long term need and City role for this program. The program startup costs below are based on this timeframe. This timing also allows for an informed discussion, if desired, as part of the 2023/2024 Strategic Plan and Budgeting for Outcomes process.

Note: This timing would create a funding gap of approximately six months in 2022. If desired, Council could consider an 18 month pilot program to address the funding gap.

Program Start Up Minimum

| Item | Amount | Description |
|------------------------|----------|--|
| Program Administration | \$60,000 | Program outreach to target populations, educational materials, translation and interpretation services, coordination of legal advice clinics and training sessions, capacity-building activities for local and regional service providers, administrative duties related to legal representation and grant reporting |
| 10 Deportation Cases | \$60,000 | Direct legal representation, intake assessment, and legal advice for Fort Collins residents facing detention and deportation, including residents on bond from detention awaiting immigration hearings |

Additional Service Options

| Item | Amount | Description |
|---|--------------|--|
| Additional Deportation Cases | \$6,000/case | Direct legal representation, intake assessment, and legal advice for Fort Collins residents facing detention and deportation, including residents on bond from detention awaiting immigration hearings |
| SIJS Cases | \$4,000/case | Direct legal representation, intake assessment, and legal advice for Fort Collins residents who arrived as unaccompanied minors, are seeking asylum, and are unable to return to their country of origin due to the threat of death or imminent harm |
| “Affirmative” Cases (DACA, LPR, or Naturalization) | \$1,000/case | Direct legal representation, intake assessment, and legal advice for Fort Collins residents who may qualify for DACA, LPR, or Naturalization pathways to citizenship or lawful presence |

Next Steps: First Reading of the appropriation Ordinance for a municipal immigration legal fund is scheduled for City Council consideration on April 20, 2021. If this appropriation is approved by City Council, Staff anticipates releasing a request for proposal from legal service providers to perform work under a competitive selection process in the second quarter of 2021 and anticipate work to begin in the third quarter of 2021.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

What feedback do the Council Finance Committee members have regarding the pilot program timeline (12 or 18 months), funding level, or services that could be provided to Fort Collins residents as part of a municipal immigration legal fund?

Discussion / Next Steps:

Cost to start program and a per case cost

Better quantify the local need

Mayor Troxell; what is the residency requirement? There needs to be some qualifying elements to this program.

Caryn Champine; we would have a residency requirement and welcome your guidance on what makes the most sense (Denver uses 12 months).

Mayor Troxell; I hear 16 years (residency in years not months) Also hear that there is a concern about coming forward. How do you submit an application without being known? I know one of your criteria was feeling safe, but I see some discontinuity that tends to be at odds. I think a pilot is important.

Ken Summers; I do not remember this being an issue before the new year. It seems like it came to the horizon in February followed by a Work Session in March and now proposing an ordinance in April. For something that is totally new it is hard to quantify the need and we are thinking of doing an off-cycle budget request. So, this is of such critical nature impacting all residents of Fort Collins that it cannot wait for 4-5 months to be factored into the normal budget process.

Caryn Champine; this first came up during budget hearings in October - we heard from many community members speaking and asking for this.

Ken Summers; even if it came up in October we are talking less than 6 months from initial discussion to we are doing this. Allocation wise we are talking about a minimum of \$125K to a non-profit partner; 1 attorney. Are we giving funds to organizations in Denver? Where do the attorneys come from? Does this fall under an Economic Development concept – provide more work for immigration attorneys. I see there are no community partners who provide pro bono services. Can you review what is available specifically in Fort Collins in terms of providers, nonprofits, and attorneys?

Caryn Champine; we have several potential grant recipients that are functioning in this area including Rocky Mountain Immigrant Advocacy Network (“RMIAN”), Interfaith Solidarity and Accompaniment Coalition (“ISAAC”), and CSU. We would need for them to leverage their resources and the grant program to bring in what would be needed. The coordinator position is a recommendation. It is true that there is one immigration attorney in Fort Collins however there are several along the front range – way to leverage some additional funding to reach a broader network into Fort Collins specifically.

Ken Summers; I know you have talked with several of the advocacy groups and who recognize the need and want to see this happen. Did you talk with the immigration attorney here in Fort Collins to get an insight to how these cases progress?

Caryn Champine; we did learn a lot from that attorney (Kim Medina) We also learned a lot from the service providers who have been tracking these cases – that helped us gauge the unmet need and number of cases and also provided information for the pilot program – how long does it take for a case to go through?

Ken Summers; timeline – the backlog - we know for a fact that there is a backlog in immigration courts, and it is years not months - What was your understanding from the providers?

Caryn Champine; detention cases usually take from 300-500 days and naturalization cases usually take from 7-13 months

Ken Summers; it looks like our potential qualifications for recipients is wide – The State of Colorado has legislation to help indigent immigrants. Ours seems to be for anyone who needs services, and it seems like it is a not a legal defense fund but a legal resource fund.

Caryn Champine; immigration legal fund –consistency is important, and that terminology aligns with my understanding

Ken Summers; this is problematic – this person is here, and it is a matter of life and death if they were deported – if someone is facing deportation and it does not seem to be justified by virtue of the family situation or whatever the case may be - defending certain individuals – is far more justifiable than free legal advice and is available as needed. There are a lot of issues here that need to be looked at let alone the fact that the level of funding that is being proposed is the highest in the nation of any city, county – even the State of Colorado is not proposing the level of funding we are talking about here in Fort Collins. If we want our residents to know that we are going through a thoughtful process that is worthy of taxpayer funds, I do not view this as anywhere close to being ready for prime time. We need a lot more information and understanding of what the policies are going to mean and do for various individuals. I would prefer that it is viewed more as a Legal Defense Fund and not just a Legal Resource Fund. You would get your best bang for the buck instead of providing half the money for communications and administrative costs, trying to encourage folks to use the fund.

You need a lawyer when you need a lawyer. Certainly, DACA, students, refugees, asylum seekers with a justifiable and legitimate asylum case – there should be some kind of prioritization. We need a lot more study, more parameters and understanding of the issues. I see Fort Collins giving money to Denver advocacy organizations and attorney which will not help the local economy. Not sure why CSU would be serving as a non-profit advocacy for undocumented residents. That seems a bit strange

Ross Cunniff; the details lead me to think that we need more time – The proposed \$60K for the administration side – that was not obvious to me when we discussed this in the work session. That does not have the direct benefit and I probably would not have supported that. I agree that a prioritization of the types of cases we wanted to support – DACA – SIJS cases – people who may qualify under asylum laws – that makes sense to me – we will need more time to figure this out – I have hesitancy about mid cycle appropriation as we do not have the full vetting and community feedback we need and would get during the normal budget cycle. I think the idea and program have merit. I could be supportive of a lower amount - Minneapolis has 10x more immigrant population as we have, if you divide by 10 that suggests we should be in the \$25-30K range for assistance. I think right number be developed via more community engagement
If this were strictly a DACA program we could serve a lot of students. A future council could take it a totally different direction. I do not think we are ready to make this decision now. I would support taking more time on this as I do not think this is ready for full Council now.

Mayor Troxell; I agree, this is not ready for prime time. What is the outcome we are trying to accomplish? I like the conversation that we are having in terms of there should be asylum seekers and not just a legal fund
We should provide legal support to all those who need it in our community.
Why PDT?

Darin Atteberry; there is a lot going on - a lot of demands on Council's policy agenda. It is a matter of available resources. Caryn stepped up when we needed help.

Caryn Champine; the logical connection to Neighborhood Services is that they are familiar with leveraging grant programs and non-profit partnerships in the community to provide and extend services. They took the lead on the eviction legal fund program so there is a bit of a natural fit.

Darin Atteberry; if Council at some point does approve this program and if this is a pilot, I do not know if it is ideally in PDT or Sustainability. To Ken's point, I do remember feedback from the Budget hearings – Council gave direction and was frustrated that it did not come sooner. In two different occasions Council was clear about their direction.

Ross Cunniff; I understood that as well.

Mayor Troxell; PDT – basic service of our community - should be used in that direction
Have supported former students to become naturalized citizens. Some of this could be encouraging sponsorship in our community toward naturalization. I have participated in 5-6 of the naturalization ceremonies in Fort Collins. It is a glorious ceremony. I still have so many questions over how this is being proposed.
Who are we trying to serve? Shadows – full citizens of this county – part of it – failure of the federal government – maybe we should be spending more of our time speaking with our federal legislators – it is a failure, and this is being demonstrated within our community. I think it should be postponed – it needs to go through a budget prioritization process and engage our community.

Darin Atteberry; The committee is recommending that this be postponed. In this case, I will communicate to Council that the Leadership Planning Team (LPT) based on this discussion, I will send a note out to Council saying that I am pulling it off the agenda and that we will work with the new LPT on their preference with scheduling. Two options to work with the new LPT and Council.

1) Do more engagement and get the new Council up to speed and bring it forward offline or

2) fold it into the normal BFO process.

Is there an objection to pulling it off tomorrow night's agenda? Any concerns?

Ross Cuniff; I think it makes sense. There will be some disappointed community members but there will be disappointed community members no matter what happens. I think in that case, we need to step back and look at what makes the best sense from the integrity of the city processes. The transition in power that we are going to be experiencing, we want the new Council to get their hands on where this goes.

Mayor Troxell; No concerns, I am supportive.

Susan Gutowsky; no additional thoughts. I will go with the members of the Council Finance Committee and their infinite wisdom.

Darin Atteberry; Hearing no objections, I will send a communication out to Council notifying them that I am pulling it off the agenda and that we will work with the new LPT on their preference with scheduling.

Caryn Champine and Kyle Stannert will communicate with the other stakeholders.

C. Hickory Village Mobile Home Park Resident Owned Community (ROC) Funding

Kyle Stannert, Deputy City Manager

Sue Beck-Ferkiss, Social Policy and Housing Program Manager, Social Sustainability

JC Ward, Sr. City Planner, CDNS

Ryan Mounce, City Planner, CDNS

EXECUTIVE SUMMARY

The purpose of this item is to provide an update on the potential for Hickory Village Mobile Home Park (MHP) to become a resident owned community (ROC) and to seek feedback from the Council Finance Committee members on the desired level of City engagement in that process.

On March 3, 2021, the owner of Hickory Village MHP agreed to sell the park to a corporate operator. According to state law the potential sale triggered a 90-day window for residents to make an offer to purchase the park and become a ROC. Neighborhood meetings with the Hickory Village community have revealed that there is strong support to pursue this. Staff from CMO, Community Development and Neighborhood Services, and Social Sustainability Departments met with representatives from Thistle, a non-profit affordable housing organization, which provides technical assistance and helps arrange financing for ROC's in Colorado. With the high purchase price (\$23 million) and short timeline, Thistle staff have expressed a desire for local support for the formation of a ROC.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Does financial support of resident owned communities of mobile home parks align with the City's strategic goals for affordable housing?

Should the City engage in discussions to be a financial partner in support of a potential purchase of Hickory Village in the event residents move forward with an offer to purchase the mobile home park?

BACKGROUND/DISCUSSION

Hickory Village Sale Status & Timeline

Hickory Village is one of nine MHP's in Fort Collins and contains approximately 200 manufactured housing units, a majority of which are owned by their residents. In early March, residents and the City received notification from the owner of the intent to sell the property to a buyer for a purchase price of \$23 million.

Recently passed state legislation requires a 90-day advance notice of the sale of an MHP and provides the opportunity for residents to submit their own offer to purchase the property, potentially leading to a resident owned community. The City's Housing Strategic Plan also contains a transformational strategy to allow tenant right of first refusal/offer for cooperative ownership of multifamily or manufactured housing community.

The decision to pursue resident ownership requires the support of a large majority of Hickory Village residents as well as the ability to organize a cooperative, arrange financing, and submit an offer to the current owner. Timing is an especially critical aspect to any potential resident ownership decision, as residents and partners have as few as 90 days from the original notice of the intent to sell (March 3, 2021) to complete these tasks.

Thistle, a ROC technical assistance provider, is meeting with Hickory Village residents and local partners to provide information about resident ownership and to ascertain what level of interest residents at Hickory Village may have in the idea of a resident ownership proposal. Key dates in the timeline thus far include:

- **March 3:** Notice of sale mailed/posted for residents; trigger date for state required 90-day notice and opportunity to purchase period.
- **March 9:** The City receives mailed notice of intent to sell Hickory Village.
- **March 15:** Staff met with Mi Voz Leaders' Council to discuss fears and outline potential paths forward. Resident leaders had a strong interest in becoming a ROC.
- **March 18:** Staff met with Thistle to discuss the feasibility and process of Hickory Village becoming a ROC.
- **March 25:** Thistle hosted a neighborhood meeting with 45 Hickory Village residents to provide information and resources on becoming a ROC.
- **April 3:** Thistle hosted a follow-up neighborhood meeting with 125 Hickory Village residents to provide information and resources on becoming a ROC. The residents have formed an interim leadership board and are continuing pursuit of ownership.
- **June 1:** The end of the state-required 90-day notification period and the earliest a sale of the property to another buyer could be completed.

Considerations for the City

- Potential short-term City roles for Hickory Village MHP Sale
- Take no action: City staff would not actively participate in this process other than to direct inquiries regarding this process to agencies involved.
- Be a convener: The City's Neighborhood Services and CPIO departments can provide engagement support; connecting residents, community partners such as Housing Catalyst, The Family Center-La Familia and Thistle, and park owners (if/when appropriate).
- Be a convener and financial partner: The City can provide engagement as described above, as well as financial support.
 - Financial support would be used to avoid steep increases in rent due to the purchase.

- Significant investment would be necessary to keep park lot rents affordable. Without subsidy, rent increases would likely be several hundred dollars a month.

Potential long-term City roles

City staff could create a program to assist in future conversions to ROC's. This may include supporting residents in the formation of residents' associations and the creation of a plan for becoming resident-owned should the opportunity arise. City staff can also continue their engagement with property owners, ensuring they fully understand state laws regarding MHP sales and are aware of all selling options. Other financial support considerations could be explored to include creation of a grant, loan, or other funding program to prepare for future MHP sales.

Discussion / Next Steps:

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Does financial support of resident owned communities of mobile home parks align with the City's strategic goals for affordable housing?

Should the City engage in discussions to be a financial partner in support of a potential purchase of Hickory Village in the event residents move forward with an offer to purchase the mobile home park?

Mayor Troxell; I am fully supportive of helping and encouraging resident owned communities. Housing Catalyst affordable housing - adding this to an expectation portfolio of Housing Catalyst.

Kyle Stannert; Housing Catalyst's role in this would be to come in and purchase as opposed to supporting someone else's purchase – there is already a party moving forward with an offer in – the ROC is a potential party –there is a legal restriction that would keep Housing Catalyst from coming in and joining.

Mayor Troxell; if we roll it back one year and say we recognize that manufactured housing and mobile home parks are a form of affordable housing that we want to support as a community - asking Housing Catalyst to add this to their portfolio

Sue Beck-Ferkiss; we have reached out to Housing Catalyst specific on this project and they said it would not be appropriate for them to interfere with a sale that the residents were trying to accomplish - we did not talk with them about their general feelings about managing manufactured housing communities. I am happy to circle back with them. In the past, for example in Boulder, the housing authority held it as an interim play, the city purchased it and had the housing authority manage the project while it was becoming something else – so more in a transition role than a permanent role.

Mayor Troxell; I think Housing Catalyst should also have a goal of housing ownership in their portfolio and I think this plays to that - one thing that concerns me is needed improvements – a lot of these properties need improvements; safety issues / tree trimming / water distribution systems / not having sub metering /connectivity / broadband issues / energy. How do we accomplish those outcomes in the zone district going forward? Is it always the owner of the property and not the tenants – like we have seen with our EPIC program – cracking the nut between the landlord and the rent payer - if it is not owned by the residents themselves - how do you get property improvements? I am assuming they have appropriate wastewater systems as well as water supply - Zooming out and thinking of this more broadly – I am a supporter of ownership and moving in that direction – how can we support that through mechanisms we have set up to provide for affordable housing - Housing Catalyst. How do we ensure property improvements over time whether they be resident owned or landlord owned? Health, safety efficiency – city stated policies

Kyle Stannert; there are a number of things in the works – committed to Council around some are zoning related – local enforcement - what makes the communities more livable for residents – that is in the pipeline - staff will continue to work on that. The Hickory Village situation is a great opportunity to inform what does it look like when a sale comes up

Mayor Troxell; I do not want it to be lost - I am thinking about an overall approach to resident owned communities for affordable housing - all these things play a role into that - how do you get to that? As Ken mentioned – why don't we just purchase the property? How do we ensure that we meet livability standards – keep it affordable - we have pieces, but it needs to be executed in a way that achieves a 10–20-year outcome -not just bits and pieces

Ken Summers; this is a challenging situation - if the city were to be involved financially - Ross had mentioned in our Work Session – a down payment then an allocation of a grant for energy efficiency. If the city were to make a commitment – I am in favor of the idea of saying if the residents are able to successfully purchase the property, then the city 's contribution would be initially toward some energy efficiency, property health and safety issues. It would be a contribution to our environmental goals and help provide some targeted funding to address those improvements that need to be made. How a potential lender might look at this - for example, I am a member of a 20-year-old established HOA and thinking about talking to a lender - the response would be 'not interested'. To think of lending to a yet to be organized group of mobile homeowners \$23M to purchase the property. I do not know how they go about that – no assets other than the land. I am in a quandary on how this gets worked out - Did Boulder step in and provide a bridge loan? Then the city is on the hook for ability to pay and meet the costs. I am not sure the residents are fully on board yet – that they fully understand and comprehend what is at stake for them. I ask the question during the work session - they will pay higher rent for 5 years and then maybe the rental will be lower than the market rate at the end of 5 years. How long is it going to take to make up for the 5 years at higher than market rate?

Kyle Stannert; you are touching on a lot of the points that make these very complicated transactions – The HOA analogy can personalize this for a lot of us and also shows that this is a very different process - the lenders that are involved in this are a targeted very specific group and having partners that can help the residents - we are fortunate to have these independent 3rd party non-profits who are navigating these waters because they are complicated but this has been accomplished hundreds of times across the country - so it can be done but it requires a very special set of circumstances. In terms of educating the homeowners - there is understanding but there is also wanting to know exactly what is that commitment - with us not being the purchaser and we are not financing the big picture - what is the breakeven point going to be for residents - because we are not a party at that level of detail but this is the type of thing that in the community meetings Thistle is bringing this type of information forward to the residents – goal of lot rent stabilization -if resident owned this is where the HOA analogy helps in terms of what do we need to do to make the books work in the future years versus if an outside entity comes in and purchases we can only speculate about increases as we are not in the conversations but you can assume and the staff has looked at other examples that a private party purchase will most likely lead to lot increases - this is where Thistle is working with residents to put that in a framework and to see what makes the most sense to move forward

Ken Summers; there is a special niche of people who work with that obviously has happened I find it interesting on a side note basis – to understand and know the situations where it worked well and not so well, and the lessons learned - this is where Thistle is contributing

Ross Cuniff; I think it does make sense for the future Council to pass this contingent resolution that we talked about – I think down payment assistance is within the scope of what Council could do to participate here - I do not know what the right level is but future Council can work that out – my recommendation would be to support an amount that could be sustainable -

To answer the second question – if the city is going to engage in this - we should engage in program and policy so that we are not having to make it up on the fly in the future - What are the portfolio of options that are available? Which ones should be engaged by which trigger mechanisms? make a lot of sense

I would not make the down payment assistance contingent on coming up with an energy improvement plan or a water supply improvement plan - I view those as add-ons – the energy improvement plan is beneficial to manufactured / mobile homeowners regardless of whether they own the land or not and very beneficial to our city climate goals. Tend to be less energy efficient – more expensive – As is often said; it is very expensive to be poor - If the city can help with that and educate. Contemplate this May promissory note – not really an appropriation - by law and by practice and develop a program with ROCs and the other improvements to the property both the home itself as well as the land it sits on.

Kyle Stannert; part of Thistle’s involvement one of their practices is to bring in financing to get to 110% - tying into some city programs – good alignment

Note - to bring forward a commitment in the form of a resolution - I hear you and agree -not just a will to do so but how we would do it - being able to follow up with the allocation through the process if conditionally everything lined up.

Emily Gorgol; if this is being pushed to the next Council - Kyle, in your conversations with Andy is that an appropriate timeline knowing how long a Council process can take?

Kyle Stannert: that is one of the things that Thistle reinforced - discussing in the guise a resolution or an expression of commitment - that being in place would be sufficient for what they are looking for as they do not need the actual allocation or cash in hand to move it forward. Regardless of the 90-day window Council could come forward with the intent to allocate a certain number of funds and then if approved we could go through the allocation process.

Emily Gorgol; thank you for that - Is there an end date for the resolution they need it passed by?

Kyle Stannert; we have not gotten to that level of specifics yet - because it is a resolution it gives us more flexibility -

Ross Cuniff; the 18th of May is in that time range - by being a resolution we do not need to make room for 2nd reading within 10 days effective date is the other advantage which will give the next Council a chance to fully get their hands on it and guide the direction that they want it to go.

Susan Gutowsky; looking at this situation with Hickory as a test case - when we did the zoning we anticipated that something like this would happen and it has – looking at this as an opportunity to establish a process as we have 6-9 mobile home parks that might be in the same position - making it part of the budget process makes sense as it will come up again in the future and if we have a process in place it will be good for Council and for city as a whole to know how to proceed.

OTHER BUSINESS:

Darin Atteberry; this has been a great Council subcommittee. Ross, Wade and Ken – I appreciate the partnership. We have gone through a lot - the transition from Mike Beckstead to Travis when he was in an interim role - Travis, you made that transition easy for him and for me. The opportunity to bring information pre-Council to Finance Committee. It is a big advantage for us to vet information through the Finance Committee before it goes to Council. I think it is great for the staff and for the Council as well.

The additional set of eyeballs on our city finance / responsibilities. I am very appreciative of that partnership – some of the policy level thinking before something is on the Council Six Month Planning Calendar. As I look at the total body of work since we created the Finance committee and turned it more into a policy level group for us. This committee requires push-ups, and the city is better off because of the diligence you (Wade, Ross, and Ken) have all put into this committee. Emily, thank you for being the alternate and Susan thank you for joining us as well. Thank you on behalf of the entire staff team - you have always asked your questions in a very professional way and I am grateful for that. I will be emphasizing to the new council and new mayor – this is very important - robust structured.

Ross Cunniff; reflecting on my 8 years with the Financial Committee - started off with discussions of The Foothills Mall revitalization and went into a variety of things including Revenue Diversification, BOB2, KFCG Renewal, complete revamp of the Financial Policies, Budget and navigating and improving the BFO process and navigating the COVID pandemic, the short- and long-term impacts and implications to city services and current discussions involving how we can plug into housing affordability. This committee has a unique place in that it is at an intersection of policy and implementation because the dollars are where the rubber meets the road. It has been a pleasure serving with all of you. I will miss our dialog.

Darin Atteberry; to name a few others; the robust work around Capital Impact Fees and Employee Benefits and we are now on a track where that information is provided in a regular, systemic way.

Mayor Troxell; I appreciate it – I want to thank Travis and great group and great discussion – thank you to Emily and to Susan for joining us today.

Ken Summers; express my appreciation – wanted to give a special shout out to Travis - in his previous role he also did an excellent job in terms of overseeing the audit process and is a great pick in terms of the transition to the CFO role and he will continue to provide great guidance to future committees.

Meeting adjourned at 11:45 am

COUNCIL FINANCE COMMITTEE AGENDA ITEM SUMMARY

Staff: Travis Storin, Jennifer Poznanovic, Lawrence Pollack, Teresa Roche

Date: May 24, 2021

SUBJECT FOR DISCUSSION

2021 BFO Assumptions for funding availability, salary adjustments, changes to benefits costs, and insurance premiums.

EXECUTIVE SUMMARY

In 2021 the City will again use Budgeting for Outcomes (BFO) to prepare the City Manager's Recommended Budget for 2022, the second of two back-to-back one-year budgets. Key assumptions are established early in the process and reviewed with the Council Finance Committee.

1. **Funding Sources:** The sales and use tax forecast is an important revenue stream necessary to support ongoing costs. General Fund sales and use tax is allocated across all seven Outcomes, while the voter approved dedicated tax forecasts are allocated to specific Outcomes where applicable Offers can utilize that as a funding source, per ballot language requirements. Available reserves can also be used to fund offers, typically for one-time types of expenses.
2. **Expense Pressures** are numerous, including inflation, restoring 2021 reductions, balancing what we have vs. net new enhancements and insurance premiums.
3. **Salary and Benefits:** The 2022 Budget includes a 3% average salary pool increase, which is reflected in proposed salaries in 2022 offers. Employee benefit cost changes have also been entered into the City's budgeting tool and are used to calculate total employee compensation for 2022.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

- 1) What questions does CFC have about these 2021 BFO assumptions?

BACKGROUND/DISCUSSION

All background information is contained in the attachments and will be discussed in detail during the meeting.

ATTACHMENTS

Attachment 1 – Presentation



05-24-21

Assumptions for the 2022 Budget

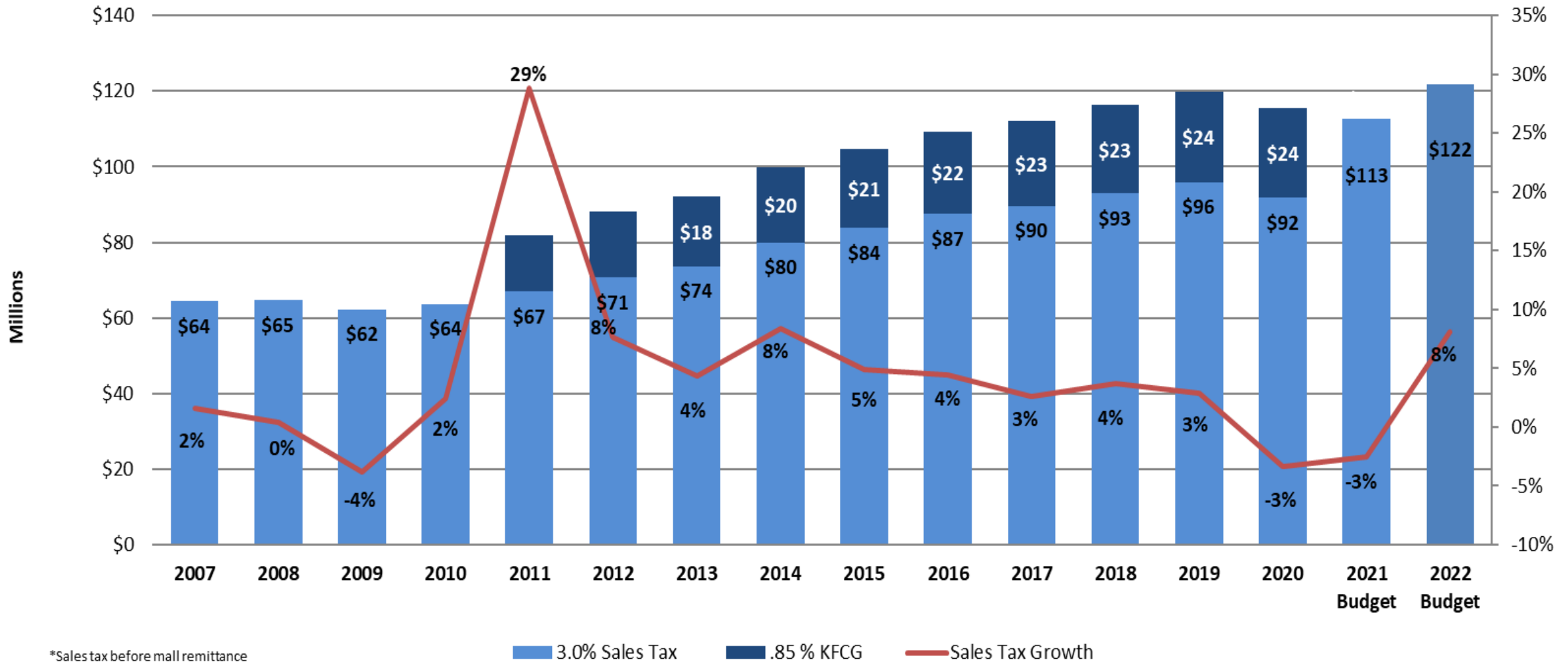
Council Finance Committee



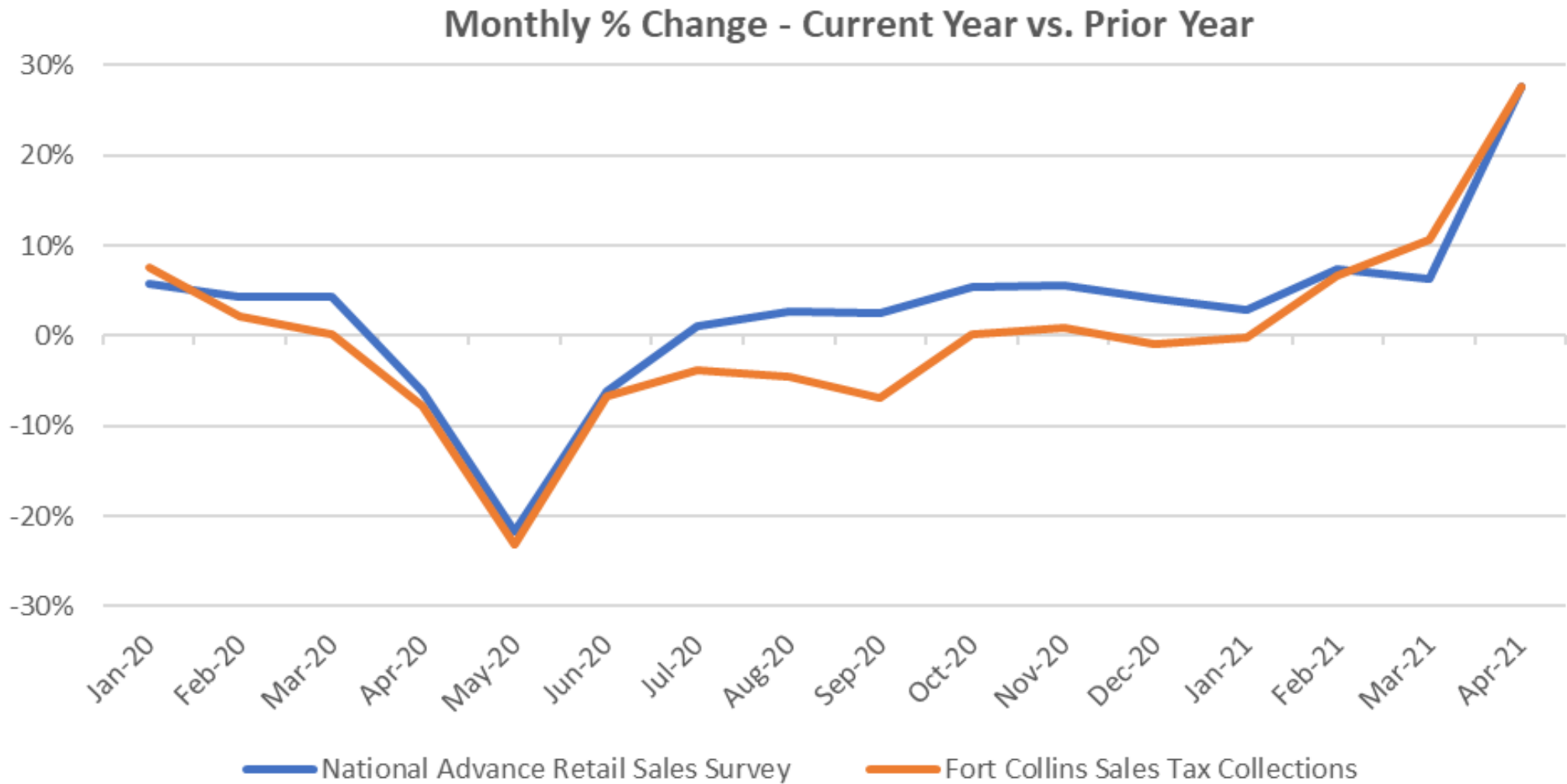
Agenda

- Funding Sources: Major Taxes, Utility Rates and Reserves
- Expense Pressures
- Salary and Benefits





Fort Collins Sales Tax has recovered and surpassed pre-pandemic levels



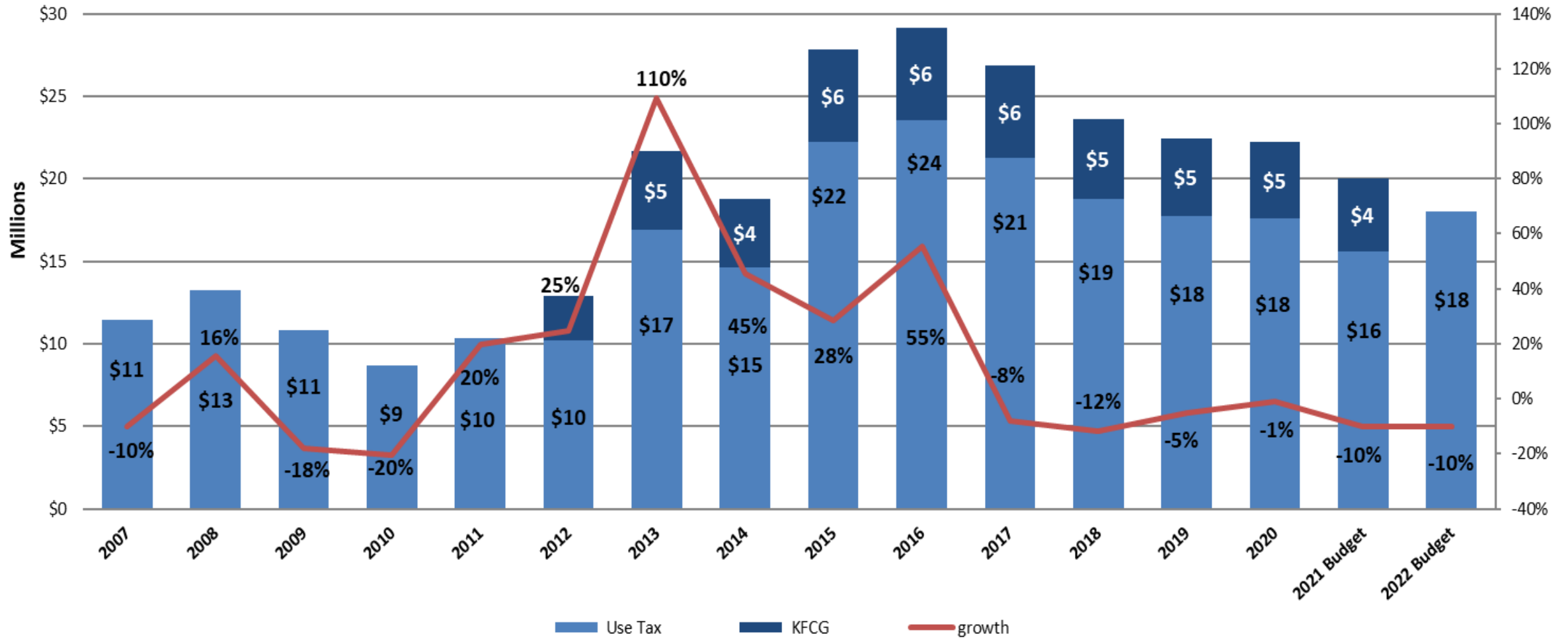
Fort Collins surpassing pre-pandemic levels in recent months

2022

8% Growth

- Historically Fort Collins Sales Tax follows the same trend as US GDP, Colorado Personal Income, US CPI and Denver-Aurora-Lakewood CPI
 - All projecting recovery from 2020 pandemic levels
- Economic recovery, stimulus spending and marketplace/economic nexus sales contribute to Fort Collins continued growth in recent months



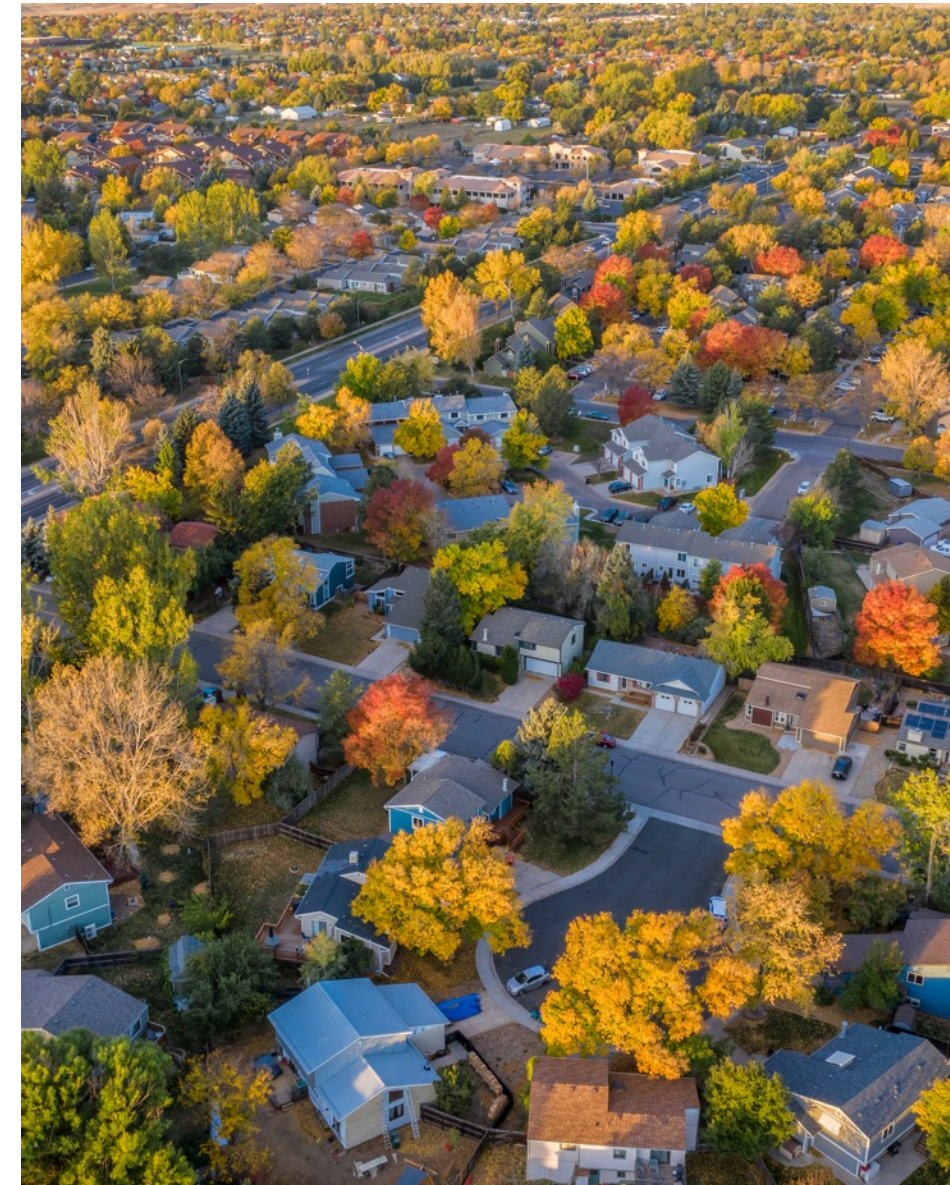


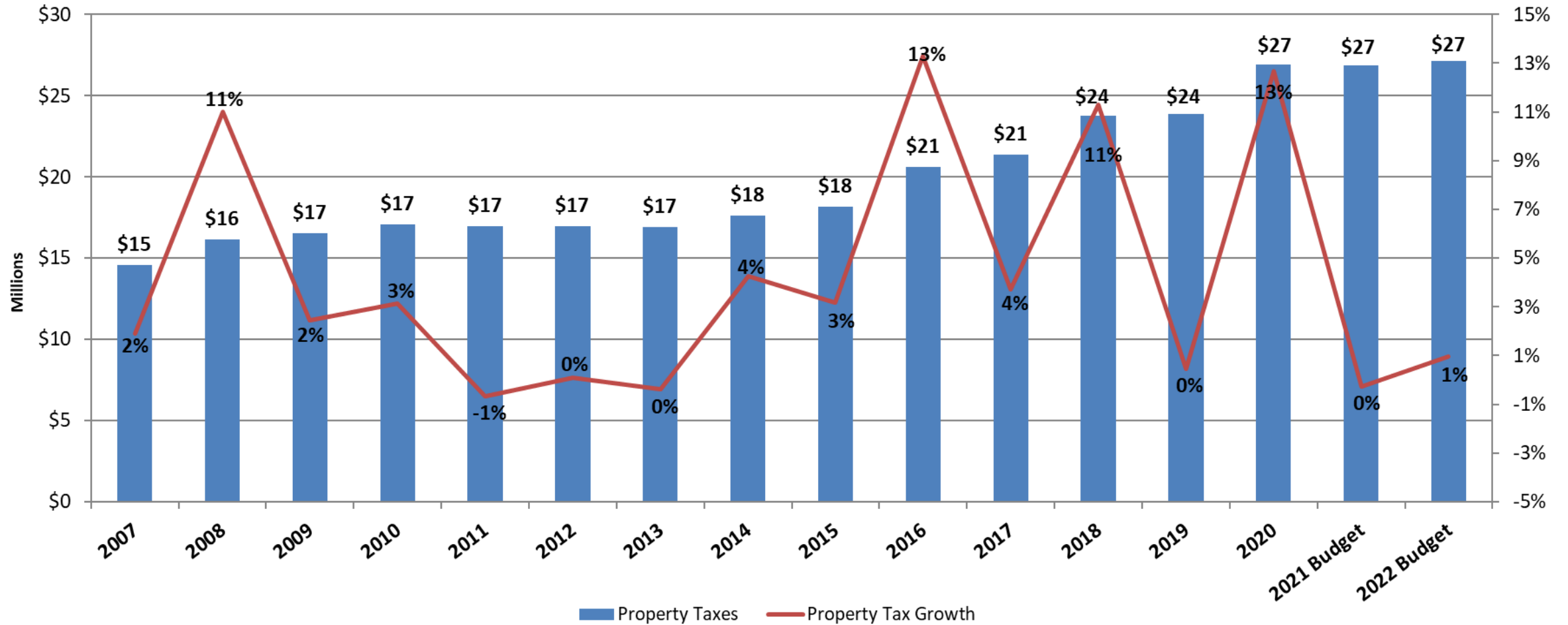
Use Tax is volatile and difficult to forecast. Driven largely by development and business investment.

2022

\$18M

- Use tax on building permits on par with pervious years
 - Not seeing decline in the development review process
- Some decline in multi-family but not single family





After being flat since 2008, Property Taxes have grown significantly over the past couple years.

2022

6%

- Recommendation is based on preliminary 2021 valuations
- PFA receives 67% of the city's portion of property tax via an IGA



10 Year Rate Forecast (presented to the Council Finance Committee on 1/27/2020)

| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|------------|------|------|------|------|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|
| Electric | 3.2% | 3.5% | 1.8% | 5.0% | 5.0% | 3.0% | 3.0% | 1 - 3% | 1 - 3% | 1 - 3% | 1 - 3% | 1 - 3% | 1 - 3% | 1 - 3% | 1 - 3% |
| Water | 0.0% | 5.0% | 5.0% | 0.0% | 0.0% | 2.0% | 0.0% | 0 - 2% | 0 - 2% | 0 - 2% | 1 - 3% | 1 - 3% | 1 - 3% | 2 - 4% | 2 - 4% |
| Wastewater | 3.0% | 3.0% | 3.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0 - 2% | 0 - 2% | 0 - 2% | 0 - 2% | 0 - 3% | 0 - 3% | 0 - 3% | 0 - 3% |
| Stormwater | 0.0% | 5.0% | 0.0% | 2.0% | 2.0% | 0.0% | 0.0% | 0 - 2% | 0 - 2% | 0 - 2% | 0 - 2% | 0 - 2% | 0 - 2% | 0 - 2% | 0 - 2% |

2022 anticipated rate increase was brought forward to 2021 for anticipated watershed protection measures due to the Cameron Peak Fire

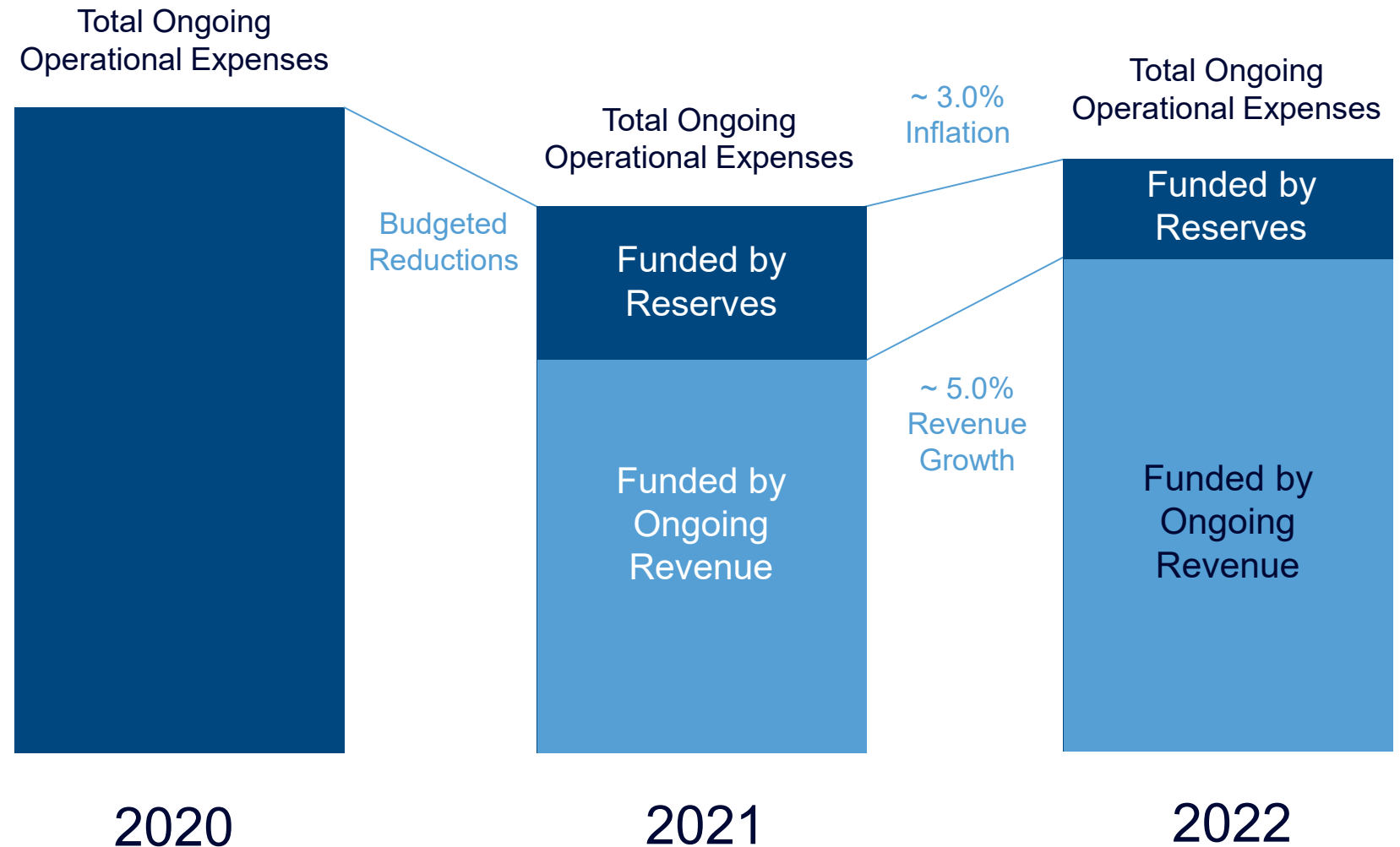
Updated rate forecast will be presented to the Council Finance Committee before the 2023-24 Budget cycle

10 Year Anticipated Bond Revenues (presented to the Council Finance Committee on 1/27/2020)

| | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 |
|------------|------|----------|----------|----------|------|----------|----------|------|----------|------|
| Electric | | | \$10-15M | | | | \$15-20M | | | |
| Water | | | | \$55-65M | | | \$30-35M | | | |
| Wastewater | | | \$10-15M | | | | \$15-20M | | | |
| Stormwater | | \$35-40M | | | | \$35-40M | | | \$20-25M | |

- Reserves were used intentionally to fund ongoing operations in 2021
- Continuity of operations
- Minimize impacts to service delivery to the community
- Not further negatively impact staff

CONCEPTUAL - NOT TO SCALE



- General Fund estimate reserves available for the 2022 Budget only \$4.3M
 - ARPA – TBD
 - Recovery Plan in draft stages
- Will be an available funding source for 2022 BFO
- “Watch List” Funds with no available reserves
 - Parking Fund
 - Self-Insurance Fund
 - Recreation (possibly, depending on 2021 participation/utilization rates)





Expense Pressures

- Significant inflationary pressures – average of 3% for the 2022 Budget is well below some industry averages
- 2022 Average Salary Pool increases proposed at 3.0%
- \$16.0 of reserves in governmental funds was used to pay for 2021 ongoing operations
 - Includes Hiring freeze - \$3.1M savings is delayed ongoing expense
 - Net new revenue (or additional reductions) required to bridge this gap
 - May require two budget cycles
- Strong interest for enhancements to 'Restore' 2021 budget reductions
- Insurance Premiums



- The 2018 hailstorm led to \$5.8 million in damages to City property, negatively affecting insurance premiums
 - Property Liability premiums have increased from \$785K in 2019 Actuals to a forecasted \$2.0M in 2022
- Senate Bill 20-217 changed the rules of liability around policing
 - Separate liability policy to cover law enforcement in addition to existing coverage
 - \$328k annually for \$10M in coverage
- If passed, Senate Bill 21-197 is anticipated to go into effect August 2021 and changes how injured employees select treating physicians
 - It is anticipated this change may impact 20% of Workers Compensation claims with about \$15k higher costs for each of those claims



Salary & Benefits

| | 2018 | 2019 | 2020 | 2021 |
|------------------------------------|------|------|------|-------------------|
| National ¹ | 3.1% | 3.2% | 2.9% | 2.9% |
| Colorado ² – All | 3.0% | 3.1% | 3.1% | 2.0% |
| Colorado ² – Government | N/A | 3.1% | 3.2% | 1.1% |
| Colorado Peer Cities | 3.5% | 3.0% | 2.9% | 0.5% ³ |
| | | | | |
| City of Fort Collins | 2.5% | 3.0% | 3.0% | 0.0% |

¹ Source: WorldatWork Salary Budget Surveys

² Source: Employers Council Planning Surveys

³ Two out of 12 entities awarded pay increases

- No salary increases in 2021 to non-CBU employees
 - Concern about competitive position relative to market
- Cumulative effect of reduced resources has been challenging
 - Hiring freeze
 - Recognition and career development nearly eliminated in 2021
- Recommendation to restore salary increases
- A BFO offer has been submitted to analyze the local cost of living
 - Pressure to attract and retain talent will only increase over time

| Fort Collins | Plan Design | Premium Single (13%) | Premium Spouse (29%) | Premium Children (29%) | Premium Family (29%) | Cost/ Claim Share | Consumer Choice |
|--|-------------|----------------------|----------------------|------------------------|----------------------|-------------------|-----------------|
| Public | + | In Market | - 9% | Not Reported | -11% | In Market | + |
| Private West ER 1,000 – 4,999 National 500+ | + | -3% -11% -9% | Not Reported | Not Reported | -5% -8% -8% | + | + |

Public comparison was done using local municipal survey

Private comparison was done using 2021 Mercer Survey

Medical – Increase Employer Cost

- 2021: No Change
- 2022: Advised 7.5%

Dental – Increase Employer Cost

- 2021: -1.0%
- 2022: No Change

Increase to City Budget:

- 2021: 0.8% Increase
- 2022: 3.0% Increase

- All changes reflect the Fixed Per Employee Per Month (PEPM) Budget
- Employee Premium Increases determined in Q3

- **2019 Total Plan Costs:** \$24.6M; Per Employee Per Month: \$1,149
- **2020 Total Plan Costs:** \$26.3M; Per Employee Per Month: \$1,207
 - **5.1% Increase due to:**
 - Large Claimants Increased
 - 5.6% Increase in Net Medical/Rx Claims
 - Membership Increase (Adding New Members to the Population)
 - Overall, 2020 Represents a Trend Year
- **Benefits' Fund Balance above Policy Minimum**
 - Target: 30% of Actual Claims = ~\$7 million
 - Estimated 2020 Ending Balance: ~\$15.2 million



CFC Discussion

What questions does the Council Finance Committee have about these 2021 assumptions?

THANK YOU!



COUNCIL FINANCE COMMITTEE AGENDA ITEM SUMMARY

Staff: Caryn Champine, Director, PDT
Leo Escalante, Community Engagement Specialist, CPIO

Date: May 24, 2021

SUBJECT FOR DISCUSSION Municipal Immigration Legal Fund

EXECUTIVE SUMMARY (a brief paragraph or two that succinctly summarizes important points that are covered in more detail in the body of the AIS.)

The purpose of this item is to appropriate \$250,000 in General Fund Reserves to create a Municipal Immigration Legal Fund pilot program. If approved, this appropriation would create a pilot grant program to provide local access to immigration legal services for Fort Collins residents seeking citizenship or lawful presence. Grant funds would be awarded to legal service providers based on a competitive process and would be dedicated to providing defense and legal support for people at risk of deportation; children seeking Special Immigrant Juvenile Status; community members seeking pathways to citizenship and lawful presence (also known as Affirmative Cases); and program administration, education, and outreach. The Council Finance Committee reviewed this appropriation request at its April 19, 2021 and May 24, 2021 meetings.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED
(Work session questions should be designed to gather direction from Council without requiring Councilmembers to make a decision.)

1. If the City can obtain additional funding through grants or fundraising for immigration legal services, would the Council Finance Committee recommend:
 - A. Use of those funds to add to the \$250,000 City General Fund Reserve appropriation to increase the total program funding?
 - or
 - B. Supplanting City General Fund Reserves with external dollars to reach a program funding total from all sources of \$250,000?
2. What feedback does the Council Finance Committee have regarding the funding level or services that could be provided to Fort Collins residents as part of a municipal immigration legal fund?

BACKGROUND/DISCUSSION (details of item – History, current policy, previous Council actions, alternatives or options, costs or benefits, considerations leading to staff conclusions, data and statistics, next steps, etc.)

During the May 11th City Council Virtual Work Session, City Staff from Planning, Development, and Transportation; Neighborhood Services; and the Communications and Public Involvement Department presented demographic data and unmet needs assessment for pro bono immigration legal services in Fort Collins, best practices program design and structure from other publicly funded immigration legal funds, potential funding ranges and examples of the caseload and case types accommodated in each range; and options that would assist undocumented residents in Fort Collins with pathways to lawful citizenship and lawful presence, and strategic alignment with City Council priorities to improve safety, community trust, equity, and livability. This agenda item responds to feedback provided by a consensus of Councilmembers

at the Work Session to advance an appropriation for \$250,000 to create an 18-month legal fund pilot program.

Key Findings on Greatest Needs in Fort Collins

City Staff worked with several service providers in Northern Colorado with expertise in immigration services to assess current service levels and unmet need for pro bono or low bono immigration legal services. Based upon this research, the following is a summary of our key findings to inform Council's decision on the City's role in immigration services to Fort Collins residents.

- **Limited Availability of Services:** Currently there is only one immigration attorney practicing in Fort Collins. Attorneys in other practice areas may take on immigration clients but are not focused on complex systems of administrative or immigration law, making the representation challenging and outcomes less consistent. In addition to the limited availability of direct legal representation for immigration cases in Fort Collins, legal advice and documentation assistance for cases related to extension of visas, DACA renewal, citizenship, or legal permanent resident ("LPR") applications are largely unavailable and can cost hundreds of dollars for consultation with an attorney.
- **Affordability:** According to data provided by community partners from target population surveys and feedback from engagement activities, the lack of affordable legal services and representation are considered the biggest barriers to successful integration for immigrants in Fort Collins. While we do not have access to Fort Collins-specific information, data from regional partners working with immigrant communities confirms that 2,963 Northern Larimer County residents are eligible for immigration relief and need low-cost or pro bono legal services to pursue lawful paths to citizenship and presence. We also learned that many need these services for multiple family members in the same household. Out of pocket expenses for deportation defense range from \$6,000 to \$20,000 in filing fees and \$10,000 to \$50,000 for attorney costs depending on the specifics and complexity of the case. DACA, Visa, or LPR applications and renewals have varying filing fees and though the total varies widely, average approximately \$4,000 in attorney costs.
- **High Demand for Services:**
 - In Fort Collins, 2,200 residents are eligible for naturalization and the remaining 2,300 non-citizen immigrants are estimated to be undocumented and currently at risk for detention and deportation.¹ According to local immigrant advocacy organizations conducting outreach and operating immigration hotlines, the estimated unmet need for Fort Collins Detention/Deportation cases is 75-100 per year, SIJS cases is 100 per year, and affirmative cases (DACA, LPR, Naturalization) is 400 per year.
 - As of December 2020, there were 418 Larimer County residents with pending immigration deportation proceedings initiated by Department of Homeland Security, 83 of whom lacked legal representation.⁷ The Larimer County case numbers and unrepresented immigrants in detention as of December 2020 are almost double the 2019 case numbers.
 - In the Poudre School District, there are 54 students who arrived in the U.S. as unaccompanied minors seeking asylum because they are unable to return to their countries of origin due to threat of death or imminent harm. These students could remain in the United States through Special Immigrant Juvenile Status ("SIJS"). Due to the age of the children and current placement in foster care or with relatives other than their primary caregivers, these children only have access to immigration legal services through community programs. The Interfaith Solidarity and Accompaniment Coalition fundraises and connects children with legal service providers for SIJS cases, but their work is limited by the amount raised and availability of pro bono attorneys willing to take Fort Collins cases who are also skilled in complex SIJS cases.

¹ <https://dornsife.usc.edu/csii/eligible-to-naturalize-map/>

Market Rates & Pilot Program Budget

To inform Council's consideration of the fund amount, City Staff obtained attorney costs by case type in the Fort Collins market from nonprofit immigration service providers, Rocky Mountain Immigrant Advocacy Network ("RMIAN") and Interfaith Solidarity and Accompaniment Coalition ("ISAAC") and are based on actual attorney and legal staff costs. The amounts listed cover limited filing fees associated with the pro bono representation.

| Case Type | Pro Bono Legal Costs/Case in Fort Collins market | Unmet Need in Fort Collins* |
|--|--|-----------------------------|
| Detention/Deportation | \$6,000/case | 75-100 cases/year |
| Special Immigrant Juvenile Status (SIJS) | \$4,000/case | 100 cases/year |
| "Affirmative Cases"- Deferred Action for Childhood Arrivals (DACA), Lawful Permanent Resident (LPR), or Naturalization | \$1,000/case | 400 cases/year |

***Unmet need in Fort Collins is estimated for 2021 and may be higher due to reluctance of immigrant community members to identify themselves and their need for services for use by a governmental entity in this analysis.**

Pilot Program Budget

In addition to consideration of market rates and unmet local need for immigration legal services in determining an effective pilot program budget, there are also baseline start-up costs due to the current lack of local access, program administration needs, and minimum caseload needed for recruitment of qualified attorneys to participate.

The pilot program is proposed for 18 months from June 2021 to December 2022 to allow time to evaluate the long term need and City role in this program. The program start-up costs below are based on this timeframe.

Program start-up costs

- **Program administration**
 - Includes a program coordinator position or equivalent employed by a partner organization.
 - Responsibility for program deliverables related to outreach to target populations, educational materials, translation and interpretation services, legal advice clinics and training sessions, capacity-building activities for local and regional service providers, administrative duties related to legal representation, and grant reporting.
 - Costs for pilot program administration would not exceed \$90,000 and could be decreased based on program needs and delivery models of grant recipients.
- **Minimum Caseload**
 - Because Fort Collins does not have an existing pool of immigration attorneys, the municipal immigration legal fund service providers would need to recruit and retain a qualified attorney (or group of attorneys contracted to provide local access to legal services) and support staff.
 - Deportation cases have been identified as the most urgent need, cause the most disruption to families and the local community compared to other case types, and have the largest economic impact.
 - The minimum caseload identified for the Fort Collins area to recruit and retain legal staff for the duration of the pilot is 15 deportation cases (or the equivalent financial commitment).

18-month Pilot Grant Program Funding Example*

| Example | Program Administration | Detention - Deportation Cases *minimum 15 \$6,000/case | Special Immigrant Juvenile Status Cases (SIJS) \$4,000/case | Affirmative Cases (DACA, LPR, or Naturalization) \$1,000/case | Funding Range |
|---------|------------------------|--|--|--|-------------------|
| C-18 | Up to \$90,000 | 15-20 | 0-5 | 0-20 | \$180,000-250,000 |

*Case numbers in the example are not intended to reflect the actual number in each case type that would have representation under the pilot as the actual number will be impacted by factors outside of the control of service providers, such as who applies for participation and at what rate.

Program Focus

The City of Fort Collins has authority to offer this pilot as an **equity** program, one that is available to any Fort Collins resident in need of the services without regard to income, case type, age at entry into the United States, or other qualifiers. Having heard from Councilmembers an interest in assisting with cases involving children, DACA recipients, and victims of violent crime, the requests for proposals can encourage legal service providers to propose service delivery that is inclusive of a broad range of case types. The grant review panel can also prioritize marketing efforts for the request for proposals to organizations that provide or seek to provide those services. The appropriation request of “up to \$250,000” reflects the anticipated funding level needed to maximize the potential representation for the greatest variety of case types, including those related to minors and violent crime victims within the C-18 example funding range.

Partnerships & Additional Funding Sources

Through extensive collaboration with stakeholders, Staff has identified a number of potential community partners and grantor organizations that might be in positions to assist with providing services or additional funding for a City-sponsored immigration legal fund. If this appropriation is approved, Staff will actively pursue these opportunities to leverage these partner resources.

City Manager, Darin Atteberry, communicated with Larimer County Manager, Linda Hoffmann, in April and May 2021 regarding the potential for collaboration and partnership to provide immigration legal services to both City and County residents. Further discussion will be at the City Leadership and County Leadership levels.

Existing Publicly Funded Immigration Legal Services

Program design, metrics, and funding options were determined through comparative analysis of existing publicly funded immigration legal services and incorporation of best practices developed by these cities, counties, and states. In previous Council agenda item materials, comparison of a limited subset of these publicly funded immigration legal services programs was included consisting of those with an approximately equivalent percentage of immigrant population in the cities/counties to that of Fort Collins. “Attachment 4” contains available information for 46 existing publicly funded immigration legal services/funds, two of which were newly established in May 2021.

Next Steps: If this appropriation is approved by City Council, Staff anticipates releasing a request for proposal from legal service providers to perform work under a competitive selection process in the second quarter of 2021 and anticipate work to begin in the third quarter of 2021.

ATTACHMENTS (numbered Attachment 1, 2, 3,...)

1. Municipal Immigration Legal Fund AIS from City Council Work Session on May 11, 2021
2. Municipal Immigration Legal Fund City Council Work Session Summary
3. Council Finance Committee Notes on agenda item from April 19, 2021
4. Publicly Funded Immigration Legal Services Comparison
5. PowerPoint Slides

Staff:

Caryn Champine, Director, Planning, Development, & Transportation
JC Ward, Sr. City Planner, Neighborhood Services
Leo Escalante, Public Engagement Specialist, CPIO

SUBJECT FOR DISCUSSION Municipal Immigration Legal Fund**Executive Summary**

City Council requested this work session item in order for staff to provide an overview of research and options to address the need for immigration legal services in Fort Collins, existing municipal immigration legal fund implementation and funding models, and alignment of potential solutions with our community-specific needs.

A municipal immigration legal fund would provide local access to immigration legal services for Fort Collins residents seeking a legal pathway to citizenship or lawful presence. As a new effort, the potential program would be considered a pilot effort of 12 – 18 months. Grant funds would be awarded to legal service providers based on a competitive process and will be dedicated to program administration, education, and outreach; providing defense for people at risk of deportation; children seeking Special Immigrant Juvenile Status; and for community members seeking pathways to citizenship and lawful presence also known as Affirmative Cases.

General Direction Sought

1. What feedback does City Council have regarding the research and unmet needs assessment for immigration legal services in Fort Collins?
2. What next step would Council like Staff to pursue regarding an 18-month or 12-month pilot municipal immigration legal fund program for Fort Collins residents?

Staff Recommendation

Staff recommends funding an 18-month pilot municipal immigration legal fund grant program.

Background**Procedural History**

Community members and nonprofit partners recommended funding of immigration legal services as an equity-centered program to City Council in Fall 2020. Staff began working with those partners in October 2020 to gather data on the potential impact and outcomes for Fort Collins residents. The findings were initially brought before City Council at the March 23, 2021 work session. Due to the timing of transition of City Council, the complexity of the background information, and public interest in the item, it comes before the City Council for a work session on May 11, 2021. Potential funding of a pilot grant program has also been discussed in 2021 at the Human Relations Commission, Community Impact Ad Hoc Committee, and Council Finance Committee.

Background Information

As City Council has acknowledged, fear and uncertainty due to immigration status and lack of due process can impact overall community safety, equity, and livability. While immigration policy and enforcement are controlled by the federal government, Fort Collins City Council noted in the 2020 Legislative Policy Agenda that “issues pertaining to civil rights at the United States’ borders and immigration law more broadly have wide impacts that can directly impact the day-to-day life of Fort Collins residents.”¹ The City Council’s Resolution 2019-100 details concerns that fear resulting from federal immigration law and enforcement policies could discourage Fort Collins residents from engaging with safety personnel, Police Services, and other City departments to access services and resources.²

¹ <https://www.fcgov.com/citymanager/files/19-21914-2020-legislative-policy-agenda-web.pdf?1578507829>, page 9

² https://citydocs.fcgov.com/?cmd=convert&vid=72&docid=3390688&dt=AGENDA+ITEM&doc_download_date=OCT-01-2019&ITEM_NUMBER=11

Fort Collins has an immigrant community of more than 11,000 people or 6.8% of the total population.³ Approximately 4,500 Fort Collins residents are currently not United States citizens.⁴ 2,200 residents are eligible for naturalization and the remaining 2,300 non-citizen immigrants are estimated to be undocumented and at risk for detention and deportation.⁵ 15% of children in Fort Collins live with at least one immigrant parent and 75% of these children are themselves US citizens.⁶

In December 2020, there were 418 Larimer County residents with pending immigration deportation proceedings, 83 of whom lacked legal representation.⁷ Many people in deportation proceedings have valid legal claims to remain in the United States but cannot effectively assert those claims or gather necessary evidence without legal representation. Any non-citizen including lawful permanent residents, refugees, and people who entered legally on visas can be placed in deportation proceedings.⁸ Immigrants are 10.5 times more likely to be able to lawfully remain in the U.S. when they have legal representation.⁹ 42 municipalities in the U.S. now have some form of immigration legal assistance to assure due process and equity so that inability to afford an attorney is not a determining factor in the ability to lawfully remain in the United States.¹⁰

Fort Collins lacks available pro bono or low-cost legal advice and assistance for cases related to extension of visas, DACA renewal, citizenship, or legal permanent resident applications. There is one immigration attorney practicing in Fort Collins and although community partners are providing assistance for immigrants, no organizations currently provide pro bono or low-cost immigration legal defense and advice for Fort Collins residents. 2,963 Northern Larimer County residents are eligible for immigration relief and need low-cost or pro bono legal services to pursue lawful paths to citizenship. Best practices from other municipal immigration legal fund delivery models include legal services that meet the most urgent needs, reach the greatest number of impacted community members, and build trust in the immigrant community through ongoing self-advocacy and program support.

Strategic Alignment

- **Strategic Outcome - Neighborhood Livability & Social Health** 1.4 Advance equity for all, leading with race, so that a person's identity or identities is not a predictor of outcomes.
- **Strategic Outcome - Economic Health** 3.2 Understand trends in the local labor market and work with key partners to grow diverse employment opportunities.
- **Strategic Outcome - Safe Communities** 5.1 Improve overall community safety while continuing to increase the level of public trust and willingness to use emergency services.
- **Strategic Outcome - High Performing Government** 7.3 Improve effectiveness of community engagement with enhanced inclusion of all identities, languages and needs.
- **2020 Legislative Policy Agenda – Immigration and National Border Conditions** 1. Supports the humane treatment of persons who are detained by Immigration Officials and the rapid resolution of legal proceedings to determine their status; 2. Supports a pathway to legal immigration into the United States that is sustainable in the long term.
- **City Council Resolution 2019-100** re: *The Immigration Crisis at the Southern Border of the United States and its Impact on the Fort Collins Community*

³ <https://www.census.gov/quickfacts/fortcollinscitycolorado>

⁴ <http://research.newamericaneconomy.org/wp-content/uploads/2017/02/nae-co-report.pdf>

⁵ <https://dornsife.usc.edu/csii/eligible-to-naturalize-map/>

⁶ U.S. Census Bureau (2017), Age and nativity of own children under 18 years in families and subfamilies by nativity of parents. 2016 ACS 1-year estimates. Retrieved from <https://data.census.gov/cedsci/>

⁷ <https://trac.syr.edu/phptools/immigration/nta/>

⁸ <https://www.usa.gov/deportation>

⁹ Vera Institute of Justice Policy Brief (February 2021). Retrieved from <https://www.vera.org/publications/a-federal-defender-service-for-immigrants>.

¹⁰ <https://www.vera.org/initiatives/safe-initiative>

- **Social Sustainability Strategic Plan (2016) – Equity and Inclusion Theme** B1.2.b Research existing partner and community programs to help inform refugee and immigrant populations of their legal rights and responsibilities; seek opportunities to create programs where none currently exist.

Immigration policy, enforcement, and adjudication are under federal jurisdiction, but as noted in the 2020 Legislative Policy Agenda, “issues pertaining to civil rights at the United States’ borders and immigration law more broadly have wide impacts that can directly impact the day-to-day life of Fort Collins residents.”¹¹ The City Council’s Resolution 2019-100 and Community Trust Initiative outline additional concerns that fear resulting from federal immigration law and enforcement policies could discourage Fort Collins residents from engaging with safety personnel, Police Services, and other City departments to access services and resources.¹² ¹³ Lack of engagement could discourage people from obtaining emergency assistance or reporting crimes, and ultimately interfere with obtaining an accurate count of people living in Fort Collins, putting at risk the City’s accurate representation in Congress and in the Colorado General Assembly, as well as federal funding. These local impacts on safety, equity, and livability led 42 municipal government entities across the United States to create immigration legal funds and programs.

Challenges for Immigrant Communities

During the research phase of this process, Staff learned that Fort Collins lacks pro bono or low-cost legal advice and assistance for cases related to extension of visas, DACA renewal, citizenship, or legal permanent resident applications. There is one immigration attorney practicing in Fort Collins and although community partners are providing assistance for immigrants, no organizations currently provide pro bono or low-cost immigration legal defense and advice for Fort Collins residents.

- Deportation is considered a civil rather than criminal penalty, therefore immigrants facing removal are not protected by the Sixth Amendment “**right to counsel**” in place for criminal defendants.
- A common misperception is that deportation proceedings are only for undocumented immigrants. In fact, **any non-citizen** including lawful permanent residents, refugees, and people who entered legally on visas **can be placed in deportation proceedings**.⁸
- Increases in **economic hardship**, food insecurity, and housing instability are associated with deportation of a family member.¹⁴ In Colorado, families lose 30% of their income when an individual is detained or deported.¹⁵ Colorado immigrants in detention lose \$3.9 million in earnings per year.¹⁶
- There is currently one immigration attorney practicing in Fort Collins.
- Although community partners are providing a wide spectrum of assistance for immigrants, organizations and attorneys taking on pro bono immigration cases currently provide limited pro bono or low-cost immigration legal defense and advice for Fort Collins residents. This assistance does not meet the need for local, immigration legal services.
- No statewide pro bono or subsidized immigration legal defense is provided in Colorado. Currently, the State of Colorado does not provide legal services or support for immigration cases and proposed legislation to create an immigration legal fund will still be insufficient to meet the needs of Colorado immigrants. The Colorado Legislature is considering HB21-1194 to create a statewide immigration legal defense fund of \$100,000. However, the fund would be limited to providing legal representation for detention-deportation cases and the funding amount is limited by Taxpayer Bill of Rights (“TABOR”) Amendment. If approved, the anticipated state funding level

¹¹ <https://www.fcgov.com/citymanager/files/19-21914-2020-legislative-policy-agenda-web.pdf?1578507829>, page 9

¹² https://citydocs.fcgov.com/?cmd=convert&vid=72&docid=3390688&dt=AGENDA+ITEM&doc_download_date=OCT-01-2019&ITEM_NUMBER=11

¹³ <https://citydocs.fcgov.com/?cmd=convert&vid=17&docid=3391549>

¹⁴ <https://doi.org/10.1016/j.socscimed.2017.04.007>

¹⁵ <https://www.coloradofiscal.org/wp-content/uploads/2021/02/2.12.21-Final-Report-2.pdf>, page 13

¹⁶ <https://www.coloradofiscal.org/wp-content/uploads/2021/02/2.12.21-Final-Report-2.pdf>, page 14

is unlikely to meet 100% of the overall need for all Colorado residents. Advocates for the Fort Collins immigrant community say the solution is not exclusively federal or state or local but requires the additive combination of funding and policy change at all levels.

For additional information on the immigration process, associated costs, and timelines, see background information attachments.

Current Conditions in Colorado

In 2019 the Department of Homeland Security adjudicated 8,500 immigration deportation cases in Colorado.¹⁷ 65% of immigrant detainees in those cases did not have legal representation.¹⁸ In Colorado in 2020, 2,154 children faced immigration court deportation proceedings and 61% of these children did not have access to legal representation. Unfortunately, those without representation are much more likely to be detained while awaiting their hearings and to eventually be deported. Being represented by an attorney helps immigrants return to their families, jobs, and communities more quickly and keeps them there while their case is awaiting the deportation hearing. Immigrants are 10.5 times more likely to be able to remain in the U.S. when they have legal representation.⁹ Immigrants are 3.5 times more likely to be released on bond while awaiting trial if they have access to legal counsel.¹⁹ There is an estimated 300% return on investment in universal representation in immigration cases in Colorado.²⁰

Current Unmet Need for Immigration Services in Fort Collins

In the Fort Collins 2020 Legislative Policy Agenda, City Council indicated support for the humane treatment of immigration detainees, rapid resolution of legal proceedings to determine their status, and pathways to legal immigration into the United States.¹

Demographics – General

In addition to the absence of critical representation for detained immigrants awaiting hearings, legal advice and assistance are lacking in Fort Collins for cases related to extension of visas, DACA renewal, citizenship, or legal permanent resident applications. This unmet need creates significant challenges to our unauthorized and partially documented immigrant community members, including financial and emotional instability; lack of access to health care, stable housing, higher education, and meaningful work; and a cycle of poverty.

- Fort Collins has an immigrant community of more than 11,000 people or 6.8% of the total population.²¹
- Approximately 4,500 Fort Collins residents are currently not United States citizens.²² 2,200 residents are eligible for naturalization and the remaining 2,300 non-citizen immigrants are estimated to be undocumented and currently at risk for detention and deportation.^{23 24}
- 2,963 Northern Larimer County residents are eligible for immigration relief and need low-cost or pro bono legal services to pursue lawful paths to citizenship and presence.
- As of December 2020, there were 418 Larimer County residents with pending immigration deportation proceedings initiated by Department of Homeland Security, 83 of whom lacked legal

¹⁷ Colorado Fiscal Institute. *A Matter of Justice: Cost Savings from Universal Legal Representation for All Colorado Immigration Proceedings*. (February 2021). Retrieved from <https://www.coloradofiscal.org/wp-content/uploads/2021/02/2.12.21-Final-Report-2.pdf>

¹⁸ TRAC Immigration Reports, Syracuse University, "State and County Details on Deportation Proceedings in Immigration Court," available at: <https://trac.syr.edu/phptools/immigration/nta>

¹⁹ Ryo, Emily, "Detained: A Study of Immigration Bond Hearings," *Law & Society Review* 50, no. 1, 2016, 117-153.

²⁰ <https://www.coloradofiscal.org/wp-content/uploads/2021/02/2.12.21-Final-Report-2.pdf>, page 12

²¹ <https://www.census.gov/quickfacts/fortcollinscitycolorado>

²² <http://research.newamericaneconomy.org/wp-content/uploads/2017/02/nae-co-report.pdf>

²³ <https://dornsife.usc.edu/csii/eligible-to-naturalize-map/>

²⁴ Pew Research Center. (2019). *Estimates of U.S. unauthorized immigrant population, by metro area, 2016 and 2007*. Retrieved from <https://www.pewresearch.org/hispanic/interactives/unauthorized-immigrants-by-metro-area-table/>

representation.⁷ The Larimer County case numbers and unrepresented immigrants in detention as of December 2020 are almost double the 2019 case numbers.

- Due to the reliance on reporting agency data collection, ownership, and publication generally aggregated at the county, regional, or metropolitan statistical area levels, information may not be available at the city level or in real time. While we do not have access to Fort Collins-specific information, data from regional partners working with immigrant communities confirms that 2,963 Northern Larimer County residents are eligible for immigration relief and need low-cost or pro bono legal services to pursue lawful paths to citizenship and presence. Many households need these services for multiple family members. Out of pocket expenses for deportation defense range from \$6,000 to \$20,000 in filing fees and \$10,000 to \$50,000 for attorney costs depending on the complexity of the case. DACA, Visa, or LPR applications and renewals have varying filing fees and though the total varies, average approximately \$4,000 in attorney costs.
- An August 2020 poll of immigrant residents in Fort Collins had 162 respondents of which 70% reported their unmet need for immigration attorney services.²⁵ 49% of respondents cited the high cost of immigration legal services as the primary barrier to access, 36% could not find information on local legal services, and 39% did not think their current status had a pathway to citizenship.

Demographics – Children

Because of valid concerns about disclosure of immigration status to federal government agencies, state and local relief or assistance programs are increasingly filling the gap in those services to assure that all children and families can meet basic needs.

- 15% of children in Fort Collins live with at least one immigrant parent and 75% of these children are themselves US citizens.⁶
- “Mixed status” families, where one or more family member is undocumented, can face uncertainty due to inconsistent federal policy. Children who are U.S. citizens did not receive the first round of COVID-19 economic stimulus benefits if even one parent was undocumented.²⁶ The second round of those benefits could be accessed by the children if one parent is lawfully present, but not if both parents are undocumented.
- Locally, undocumented parents (even those with citizen children) indicate a reluctance to allow their citizen children to enroll in or access programs like Supplemental Nutrition Assistance (SNAP) Program, Medicaid, or Section 8 housing vouchers out of fear that the parent’s future application for citizenship would be negatively impacted.
- In the Poudre School District, there are 54 students who arrived in the U.S. as unaccompanied minors seeking asylum because they are unable to return to their countries of origin due to threat of death or imminent harm. These students could remain in the United States through Special Immigrant Juvenile Status (“SIJS”) and later adjust their status to lawful permanent resident as long as they apply before the child’s 21st birthday. Processes for both SIJS and Adjustment of Status are complex, require payment of multiple fees or applications for fee waivers at varying points in the process, and have strict deadlines.
- Abused, neglected, and abandoned children in any other court system in the United States are entitled to legal representation as well as a Guardian ad Litem to assess the best interests of the child.²⁷ Children in immigration proceedings have no right to legal counsel, Guardian ad Litem evaluation, or adult supervision during detention or hearings.²⁸

Local Economic Impact

²⁵ Alianza NORCO August 2020 Immigrant Community Survey

²⁶ <https://chicago.suntimes.com/politics/2021/1/8/22213330/immigrants-stimulus-mixed-status-covid-coronavirus-chicago>

²⁷ <https://www.childwelfare.gov/pubPDFs/represent.pdf>

²⁸ ACLU. *Immigrant Children Do Not Have the Right to an Attorney Unless They Can Pay, Rules Appeals Court.* (February 6, 2018). Retrieved from <https://www.aclu.org/blog/immigrants-rights/deportation-and-due-process/immigrant-children-do-not-have-right-attorney>

- In Colorado, the estimated cost to an employer to replace an employee is 16% of that employee's wages.²⁹ The current median annual income for U.S. immigrants is approximately \$30,000.³⁰ This equates to a \$4,800 cost to an employer to replace a detained or deported employee. With 418 Larimer County residents currently in detention and facing deportation, there is a \$1.9 million possible loss in 2021 for Larimer County employers to maintain their workforce levels.³¹
- Individuals with an income in the \$30,000 annual income range tend to spend most of their income on the purchase of basic needs in their community and pay 9% of their income to state and local taxes.³² For each detained and/or deported resident, there is an annual loss of \$2,700 in local and state taxes. With 418 Larimer County residents in deportation proceedings that equates to an annual \$1.1 million potential loss in local and state taxes from Larimer County alone.
- Because undocumented immigrants do not qualify for some benefits including unemployment insurance or SNAP benefits, wages must take the place of those other payments or income that support basic needs.³³ ³⁴ Every \$1.00 spent by undocumented immigrant families in a community generates \$1.60 in local economic activity.³⁵ This means the lost local economic activity from one detained and/or deported resident is \$4,320 per year.

Fort Collins Pilot Program Delivery Model

Estimates for funding levels to provide effective pro bono or low-cost immigration legal services to residents of Fort Collins were determined by demographic analysis and current unmet need; data, regional service costs, and subject matter expertise from local and regional community partners on inputs necessary to build and support local capacity for these services; and comparative service levels, outcomes, and costs from cities with existing municipal immigration legal funds.

Best practices demonstrated by effective municipal immigration legal funds and modeled by the Vera Institute of Justice's 'Safety & Fairness for Everyone' Initiative offer wrap-around, holistic services to meet the most urgent needs, reach the greatest number of impacted community members, and build trust in the immigrant community through ongoing self-advocacy and program support. A Fort Collins pilot municipal immigration legal fund grant program would provide the following elements:

- Direct legal representation for the lifecycle of immigration cases
- An emphasis on legal services for deportation and detention cases
- Support for legal pathways to citizenship
- Scholarships or subsidized application and renewal fees for affirmative cases like DACA, SIJS, Visa Renewals, Adjustment of Status for LPR, U Visas, and Family Reunification
- Legal Advice & Consultations through legal clinics
- Know Your Rights Trainings in detention centers and embedded in local immigrant communities
- Education and outreach that includes leadership and empowerment training to improve self-advocacy
- Focus on outcomes-based program metrics (program accomplishments like improvements in community safety) rather than output-based metrics (participant numbers or number of cases resolved)
- Program coordinator housed in a local nongovernmental organization

²⁹ Boushey, Heather & Glynn, Sarah Jane. "There are Significant Business Costs to Replacing Employees," Washington, DC: Center for American Progress, November 2012, p. 2

³⁰ <https://www.pewresearch.org/hispanic/2019/03/07/latinos-incomes-higher-than-before-great-recession-but-u-s-born-latinos-yet-to-recover/>

³¹ <https://trac.syr.edu/phptools/immigration/nta/>

³² <https://www.coloradofiscal.org/wp-content/uploads/2021/02/2.12.21-Final-Report-2.pdf>, page 15

³³ Fiscal Policy Institute, "Only Wealthy Immigrants Need Apply." October 2018.

³⁴ <http://fiscalspolicy.org/wp-content/uploads/2018/10/US-Impact-of-Public-Charge.pdf>

³⁵ <https://www.coloradofiscal.org/wp-content/uploads/2021/02/2.12.21-Final-Report-2.pdf>, page 15

Potential future success of these elements in our community is further indicated by the outcomes of the successful City of Fort Collins Eviction Legal Fund 2020 pilot, which used a similar model and employed direct legal representation, education and outreach, self-advocacy empowerment, and community partner leadership to reach residents and landlords in need of assistance with eviction prevention as a response to unmet community need due to COVID-19.

Fort Collins Market Rates

To inform Council's consideration of the funding amount, City Staff obtained attorney costs by case type in the Fort Collins market from nonprofit immigration service providers, Rocky Mountain Immigrant Advocacy Network ("RMIAN") and Interfaith Solidarity and Accompaniment Coalition ("ISAAC") and are based on actual attorney and legal staff costs. The amounts listed cover limited filing fees associated with the pro bono representation.

| Case Type | Pro Bono Legal Costs/Case in Fort Collins market | Unmet Need in Fort Collins* |
|---|---|------------------------------------|
| Detention/Deportation | \$6,000/case | 75-100 cases/year |
| Special Immigrant Juvenile Status (SIJS) | \$4,000/case | 100 cases/year |
| "Affirmative Cases"- Deferred Action for Childhood Arrivals (DACA), Lawful Permanent Resident (LPR), or Naturalization | \$1,000/case | 400 cases/year |

***Unmet need in Fort Collins is estimated for 2021 and may be higher due to reluctance of immigrant community members to identify themselves and their need for services for use by a governmental entity in this analysis.**

Fort Collins Pilot Program Budget

In addition to consideration of market rates and unmet local need for immigration legal services in determining an effective pilot program budget, there are also baseline start-up costs due to the current lack of local access, program administration needs, and minimum caseload needed for recruitment of qualified attorneys to participate.

Examples for the types and number of cases that could have legal representation within various funding ranges under a municipal immigration legal fund in Fort Collins are given for both an 18-month pilot program and a 12-month pilot program for Council consideration. The 18-month option is recommended by City Staff due to the length of time for immigration cases to reach resolution (one to two years for detention/deportation cases and seven to thirteen months for naturalization processes). This timing also allows for an informed discussion of pilot outcomes as part of the 2023/2024 Strategic Plan and Budgeting for Outcomes process. If a 12-month pilot is funded in June 2021, City Staff will submit a 2022 Budgeting for Outcomes Offer for gap funding of the six-month unfunded remainder of 2022.

Program Administration costs fund a full-time program coordinator position employed by a partner organization rather than the City of Fort Collins to increase community trust and avoid putting the City in the position of providing direct legal services. The program coordinator would provide or assist with coordination of outreach to target populations, educational materials, translation and interpretation services, legal advice clinics and training session logistics, capacity-building activities for local and regional service providers, administrative duties related to legal representation and grant reporting. Optimally, the coordinator role would be staffed by someone with paralegal experience.

Start-up costs for the program also include pro bono attorney's costs to represent a minimum of 15 deportation cases as the minimum caseload for an 18-month pilot and 10 deportation cases for a 12-month pilot. Because Fort Collins does not have an existing pool of immigration attorneys, the municipal immigration legal fund service providers would need to recruit and retain a qualified attorney (or group of attorneys contracted to provide local access to legal services) and support staff. The minimum caseload of deportation cases, which have been identified as the most urgent need and cause the most disruption

to families and the local community compared to other case types, is included in each funding example below.

18-month Pilot Grant Program Funding Examples

| Example | Program Administration | Detention - Deportation Cases *minimum 15 \$6,000/case | Special Immigrant Juvenile Status Cases (SIJS) \$4,000/case | Affirmative Cases (DACA, LPR, or Naturalization) \$1,000/case | Funding Range |
|---------|------------------------|--|--|--|-------------------|
| A-18 | \$90,000 | 25-30 | 20-40 | 100-150 | \$400,000-550,000 |
| B-18 | \$90,000 | 20-25 | 5-20 | 20-100 | \$250,000-400,000 |
| C-18 | \$90,000 | 15-20 | 0-5 | 0-20 | \$180,000-250,000 |

12-month Pilot Grant Program Funding Examples

| Example | Program Administration | Detention - Deportation Cases *minimum 10 \$6,000/case | Special Immigrant Juvenile Status Cases (SIJS) \$4,000/case | Affirmative Cases (DACA, LPR, or Naturalization) \$1,000/case | Funding Range |
|---------|------------------------|--|--|--|-------------------|
| A-12 | \$60,000 | 15-20 | 15-25 | 40-100 | \$250,000-380,000 |
| B-12 | \$60,000 | 12-15 | 5-15 | 25-40 | \$150,000-250,000 |
| C-12 | \$60,000 | 10-12 | 0-5 | 0-25 | \$120,000-150,000 |

Program Metrics

Establishing program metrics that measure outputs, outcomes, and effectiveness are an important part of concurrent evaluation and iterative improvement. The program will also offer an opportunity to have a deeper understanding of the greatest challenges and unmet needs for Fort Collins residents (given limited available datapoints). City Staff recommends considering the following potential program metrics to assess program accomplishments and output-based metrics such as participant numbers or number of cases resolved:

- # of people receiving free legal advice or training
- # of people receiving direct representation (adults/children & case type)
- # of people able to lawfully remain in the U.S. due to representation
- # of people released on bond during the program compared past years
- # of referrals to the program by other participants
- % of participants who feel they are safer due to the program
- % of participants who are more knowledgeable about their pathways to citizenship or lawful presence after the program

- % of participants reporting greater likelihood of accessing City or community resources due to the program

It is important to note that some metrics may be difficult or impossible to ascertain during a 12-month pilot program because of the length of time immigration cases take to navigate the system with average resolution times for detention/deportation cases of one to two years and naturalization processes of seven to thirteen months.

Potential Partners

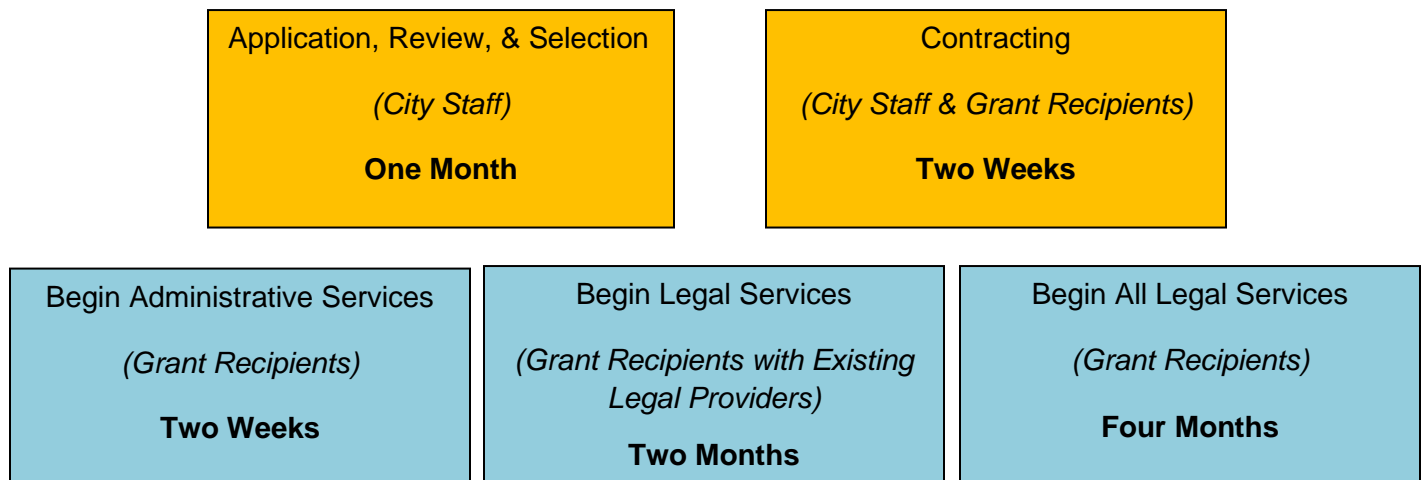
Through extensive collaboration with stakeholders, Staff has identified a number of potential community partners and grantor organizations that might be in positions to assist with providing services or expanding a City-sponsored immigration legal fund.

| Organization | Potential Role | Opportunities |
|--|----------------------|---|
| Vera Institute of Justice | Grantor | Up to \$100,000 matching grant funds for municipal immigration legal funds for detention/deportation cases |
| U.S. Citizenship & Immigration Services "Citizenship & Assimilation Grants" | Grantor | Average award of \$250,000 to nonprofit organizations for LPR citizenship preparation services including education |
| Rocky Mountain Immigrant Advocacy Network (RMIAN) | Grant Recipient | Currently providing immigration legal services to other Colorado communities with existing relationships with attorneys |
| Catholic Charities | Grant Recipient | Currently providing immigration legal services to other Colorado communities with existing relationships with attorneys |
| Alianza NORCO | Grant Recipient | Currently providing education, outreach, and support services to immigrants in Fort Collins |
| Interfaith Solidarity and Accompaniment Coalition (ISAAC) | Grant Recipient | Currently providing support for SIJS cases with existing relationships with attorneys |
| Fuerza Latina | Grant Recipient | Currently providing education, outreach, and support services to immigrants in Fort Collins |
| Colorado State University | Grant Recipient | Currently providing immigration legal services to all full-time students. Additional funding might allow expansion to services for undocumented staff and part-time students. |
| University of Colorado Law School | Grant Recipient | Currently providing student law office clinic representation for some immigration cases |
| University of Denver – Sturm College of Law | Grant Recipient | Currently providing student law office clinic representation for some immigration cases |
| Colorado Access to Justice Commission | Technical Assistance | Assistance connecting volunteer attorneys with clients |

City Manager, Darin Atteberry, contacted Larimer County Manager, Linda Hoffmann, in April 2021 regarding the potential for collaboration and partnership to provide immigration legal services to both City and County residents. Partnerships with Larimer County will need to be aligned with policies regarding the use of City funds to benefit the residents of Fort Collins.

Pilot Start Up Timeline

Timeline indicates an estimate of length of each step following a funding appropriation.



The pilot program funding options were requested by City Councilmembers for discussion as an off-cycle budget appropriation rather than waiting to submit a budget offer through the BFO process to have continuity in the work under Council priorities for equity through the Home 2 Health program and outreach, Community Trust Initiative relationship-building strategies, and increased public feedback on racial justice. The urgency reflects the importance of keeping promises the City organization makes to historically marginalized communities and collaborating to incorporate community input into municipal action. COVID-19 has also had a disparate impact on undocumented immigrants and families with “mixed status” in our community. Although our undocumented community members are experiencing the same health and financial concerns, they cannot access the same medical treatment, pandemic relief or economic stimulus payments, or eviction prevention programs from the City or other community partners because of federal restrictions on access by undocumented immigrants.

Public Engagement

“Reimagine Public Engagement” was established as a City Council priority in 2019 to increase the level of engagement among historically marginalized communities in the decision-making process, recognizing that input from the broad community is important and seeking to incorporate voices from diverse backgrounds. As part of these efforts, staff has worked closely with community partners and community members to understand the barriers to participation this vulnerable segment of the population faces. To address these barriers, public engagement plans have placed an emphasis on providing additional avenues for participation to community members directly impacted and those who face the greatest number of inequities that lower their ability to participate. The recent City-sponsored Equity Indicators report demonstrates that in Fort Collins, Communities of Color face the greatest number of inequities, with Hispanics/LatinX residents facing the most. In addition, feedback received for other City-led public engagement projects such as Strategic Plan 2020, Climate Action Plan 2021, and Housing Strategic Plan 2021, show low levels of trust among the Hispanic/LatinX communities towards government entities, further inhibiting their ability to participate. As such, public engagement efforts for equity-based programs, such as the proposed Municipal Immigration Legal Fund, have prioritized participation and involvement from the Hispanic/LatinX communities whose exclusion from engagement in organizational processes in the past led to inequities and disparate impact.

Public Comment Summary and Themes

Information on municipal immigration legal funds and City Council’s discussion surrounding this item was featured in:

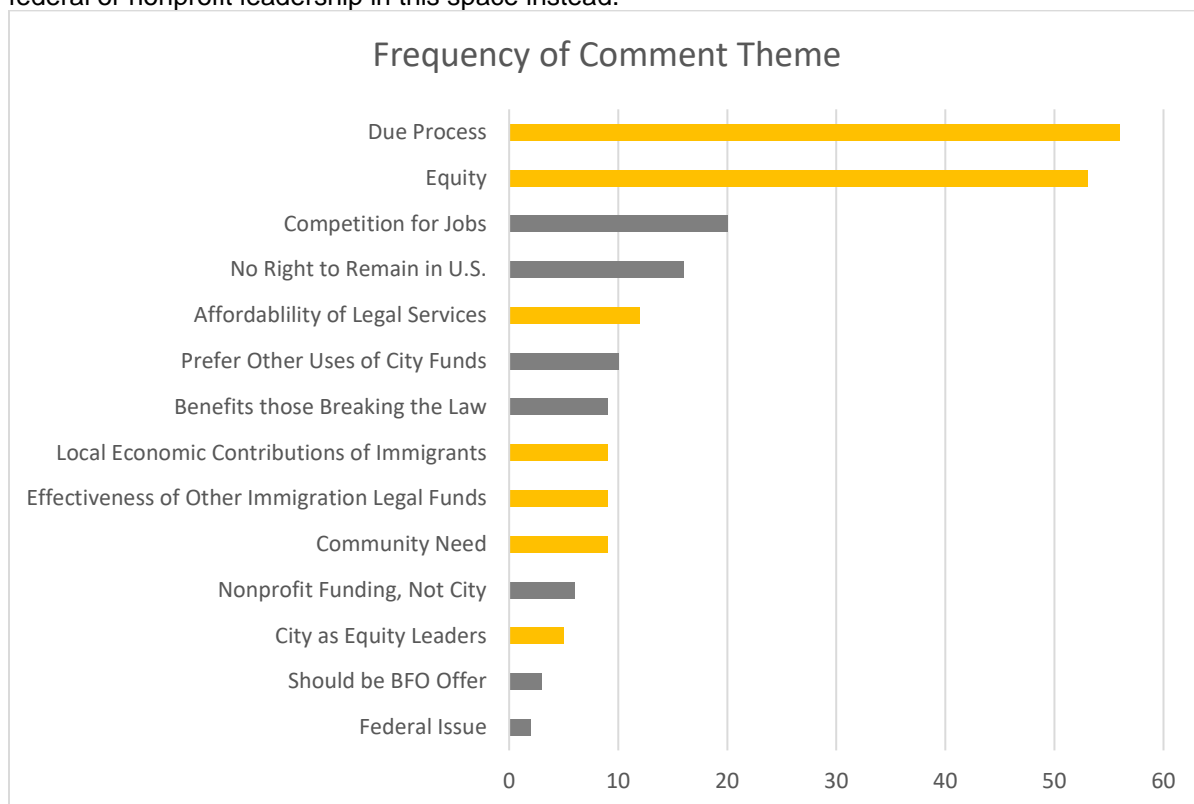
- Local print (*Coloradoan*, 3/4/21 and 4/14/21)
- News radio (600 KCOL)
- Social media from City and community partners
- Community partner outreach with impacted community members through public events, educational materials, and hotline information

- Two immigration-focused documentary premiere discussions for both “2020 Hispanic Community Voices: The Impact of COVID-19” on 1/31/21 and “Fort Collins LDF Documentary” on 3/7/21

City Council received public comments related to establishment of a municipal immigration legal fund in Fort Collins at virtual City Council meetings beginning in September 2020. Comments to City Leaders from the general public were also submitted via email and voicemail in advance of the March 23, 2021 work session and as follow up to that discussion. The email comments are compiled by date received in Attachment B. The majority of comments from all formats supported City Council funding immigration legal services at this time.

The predominant themes that emerged from public comments in support of a municipal immigration legal fund were desire for the City to demonstrate commitment to social justice and equity, and concerns about the lack of due process afforded to immigrants facing deportation proceedings. Commenters cited the high cost of legal services as barriers to pursuing lawful pathways to citizenship and many noted the effectiveness of both other municipal immigration legal funds operating in Denver or other parts of the U.S. and having legal representation in immigration court.

Comments in opposition to municipal funding of immigration legal services largely reflected an underlying desire to limit immigration into the community. Shared concerns of commenters included: competition for jobs, belief that beneficiaries of these legal services have no lawful right to remain in the U.S. or have broken the law, and uncertainty about the role of the City in providing these funds with a preference for federal or nonprofit leadership in this space instead.



Key:

Theme Appeared in Comments Supporting Municipal Immigration Legal

Theme Appeared in Comments Opposing Municipal Immigration Legal Fund

The City Staff Team for this research project would like to sincerely thank the community partners for their contributions, patience, and openness in supplying valuable data, connections, and anecdotal information on the unmet needs of the Fort Collins immigrant community. Because of the understandable reluctance of undocumented immigrants to self-identify and open themselves and their families to risk of deportation, the City Staff worked with local and statewide advocacy groups with existing relationships with Fort Collins immigrants to conduct a local needs assessment, research existing and projected conditions in Larimer County for the immigrant community, analyze other municipal immigration fund program and budget models, and conduct public engagement.

We appreciate the community partners who worked directly and indirectly with the Staff Team: Alianza NORCO, Colorado Immigrant Rights Coalition (CIRC), Interfaith Solidarity And Accompaniment Coalition (ISAAC), Rocky Mountain Immigrant Advocacy Network (RMIAN), Fuerza Latina, Catholic Charities, BIPOC Alliance, Foothills Unitarian Church Community Dreamer Fund, Mujeres de Colores, CSU Dreamers United, La Cocina, Vera Institute of Justice, University of Colorado Law School and Dr. Violeta Chapin, The Denver Foundation, Denver Councilmember Jamie Torres, and BakerRipley (Immigration Fund Manager in Harris County, Texas).



Planning, Development & Transportation

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MEMORANDUM

DATE: May 14, 2021

TO: Mayor Arndt and City Councilmembers

THRU: Darin Atteberry, City Manager
Kyle Stannert, Deputy City Manager
Caryn Champine, Director of Planning, Development & Transportation

FROM: JC Ward, Senior City Planner, CDNS
Leo Escalante, Community Engagement Specialist, CPIO

RE: May 11, 2021 Work Session Summary – Municipal Immigration Legal Fund

At the May 11th City Council Virtual Work Session, Caryn Champine, JC Ward, and Leo Escalante provided an overview of research and options to address the need for immigration legal services in Fort Collins, existing municipal immigration legal fund implementation and funding models, and alignment of potential solutions with our community-specific needs.

All councilmembers were present for the discussion via video conferencing. Funding immigration legal services for Fort Collins residents would advance Council priorities to improve safety, community trust, equity, and livability.

A municipal immigration legal fund would provide local access to immigration legal services for Fort Collins residents seeking a legal pathway to citizenship or lawful presence. ~~As a new effort, the potential~~The proposed pilot program would be ~~considered a pilot endeavor of 12-18 months. It would~~ to fund grants, ~~that would be~~ awarded through a competitive application and review process. ~~Grant funds would be awarded~~ to legal service providers ~~would be dedicated to~~for program administration, education, and outreach; providing defense for people at risk of deportation; children seeking Special Immigrant Juvenile Status; and for community members seeking pathways to citizenship and lawful presence.

~~All councilmembers were present for the discussion via video conferencing. Funding immigration legal services for Fort Collins residents would advance Council priorities to improve safety, community trust, equity, and livability.~~

General discussion and direction from the work session included:

Challenges for Fort Collins Immigrant Community Members

- Shared background information on:
 - The designation of immigration cases as civil cases without the right to legal counsel and the impact of legal representation in deportation cases.

- Negative impact on public safety due to heightened fear of all law enforcement due to immigration status.
- Lack of access to medical care because of decreased access to private health insurance and lack of access to publicly funded healthcare programs.
- Estimated unmet community need for pro bono immigration legal services in Fort Collins per year is: 75-100 detention/deportation cases, Special Immigrant Juvenile Status cases is 100, and affirmative cases is 400.
- Discussion of availability of legal resources in Fort Collins with publicly funded services currently covering **other** types of civil cases and indigent criminal defense. (There is one private immigration attorney practicing in Fort Collins. No organizations currently provide pro bono or low-cost immigration legal defense and advice for Fort Collins residents).

Other Publicly Funded Immigration Legal Funds

- The pilot program for Fort Collins is designed as an equity program rather than an income-qualified program in contrast to the proposed Colorado statewide program based on legal authority and best practices from existing municipal immigration legal funds.
- Some discussion centered on the data provided in the materials for other publicly funded immigration legal funds. The background materials ~~did not provide data for all 42 municipal immigration legal funds across the U.S. but highlighted municipal immigration legal funds those~~ with similar intended outcomes related to unmet community need and percentage of immigrant population ~~in relation to the total population~~. Staff will ~~provide follow-up with~~ additional ~~data municipal examples in the Council packet ahead of the June 1st meeting~~.
- Denver Foundation (Denver Immigration Legal Services Fund) Steering Committee member provided information on the funding from City and County of Denver for approximately 3.5 years and discussed the recent increase of municipal funding to \$500,000 in this budget year due to the success of the program; types of cases resolved, positive community reception of their program, and funding model.

Pilot Program Design

- Council consensus was in support of an 18-month pilot program in the C-18 example funding range (\$180,000-\$250,000).
- Council and Staff support for an 18-month pilot over a 12-month pilot option stems from the ability to collect data for the lifecycle of immigration cases that average more than 12 months. ~~to resolve to guide future program and budget discussions~~.
- Program participants would be Fort Collins residents with a lawful pathway to citizenship or lawful presence and those in the process of determining whether those pathways apply to their circumstances. ~~through legal advice, educational trainings, and direct legal representation~~.
- Discussion of program coordinator functions as administrator of the program as well as coordinator for education, outreach, marketing, limited fundraising, and client intake. Housing the position in a nonprofit rather than having a City Staff coordinator is more cost effective and adds a level of protection for community members with concerns about disclosure of their information.
- Information shared by Police Services Assistant Chief of Police John Feyen on the department's work with immigrant communities (through Community Policing and the Community Trust Initiative) and the Fort Collins Police Services' role in enforcing local, not federal laws, and focus on safety for all community members.

- Exploration of partnerships with Larimer County, nonprofit community partners, and grantor organizations to fund or expand a City-sponsored immigration legal fund was supported.
- Discussion of logistical details to understand what services would be offered, who would be eligible for the services, and how that directly supports the local unmet need and City Strategic Outcomes.

Next Steps & Follow-up

- Staff will bring an off-cycle appropriation request for City Council discussion-consideration and First Reading on June 1, 2021 for a pilot program through the end of 2022^[SB2] following a discussion at Council Finance Committee on May 24, 2021.
- ~~As part of the off-cycle appropriation request supporting materials,~~ Staff will respond to follow up questions related to data from existing municipal immigration legal funds and the potential for collaboration with Larimer County and related to universal representation.
- ~~For the June 1st Council meeting, Staff will provide information on the universal representation-based service levels for deportation cases and affirmative cases that accompany the budget request so Council priorities may be built into the overall program delivery structure and education programs.~~



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Finance Committee Meeting Minutes

April 19, 2021

10 am - noon

Zoom Meeting

Council Attendees: Mayor Wade Troxell, Ken Summers, Ross Cunniff, Susan Gutowsky, Emily Gorgol

Staff: Darin Atteberry, Kelly DiMartino, Kyle Stannert, Travis Storin, Carrie Daggett, John Duval, Tyler Marr, Lance Smith, Caryn Champine, JC Ward, Noelle Currell, Ryan Mounce, Tim Dailey, Meaghan Overton, Jackie Kozak-Thiel, Victoria Shaw, Sue Beck-Ferkiss, Leo Escalante, Blaine Dunn, Dave Lenz, Jo Cech, Zack Mozer, Jordan Granath, Carolyn Koontz

Others: Joe Rowan
Joshua Stallings
Patricia Miller - Thistle

Meeting called to order at 10:04 am

Mayor Troxell; I would like to note for the record that I have conferred with the City Manager and the City Attorney and have determined that the Committee should conduct this meeting remotely because meeting in person would not be prudent for some or all persons due to a current public health agency recommendation.

Approval of Minutes from the March 15, 2021 Council Finance Committee Meeting. Ross Cunniff moved for approval of the minutes as presented. Ken Summers seconded the motion. Minutes were approved unanimously via roll call by Ken Summers, Ross Cunniff and Mayor Troxell.

Travis Storin expressed appreciation to the Council Finance Committee members and acknowledged their service (a combined 18 years of Council Finance Committee experience) and on behalf of staff thanked the committee for their engagement. This committee has embodied our high performing board mantra He also recognized many of the significant accomplishments which include; sponsorship of our Broadband Business Plan and debt issuance, the establishment of City Give, updates to Development Review Fees and Capital Expansion Fees, the CRISP regional project within the law enforcement agencies of the area, on-bill financing and the EPIC loan program, updates to the sales tax code for internet sales, Police Regional Training Facility and the Gardens expansion just to name a few.

Mayor Troxell added his thanks Ross and Ken for their service as well.

Ross Cunniff added his thanks to current and past Council Finance Committee members and said that it has been a privilege and an honor to serve the community in this capacity. Our interaction with staff has led to a sharper organization with our combined thoughts.

A. Immigration Legal Defense Fund

JC Ward, Senior City Planner, CDNS

Leo Escalante, Community Engagement Specialist, CPIO

EXECUTIVE SUMMARY

The purpose of this item is to respond to a request from some members of Council for an off-cycle general fund appropriation to create a Municipal Immigration Legal Fund pilot program. If approved, this appropriation would create a pilot grant program to provide local access to immigration legal services for Fort Collins residents seeking citizenship or lawful presence. Grant funds will be awarded to legal service providers based on a competitive process and will be dedicated to program administration, education, and outreach; providing defense for people at risk of deportation; children seeking Special Immigrant Juvenile Status; and for community members seeking pathways to citizenship and lawful presence also known as Affirmative Cases.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback does the Council Finance Committee have regarding the research and unmet needs assessment for immigration legal services in Fort Collins?
2. What feedback does the Council Finance Committee have regarding the funding level or services that could be provided to Fort Collins residents as part of a municipal immigration legal fund?

BACKGROUND/DISCUSSION (details of item – History, current policy, previous Council actions, alternatives or options, costs or benefits, considerations leading to staff conclusions, data and statistics, next steps, etc.)

During the March 23 City Council Virtual Work Session, City staff from Neighborhood Services and the Communications and Public Involvement Department presented their findings from the research conducted on immigration legal defense funds implemented in 42 different jurisdictions across the country. The information covered included demographic data and unmet needs assessment in Fort Collins, program design from other jurisdictions, potential funding, and service level options to assist undocumented residents in Fort Collins with pathways to lawful citizenship and lawful presence, and strategic alignment with City Council priorities to improve safety, community trust, equity and livability.

Key Findings on Greatest Needs in Fort Collins

City Staff worked with several service providers in Northern Colorado with expertise in immigration services to assess current service levels and unmet need for immigration legal services. Based upon this research, the following is a summary of our key findings to inform Council's decision on the City's role in immigration services to Fort Collins residents.

- **Limited Availability of Services:** Currently there is only one immigration attorney practicing in Fort Collins. Attorneys in other practice areas may take on immigration clients but are not focused on complex systems of administrative or immigration law, making the representation challenging and outcomes less consistent. In addition to the limited availability of direct legal representation for immigration cases in Fort Collins, legal advice and documentation assistance for cases related to extension of visas, DACA renewal, citizenship, or legal permanent resident ("LPR") applications are largely unavailable and can cost hundreds of dollars for consultation with an attorney.
- **Affordability:** According to data provided by community partners from target population surveys and feedback from engagement activities, the lack of affordable legal services and representation are considered the biggest barriers to successful integration for immigrants in Fort Collins. While we do not have access to

Fort Collins-specific information, data from regional partners working with immigrant communities confirms that 2,963 Northern Larimer County residents are eligible for immigration relief and need low-cost or pro bono legal services to pursue lawful paths to citizenship and presence. We also learned that many need these services for multiple family members in the same household. Out of pocket expenses for deportation defense range from \$6,000 to \$20,000 in filing fees and \$10,000 to \$50,000 for attorney costs depending on the specifics and complexity of the case. DACA, Visa, or LPR applications and renewals have varying filing fees and though the total varies widely, average approximately \$4,000 in attorney costs.

- **High Demand for Services:**

- In Fort Collins, 2,200 residents are eligible for naturalization and the remaining 2,300 non-citizen immigrants are estimated to be undocumented and currently at risk for detention and deportation.¹ According to local immigrant advocacy organizations conducting outreach and operating immigration hotlines, the estimated unmet need for Fort Collins Detention/Deportation cases is 75-100 per year, SIJS cases is 100 per year, and affirmative cases (DACA, LPR, Naturalization) is 400 per year.
- As of December 2020, there were 418 Larimer County residents with pending immigration deportation proceedings initiated by Department of Homeland Security, 83 of whom lacked legal representation.⁷ The Larimer County case numbers and unrepresented immigrants in detention as of December 2020 are almost double the 2019 case numbers.
- In the Poudre School District, there are 54 students who arrived in the U.S. as unaccompanied minors seeking asylum because they are unable to return to their countries of origin due to threat of death or imminent harm. These students could remain in the United States through Special Immigrant Juvenile Status (“SIJS”). Due to the age of the children and current placement in foster care or with relatives other than their primary caregivers, these children only have access to immigration legal services through community programs. The Interfaith Solidarity and Accompaniment Coalition fundraises and connects children with legal service providers for SIJS cases, but their work is limited by the amount raised and availability of pro bono attorneys willing to take Fort Collins cases who are also skilled in complex SIJS cases.

Market Rates & Pilot Program Budget

To inform Council’s consideration of the fund amount, City Staff obtained attorney costs by case type in the Fort Collins market from nonprofit immigration service providers, Rocky Mountain Immigrant Advocacy Network (“RMIAN”) and Interfaith Solidarity and Accompaniment Coalition (“ISAAC”) and are based on actual attorney and legal staff costs. The amounts listed cover limited filing fees associated with the pro bono representation.

| Case Type | Pro Bono Legal Costs/Case in Fort Collins market |
|--|--|
| Detention/Deportation | \$6,000/case |
| Special Immigrant Juvenile Status (SIJS) | \$4,000/case |
| “Affirmative Cases”- Deferred Action for Childhood Arrivals (DACA), Lawful Permanent Resident (LPR), or Naturalization | \$1,000/case |

¹ <https://dornsife.usc.edu/csii/eligible-to-naturalize-map/>

Pilot Program Budget

Startup costs for the program would include funding program administration and pro bono attorney's costs to represent a minimum of 10 deportation cases to recruit and retain an attorney and support staff to provide local representation.

The pilot program is proposed for 12 months from June 2021 to June 2022 to allow time to evaluate the long term need and City role for this program. The program startup costs below are based on this timeframe. This timing also allows for an informed discussion, if desired, as part of the 2023/2024 Strategic Plan and Budgeting for Outcomes process.

Note: This timing would create a funding gap of approximately six months in 2022. If desired, Council could consider an 18 month pilot program to address the funding gap.

Program Start Up Minimum

| Item | Amount | Description |
|------------------------|----------|--|
| Program Administration | \$60,000 | Program outreach to target populations, educational materials, translation and interpretation services, coordination of legal advice clinics and training sessions, capacity-building activities for local and regional service providers, administrative duties related to legal representation and grant reporting |
| 10 Deportation Cases | \$60,000 | Direct legal representation, intake assessment, and legal advice for Fort Collins residents facing detention and deportation, including residents on bond from detention awaiting immigration hearings |

Additional Service Options

| Item | Amount | Description |
|--|--------------|--|
| Additional Deportation Cases | \$6,000/case | Direct legal representation, intake assessment, and legal advice for Fort Collins residents facing detention and deportation, including residents on bond from detention awaiting immigration hearings |
| SIJS Cases | \$4,000/case | Direct legal representation, intake assessment, and legal advice for Fort Collins residents who arrived as unaccompanied minors, are seeking asylum, and are unable to return to their country of origin due to the threat of death or imminent harm |
| "Affirmative" Cases (DACA, LPR, or Naturalization) | \$1,000/case | Direct legal representation, intake assessment, and legal advice for Fort Collins residents who may qualify for DACA, LPR, or Naturalization pathways to citizenship or lawful presence |

Next Steps: First Reading of the appropriation Ordinance for a municipal immigration legal fund is scheduled for City Council consideration on April 20, 2021. If this appropriation is approved by City Council, Staff anticipates releasing a request for proposal from legal service providers to perform work under a competitive selection process in the second quarter of 2021 and anticipate work to begin in the third quarter of 2021.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

What feedback do the Council Finance Committee members have regarding the pilot program timeline (12 or 18 months), funding level, or services that could be provided to Fort Collins residents as part of a municipal immigration legal fund?

Discussion / Next Steps:

Cost to start program and a per case cost - better quantify the local need

Mayor Troxell; what is the residency requirement? There needs to be some qualifying elements to this program.

Caryn Champine; we would have a residency requirement and welcome your guidance on what makes the most sense (Denver uses 12 months).

Mayor Troxell; I hear 16 years (residency in years not months) Also hear that there is a concern about coming forward. How do you submit an application without being known? I know one of your criteria was feeling safe, but I see some discontinuity that tends to be at odds. I think a pilot is important.

Ken Summers; I don't remember this being an issue before the new year. It seems like it came to the horizon in February followed by a Work Session in March and now proposing an ordinance in April. For something that is totally new it is hard to quantify the need and we are thinking of doing an off-cycle budget request. So, this is of such critical nature impacting all residents of Fort Collins that it can't wait for 4-5 months to be factored into the normal budget process.

Caryn Champine; this first came up during budget hearings in October - we heard from many community members speaking and asking for this.

Ken Summers; even if it came up in October we are talking less than 6 months from initial discussion to we are doing this. Allocation wise we are talking about a minimum of \$125K to a non-profit partner; 1 attorney. Are we giving funds to organizations in Denver? Where do the attorneys come from? Does this fall under an Economic Development concept – provide more work for immigration attorneys. I see there are no community partners who provide pro bono services. Can you review what is available specifically in Fort Collins in terms of providers, nonprofits and attorneys?

Caryn Champine; we have several potential grant recipients that are functioning in this area including Rocky Mountain Immigrant Advocacy Network ("RMIAN"), Interfaith Solidarity and Accompaniment Coalition ("ISAAC"), and CSU. We would need for them to leverage their resources and the grant program to bring in what would be needed. The coordinator position is a recommendation. It is true that there is one immigration attorney in Fort Collins however there are several along the front range – way to leverage some additional funding to reach a broader network into Fort Collins specifically.

Ken Summers; I know you have talked with several of the advocacy groups and who recognize the need and want to see this happen. Did you talk with the immigration attorney here in Fort Collins to get an insight to how these cases progress?

Caryn Champine; we did learn a lot from that attorney (Kim Medina) We also learned a lot from the service providers who have been tracking these cases – that helped us gauge the unmet need and number of cases and also provided information for the pilot program – how long does it take for a case to go through?

Ken Summers; timeline – the backlog - we know for a fact that there is a backlog in immigration courts, and it is years not months - What was your understanding from the providers?

Caryn Champine; detention cases usually take from 300-500 days and naturalization cases usually take from 7-13 months

Ken Summers; it looks like our potential qualifications for recipients is wide – The State of Colorado has legislation to help indigent immigrants. Ours seems to be for anyone who needs services, and it seems like it is a not a legal defense fund but a legal resource fund.

Caryn Champine; immigration legal fund –consistency is important, and that terminology aligns with my understanding

Ken Summers; this is problematic – this person is here, and it is a matter of life and death if they were deported – if someone is actually facing deportation and it doesn't seem to be justified by virtue of the family situation or whatever the case may be - defending certain individuals – is far more justifiable than free legal advice and is available as needed. There are a lot of issues here that need to be looked at let alone the fact that the level of funding that is being proposed is the highest in the nation of any city, county – even the State of Colorado isn't proposing the level of funding we are talking about here in Fort Collins. If we want our residents to know that we are going through a thoughtful process that is worthy of taxpayer funds, I don't view this as anywhere close to being ready for prime time. We need a lot more information and understanding of what the policies are going to mean and do for various individuals. I would prefer that it is viewed more as a Legal Defense Fund and not just a Legal Resource Fund. You would get your best bang for the buck instead of providing half the money for communications and administrative costs, trying to encourage folks to use the fund.

You need a lawyer when you need a lawyer. Certainly, DACA, students, refugees, asylum seekers with a justifiable and legitimate asylum case – there should be some kind of prioritization. We need a lot more study, more parameters and understanding of the issues. I see Fort Collins giving money to Denver advocacy organizations and attorney which won't help the local economy. Not sure why CSU would be serving as a non - profit advocacy for undocumented residents. That seems a bit strange

Ross Cuniff; the details actually lead me to think that we need more time – The proposed \$60K for the administration side – that wasn't obvious to me when we discussed this in the work session. That doesn't have the direct benefit and I probably would not have supported that. I agree that a prioritization of the types of cases we wanted to support – DACA – SIJS cases – people who may qualify under asylum laws – that makes sense to me – we will need more time to figure this out – I have hesitancy about mid cycle appropriation as we don't have the full vetting and community feedback we need and would get during the normal budget cycle. I think the idea and program have merit. I could be supportive of a lower amount - Minneapolis has 10x more immigrant population as we have, if you divide by 10 that suggests we should be in the \$25-30K range for assistance. I think right number be developed via more community engagement

If this was strictly a DACA program we could serve a lot of students. A future council could take it a totally different direction. I don't think we are ready to make this decision now. I would support taking more time on this as I don't think this is ready for full Council now.

Mayor Troxell; I agree, this is not ready for prime time. What is the outcome we are trying to accomplish? I like the conversation that we are having in terms of there should be asylum seekers and not just a legal fund We should provide legal support to all those who need it in our community.
Why PDT?

Darin Atteberry; there is a lot going on - a lot of demands on Council's policy agenda. It is a matter of available resources. Caryn stepped up when we needed help.

Caryn Champine; the logical connection to Neighborhood Services is that they are familiar with leveraging grant programs and non-profit partnerships in the community to provide and extend services. They took the lead on the eviction legal fund program so there is a bit of a natural fit.

Darin Atteberry; if Council at some point does approve this program and if this is a pilot, I don't know if it is ideally in PDT or Sustainability. To Ken's point, I do remember feedback from the Budget hearings – Council gave direction and was frustrated that it didn't come sooner. In two different occasions Council was clear about their direction.

Ross Cunniff; I understood that as well.

Mayor Troxell; PDT – basic service of our community - should be used in that direction. Have supported former students to become naturalized citizens. Some of this could be encouraging sponsorship in our community toward naturalization. I have participated in 5-6 of the naturalization ceremonies in Fort Collins. It is a glorious ceremony. I still have so many questions over how this is being proposed. Who are we trying to serve? Shadows – full citizens of this county – part of it – failure of the federal government – maybe we should be spending more of our time speaking with our federal legislators – it is a failure, and this is being demonstrated within our community. I think it should be postponed – it needs to go through a budget prioritization process and engage our community.

Darin Atteberry; The committee is recommending that this be postponed. In this case, I will communicate to Council that the Leadership Planning Team (LPT) based on this discussion, I will send a note out to Council saying that I am pulling it off of the agenda and that we will work with the new LPT on their preference with scheduling. Two options to work with the new LPT and Council.

- 1) Do more engagement and get the new Council up to speed and bring it forward offline or
- 2) fold it into the normal BFO process.

Is there an objection to pulling it off of tomorrow night's agenda? Any concerns?

Ross Cunniff; I think it makes sense. There will be some disappointed community members but there will be disappointed community members no matter what happens. I think in that case, we need to step back and look at what makes the best sense from the integrity of the city processes. The transition in power that we are going to be experiencing, we want the new Council to get their hands on where this goes.

Mayor Troxell; No concerns, I am supportive.

Susan Gutowsky; no additional thoughts. I will go with the members of the Council Finance Committee and their infinite wisdom.

Darin Atteberry; Hearing no objections, I will send a communication out to Council notifying them that I am pulling it off of the agenda and that we will work with the new LPT on their preference with scheduling. Caryn Champine and Kyle Stannert will communicate with the other stakeholders.

ATTACHMENT 4 – Publicly Funded Immigration Legal Services/Funds

Publicly Funded Immigration Legal Services

City of Fort Collins pilot immigration legal fund program options for program design, metrics, and funding options were determined through comparative analysis of existing publicly funded immigration legal services and incorporation of best practices developed by these cities, counties, and states. As of May 2021, there are 46 existing publicly funded immigration legal services/funds (two of which were newly established in May 2021).

There is no standard reporting method or complete database for the comparative data on publicly funded immigration legal services/funds and the information provided is based on what is publicly available. Funding levels and number of deportation cases represented by the service providers under the public funds are from the most recent year available, which is inconsistent across programs. COVID-19 also had an impact on reporting of 2020 metrics and funding renewal as year-end grant and reporting was delayed, reduced, or eliminated due to workload shifts to pandemic response and recovery. Because most programs are grants to service providers, the information is housed with hundreds of nonprofit organizations and government entities as large as the California Department of Human Services. City Staff will continue to pursue certain program metrics that will assist with guidance of the Fort Collins proposed pilot program.

Program Design

Public-Nonprofit Partnerships

40 of the 46 publicly funded immigration legal services/funds are public-nonprofit partnerships with municipal oversight of the funds dispersed through competitive grant processes to qualified, local immigration legal service providers.

30 of the public-nonprofit partnerships have a designated community foundation or nonprofit partner that coordinates distribution of the funds, contracts with service providers, reports annually to the municipality, and sometimes assists with fundraising.

Public Defender's Office

Some large metropolitan areas like San Francisco and Chicago initially began immigration legal services funding by establishing units inside their existing Public Defender's Office dedicated to detention and deportation defense. Most have now evolved into the municipality funding not only Public Defender positions, but also community partner-delivered education, outreach, affirmative case assistance, and legal advice clinics.

Five cities or counties directly fund attorney positions in the local Public Defender's Office to represent immigrants facing deportation proceedings. Some Immigration Units in Public Defender's Offices also represent defendants in criminal cases that have some potential immigration status implication.

New York City created the first Immigration Public Defender's Office in the country exclusively dedicated to representing immigrants facing deportation. The New York program is separate from the criminal public defender system. The state of New Jersey created the second Immigration Public Defender's Office but differs from the NYC model in providing grant funds to legal service providers rather than establishing a centralized office. New York State aims to represent 100% of all immigrants in deportation proceedings in their jurisdictions through a multifaceted approach of paid attorneys, pro bono attorney

matches, law student externships with Legal Aid, and immigration law clinics housed in area law schools with a primary Liberty Defense Project staffed by government and nonprofit employees.

City/County Employee Coordinator

Dane County, Wisconsin is the only municipality that created a county staff position to coordinate the immigration legal fund and associated projects from their Department of Human Services. The county Immigration Affairs Coordinator is a social worker who provides holistic case management, family support, and coordination of outside legal services. Eight other publicly funded legal services funds have some level of city, county, or state staff coordination of legal services or immigration fund grants as part of other job duties, usually in offices dedicated to immigrant affairs or welcoming communities.

Student Law Office Clinics and Fellows

In addition to funding a county staff member and one local immigration attorney, Dane County also funds a portion of the student law office immigration clinic at the University of Wisconsin to offer pro bono immigration legal representation and advice.

The state of New York offers a similar service delivery model with funding assistance from New York University and the Vera Institute of Justice. This immigration legal fund co-locates law school graduate fellows with legal aid programs throughout the state.

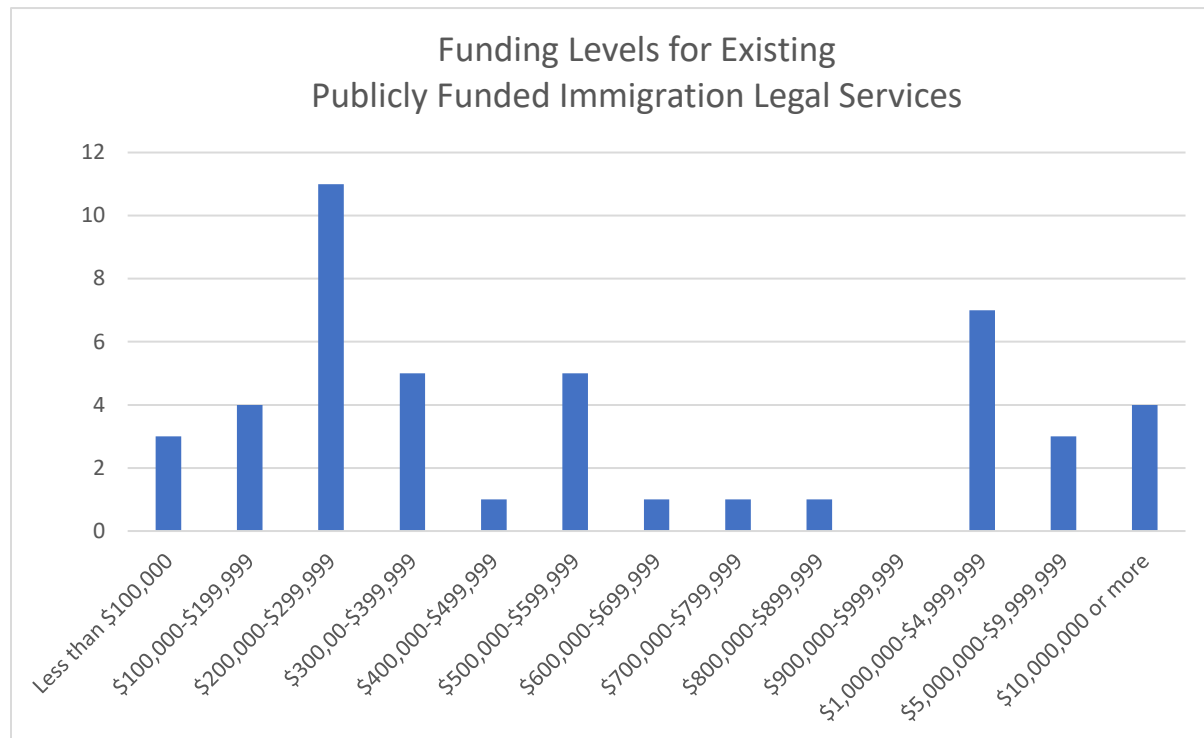
Cost per case

The populations, number of immigrants, residents at risk for deportation, and other available local resources for cities, counties, and states dedicating public funding to immigration legal services vary dramatically. The information presented is sorted by number of deportation cases with attorney representation through public funding, as all government entities compared offer this legal service.

- It is important to note that the cost per case in the chart does not exclude the public funding amounts for education programs, Know Your Rights trainings, Ask a Lawyer clinics, or other self-advocacy offered as part of holistic services under many immigration legal funds as the specific amounts allocated to these activities are not reported separately. Programs that prioritize these efforts may appear to have a higher cost per case.
- Costs per case paid through public funding are also impacted by the availability of local services. Cities, counties, and states with large pools of local immigration attorneys or local law school immigration clinics can opt for service delivery models that incorporate pro bono attorney representation rather than paid attorney positions, causing an artificially low cost per case.

Funding Levels & Sources

32 of the analyzed Immigration Legal Services/Funds are 100% publicly funded, 10 are 50%-99% publicly funded, and three are less than 50% publicly funded.



| Community | Washtenaw County, MI | Fort Collins, CO (proposed) | Santa Ana, CA | Alexandria, VA | City of St. Paul & Ramsey County, MN | Long Beach, CA |
|--|--|--|---|--|--|--|
| Funding Level | | | | | | |
| City funds | \$0 | \$150,000 | \$200,000 | \$100,000 | \$50,000 | \$250,000 |
| County funds | \$145,000 | \$0 | \$0 | \$0 | \$200,000 | \$0 |
| Other funds (grants; nonprofits) | \$0 | \$0 | \$0 | \$0 | \$0 | \$100,000 |
| State/District funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$145,000 | \$150,000 | \$200,000 | \$100,000 | \$250,000 | \$350,000 |
| Population data | | | | | | |
| Immigrant community (#) | 51,464 | 12,241 | 153,085 | 42,441 | 88,051 | 117,627 |
| Immigrant community (%) | 14% | 7% | 46% | 28% | 16% | 25% |
| Total population (#) | 367,601 | 174,871 | 332,794 | 157,613 | 550,321 | 466,776 |
| Services/Program Details | | | | | | |
| Program design | City/nonprofit partnership grant program | City/nonprofit partnership grant program | City/nonprofit partnership grant program | City/nonprofit partnership grant program | City & County/nonprofit partnership grant program | City/nonprofit partnership grant program |
| Program Coordinator? | Nonprofit Partner | Nonprofit Partner | Unknown | Nonprofit Partner | Nonprofit Partner | Unknown |
| Approx cases/year | 10 | 10 | 10 | 12 | 13 | 23 |
| Comparative Analysis | | | | | | |
| \$/per capita | \$0.39 | \$0.86 | \$0.60 | \$0.63 | \$0.45 | \$0.75 |
| \$/immigrant community member | \$2.82 | \$12.25 | \$1.31 | \$2.36 | \$2.84 | \$2.98 |
| \$/case | \$14,500 | \$15,000 | \$20,000 | \$8,333 | \$19,231 | \$15,217 |
| % of unmet need (unrepresented- not unmet pro bono need) | 2% | 0.20% | unknown | unknown | 0.80% | unknown |
| Percent Publicly Funded | 100% | | 100% | 100% | 100% | 71% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | 17 | 1 | 9 | 12 | 7 with local law school immigration clinic | 7 with multiple local law school immigration clinics |
| Other Notes | | | Began with \$100K Vera Institute nonrenewable grant | | Began with \$100K Vera Institute nonrenewable grant. | Began with \$100K Vera Institute nonrenewable grant |

| Community | Sacramento, CA | Boston, MA | Montgomery County, MD | Prince George's County, MD | Philadelphia, PA |
|--|--|---|--|--|--|
| Funding Level | | | | | |
| City funds | \$300,000 | \$50,000 | \$0 | \$0 | \$200,000 |
| County funds | \$0 | \$0 | \$374,000 | \$500,000 | \$0 |
| Other funds (grants; nonprofits) | \$0 | \$450,000 | \$0 | \$0 | \$100,000 |
| State/District funds | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$300,000 | \$500,000 | \$374,000 | \$500,000 | \$300,000 |
| Population data | | | | | |
| Immigrant community (#) | 418,800 | 184,780 | 337,371 | 209,145 | 222,639 |
| Immigrant community (%) | 18% | 27% | 32% | 23% | 14% |
| Total population (#) | 500,930 | 684,367 | 1,051,000 | 909,327 | 1,579,000 |
| Services/Program Details | | | | | |
| Program design | City/nonprofit partnership grant program | City/nonprofit partnership grant program | County/nonprofit partnership grant program | County/nonprofit partnership grant program | City/nonprofit partnership grant program |
| Program Coordinator? | Nonprofit Partner | Nonprofit Partner | Nonprofit Partner | Nonprofit Partner | Nonprofit Partner |
| Approx cases/year | 28 | 30 | 33 | 38 | 60 |
| Comparative Analysis | | | | | |
| \$/per capita | \$0.60 | \$0.73 | \$0.36 | \$0.55 | \$0.19 |
| \$/immigrant community member | \$0.72 | \$2.71 | \$1.11 | \$2.39 | \$1.35 |
| \$/case | \$10,714 | \$16,667 | \$11,333 | \$13,158 | \$5,000 |
| % of unmet need (unrepresented- not unmet pro bono need) | unknown | unknown | 0.30% | 0.30% | 0.02% |
| Percent Publicly Funded | 100% | 10% | 100% | 100% | 67% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | 25+ | 100+ with multiple local law school immigration clinics | 50+ with local law school immigration clinic | 25+ with local law school immigration clinic | 25+ |
| Other Notes | | Significant donor base for civil rights projects/programs due to alumni from local law schools and universities | Approved fund is controversial with the public and community advocates because it excludes some participants based on crimes they have been found guilty of and crimes where the defendant entered guilty plea. Concerns related to the knowledge/experience of public defenders related to entering a guilty plea and the later immigration consequences of these actions is a critical issue in immigrant communities across the U.S. The list of exclusions includes not only violent crimes and crimes of moral turpitude, but noncriminal activity like possession of body armor. | Began with \$100K Vera Institute nonrenewable grant. Partner organizations are utilizing a fellowship/externship model with the goal of representing all (12,775 currently) unrepresented immigrants facing deportation. | Began with \$100K Vera Institute nonrenewable grant. |

| Community | Columbus, OH | Dane County, WI | Hennepin County, MN | San Mateo County, CA | Washington (statewide) | San Francisco, CA (City/ County) |
|--|---|--|---|---|---|--|
| Funding Level | | | | | | |
| City funds | \$125,000 | \$0 | \$0 | \$0 | \$0 | \$4,000,000 |
| County funds | \$0 | \$150,000 | \$275,000 | \$764,000 | \$0 | \$0 |
| Other funds (grants; nonprofits) | \$34,000 | \$100,000 | \$0 | \$0 | \$0 | \$0 |
| State/District funds | \$0 | \$0 | \$0 | \$0 | \$1,230,000 | \$0 |
| | | | | | | |
| Total | \$159,000 | \$250,000 | \$275,000 | \$764,000 | \$1,230,000 | \$4,000,000 |
| Population data | | | | | | |
| Immigrant community (#) | 114,116 | 49,202 | 174,000 | 268,598 | 1,142,250 | 297,486 |
| Immigrant community (%) | 13% | 9% | 14% | 35% | 15% | 34% |
| Total population (#) | 898,553 | 546,695 | 1,360,000 | 767,423 | 7,615,000 | 874,961 |
| Services/Program Details | | | | | | |
| Program design | City/nonprofit partnership grant program | City & County/ nonprofit partnership grant program & Law School Immigration Clinic partially funded | City/nonprofit partnership grant program | County/nonprofit partnership | State/nonprofit partnership grant program | City & County/nonprofit partnership distributed & Public Defender's Office funding |
| Program Coordinator? | Nonprofit Partner | Madison Community Foundation & County Staffmember | Nonprofit Partner | Nonprofit Partner | State Staff | Nonprofit Partner & Public Defender Coordinator |
| Approx cases/year | 68 | 75 | 75 | 80 | 140 | 150 |
| Comparative Analysis | | | | | | |
| \$/per capita | \$0.18 | \$0.46 | \$0.20 | \$1.00 | \$0.16 | \$4.57 |
| \$/immigrant community member | \$1.39 | \$5.08 | \$1.58 | \$2.84 | \$1.08 | \$13.45 |
| \$/case | \$2,338 | \$3,333 | \$3,667 | \$9,550 | \$8,786 | \$26,667 |
| % of unmet need (unrepresented- not unmet pro bono need) | unknown | 7.50% | 0.40% | 1.70% | 1.40% | 0.60% |
| Percent Publicly Funded | 79% | 60% | 100% | 100% | 100% | 100% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | 50+ & local law school immigration clinic | 50+ & local law school immigration clinic | 50+ & local law school immigration clinic | Hundreds with multiple law school immigration clinics | Hundreds with multiple law school immigration clinics | Hundreds with multiple law school immigration clinics |
| Other Notes | Began fund with \$100K Vera Institute nonrenewable grant; committed municipal funds through 2023. | Began fund with \$100K Vera Institute nonrenewable grant; City of Madison contributes in-kind to the immigration fund with the possibility of financial contributions in 2021. | Active Pro Bono Immigration Bar Association representing 2/3's of deportation cases (before County funding) | | | Partially funds 3 public defender positions and 1 paralegal in San Francisco Public Defender's Office; began fund with \$100K Vera Institute grant |

| Community | Sonoma County, CA | Illinois (statewide) | Multnomah County & City of Portland, OR | King County & City of Seattle, WA | Los Angeles, CA (City/County) |
|--|---|--|---|---|--|
| Funding Level | | | | | |
| City funds | \$0 | \$0 | \$200,000 | \$1,000,000 | \$2,000,000 |
| County funds | \$550,000 | \$0 | \$160,000 | \$790,000 | \$3,000,000 |
| Other funds (grants; nonprofits) | \$250,000 | \$9,000,000 | \$0 | \$0 | \$2,400,000 |
| State/District funds | \$0 | \$1,000,000 | \$0 | \$0 | \$0 |
| | | | | | |
| Total | \$800,000 | \$10,000,000 | \$360,000 | \$1,790,000 | \$7,400,000 |
| Population data | | | | | |
| Immigrant community (#) | 84,037 | 1,773,800 | 113,800 | 540,881 | 3,460,000 |
| Immigrant community (%) | 17% | 14% | 14% | 24% | 34% |
| Total population (#) | 494,336 | 12,670,000 | 812,855 | 2,301,620 | 10,040,000 |
| Services/Program Details | | | | | |
| Program design | City/nonprofit partnership grant program | State/nonprofit partnership | City & County/nonprofit partnership grant program | City/nonprofit partnership grant program | City & County/nonprofit partnership grant program |
| Program Coordinator? | Nonprofit Partner | Nonprofit Partner | Nonprofit Partner - Equity Corps of Oregon | Nonprofit Partner | Nonprofit Partner |
| Approx cases/year | 193 | 243 | 255 | 369 | 370 |
| Comparative Analysis | | | | | |
| \$/per capita | \$1.62 | \$0.79 | \$0.44 | \$0.78 | \$0.74 |
| \$/immigrant community member | \$9.52 | \$5.64 | \$3.16 | \$3.31 | \$2.14 |
| \$/case | \$4,145 | \$41,152 | \$1,412 | \$4,851 | \$20,000 |
| % of unmet need (unrepresented- not unmet pro bono need) | 15% | 0.40% | 5.50% | 3% | 0.30% |
| Percent Publicly Funded | 100% | 10% | 100% | 100% | 68% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | 50+ & local law school immigration clinic | Hundreds with multiple law school immigration clinics | 50+ | 50+ & local law school immigration clinic | Hundreds with multiple law school immigration clinics |
| Other Notes | | Difficulty determining 2020 or 2021 state funding amount since funds are comingled in reporting with other equal justice funds and with grant/donor funds. | Fund began with \$500,000 from City of Portland, amount decreased due to COVID financial impact | | Also funds an administrative position in the Los Angeles Public Defender's Office to coordinate legal services (in addition to the program coordinator in the L.A. Justice Fund nonprofit) |

| Community | Oregon (statewide) | Oakland, CA (in Alameda County, CA) | Alameda County, CA | New York City, NY | Santa Clara County, CA |
|--|--|---|--|--|--|
| Funding Level | | | | | |
| City funds | \$0 | \$300,000 | \$0 | \$16,600,000 | \$0 |
| County funds | \$0 | \$0 | \$500,000 | \$0 | \$3,500,000 |
| Other funds (grants; nonprofits) | \$0 | \$208,928 | \$0 | \$0 | \$0 |
| State/District funds | \$2,000,000 | \$0 | \$0 | \$0 | \$0 |
| | | | | | |
| Total | \$2,000,000 | \$508,928 | \$500,000 | \$16,600,000 | \$3,500,000 |
| Population data | | | | | |
| Immigrant community (#) | 432,410 | 112,300 | 533,000 | 3,115,030 | 751,920 |
| Immigrant community (%) | 10% | 27% | 32% | 37% | 39% |
| Total population (#) | 4,218,000 | 425,097 | 1,671,000 | 8,419,000 | 1,928,000 |
| Services/Program Details | | | | | |
| Program design | State, City, County/ nonprofit partnership grant program | City/nonprofit partnership grant program | County/nonprofit partnership & 1 public defender position funded | Created the first public defender system for immigrants facing deportation. Directly coordinates services. | County/nonprofit partnership grant program |
| Program Coordinator? | Nonprofit Partner - Equity Corps of Oregon | Nonprofit Partner | Nonprofit Partner | City Staff | County's Office of Immigrant Relations |
| Approx cases/year | 400 | 417 | 436 | 750 | 847 |
| Comparative Analysis | | | | | |
| \$/per capita | \$0.47 | \$1.20 | \$0.30 | \$1.97 | \$1.82 |
| \$/immigrant community member | \$4.63 | \$4.53 | \$0.94 | \$5.33 | \$4.65 |
| \$/case | \$5,000 | \$1,220 | \$1,147 | \$22,133 | \$4,132 |
| % of unmet need (unrepresented- not unmet pro bono need) | 3.80% | 4.40% | 4.40% | 0.10% | 14% |
| Percent Publicly Funded | 100% | 56% | 100% | 100% | 100% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | Hundreds | 50+ & multiple local law school immigration clinics | Hundreds with multiple law school immigration clinics | Hundreds with multiple law school immigration clinics | 50+ with local law school immigration clinic |
| Other Notes | | Began with funding 1 public defender's office position in Alameda County to represent undocumented immigrants in immigration court after 1st representation by the public defender's office in criminal matters. Currently funding for that position is from Alameda County's budget | Also funds 1 public defender's office position in Alameda County to represent undocumented immigrants in immigration court after 1st representation by the public defender's office in criminal matters | | |

| Community | New Jersey (statewide) | Denver (City/County) | Baltimore, MD | Indianapolis, IN* | San Diego County, CA* |
|--|--|--|---|---|--|
| Funding Level | | | | | |
| City funds | \$0 | \$500,000 | \$200,000 | \$150,000 | \$0 |
| County funds | \$0 | \$0 | \$0 | \$0 | \$5,000,000 |
| Other funds (grants; nonprofits) | \$0 | \$125,000 | \$375,000 | \$0 | \$0 |
| State/District funds | \$6,200,000 | \$0 | \$0 | \$0 | \$0 |
| | | | | | |
| Total | \$6,200,000 | \$625,000 | \$575,000 | \$150,000 | \$5,000,000 |
| Population data | | | | | |
| Immigrant community (#) | 1,962,922 | 109,082 | 60,000 | 80,200 | 901,260 |
| Immigrant community (%) | 22% | 15% | 10% | 9% | 27% |
| Total population (#) | 8,882,000 | 727,211 | 609,032 | 864,447 | 3,338,000 |
| Services/Program Details | | | | | |
| Program design | Created the second public defender system exclusively for immigrants facing deportation (not part of existing public defender infrastructure). Provides grants to service providers. | City/nonprofit partnership grant program | City/nonprofit partnership grant program | City/nonprofit partnership grant program | Proposed multiple Public Defender's Office positions funded directly |
| Program Coordinator? | State Staff | Denver Foundation | Mayor's Office of Immigrant Affairs | Central Indiana Community Foundation | None |
| Approx cases/year | 857 | ~100 | 40 (from City funding only) | New program in 2021/22 | New program in 2021/22 |
| Comparative Analysis | | | | | |
| \$/per capita | \$0.70 | \$0.86 | \$0.94 | \$0.17 | \$1.50 |
| \$/immigrant community member | \$3.16 | \$5.73 | \$3.33 | \$1.87 | \$5.55 |
| \$/case | \$7,235 | \$6,250 | \$5,000 | unknown | unknown |
| % of unmet need (unrepresented- not unmet pro bono need) | 5% | 3% | unknown | unknown | unknown |
| Percent Publicly Funded | 100% | 80% | 35% | 100% | 100% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | Hundreds with multiple law school immigration clinics | 50+ & local law school immigration clinic | 50+ & Local law school immigration clinic | 11 with local law school immigration clinic | Hundreds with multiple local law school immigration clinics |
| Other Notes | 2020 budget reflected is \$3.1 million increase from 2019. 2021 proposed budget is an additional \$2 million (total funding would be \$8.4 million) | Public funding increased to \$500,000 in 2021. | Nonprofit organizations had fundraising success following high profile deportations in 2017 and 2018. 2019, 2020, & 2021 contributions are & cases resolved using donor funding not publicly available. | New program funded 5/10/21 by City Council | New program funded 5/4/21 by County Board of Supervisors |

| Community | Hartford, CT | New Haven, CT | Cincinnati, OH | Minneapolis, MN (in Hennepin County, MN) | Dallas, TX |
|--|---|--|--|---|---|
| Funding Level | | | | | |
| City funds | \$30,000 | \$100,000* | \$50,000 | \$75,000 | \$100,000 |
| County funds | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other funds (grants; nonprofits) | \$0 | \$100,000 | \$0 | \$0 | \$100,000 |
| State/District funds | \$0 | \$0 | \$0 | \$0 | \$0 |
| | | | | | |
| Total | \$30,000 | \$200,000* | \$50,000 | \$75,000 | \$200,000 |
| Population data | | | | | |
| Immigrant community (#) | 17,232 | 23,199 | 12,307 | 42,000 | 326,825 |
| Immigrant community (%) | 14% | 18% | 6% | 10% | 25% |
| Total population (#) | 123,088 | 130,331 | 301,394 | 420,324 | 1,331,000 |
| Services/Program Details | | | | | |
| Program design | City/nonprofit partnership grant program | Run exclusively by nonprofits; City funding allocated in 2020, but was eliminated due to the pandemic | City/nonprofit partnership grant program | City/nonprofit partnership grant program | City/nonprofit partnership grant program |
| Program Coordinator? | Nonprofit Partner | Nonprofit Partner | Nonprofit Partner | Office of Immigration & Refugee Affairs | Nonprofit Partner |
| Approx cases/year | unknown | unknown | unknown | unknown | unknown |
| Comparative Analysis | | | | | |
| \$/per capita | \$0.24 | \$1.53 | \$0.17 | \$0.18 | \$0.15 |
| \$/immigrant community member | \$1.74 | \$8.62 | \$4.06 | \$1.79 | \$0.61 |
| \$/case | unknown | unknown | unknown | unknown | unknown |
| % of unmet need (unrepresented- not unmet pro bono need) | unknown | unknown | unknown | unknown | unknown |
| Percent Publicly Funded | 100% | 50% | 100% | 100% | 50% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | 5 & local law school immigration clinic | Less than 25 & local law school immigration clinic | 10 | 50+ & local law school immigration clinic | Hundreds with multiple local law school immigration clinics |
| Other Notes | First year of funding in 2019, reporting for outcomes in 2020 are not publicly available but the program is continuing funding at current level into 2021/2022. | City funding of \$100K allocated in 2020/2021, but eliminated from the budget due to the pandemic financial impacts. Program began & is still ongoing in nonprofit organizations. The City anticipates allocating public funding again in 2022/23. | | | Several international nonprofit organizations offer pro bono legal services in addition to the publicly funded program; City Office of Welcoming Communities & Immigrant Affairs facilitates portions of this program |

| Community | Austin, TX | Atlanta, GA | Fairfax County, VA | San Antonio, TX |
|--|--|--|--|--|
| Funding Level | | | | |
| City funds | \$200,000 | \$200,000 | \$0 | \$250,000 |
| County funds | \$0 | \$0 | \$200,000 | \$0 |
| Other funds (grants; nonprofits) | \$0 | \$0 | \$0 | \$0 |
| State/District funds | \$0 | \$0 | \$0 | \$0 |
| | | | | |
| Total | \$200,000 | \$200,000 | \$200,000 | \$250,000 |
| Population data | | | | |
| Immigrant community (#) | 296,000 | 793,500 | 352,603 | 211,120 |
| Immigrant community (%) | 14% | 11% | 30% | 14% |
| Total population (#) | 950,807 | 488,800 | 1,146,000 | 1,508,000 |
| Services/Program Details | | | | |
| Program design | City/nonprofit partnership grant program | Multiple Public Defender's Office positions funded | County/nonprofit partnership grant program | City/nonprofit partnership grant program |
| Program Coordinator? | Unknown | None | Nonprofit Partner | Unknown |
| Approx cases/year | unknown | unknown | unknown | unknown |
| Comparative Analysis | | | | |
| \$/per capita | \$0.21 | \$0.41 | \$0.17 | \$0.17 |
| \$/immigrant community member | \$0.68 | \$0.25 | \$0.57 | \$1.18 |
| \$/case | unknown | unknown | unknown | unknown |
| % of unmet need (unrepresented- not unmet pro bono need) | unknown | unknown | unknown | unknown |
| Percent Publicly Funded | 100% | 100% | 100% | 100% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | Hundreds with local law school immigration clinic | 25+ with multiple local law school immigration clinics | 25+ with local law school immigration clinic | Hundreds with local law school immigration clinic |
| Other Notes | Began with \$100K Vera Institute nonrenewable grant; additional fundraising efforts have been unsuccessful | Began with \$100K Vera Institute nonrenewable grant. Mayor's Office of Immigrant Affairs coordinates some education components, but otherwise this is one of only 2 strictly public defender programs without Know Your Rights trainings or legal clinics provided by the fund itself. | | City's Immigration Services Division employs 1 immigration liaison position that partially coordinates portions of the program in addition to other duties. The position was not created for the fund. Began with \$100K Vera Institute nonrenewable grant. Amount in 2021 increased from \$150K to \$250K in response to disparate COVID financial impact on immigrant populations. |

| Community | Chicago, IL (in Cook County, IL) | Cook County, IL | Harris County, TX | Washington, DC |
|--|---|--|---|---|
| Funding Level | | | | |
| City funds | \$250,000 | \$0 | \$0 | \$0 |
| County funds | \$0 | \$350,000 | \$2,500,000 | \$0 |
| Other funds (grants; nonprofits) | \$0 | \$100,000 | \$0 | \$0 |
| State/District funds | \$0 | \$0 | \$0 | \$2,500,000 |
| | | | | |
| Total | \$250,000 | \$450,000 | \$2,500,000 | \$2,500,000 |
| Population data | | | | |
| Immigrant community (#) | 569,100 | 1,086,650 | 1,200,000 | 97,846 |
| Immigrant community (%) | 21% | 21% | 26% | 14% |
| Total population (#) | 2,710,000 | 5,150,000 | 4,713,000 | 692,683 |
| Services/Program Details | | | | |
| Program design | City/nonprofit partnership grant program | 1 Public Defender's Office position funded | City/nonprofit partnership grant program | District/nonprofit partnership grant program |
| Program Coordinator? | Nonprofit Partner | None | BakerRipley & County Staffmember | Nonprofit Partner |
| Approx cases/year | unknown | unknown | unknown | unknown |
| Comparative Analysis | | | | |
| \$/per capita | \$0.09 | \$0.09 | \$0.53 | \$3.61 |
| \$/immigrant community member | \$0.44 | \$0.41 | \$2.08 | \$25.55 |
| \$/case | unknown | unknown | unknown | unknown |
| % of unmet need (unrepresented- not unmet pro bono need) | unknown | unknown | unknown | unknown |
| Percent Publicly Funded | 100% | 78% | 100% | 100% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | 100+ with multiple local law school immigration clinics | 100+ with multiple local law school immigration clinics | 50+ & local law school immigration clinic | Hundreds with local law school immigration clinic |
| Other Notes | Began with \$100K Vera Institute nonrenewable grant. | This is one of only 2 strictly public defender programs without Know Your Rights trainings or legal clinics provided by the fund itself. City of Chicago and nonprofit organizations offer wrap around legal services, legal clinics, and educational trainings. 2 additional immigration public defender positions being added in 2021. Over 700 cases represented does not separate the criminal cases from immigration/deportation cases. | Public funding increased to \$2.5 million in 2020/21. Began fund with \$100K Vera Institute nonrenewable grant. | |

| Community | New York (statewide) | California (statewide) |
|--|--|---|
| Funding Level | | |
| City funds | \$0 | \$0 |
| County funds | \$0 | \$0 |
| Other funds (grants; nonprofits) | unknown | \$0 |
| State/District funds | \$10,000,000 | \$45,000,000 |
| | | |
| Total | \$10,000,000 | \$45,000,000 |
| Population data | | |
| Immigrant community (#) | 4,473,500 | 10,667,700 |
| Immigrant community (%) | 23% | 27% |
| Total population (#) | 19,450,000 | 39,510,000 |
| Services/Program Details | | |
| Program design | Liberty Defense Project recruits nonprofit organizations, legal aid offices, Bar Associations, and leverages pro bono attorney resources to provide legal services & law student | State/nonprofit partnership grant program |
| Program Coordinator? | State Office for New Americans | State Staff |
| Approx cases/year | unknown | unknown |
| Comparative Analysis | | |
| \$/per capita | \$0.51 | \$1.14 |
| \$/immigrant community member | \$2.24 | \$4.22 |
| \$/case | unknown | unknown |
| % of unmet need (unrepresented- not unmet pro bono need) | unknown | unknown |
| Percent Publicly Funded | unknown | 100% |
| # Immigration Attorneys (practice limited to immigration cases) in the City/County | Thousands with multiple law school immigration clinics | Thousands with multiple law school immigration clinics |
| Other Notes | Ford Foundation and Hartford Foundation are contributors, but funding amounts are not publicly available. | Fund began with 2020/21 budget in Department of Social Services |

Municipal Immigration Legal Fund Appropriation

Kyle Stannert, Leo Escalante

Agenda Overview

- 1. Strategic Alignment**
- 2. Key Local Findings**
- 3. Pilot Program Overview**
- 4. Potential Partners**
- 5. Timeline**

CFC Direction Sought

1. If the City can obtain additional funding through grants or fundraising for immigration legal services, would the Council Finance Committee recommend use of those funds to add to the \$250,000 City General Fund Reserve appropriation to increase the total program funding?
2. What feedback does the Council Finance Committee have regarding the funding level or services that could be provided to Fort Collins residents as part of a municipal immigration legal fund?

Strategic Outcomes

Neighborhood Livability &
Social Health 1.4

Economic Health 3.2

Safe Communities 5.1

High Performing
Government 7.3

2020 Legislative Policy Agenda

Immigration and National
Border Conditions

City Council Resolution 2019-100

The Immigration Crisis at
the Southern Border of the
United States and its Impact
on the Fort Collins
Community

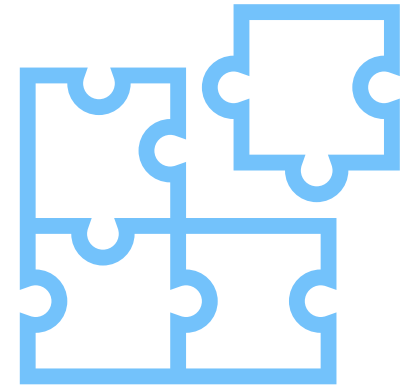
Social Sustainability Strategic Plan (2016)

Equity and Inclusion Theme
B1.2.b

- **High Demand for Immigration Legal Services**
 - Approximately 4,500 Fort Collins residents need immigration legal services
 - Estimated unmet annual need for Fort Collins Detention/Deportation cases is 75-100 per year, SIJS cases is 100 per year, and affirmative cases is 400 per year
 - 83 Larimer County residents are in detention, facing deportation, and unrepresented
 - 54 Poudre School District students are eligible for SIJS and need pro bono representation in the process
- **Limited Availability of Local Immigration Legal Services**
 - One immigration attorney in Fort Collins
 - No community partners providing pro bono legal advice clinics

Program Structure

- Establish a grant program to provide funds to community-based organizations and/or legal service providers
- Grant recipients would offer residents wrap-around, holistic immigration legal services to meet most urgent needs, and build trust in the immigrant community through ongoing self-advocacy
- The City would initiate a request for proposal process and select service providers through competitive review



Pilot Program Overview: Costs

18-Month Pilot Funding Range C-18 was recommended
by Council consensus at 5/11/21 Work Session*

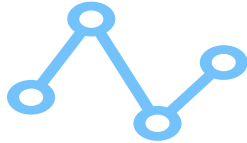
| Example | Program Administration | Detention - Deportation Cases *minimum 15 \$6,000/case | Special Immigrant Juvenile Status Cases (SIJS) \$4,000/case | Affirmative Cases (DACA, LPR, or Naturalization) \$1,000/case | Funding Range |
|---------|---------------------------|---|---|--|-----------------------|
| C-18 | Up to \$90,000 | 15-20 | 0-5 | 0-20 | \$180,000- 250,000 |

*Case numbers in the example are not intended to reflect the actual number in each case type that would have representation under the pilot as the actual number will be impacted by factors outside of the control of service providers, such as who applies for participation and at what rate.

Equity Program

- Available to any Fort Collins resident without regard to income, case type, age at entry into the United States, or other qualifiers.
- To reflect Council interest in cases involving children, DACA recipients, and victims of violent crime, RFP can encourage legal service providers to propose service delivery that is inclusive of a broad range of case types.
- RFP marketing efforts can prioritize organizations that provide or seek to provide services for SIJS and affirmative cases.
- In the C-18 funding range, \$250,000 reflects the anticipated funding level needed to maximize the potential representation for the greatest variety of case types, including those related to minors and violent crime victims.

Metrics



- N° of people receiving free legal advice or training
- N° of people receiving direct representation (adults/children & case type)
- N° of cases resolved due to representation
- N° of people released on bond during the program
- N° of referrals to the program by other participants
- Pct. of participants who feel they are safer due to the program
- Pct. of participants who are more knowledgeable about their pathways to citizenship or lawful presence after the program
- Pct. of participants reporting greater likelihood of accessing City or community resources due to the program

CFC Consideration

1. If the City can obtain additional funding through grants or fundraising for immigration legal services, would the Council Finance Committee recommend use of those funds to add to the \$250,000 City General Fund Reserve appropriation to increase the total program funding?
2. What feedback does the Council Finance Committee have regarding the funding level or services that could be provided to Fort Collins residents as part of a municipal immigration legal fund?

COUNCIL FINANCE COMMITTEE AGENDA ITEM SUMMARY

Staff: Jamie Gaskill, Utilities Community Engagement
Brian Tholl, Utilities Energy Services

Date: 24 May 2021

SUBJECT FOR DISCUSSION

Income-Qualified Assistance Program (IQAP) Update and Proposed Changes

EXECUTIVE SUMMARY

The Income-Qualified Assistance Program (IQAP) that provides income-qualified customers reduced rates on select Utilities services was introduced in October 2018 as a pilot program. The IQAP rate that provides a 23% discount on electric, water, and wastewater services is due to expire July 31, 2021. Staff are planning to provide City Council an update on the program in June 2021 and will be seeking City Council's direction regarding continuing the rate through 2024 and making administrative changes to the program's enrollment process.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

- Staff are seeking City Council's direction regarding extending the IQAP rate pilot an additional three years (through December 2024) and aligning the rate with the Utilities annual rate ordinance. Does the Council Finance Committee support bringing the three-year extension of the IQAP rate pilot and the rate alignment to the full Council for consideration in June 2021 ahead of the IQAP rate expiration (July 31, 2021)?
- Does the Council Finance Committee support shifting the IQAP from an application-based/opt-in program to an auto-enroll/opt-out program?

BACKGROUND/DISCUSSION

The Income-Qualified Assistance Program (IQAP) was approved by City Council and launched in October 2018 in conjunction with the Time-of-Day (TOD) electric rates. The program was designed to reduce utility burdens for qualifying low-income participants that opt-in to the program by giving them a 23% discount on specific rate components of electric, water and wastewater services. The current pilot and associated discount are set to expire July 31, 2021, pursuant to City Code §26-724.

Current Program Design

Utility burden is defined as the percentage of a household's income that is spent on utility services such as gas, electric, water, wastewater and stormwater. Low-income households have been found to have disproportionately high utility burdens when compared to non-low-income households¹. The IQAP rate pilot was designed as a multi-pronged approach to helping low-

¹ ACEEE (2020). Energy Burden Report. <https://www.aceee.org/energy-burden>,
US Water Alliance (2016). Invisible Crisis – Water Affordability in the US.
<http://uswateralliance.org/sites/uswateralliance.org/files/Invisible%20Crisis%20-%20Water%20Affordability%20in%20the%20US.pdf>

income households (at or below 165% Federal Poverty Level) achieve utility burdens that are more similar to those of households with 100% Area Median Income (AMI). The IQAP 23% rate discount was designed to be combined with Low-Income Energy Assistance Program (LEAP) benefits and in-home conservation efforts to reduce participants' utility burdens to more average levels (approximately 3.1% of income).

Utilities also partners with LEAP for income-eligibility verification for IQAP. LEAP eligibility is based on household size and an income threshold of 60% of State Median Income (SMI). Utilities customers that are enrolled in the current or past LEAP season are eligible to complete an application to “opt-in” to participate in IQAP. Utilities sends bulk invites via mail or email to LEAP-enrolled customers annually to encourage them to apply for participation in IQAP. Customers can also fill out an application at any time during the year to be enrolled in the program provided their LEAP enrollment can be verified. Applications can be completed online or via a paper form. Once an application is received by Utilities staff, the customer's LEAP enrollment is verified, and their rates are changed for the applicable services.

In addition to receiving the reduced rate on services, IQAP participants are encouraged to participate in no-cost conservation programs such as Larimer County Conservation Corps (LCCC) and/or Colorado Affordable Residential Energy Program (CARE) to make their dwelling more efficient and to help reduce utility costs further. They also receive the monthly Utilities Insights newsletter (fcgov.com/utilities/utilities-insights) that provides low- or no-cost tips and tricks for reducing utility use and costs.

Initial IQAP Pilot Results

The IQAP was launched in October 2018 and results discussed here are based on the first two full calendar years of the program (2019 and 2020). The following were used to analyze program impact:

- Program enrollment
- Reduced rate benefit to customers/utilities revenue impact
- Actual customer utility use (year one)
- Customer surveys
 - Pre- and post-program surveys annually
 - In-depth customer engagement survey (year one)

When IQAP was approved in 2018, participation was projected at 2,000 customers annually based on census data and expected LEAP enrollment. For the first two years of the program the actual average annual enrollment was 717 customers, or 36% of what was projected.

Additionally, the projected benefit to customers was \$441,000 and actual average annual benefit to customers was \$141,944, or 32% of what was projected. The actual annual utility bill savings per customer was approximately \$200. Table 1 summarizes program enrollment and the annual benefit to customers.

Table 1: IQAP planned and actual participation and annual customer benefit

| | Participation | Annual Customer Benefit |
|-----------------|---------------|-------------------------|
| Planned* | 2,000 | \$441,000 |
| Actual** | 717 | \$141,944 |

**Council approved in 2018*

***Average annual participation and benefit for 2019-2020*

Encouraging energy and water conservation through dwelling modifications and behavior change education has also been a focus of the IQAP pilot. Customers are invited to participate in programs such as LCCC and CARE. Table 2 summarizes IQAP customer participation in each program in 2019 and 2020. Note: due to the impacts of COVID-19, in March 2020 LCCC and CARE were put on hold because contractors were not able to do in-home assessment. As an alternative, customers were invited to request conservation kits to be sent to their homes. Kits contained do-it-yourself products that customers could install in their homes to reduce energy and water use. Approximately 85 IQAP customers received kits since September 2020.

Table 2: IQAP customer participation in LCCC and CARE

| | 2019 | 2020 |
|------|------|------|
| LCCC | 90 | 27 |
| CARE | 7 | 1 |

In addition, IQAP participants were sent the monthly Utilities Insights newsletter via email or mail. The newsletter contained seasonal tips, tricks and programs for saving energy and water and ways to make homes healthier. Insights newsletters were offered in English and Spanish. See Attachment 2 for a sample issue. Approximately 50% of participants received the newsletter via email. Open rates on the email version of Insights were significantly higher than the industry average and are summarized in Table 3.

Table 3: Open rates and click rates for emailed version of Utility Insights newsletter compared to industry averages

| | Open Rate | Click Through Rate |
|---------------------------------|-----------|--------------------|
| Utilities Insights E-Newsletter | 48% | 9.5% |
| Government Agency or Services | 29.98% | 11.22% |
| Industry Average* | | |

**Industry average according to Constant Contact data*

(https://knowledgebase.constantcontact.com/articles/KnowledgeBase/5409-average-industry-rates?lang=en_US)

In an effort to examine impacts of conservation efforts associated with IQAP participation, staff engaged Apex Analytics, a Colorado based evaluation and analytics firm, to conduct an initial billing analysis for year one of the program (October 2018-September 2019). The analysis utilized a difference-in-differences approach, comparing 538 IQAP participants to a synthetic control group (non-participant LEAP customers). The billing analysis found there to be no statistical change in water use and a 5% increase in energy use. See attached memo from Apex Analytics for detailed findings.

Apex Analytics also designed a customer survey that was utilized to understand how IQAP benefited participants and impacted customer engagement and awareness of conservation programs. Survey invitations were sent to 527 IQAP participants and 175 customers completed the survey.

Highlights from the findings from the IQAP Participant Survey include:

- 76% of survey respondents have participated in or are aware of conservation programs.
- 76% of survey respondents report increased comfort in their home.
- 86% of survey respondents report being more secure in their ability to pay their utility bill.

For additional survey findings, please see the attached Apex Analytics memo.

The first two full calendar years of IQAP implementation provided valuable information about program design and execution. Utilizing the “opt-in” application-based enrollment resulted in participation rates that were significantly less than what was projected. Enrollment moderately increased across the two years.

The COVID-19 pandemic began at the beginning of 2020 which coincided with the second full calendar year of the IQAP implementation. COVID-19 did not appear to significantly impact program enrollment in 2020, however, it did impact the conservation component of IQAP. For example, customers were not able to participate in LCCC or CARE after March 2020 because both programs were suspended due to COVID-19. The suspension significantly impacted participation rates which was apparent in the sharp decline in participation from 2019 to 2020. The effects of COVID-19 on this and other components of the program have made overall assessment of program effectiveness and sustainability difficult to determine. The pandemic’s continuing effects on customer behavior is one of the factors driving staff’s recommendations to extend the program pilot which will be discussed next.

Issues for Consideration

The IQAP rate pilot is due to expire July 31, 2021, as stated in City Code. Staff recommends extending the rate pilot an additional three years and aligning the rate with the annual Utilities’ rate ordinance that is considered by City Council each fall. With the extension staff will:

1. Continue targeted engagement with low-income community members. Staff will utilize findings from participant surveys to tailor methods of engagement to make them more effective.
2. Build on existing enrollment and seek to enroll 1,500 customers.
3. Continue to promote participation in conservation programs and educate program participants about efficiency practices.
4. Analyze program impact for customers and the utility and report findings to Council.

In addition, staff recommend that consideration be given to changing the program from an application-based/opt-in program to an auto-enroll/opt-out program. An auto-enroll program would eliminate the need for customers to fill out an additional application beyond the required LEAP application. In addition to removing participation barriers for customers, auto enroll would decrease the amount of staff time required to administer the enrollment process and would

allow staff to spend more time engaging directly with customers. Figure 1 illustrates how this would affect program processes and the customer experience.

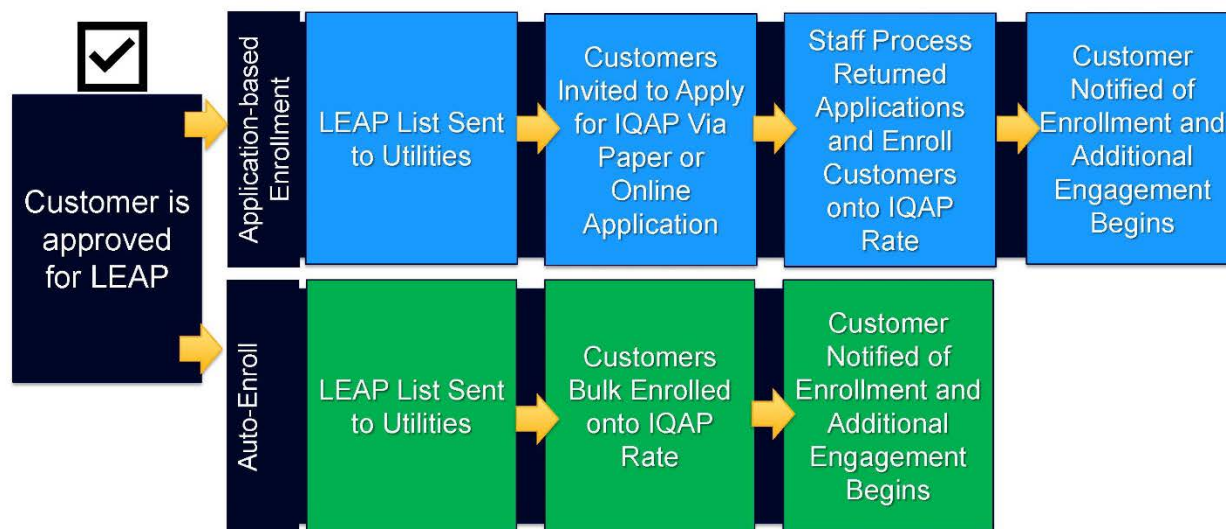


Figure 1: IQAP Application-based Enrollment Processes Versus Auto-Enroll

Changes to the enrollment process will also integrate with citywide efforts to streamline income-qualified programs across the organization. For example, LEAP-enrolled customers that move into the Utilities service area outside of the auto enroll months (December – May) will be able to apply for IQAP via the online or mobile portals that are currently in development in partnership with Code for America (see attached Memo regarding the Code for America partnership).

Changing the IQAP enrollment format is projected to nearly double the number of participants in the program. In addition, the impact to annual operating revenues would increase from \$141,944 (0.1% of total utility revenues) to \$272,342 (0.2% of total utility revenues). Table 4 illustrates the projected impact on overall participation and annual customer benefit and Table 5 illustrates the projected revenue impacts for each utility.

Table 4: Projected impact of making IQAP an auto-enroll program

| | Participation | Annual Customer Benefit |
|--------------------------------------|---------------|-------------------------|
| Planned* | 2,000 | \$441,000 |
| Actual** | 717 | \$141,944 |
| Projected with Auto Enroll*** | 1372 | \$272,342 |

*Council approved in 2018

**Average annual participation and benefit for 2019-2020

***Based on estimated 98% auto enrollment of all LEAP-enrolled customers

Table 5: Projected revenue impacts by utility of making IQAP an auto-enroll program

| Utility | Planned* | Actual** | Projected*** |
|--------------|------------------|------------------|------------------|
| Electric | \$348,000 | \$105,782 | \$215,423 |
| Water | \$39,000 | \$17,041 | \$23,149 |
| Wastewater | \$54,000 | \$19,121 | \$33,770 |
| TOTAL | \$441,000 | \$141,944 | \$272,342 |

**Council approved in 2018*

***Average annual revenue impact for 2019-2020*

****Based on estimated 98% auto enrollment of all LEAP-enrolled customers*

Should Council approve the change to an auto-enroll program, staff proposes starting the auto-enroll format with the 2021-2022 IQAP season that begins October 1, 2021.

Board/Commission/Committee Recommendations

At the May 6, 2021 Affordable Housing Board meeting, board members voted unanimously (6,0) to support the three-year extension of the IQAP rate pilot. Board members also voted unanimously to support making the program an auto-enroll/opt-out program.

At the May 13, 2021 Energy Board meeting, board members voted unanimously (8,0) to support the three-year extension of the IQAP rate pilot. Board members also voted unanimously to support making the program an auto-enroll/opt-out program.

Staff will also be presenting the IQAP update and proposed changes at the May 20, 2021 Water Commission meeting and will include commission member feedback and considerations before going to Council on June 15, 2021.

ATTACHMENTS

Attachment 1: Memo from Apex Analytics (PDF)

Attachment 2: Sample Utilities Insights Newsletter (PDF)

Attachment 3: Memo Re: Digital Access & Equity Outreach Update (PDF)

To: Brian Tholl, City of Fort Collins Utilities
From: Noah Lieb, Joe Van Clock, Jon Koler, Apex Analytics
Subject: Findings for the Income Qualified Assistance Program
Date: April 7, 2021

This memo details the research and findings from a statistical billing analysis and participant survey for the City of Fort Collins Income Qualified Assistance program (IQAP).

Background

When Fort Collins Utilities launched its time of day (TOD) rates in October 2018, it also introduced an Income Qualified Assistance Program (IQAP) to ensure its rate structure remained equitable. The IQAP provides a 23 percent reduction on electric and water bills for Utilities customers who qualify for Colorado's Low-income Energy Assistance Program (LEAP) through Energy Outreach Colorado. Utilities has enrolled over 700 customers in the IQAP from the roughly 1,600 customers who qualify and participate in LEAP.

As part of the eligibility for receiving the IQAP rates, Utilities has an educational and engagement requirement for customers to participate in conservation activities.¹ The potential for increased engagement with qualified customers, who have traditionally been underrepresented in efficiency programs, and the resulting opportunity to reduce energy use and achieve non-energy benefits was an important motivator for Utilities to offer the rate discount.

Utilities sought to understand the electric and water usage impacts from the IQAP rates, recognizing that, while the engagement/education components could result in energy and water savings, lower rates could provide a price signal leading to increased use. Utilities engaged Apex to develop a statistical billing analysis in order to estimate the electric energy and water consumption impacts from their IQAP efforts, and to conduct a qualitative analysis to further understand changes in behavior and energy use based on a customer survey. The objectives of this research were to:

- › Determine the electric and water impacts attributable to IQAP participation
- › Assess IQAP energy use intensity relative to non-IQAP participants, and whether lower rates helped IQAP customers achieve a more comfortable or energy equitable home
- › Determine the IQAP rate impact on revenue and assess whether IQAP participants shifted consumption to off-peak hours
- › Understand how participants are benefitting from the program and why IQAP participants energy use changed
- › Determine if changes to program engagement offset changes to energy use

¹ IQAP participants receive "Utilities Insights", a monthly newsletter with tips to save energy and water to lower utility bills and are occasionally contacted directly regarding efficiency programs. There is no requirement for IQAP participants to attend workshops or participate in other conservation programs.

Methodology

Apex conducted a statistical billing analysis to assess electric energy and water consumption changes as a result of IQAP participation. To explain differences in monthly consumption, we modeled monthly energy/water consumption as a function of participation status (participant versus non-participant comparison households), time period (whether the period was pre- or post-IQAP rate introduction) and weather (for the electric analysis monthly heating and cooling degree days, for the water analysis, average daily temperature). Apex developed two energy and water impacts estimates: one for the actual year and one weather normalized to account for longer-range climate conditions.

Utilities provided data on households participating in IQAP. The analysis included 538 homes that received IQAP rates between October and December 2018 and remained as active status in the IQAP dataset.² Apex matched these households to LEAP-qualified homes that did not participate in IQAP using a ranked comparison of households based on the pre-installation period consumption (usage between October 2017 and September 2018) to create a comparison group.³ Statistical testing showed that the comparison group's pre-participation energy consumption closely matched that of the participant group.⁴

To gain further insight into the changes in energy consumption observed in the billing analysis, Apex developed a survey guide focused on understanding how participants benefit from the IQAP rate and any actions they may have taken to change their energy use. Active IQAP participants with an email address on record in the billing system received an email solicitation while customers without an email address on record received a letter invitation to complete the IQAP survey online. Participants received a \$20 credit on their bill as an incentive to complete the survey. Of the 217 mailed invitations and 310 emailed invitations distributed, 175 IQAP participants completed the survey, resulting in a survey response rate of 33%.

Key Findings

This section addresses findings related to each of the primary research questions.

- › **Changes to consumption:** Did IQAP participants adjust their electric energy and water usage relative to non-IQAP participants after receiving the new rates?

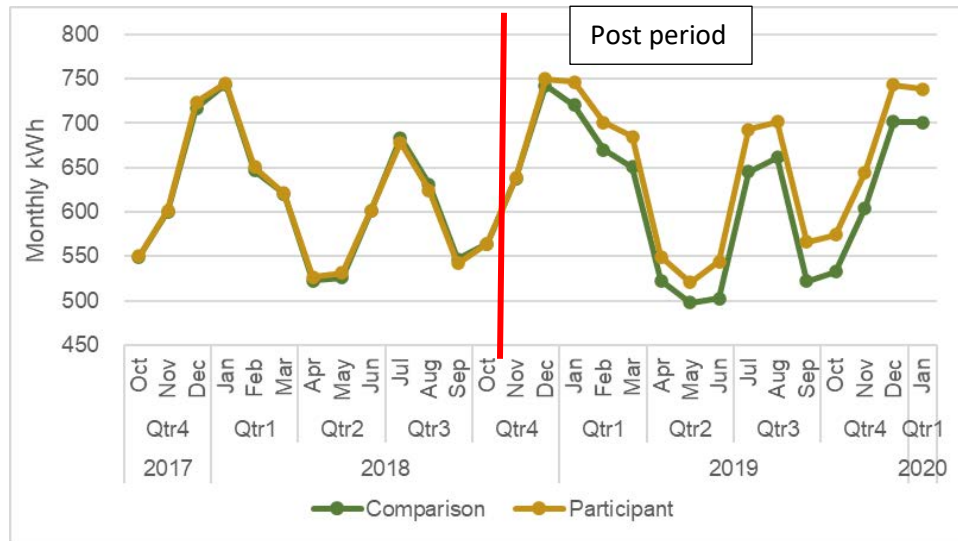
The statistical billing analysis results showed that the average household that received IQAP rates between October and December 2018 experienced an increase in annual electric usage of 363 kWh, relative to pre-usage and controlling for exogenous effects (represented by the matched non-participant comparison group households) (Figure 1).

² There were an additional 167 participants that were inactive, having received the rate for a short duration of time and were removed from the program due to closing of accounts among other reasons.

³ Specifically, Apex identified the most equivalent non-participant comparison household match based on Euclidean distance (i.e., the lowest absolute difference in monthly usage compared to the participants).

⁴ Apex modeled a period to quantify the “drift” of each comparison group relative to the participant homes electric usage. Using 2017 as a baseline matching period, we then examined the 2018 electric usage before IQAP participation to quantify the “drift” of the average comparison group versus participant group usage. The LEAP comparison group showed the lowest “drift”, with electric usage remaining almost perfectly aligned with the participant homes between January and September 2018.

Figure 1. Participant and Matched Comparison Monthly Electric Usage



Source: Utilities billing system data

As Table 1 shows, the change to the mean annual household energy consumption factoring in a typical weather year was 380 kWh.⁵ The average household that received IQAP rates between October and December 2018 did not show any notable change in annual water usage attributable to the new (lower) rates.

Table 1. Mean Annual IQAP Billing Analysis Results

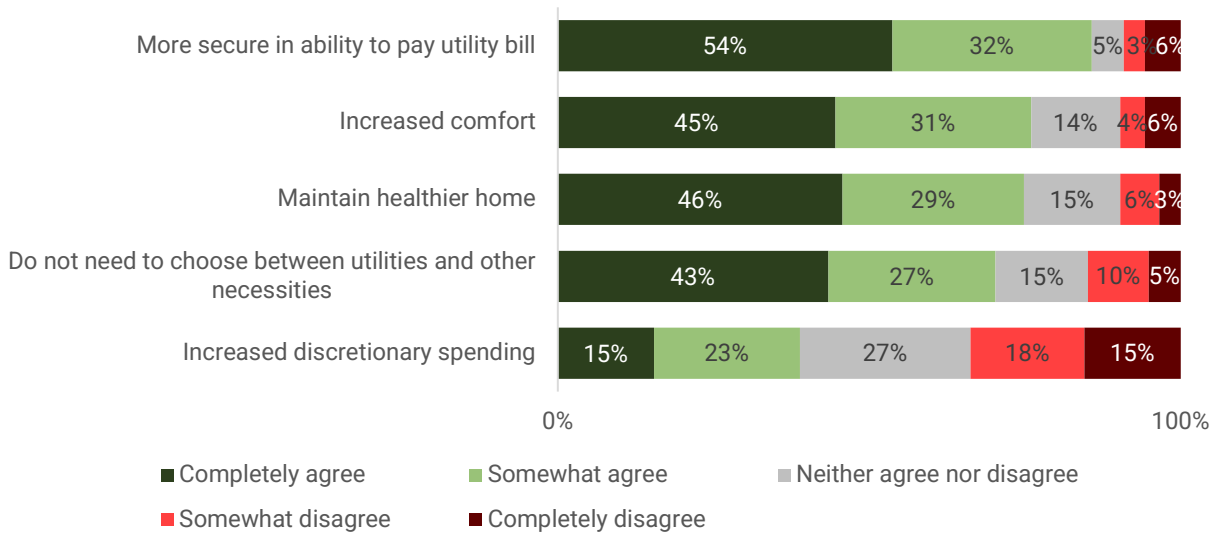
| Model | Change in Mean Study Period Household Usage | Weather Normal Household Usage Change | Mean Annual Load | Change as % of Annual Load | Explanatory Power (R ²) | 90 % Confidence Interval | Statistically Significant |
|----------|---|---------------------------------------|------------------|----------------------------|-------------------------------------|--------------------------|---------------------------|
| Electric | +363 kWh | +380 kWh | 7,408 kWh | +5.1% | 0.76 | +/- 155 kWh | Yes |
| Water | -945 gallons | -356 gallons | 84,952 gallons | -0.4 % | 0.51 | +/- 3,271 gallons | No |

› **Participant benefits:** How are participants benefitting from IQAP and why did their energy use change?

The most common benefit participants reported as a result of receiving the IQAP discount was the need to worry less about paying their utility bills. The ability to keep their homes at a more comfortable temperature and do things in the home that allow them to stay healthier, like using an air filter, were also commonly-cited benefits.

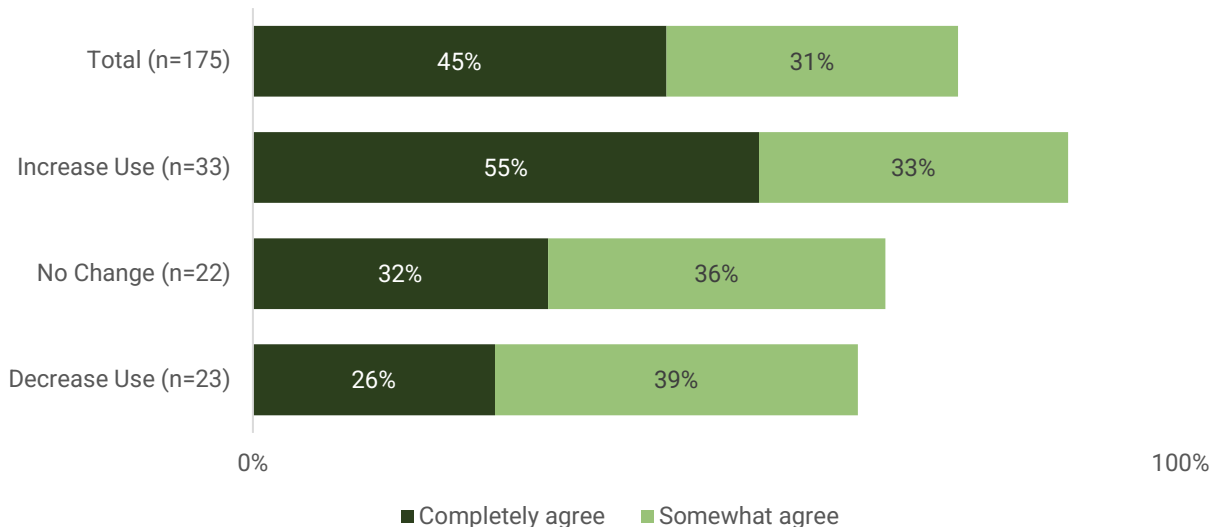
⁵ The model provided strong explanatory power, with an R-squared of 0.76. The household estimate is statistically significant at the 90% confidence level, though precision was moderate, at +/- 41% (155/380). The lower degree of precision is a result of the variability in household usage (all household types were included in the analysis, including electric heat and gas heated homes, single-family, multifamily and manufactured homes).

Figure 2: Benefits of IQAP Participation (n=175)



While all IQAP participants reported the discount allowed them to worry less about paying their utility bills, participants whose energy consumption increased were significantly more likely than those whose usage decreased or stayed the same to report keeping their homes at a more comfortable temperature due to the discount (Figure 3). According to one participant, “I am not worried about a big bill, and we don’t have to freeze in the winter. We still do not have our heaters on during five to nine [PM], but it is better to have the ability to exercise the option.”

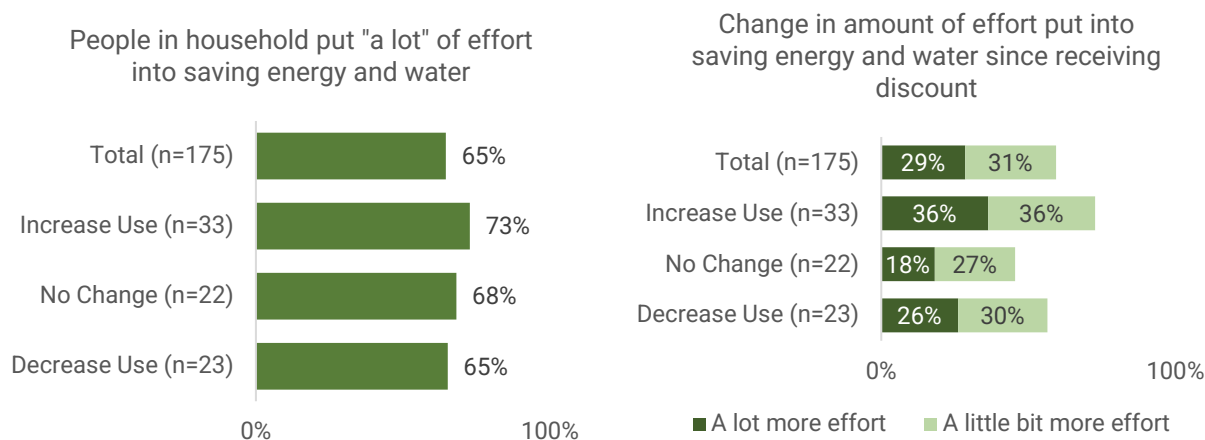
Figure 3: IQAP Participant Agreement that “Because of the Discount, I Keep My Home at a More Comfortable Temperature” by Change in Energy Consumption



- › **Program Engagement:** Determine if changes in program engagement offset changes to energy use.

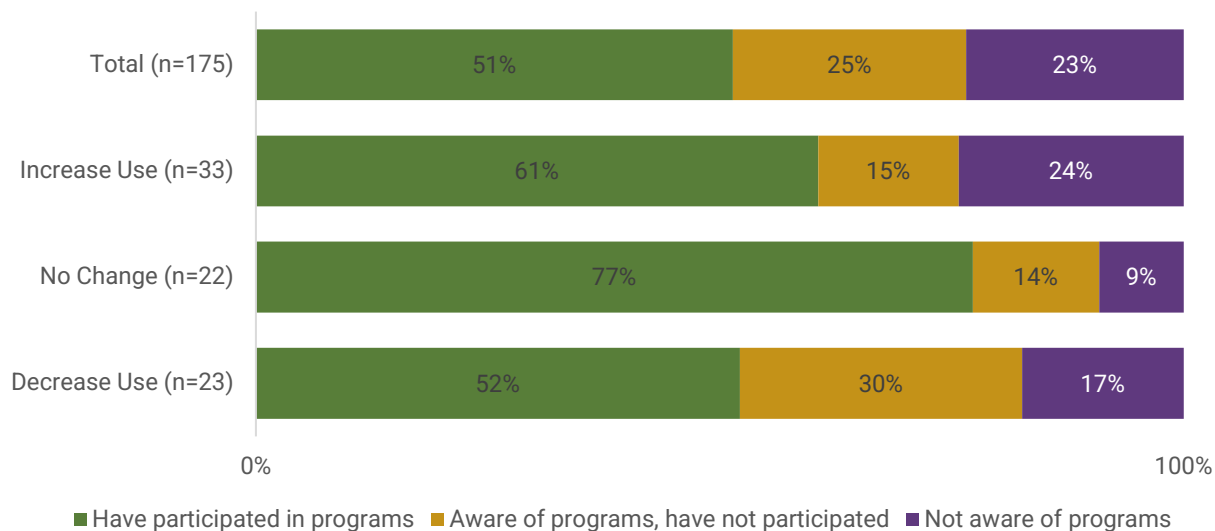
Survey findings suggest IQAP participants, particularly those whose energy use increased after receiving the discount, are energy conscious and engaged with energy efficiency programs. Nearly two-thirds (65%) of IQAP participant survey responses reported that people in their households put “a lot” of effort into saving energy and water, and a majority (60%) reported increasing the amount of effort they put into saving energy and water since receiving the discount (Figure 4). Households whose energy consumption increased since receiving the discount were nonetheless the most likely to report putting “a lot” of effort into saving energy and water and increasing their level of effort since receiving the discount.

Figure 4: IQAP Survey Respondent Reported Effort Devoted to Saving Energy and Water



More than three-fourths of surveyed IQAP participants (76%) were aware of energy efficiency programs, and a majority (51%) had participated in programs. LCCC was the most common program in which participants reported participating, with half of all IQAP recipients that were aware of programs (50%) reporting participating in LCCC.

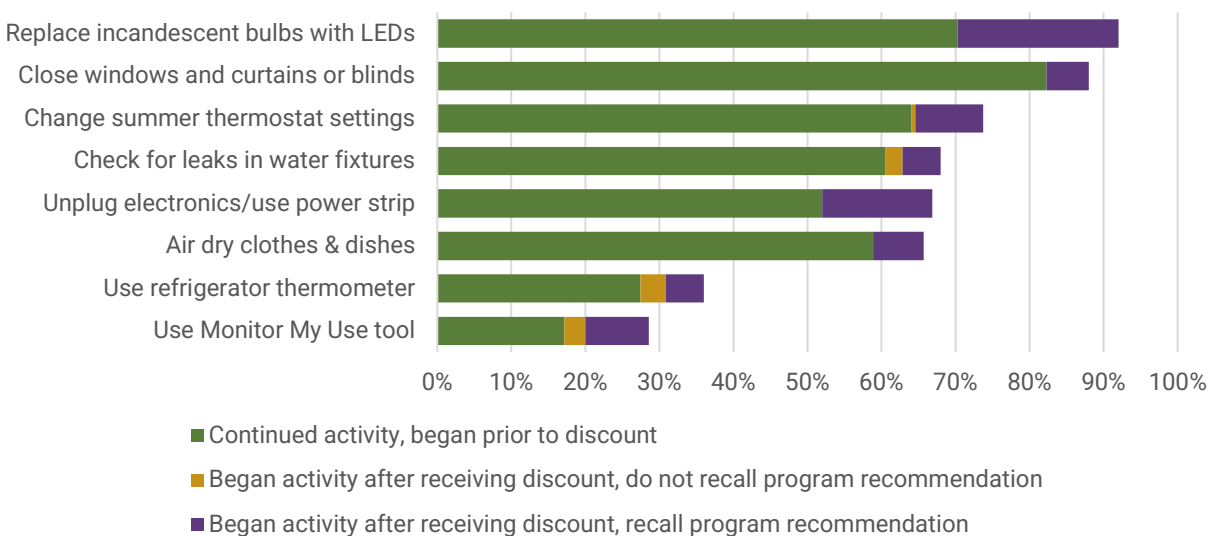
Figure 5: IQAP Participant Awareness of and Participation in Efficiency Programs



The energy saving tips that Utilities provided to IQAP participants resulted in a marginal increase in energy saving actions participating households took. Approximately one-third (37%) of IQAP participants reported beginning to take one or more action they recalled

Utilities recommending after receiving the discount. A majority of households reported they already undertook most of the recommended actions prior to receiving the discounts (Figure 6). The greatest increase in uptake of the recommended actions came from households replacing incandescent bulbs with LEDs and households unplugging electronics or using power strips to reduce phantom loads.

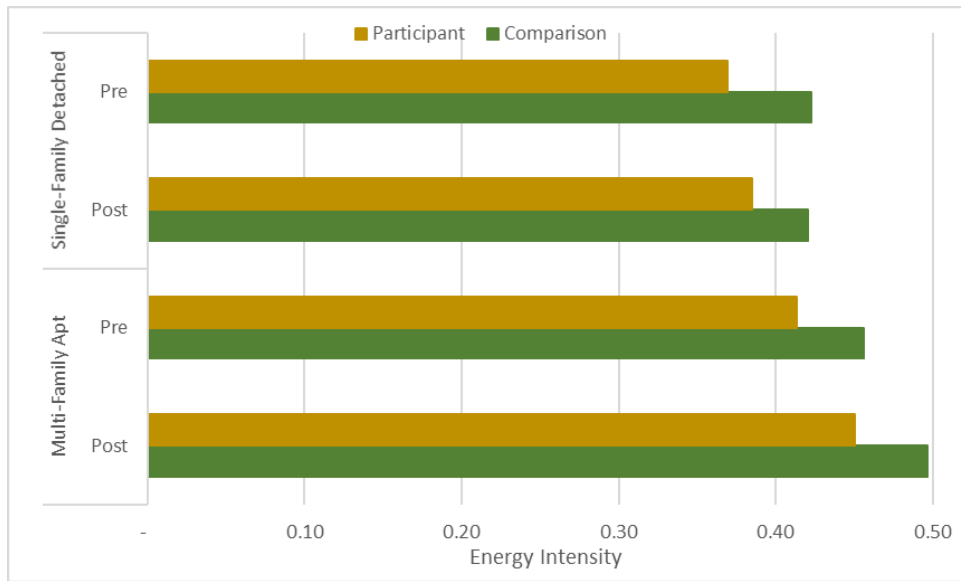
Figure 6: IQAP Participant Uptake of Recommended Energy Savings Actions (n=175)



- › **Energy intensity:** Assess IQAP energy use intensity relative to non-IQAP participants, and whether lower rates helped IQAP customers achieve a more comfortable or energy equitable home

Apex drew on data from Experian and the city assessor to normalize energy usage data on a monthly kWh per household square foot basis to calculate energy use intensity (EUI). We examined the pre-and-post-IQAP EUI across various households and primary heating fuel types. IQAP participants had a statistically significant lower EUI than the comparison group across single family detached homes and multifamily apartments, the two most common housing types (Figure 4). This indicates that IQAP households used less energy than similarly sized homes in the comparison group and thus may have been curtailing their usage.

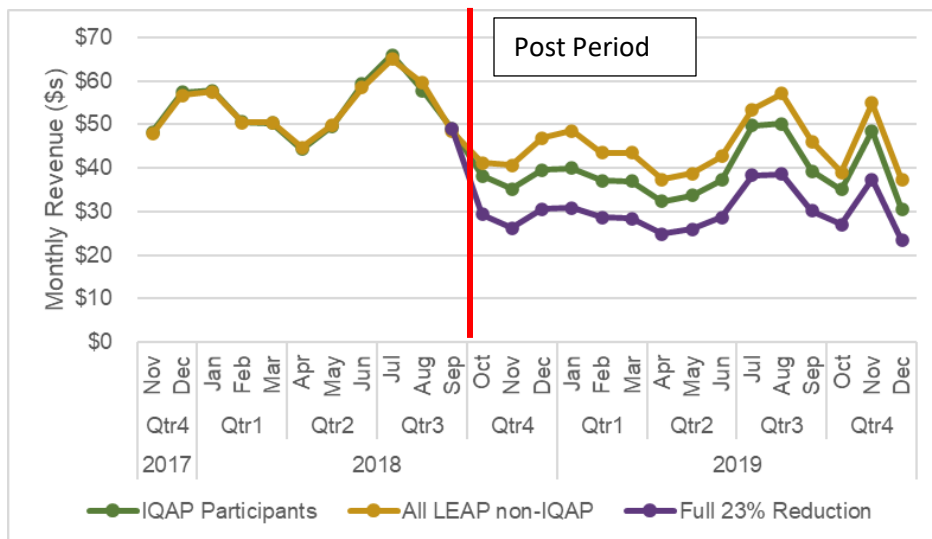
Figure 7. IQAP and LEAP Household Energy Intensity (kWh per Sq. Ft.)



- › **Revenue and Peak Usage:** Determine the IQAP rate impact on revenue and assess whether IQAP participants shifted consumption to off-peak hours.

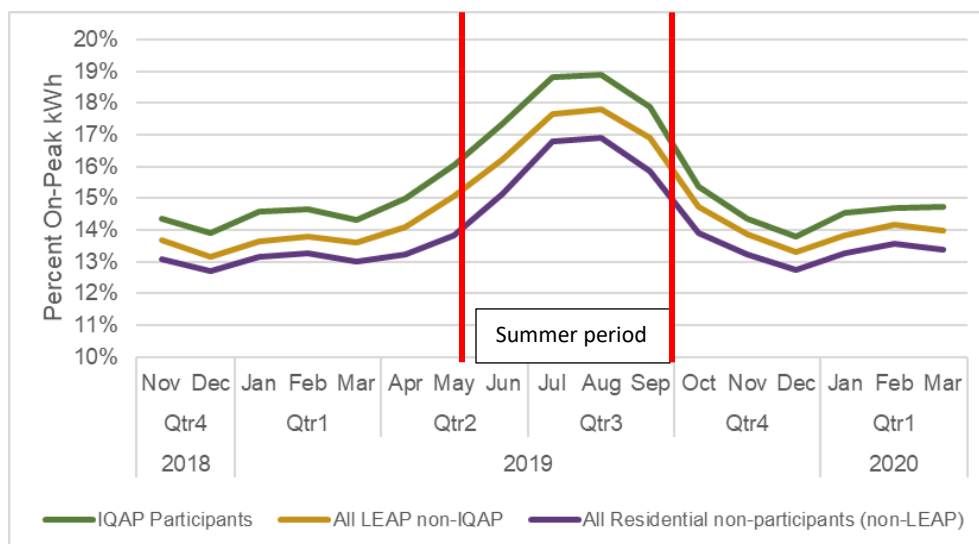
Apex conducted the same analysis used to assess changes in electric energy consumption associated with IQAP participation to assess changes in premise-level billing period revenue. Figure 5 shows the pre-and-post IQAP period monthly revenue for IQAP participants, matched LEAP non-participants, and a modeled full 23% reduction in revenue (consistent with a 23% reduction in IQAP rates assuming no change to monthly consumption). The average IQAP participant revenue showed a decline over the post-IQAP rate period between the comparison non-IQAP LEAP group and the full 23% reduction. This is consistent with the finding above that IQAP participants showed an increase in consumption and tells us that revenue did not fall in lockstep with the rate reduction.

Figure 8. Monthly Revenue



Apex further investigated on-peak period use between IQAP participating and non-participating groups. We found that overall peak period use (as a percent of total monthly use) is statistically higher for IQAP participants, as seen in Figure 6 below. IQAP participant peak use is consistently higher than non-participants (both LEAP non-participants and all other residential non-participating customers). We can conclude that IQAP participants, during the post-IQAP rate period, showed consistent or higher on-peak usage relative to non-participating LEAP customers, and therefore did not shift their consumption to off-peak hours relative to non-participants.

Figure 9. Monthly On Peak Percent of Electric Energy Use



Conclusions

On average, IQAP households increased their energy consumption after receiving the discounted rate. The Apex team's analysis suggests that this increase in energy consumption reflects households that are no longer as concerned about paying their energy bills choosing to keep their homes at a more comfortable temperature.

Increased program engagement with IQAP participants did not offset increases in energy consumption due to the discount, likely because there is limited remaining energy savings potential from behavioral and low-cost measures in IQAP participants' homes. IQAP participants, and particularly those whose energy consumption increased, are energy conscious, making and increasing efforts to save energy. They are also aware of, and have participated in, efficiency program offerings and undertook most of the energy saving behaviors Utilities recommended. Thus, there may be little opportunity for significant, additional energy savings in IQAP participants' homes short of equipment replacement and building upgrades, which face significant cost and split incentive barriers in a low-income population with a high proportion of renters.⁶

⁶ Split incentive barriers occur when the entity responsible for bearing the upfront cost of an efficiency improvement (e.g., a landlord) is separate from the entity that benefits from the resulting energy cost savings (e.g., an individually metered tenant).

The Apex team's analysis of household energy use intensity (EUI) is consistent with these findings. IQAP participants in the two most common housing types (single family detached homes and multifamily apartments) used less energy on a per-square-foot basis than similar income-qualified households. While single family detached and multifamily IQAP participants' EUI increased after receiving the discount, it remained below that of the comparison households.

UTILITIES INSIGHTS

Small Changes, Big Differences

November 2020 | Issue 11

City of
Fort Collins
Utilities

Monthly newsletter for Fort Collins Utilities customers with tips to save energy and water to lower utility bills.

'Tis the season for festive decorating. Save money on your utility bill this winter with these tips.

DID YOU KNOW?

LEDs use 75% less energy and will last up to ten times longer than incandescent lights. This could save you hundreds of dollars during the holiday season. Plus, you'll save with Time-of-Day (TOD) electric pricing if you make the switch to LEDs. Check out how TOD affects the cost of using decorations for one hour, from fcgov.com/TOD-cheat-sheet:



5¢ / 1¢ / \$
to run a large inflatable
holiday decoration



33¢ / 10¢ / \$\$ (Incandescent)
5¢ / 1¢ / \$ (LED)
to light a string of
large bulbs

On-peak hours (5-9 p.m. Oct.-Apr. / weekdays only)

Off-peak hours (all other hours of the day, plus weekends and major holidays)

MAKE A LIGHT SWITCH

- Consider switching to LED holiday lights this season.
- Unplug all lights and decorations when not in use.
- Look for electricity-free decorations like tinsel, garland or wreaths.
- Recycle broken string lights at the Timberline Recycling Center (1903 S. Timberline Road, 970-221-6600).



ADDITIONAL RESOURCES

Need Help Paying Your Bill?

If you are past due on your Utilities bill due to the COVID-19 public health crisis, you may be eligible for financial assistance of up to \$600 through the **CARES Act**. Learn more at fcgov.com/CARES.

- Apply early. Funds are limited and applications will be processed on a first-come, first-served basis.
- Approved funds will be applied directly to customer accounts as bill credits within 30 days of applying.
- Utilities will resume shut-offs for non-payment beginning Nov. 13. Visit fcgov.com/covid-updates to learn more and explore payment options.

Customers can receive utility bill assistance through the **Payment Assistance Fund** once per season (Oct. 1 – Sept. 30). For assistance, call:

- Catholic Charities (970-484-5010)
- La Familia/The Family Center (970-221-1615)
- Discover Goodwill (888-775-5327, ext. 7)

Don't Forget to Renew!

- Apply for **LEAP**. Renew your application online at fcgov.com/LEAP or by phone at 866-432-8435.
- **Medical Assistance Program** renewals start Dec. 1. Go to fcgov.com/medical-assistance or call 970-212-2900 for more information.

You Can Open This Gift Early ...

Just a handful of free conservation kits are still available. Kits include LED light bulbs, sink aerators and more. These are easy to install and will help you save on your utility bill. Request your kit at fcgov.com/free-kit or call 970-416-2032.

“UTILITIES INSIGHTS”

Pequeños Cambios, Gran Diferencia

noviembre 2020 | 11.a Edición

City of
Fort Collins
Utilities

Boletín mensual para clientes de Fort Collins Utilities con sugerencias para ahorrar energía eléctrica y agua para reducir sus facturas.

Estamos en temporada de decoración para las fiestas. Ahorre dinero en su cuenta de luz este invierno con estas sugerencias.

¿SABÍA USTED?

Que los focos LED usan un 75% menos de energía y tienen una duración de hasta diez veces más que los focos incandescentes. Esto podría ahorrarle cientos de dólares durante la temporada de luces de invierno. Además, ahorrará con los precios de electricidad Time-of-Day (TOD) si cambia a focos LED. Vea como TOD afecta el costo del uso de decoraciones durante una hora (visite fcgov.com/TOD-cheat-sheet):



5¢ / 1¢ / \$

Para una decoración
inflable



33¢ / 10¢ / \$\$ (Incandescent)

5¢ / 1¢ / \$ (LED)

Para una guirnalda de
focos grandes

Horas Pico (5 a 9 p.m. octubre a abril entresemana)

Horas Valle (todas las otras horas del día, fines de semana y días festivos)

CAMBIE DE ALUMBRADO

- Considere cambiar sus luces navideñas a luces LED esta temporada.
- Desconecte todas las luces y decoraciones cuando no estén en uso.
- Busque decoraciones no eléctricas como oropel y guirlandas.
- Recicle las guirlandas de luces inservibles en el Centro de Reciclado Timberline (1903 S. Timberline Road, 970-221-6600).



RECURSOS ADICIONALES

¿Necesita ayuda para pagar su factura?

Si su factura de Utilities está vencida debido a la crisis de salud pública de COVID-19, quizá sea elegible para asistencia económica de hasta \$600 a través de la **Ley CARES**. Más información en fcgov.com/CARES.

- Complete su solicitud temprano. Los fondos son limitados y las solicitudes serán procesadas según el orden en que fueron recibidas.
- Los fondos aprobados serán aplicados directamente a la cuenta del cliente como crédito dentro de 30 días a partir de la fecha de entrega de la solicitud.
- Utilities reanudará la desconexión de servicios por falta de pago a partir del 13 de noviembre. Para más información visite fcgov.com/covid-updates.

Los clientes pueden recibir asistencia para el pago de su factura de servicios públicos a través del fondo de asistencia **Payment Assistance Fund** una vez por temporada (octubre 1 al 30 de septiembre). Para asistencia llame a La Familia/The Family Center (970-221-1615), Catholic Charities (970-484-5010) o Discover Goodwill (888-775-5327, ext. 7).

¡No olvide renovar!

- Complete su solicitud para **LEAP**. Renueve su solicitud en línea en fcgov.com/LEAP o por teléfono en 866-432-8435.
- La renovación para el **Programa de Asistencia Médica** inicia el 1 de diciembre. Para más información visite fcgov.com/medical-assistance o llame al tel. 970-212-2900.

Puede abrir este regalo ahora...

Aún hay kits de eficiencia gratuitos disponibles. Los kits incluyen focos LED, aireadores de grifos y más. Son fáciles de instalar y le ayudarán a ahorrar dinero en su factura de servicios públicos. Pida su kit en fcgov.com/free-kit o llame al 970-416-2032.



215 N Mason Street
2nd Floor
PO Box 580
Fort Collins, CO 80522
970.221.6795
970.221.6782 - fax
fcgov.com

MEMORANDUM

Date: 4/29/2021
To: Mayor and City Councilmembers
Through: Travis Storin, Chief Financial Officer
Darin Atteberry, City Manager
From: Nina Bodenhamer, Director, City Give
Re: Digital Access & Equity Outreach Update

Handwritten initials and signatures:
- "DS" and "TS" next to "To:"
- "DS" and "NRB" next to "Through:"
- "NRB" next to "From:"

BACKGROUND

The City of Fort Collins hosts a range of income qualified (IQ) programs: from reduced-cost Recreation passes to an annual grocery sales tax rebate, from reduced Utilities (IQAP) to discounted pet licensing. Combined, these programs enroll approximately 2,600 households annually.

The City's newest income-qualified program, Digital Access & Equity, is funded by a 6% Payment in Lieu of Taxes (PILOT) of Connexion's revenue paid to the General Fund per City Council priority. Simply, PILOT revenue grows as Connexion's subscription rate grows.

While a robust PILOT fund is needed in order to build a comprehensive Digital Access & Equity program, program development is well underway: including user engagement, burgeoning community partnerships, the construction of a mobile/online income verification application and initial resident enrollment in reduced-cost internet access of \$19.95 per month per 1 gig.

Enrollment in reduced-fee internet access is currently offered to residents who have previously participated in City IQ programs and reside within Connexion's service area.

CURRENT OUTREACH

Each week, the addresses of City IQ participants are cross-referenced with Connexion's "lit" service area. These households are notified, via a mailer (attached), of details for how to enroll in Connexion's discounted internet rate.

- Utilities Customer Service Representatives (CSRs) have received talking points and training for how to best support, respond and enroll Digital Access & Equity customers.

With respect to data privacy and Red Flag laws, residents enrolled in Utilities Income Qualified Assistance Program (IQAP) and Medical Assistance Program (MAP) are notified by the Utilities team via the same process: weekly cross-reference with Connexion's "lit" service.

Additionally, students from CSU Access Center are onsite at two (2) affordable housing properties operated by Neighbor to Neighbor. The purpose of their outreach is to gather resident feedback as to the barriers to subscription, household utilization, and digital needs.

To date, approximately 200 IQ households have been identified as being Connexion "lit" and received notice of prequalification, with a current Digital Access & Equity enrollment of 30 residents.

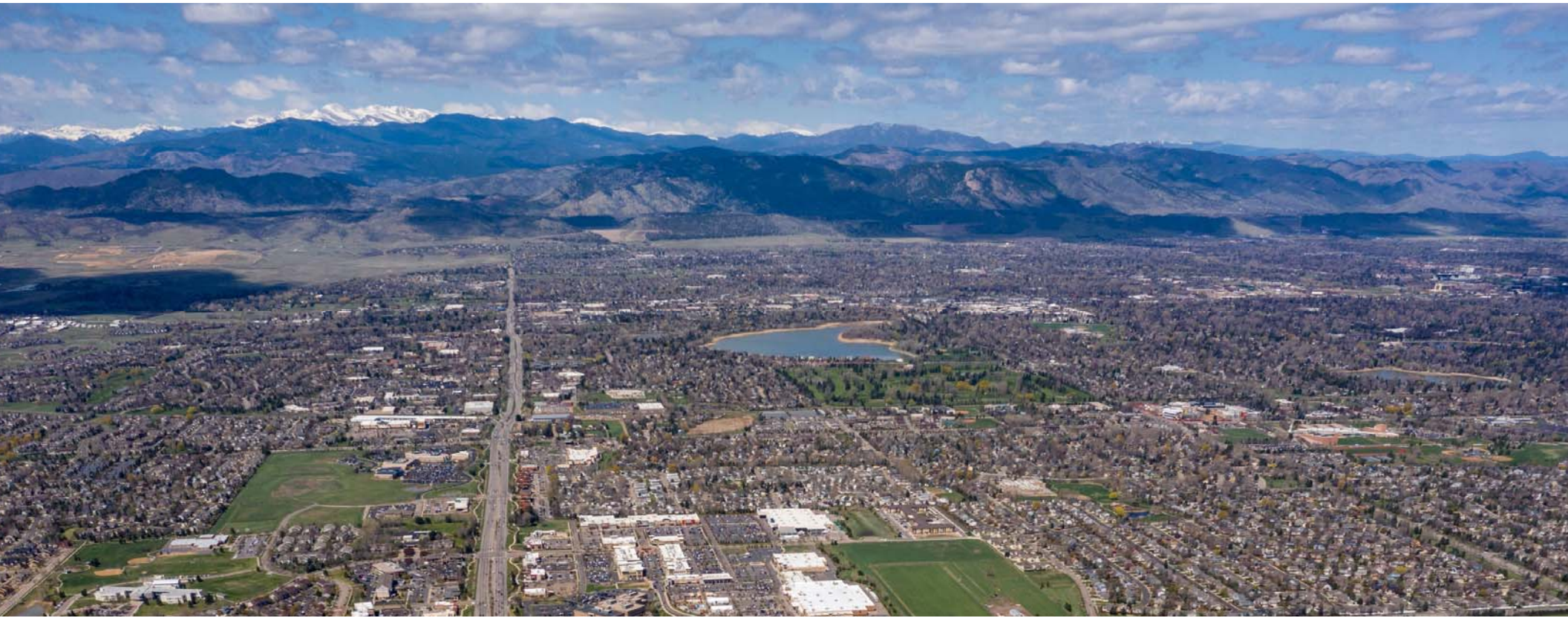
NEXT STEPS

As Connexion expands "lit" services to Multi-Dwelling Units (MDUs), the rate of IQ subscribers should dramatically increase.

- Per Census data, 80% of low-income residents rent. The majority, we can infer, rent apartments versus single family homes--a by-product of Fort Collins' housing inventory and cost of housing.

The City's partnership with Code for America is mid-stream toward the development of a mobile and online application for Digital Access & Equity with an anticipated launch of August 2021. This platform will serve as a framework for a single point of entry to all of the City's IQ programs.

The 2021 City budget includes a City Council approved budget offer to fund an IQ Navigator. Posted, the position will identify economies of centralized IQ program delivery, determine real costs for current services, and develop internal efficiencies via streamlined administration, uniformed performance measures, and orchestrated outreach.



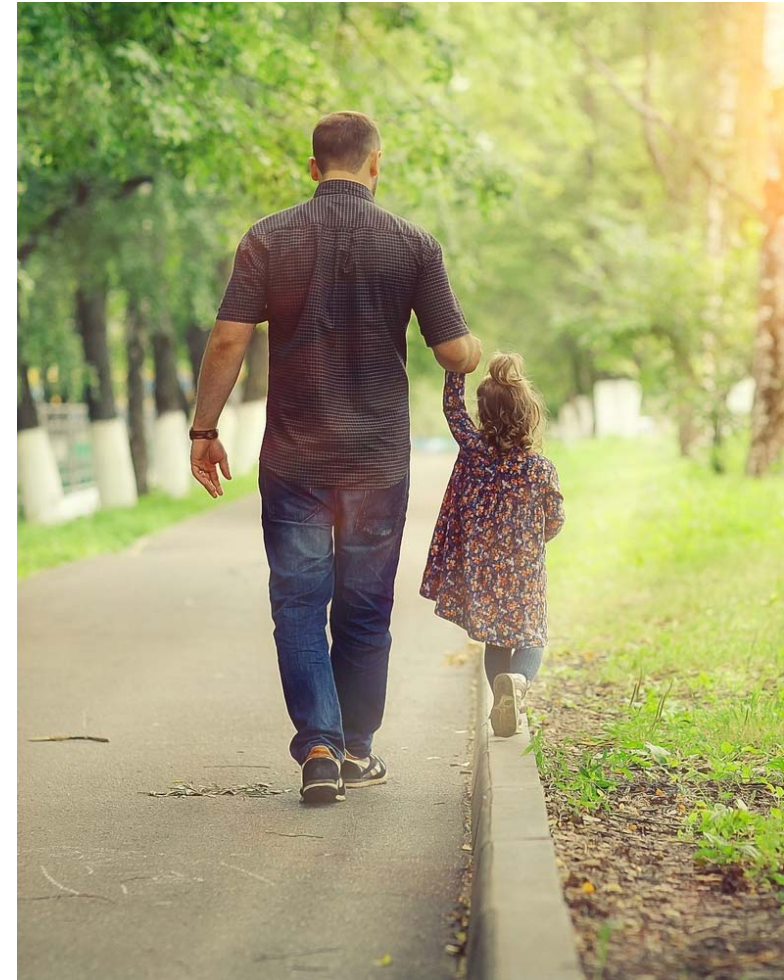
Utilities Income-Qualified Assistance Program

Update and Proposed Changes

Jamie Gaskill, Utilities - Community Engagement

Brian Tholl, Utilities - Energy Services

1. Overview of Utilities Affordability Portfolio
2. Income-Qualified Assistance Program Background and Impact
3. Issues for Consideration
4. Discussion



How We Help Income-Qualified Customers Reduce Utility Costs





**Income-
Qualified
Assistance
Program**
(Discounted
Rate)



**Medical
Assistance
Program**
(Discounted
Rate)



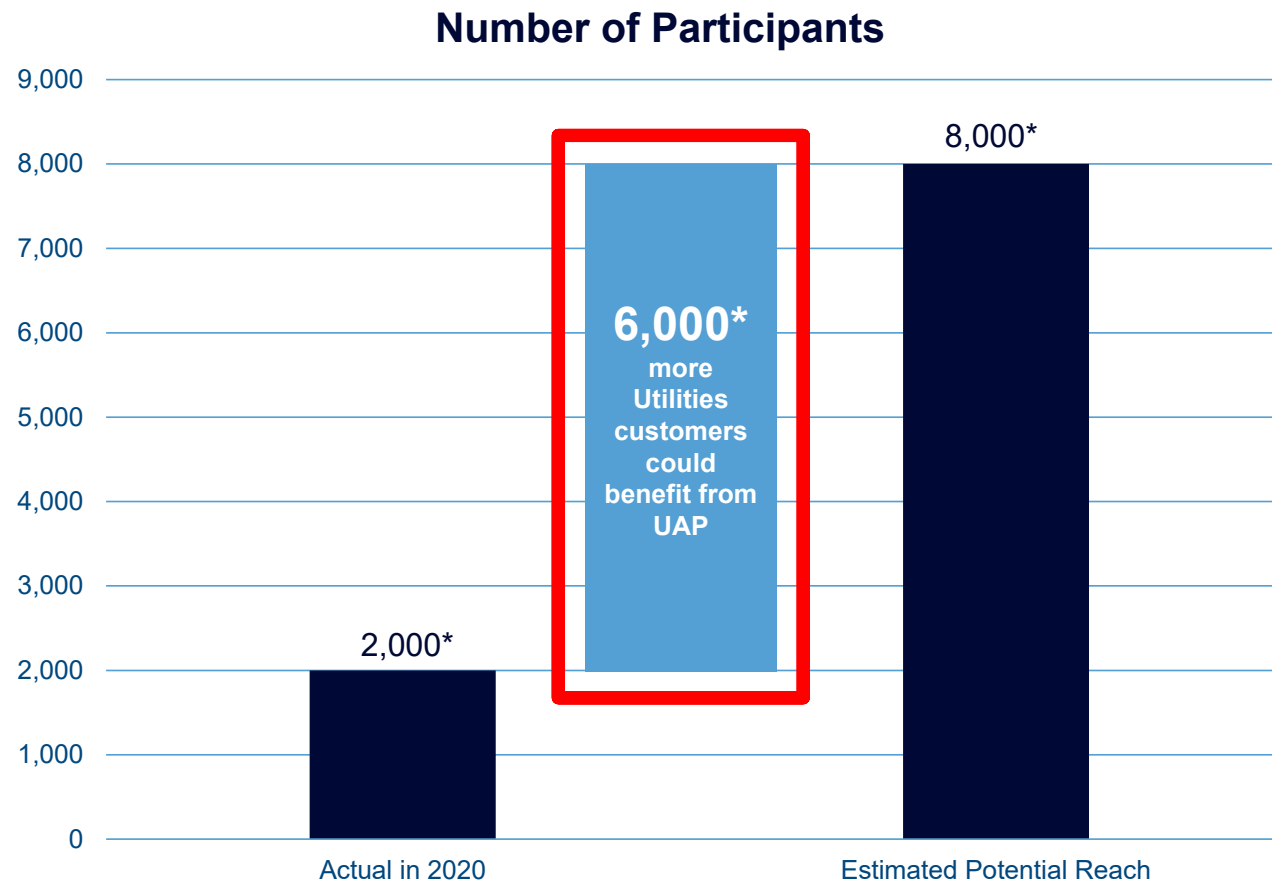
**Payment
Assistance
Fund**
(One-Time
Assistance)



**LCCC Water
and Energy
Program**
(Basic Retrofits)



**Colorado
Affordable
Residential
Energy**
(Deep Retrofits)




**Estimated using a city-wide poverty rate of ~12%, based on Census Bureau data combined with controlling for the student population in Fort Collins (City Rebates Eval Report, 2019).*



**Income-Qualified
Assistance
Program**
(Discounted Rate)

- Strategic Alignment:
 - NLSH 1.3: Improve accessibility of City and community programs to low- and moderate-income residents and increase participation in services to eligible income-qualified residents.
- Program launched in October 2018 in conjunction with Time-of-Day electric pricing
- LEAP-enrolled customers eligible to apply for reduced-rate on select utilities services

- Engagement
 - Monthly Utilities Insights newsletter
 - Direct customer engagement at events and through targeted outreach
 - Outreach to agencies
- Evaluation
 - Pre- and post-program surveys
 - Billing analysis (year one)
 - In-depth customer survey (year one)
- IQAP rate set to expire July 31, 2021



March 2021 | Issue 3

Small changes. Big Differences.

City of Fort Collins Utilities

Monthly newsletter for Fort Collins Utilities customers with tips to save energy and water to lower utility bills.

March 15-21 is Fix a Leak Week. Fixing easily corrected household water leaks can save you 10% on water bills.


LEARN

Did you know Fort Collins Utilities' leak notification system detected 83,500 large leaks in 2020?

- The average leak rate was **112 gallons per hour**. That's enough to fill nearly three bathtubs every hour.
- These leaks wasted an average of **2,688 gallons per day** and between **five and 20 times** more than the typical household uses each day.
- That means the average leak adds **\$7** to a customer's water bill every day!
- Irrigation systems and toilets are the **top two** causes of leaks among Fort Collins Utilities customers.

ACT

- Sign up to **receive leak alerts** at fcgov.com/MyWater. This program allows you to identify unexplained water use, get notified of leaks and learn more about saving water.
- Find out how to **fix common leaks** at fcgov.com/leaks.
- Join the waitlist to get a **free sprinkler assessment** this summer at fcgov.com/sprinklers.
- Upgrade your toilet with a **\$50 toilet rebate**. Learn more at fcgov.com/toilet-rebates.
- There's still time to sign up for a **free home efficiency assessment** from Larimer County Conservation Corps. Eligible participants could receive a high-efficiency toilet and water saving showerheads. Sign up online at fcgov.com/LCCC or call 970-498-6660.



FIND OUT MORE

- Learn more about **Fix a Leak Week** with helpful tips and information at epa.gov/watersense/fix-leak-week.
- Be the Gift** is an organization dedicated to serving single moms and widows. If you qualify and would like a hand fixing a leak, submit an assistance request for repairs at BeTheGift.com.

fcgov.com/UAP | utilitiesaffordability@fcgov.com | 970-212-2900

Auxiliary aids and services are available for persons with disabilities. V/TDD 711

| | Participation | Annual Customer Benefit |
|----------|---------------|-------------------------|
| Planned* | 2,000 | \$441,000 |
| Actual** | 717 | \$141,944 |

*Council Approved in 2018

**Average annual participation and benefit for 2019-2020



Program Evaluation: Year 1 of Program

Billing Analysis Findings

- Average annual utility bill savings: \$200
- Energy use: 380 kWh/year (5%) increase
- Water use: no statistical change

Customer Survey Findings

- 33% response rate
- 76% have participated in or are aware of programs
- 86% report being more secure in ability to pay bill

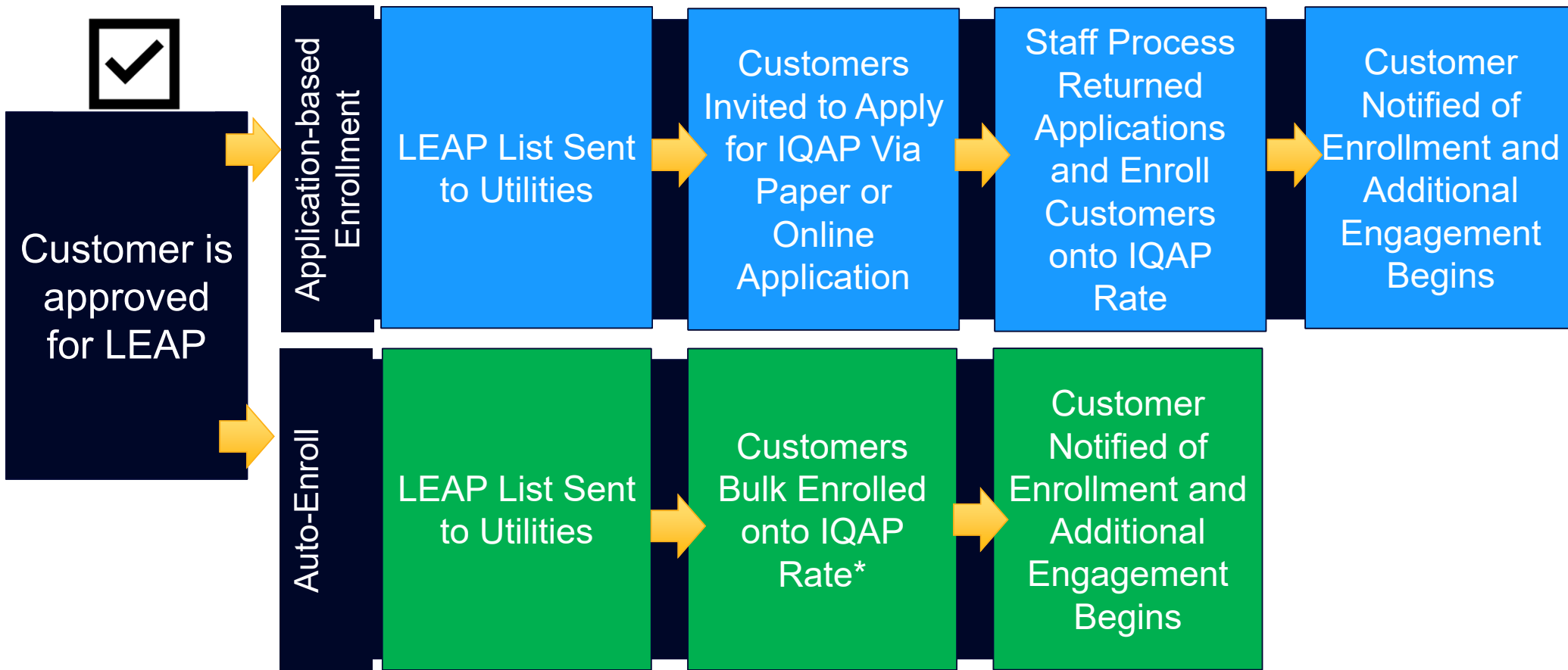
1. Extend IQAP rate pilot another 3 years (for a total of 6 years) and align with Utilities' annual rate ordinance.
2. Make IQAP an auto-enroll/opt-out program instead of an application-based/opt-in program.



Next Steps for IQAP Pilot Extension

- Continue targeted engagement and enrollment with low-income population
 - Tailor methods based on findings from prior billing analysis and participant surveys
 - Enrollment target of 1,500 customers
- Execute ongoing analysis of program impact
 - Consideration given for COVID impact
 - Evaluate behavioral efficiency and conservation alignment
 - Evaluate and quantify other benefits
- Review findings with Council





*Enrollment via application option would still exist for LEAP-enrolled customers who move into service area outside of timeframe that auto-enrollment would take place.

Considerations for Auto Enrolling Participants

- Customer-focused program design (reducing barriers)
- Reduced administrative time during enrollment
- Increased opportunity to engage customer segment
- Increased sample size positively impacts program evaluation accuracy
- Integration with city-wide income-qualified efforts
- Proposed start: 2021 IQAP Season



| | Participation | Annual Customer Benefit |
|--------------------------------------|---------------|-------------------------|
| Planned* | 2,000 | \$441,000 |
| Actual** | 717 | \$141,944 |
| Projected with Auto Enroll*** | 1372 | \$272,342 |

*Council approved in 2018

**Average annual participation and benefit for 2019-2020

***Based on estimated 98% auto enrollment of all LEAP-enrolled customers

| Group | Outcome |
|---------------------------|--|
| Affordable Housing Board | Pilot extension (Yes = 6, No = 0) Auto enroll (Yes = 6, No = 0) |
| Energy Board | Pilot extension (Yes = 8, No = 0) Auto enroll (Yes = 8, No = 0) |
| Water Commission | TBD – May 20 |
| Council Finance Committee | TBD – May 24 |

1. Should Utilities extend the IQAP rate pilot (set to expire July 2021) another 3 years (for a total of 6 years) and align with Utilities' annual rate ordinance?
2. Should Utilities make IQAP an auto-enroll/opt-out program instead of an application-based program?



THANK YOU!

For Questions or Comments, Please Contact:

Jamie Gaskill, Utilities Community Engagement

jgaskill@fcgov.com | 970-416-4338



COUNCIL FINANCE COMMITTEE AGENDA ITEM SUMMARY

Staff: Meaghan Overton, Sue Beck-Ferkiss

Date: May 24, 2021

SUBJECT FOR DISCUSSION

Request for Subsidy from Affordable Housing Capital Fund (AHCF)

EXECUTIVE SUMMARY

Housing Catalyst's (HC) Oak 140 project is a partnership between HC and the Downtown Development Authority (DDA) to finance and construct a 4-story, mixed-use building at the intersection of Oak and Remington Streets. The project will create 79 affordable rental homes in the Downtown area serving residents who make between 30-80% of Area Median Income (AMI). The financing for the project includes contributions from DDA and HC, State and Federal tax credits, Private Activity Bond (PAB) allocations from the City and County, and HC bonds. Housing Catalyst is requesting \$610,000 in City funding from the Affordable Housing Capital Fund (AHCF) to help close a financing gap created by escalating commodities pricing, especially lumber. This request is aligned with guidance in the Housing Strategic Plan and with the City's criteria for funding affordable housing projects.

Though City Plan, the City Strategic Plan, and the Housing Strategic Plan all encourage production of affordable housing, the realities of financing and constructing deed-restricted affordable housing are very challenging. Project feasibility can be significantly impacted by changes to the costs of materials and labor. To break ground as scheduled in summer 2021 and to avoid even greater cost escalations, the Oak 140 project requires additional subsidy. Currently the only direct City subsidy allocated to this is \$98,000 in fee credits for 7 units that will serve residents making 30% AMI or below.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Is Council Finance Committee supportive of the request for \$610,000 of direct subsidy from the Affordable Housing Capital Fund for the Housing Catalyst (HC) Oak 140 project?

BACKGROUND/DISCUSSION

The City has established community-wide affordable housing goals to have 10% of the city's housing stock deed-restricted and affordable by 2040. This goal has been reaffirmed through the adoption of the [Housing Strategic Plan](#), which sets a clear vision that Fort Collins will be a community where *everyone has stable, healthy housing they can afford*. To reach our 10% goal, the city needs to develop at least 282 affordable homes each year. If the Oak 140 project is built, it will represent 28% of the city's annual affordable housing production goal.

There are several funding sources available to support the development of affordable housing (CDBG, HOME, AH Fund, AHCF). The City allocates between \$2 million - \$3 million to affordable housing in a typical calendar year. It is important to note that although the City has been notified by HUD of an additional HOME allocation of \$2.6 million in recovery funding

through the American Rescue Plan Act (ARPA), guidance related to the application process and eligible uses won't be available until the fall. With the addition of these funds, staff estimates that approximately \$5 million will be available through City and Federal sources for the 2022 Competitive Process. \$500,000 will be added to the AHCF in 2022 as well.

Social Sustainability completed the 2021 Spring Competitive Process in April and the funding recommendation from the Human Services and Housing Funding Board is scheduled for consideration by City Council on June 1, 2021. Four housing proposals were received, which are being recommended for a total of \$2,700,000 in funding. There is an unallocated balance of \$486,394 in Affordable Housing funds which will be reappropriated for use for affordable housing projects in 2022. To initiate a Fall Competitive Process, the unallocated balance must exceed \$500,000; otherwise, the unallocated funding is carried into the Spring Competitive Process. There is an unallocated balance of less than \$500,000 in Affordable Housing funds and no federal funds. Because this threshold has not been met, next year's Spring Competitive Process is when these and the new allocation of federal funds will be available to housing projects.

Project Background and Funding Request: Oak 140

Housing Catalyst (HC) approached the City to discuss the possible use of the AHCF to help close a financing gap in Oak 140 created by escalating commodities pricing, especially lumber. HC is requesting \$610,000 from the AHCF to successfully close on the project and lock in pricing for construction. Though the total gap is projected to be larger than the amount requested, HC will reduce costs on the project through value engineering and use a range of other strategies to close the remainder of the financing gap.

The Oak 140 project will create 79 affordable rental homes in a desirable Downtown location. The breakdown of unit types and the income levels served is outlined below:

| | |
|-------------|----------|
| 30% AMI | 7 units |
| 40% AMI | 6 units |
| 50% AMI | 29 units |
| 70% AMI | 29 units |
| 80% AMI | 8 units |
| Average AMI | 57.85% |

To date, the City has committed \$98,000 to the project through fee credits for 7 qualifying units that will serve residents making 30% AMI or below. No additional subsidy has been committed to this project. Oak 140 is being financed through contributions from DDA and HC, State and Federal tax credits, Private Activity Bond (PAB) allocations from the City and County, and HC bonds. HC hoped to avoid using Competitive Process funding; however, the cost of materials has skyrocketed since the project began the development review process in May 2020. The financing sources and amounts for the Oak 140 project are as follows:

| Source | Amount |
|----------------------|----------------|
| Federal LIHTC Equity | \$11.6 million |
| State LIHTC Equity | \$1.7 million |

| | |
|-----------------------------|---------------------|
| First Mortgage (bonds) | \$7 million |
| Second Mortgage (bonds) | \$1 million |
| Fort Collins DDA Equity | \$5,175,370* |
| City AHCF (current request) | \$610,000 |
| Deferred Developer Fee | \$576,298** |
| TOTAL | \$27,689,041 |

*DDA Equity amount does not account for the land contribution; estimated value is \$2.3 million

** Does not reflect HC \$1.3 million for 143 Remington acquisition

A detailed memorandum outlining Housing Catalyst's request for funding is included as Attachment 1.

Affordable Housing Capital Fund Considerations

The 2015 voter-approved Community Capital Improvement Program includes the AHCF, which will accrue a total of \$4M over ten years through 2025. The ballot language states it will fund capital costs of development or rehabilitation of one or more public or private housing projects designated specifically for low-income individuals or families. Previous Council direction has supported use of this fund for fee credits and direct subsidy for qualifying projects. This request would be a direct subsidy.

The current balance of the AHCF is roughly \$610,000, which is available for the capital needs of one or more affordable housing projects. The AHCF will be replenished with \$500,000 in January 2022. If this request from Housing Catalyst is approved by the full Council, the balance of the AHCF will be approximately \$300 until January 2022. Staff does not expect any additional requests for fee credits in 2021.

This request is well-aligned with previous Council direction and with the recently adopted Housing Strategic Plan. Providing final funding to projects that are "shovel ready" but facing a funding gap is a use of AHCF resources that has strong policy support. The AHCF was also used in this way to finalize funding for Mason Place in 2019. In addition, the current request is substantially lower than the City's typical subsidy of affordable housing projects. Between 2015 and 2020, the median average subsidy the City contributed per affordable housing unit was \$38,970. The current request for \$610,000 and the \$98,000 in fee credits represents a per-unit subsidy of just under \$9,000 per unit. For a relatively low per-unit subsidy, the City can support the construction of 79 affordable homes in an area of the community with high access to jobs, transit, and other amenities.

Staff is aware of other affordable housing projects in the development pipeline; however, it does not appear that there are any other affordable housing funding needs that cannot wait for the 2022 Spring Competitive Process.

Previous Council Actions

Council has taken three previous actions related to the Oak 140 project. Two actions ([July 2020](#) and [November 2020](#)) were related to determining fair market value for leases between the Downtown Development Authority (DDA) and Housing Catalyst.

At the May 18, 2021 hearing, Council considered a [request for \\$350,000 in fee credits](#) for qualifying units in two affordable housing projects – Oak 140 (Housing Catalyst) and Cadence (Volunteers of America). Of that amount, \$98,000 was for Oak 140’s 7 qualifying units. This request was unanimously approved on First Reading.

NEXT STEPS

If Council Finance Committee is supportive of this request, staff will prepare an ordinance for consideration by the full Council in June and will seek a recommendation from the Affordable Housing Board at their meeting on June 3, 2021.

To fulfill this request, the City Council would need to authorize the City Manager to enter into a funding agreement between the City and Housing Catalyst that would provide \$610,000 to Housing Catalyst from the Affordable Housing Capital Fund. This funding agreement would:

- Provide funds as a “due-on-sale” loan to ensure the project remains as affordable housing. This loan would only need to be repaid if/when the development was sold
- Require a minimum 20-year agreement of restrictive covenants

ATTACHMENTS

1. Request for funding from Housing Catalyst

May 19, 2021

City Council Finance Committee

Request for Gap Funding Due to Construction Material Escalation

As you know, Housing Catalyst and the Downtown Development Authority (DDA) have been working on Oak 140, a much-needed mixed-use affordable housing development, and it is close to the finish line. The two agencies had been committed to completing this project without the need for deep city subsidy such as CDBG, HOME or the Affordable Housing Fund.

Housing Catalyst, the developer, has been able to overcome many unforeseen hurdles in bringing this project to fruition. Unfortunately, despite all our best efforts to maximize resources and utilize creative financing solutions, the extreme rise in lumber and other construction material prices has created a funding shortfall. We now come to you for help. To minimize the risk of rapidly escalating construction costs, Housing Catalyst is respectfully requesting funding to be able to close the partnership and all financing at the end of June in order to lock in construction pricing and minimize further risk to the development.

Housing Catalyst is requesting \$610,000 from the 2021 City Affordable Housing Capital Fund to help complete the financing for Oak 140, a mixed-use development that will bring 79 affordable apartments and two ground-floor commercial spaces to the site of the former Elks Lodge at Oak and Remington Streets in downtown Fort Collins. With the commitment of these funds from the City of Fort Collins, Oak 140 will be able to move forward to close financing on the Low Income Housing Tax Credit (LIHTC) project and start construction in July 2021.

Project Overview and Funding Sources

100% of the 79 studio, one-bedroom, and two-bedroom apartments will be affordable for those earning between 30% and 80% of the Area Median Income (AMI), with an average resident income of 60% of the AMI. Below is the detailed AMI breakdown and unit mix:

- 30% AMI Units - 7
- 40% AMI Units - 6
- 50% AMI Units - 29
- 70% AMI Units - 29
- 80% AMI Units - 8

79 Units



The Total Development Cost for the housing portion of Oak 140 is \$27.689 million.

| Source | Amount |
|-------------------------|----------------|
| Fort Collins DDA Equity | \$5,175,370* |
| Federal LIHTC Equity | \$11.6 million |
| State LIHTC Equity | \$1.7 million |
| First Mortgage (bonds) | \$7 million |
| Second Mortgage (bonds) | \$1 million |
| Deferred Developer Fee | \$576,298** |
| City AHCF | \$610,000 |
| TOTAL | \$27,689,041 |

*DDA Equity amount does not account for the land contribution, which estimated value is \$2.3 million

** Does not reflect the Housing Catalyst \$1.3 million for 143 Remington acquisition

City of Fort Collins Contribution to Oak 140

This \$610,000 AHCF request would bring the total subsidy from the City to \$708,000 (including fee credits), which is less than \$9,000/unit. The Affordable Housing Strategic Plan indicates that the typical City subsidy in affordable housing is \$40,000 per unit. This less than average investment is being leveraged with numerous other funding sources. The City AHCF dollars would constitute 2% of the total funding sources. In return for this investment, the City of Fort Collins will see the rare opportunity of affordable housing being implemented in a prime downtown location with local trusted partners.

The City of Fort Collins also contributed \$9.2 million of 2019 and 2020 Private Activity Bond cap. Bond cap is not considered a subsidy to the project, but it is an important and necessary commitment. In total, the project is utilizing \$14.2 million in bond cap. The remainder of the PAB was committed from Larimer County and Colorado Housing and Finance Authority (CHFA).

In Alignment with City Goals and Policies

The project is also in alignment with the strategies in the newly adopted City Affordable Housing Strategic Plan and the City Council's priority to improve access to a broad range of quality housing that is safe, accessible, and affordable. With 79 affordable units, this project will make a significant impact in helping the City achieve its goal of having 10% of the City's housing stock be affordable by 2040.



Oak 140 is also a strategy to implement the identified goal of increasing the supply of affordable rental units in Fort Collins. The project will serve a healthy mix of income levels, including 13 units at the very hard to reach 30% and 40% AMI levels.

Oak 140 creates living options for downtown employees that currently find it financially challenging to live and work in Fort Collins because of rising housing costs. The DDA's contribution of the land at the former Elks building site provides a rare opportunity to make building affordable housing in a highly desirable downtown location financially feasible. Housing Catalyst and the DDA are proud to have developed an architectural design that respects the rich history and essence of Downtown Fort Collins, while also reflecting the evolving needs and character of the community. Since identifying the significant need and desire for affordable housing for people working in and around downtown, the DDA and Housing Catalyst have worked to create a development that honors the vision to address this unique community demand. Oak 140 is ideally located for public transit use and easy access to job centers across the City. The site is within a quarter-mile of multiple bus stops with daily service to most areas of Fort Collins and adjacent cities, along a bike route and adjacent to a bike sharing program, and provides next-door access to hospitality and retail jobs.

Why Now?

Oak 140 is the culmination of many years of vision, commitment and partnership that has resulted in something that we hope Fort Collins can be extremely proud of. In this case, the project is ready to move forward upon the commitment of these funds. The project is unable to wait for the Federal Competitive Funding Process next spring. We are facing an unprecedented commodities pricing escalation crisis, and the safest way to stabilize the costs is to close financing and issue contracts as quickly as possible. In the current climate, additional time would compound the issue, adding costs and creating the need for even more resources. It is for this reason, that we are requesting the specific type of funds to be used at this time.

We recognize that during the typical competitive process, there is strong consideration given to whether the project is sure to move forward and if it can do so in a timely manner. In this case, these funds would be used as last-in funds to get an important project across the finish line that is ready to proceed within 60 days.

Housing Catalyst and the DDA were both committed to bringing the project forward without the use of limited competitive resources, including the City of Fort Collins Competitive Funds. This shared commitment to allow for the greatest reach of our local resources was unique to Oak 140. Housing Catalyst has not yet developed a new construction LIHTC project without significant local subsidy. It was believed that the



benefit from the land contribution and significant DDA equity would negate the need for local subsidy. However, the recent combination of market disruption and commodity escalation pressurized the deal to a tipping point. Housing Catalyst has been working aggressively to maximize resources and utilize creative financing solutions. All these tools combined are still not enough, and we come to you to request access the Affordable Housing Capital Funds for Oak 140.

Federal LIHTC Market Disruption - 4% Lock and Income Averaging Guidance

The following issues have caused direct impact to the financial feasibility of the project over the last ten months.

Following Oak 140's successful award of Federal 4% and State Low Income Housing Tax Credits (LIHTC) in November 2020, a market disruption occurred based on two primary issues. At the time of application submittal, the project was modeling \$0.91 Federal LIHTC pricing, which was in line with the market at the time.

First, a provision to lock the 4% Federal LIHTC rate was included in the Covid Relief Bill passed in late December 2020. The 4% rate was previously floating and based on a published monthly rate (July 2020 = 3.07%, lowest in history). The 4% lock, while providing more credits, resulted in lower pricing because the investors yields drop at the same price per credit. In the case of Oak 140, this caused a drop in equity pricing down to \$0.87. Although the lock was intended to benefit projects by generating more equity, the reduction in pricing and the CHFA requirement for Oak 140 to also return \$358,853 in annual State Credit, only pressurized the project further.

Following the 4% Lock, the IRS published new guidance for projects utilizing Income Averaging. This tool was a perfect fit for the Oak 140 project that was looking to provide affordable housing targeted at the downtown workforce that includes a broad range of income levels, up to 80% AMI. This guidance put onerous risk on the occupancy compliance which could put the tax credits for the entire project at risk (if a single unit was out of income compliance, the tax credits for all of the units would be at risk, instead of just being limited to a single unit). This issue essentially caused the majority of tax credit investors to pull out of the market until new guidance would be issued. Only one investor included a proposal that would allow the project to move forward with Income Averaging. This resulted in another drop in equity pricing down to \$0.855.

Overall, the drop from \$0.91 in July 2020 to \$0.855 in Feb 2021 caused an \$745,000 amount of reduction in federal credit equity pricing, in addition to the return of \$358,853 in State Credits back to CHFA per their requirements.



Housing Catalyst has been diligently working to utilize every possible tool to overcome these impacts, but the pending commodity price escalation proved to be a new challenge.

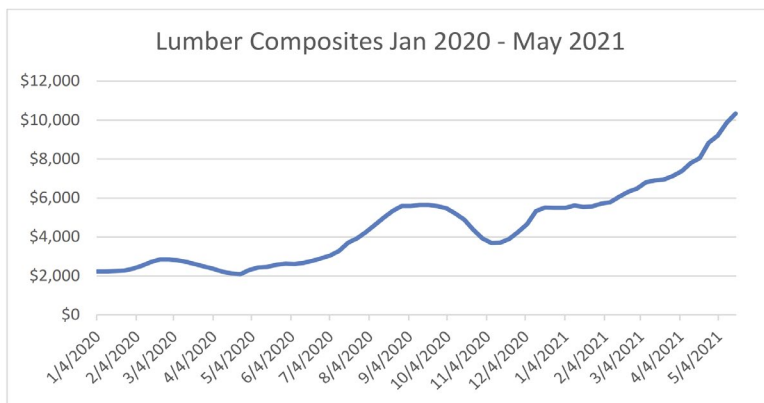
Commodity Price Escalation

Among the biggest impacts to the project have been the dramatic increase in construction commodity pricing over the last 10 months. Since Housing Catalyst first priced the project in July 2020, the total construction cost has increased 10% from \$17.7 million to \$19.6 million (\$1.95 million increase). The cost of lumber alone has increased 42% for the project from \$1.5 million to \$2.6 million.

Across the industry, lumber composites (the composite price of all types of dimensional lumber and sheet lumber) is up 463% since the beginning of 2020. Steel is also up significantly.

Prior to this commodity escalation crisis, the typical construction cost escalation rate was 5% annually, which we have historically been able to plan for and absorb. Projects are generally seeing a 2% monthly increase currently.

In the case of Oak 140, a 60-day delay could cost nearly \$700,000 in construction escalation.



The addition of a substantial construction cost increase after overcoming the gap due to equity pricing proved to be difficult to overcome. Housing Catalyst was able to reduce the construction budget down through value engineering and is also securing a second mortgage utilizing bond proceeds. After utilizing all of these tools and resources, a gap remains that is needs to be filled to get the project to the finish line.



Combination of Financing Solutions

#1 - Credit Enhanced Revenue Bonds + Second Mortgage with Bond Proceeds

The project is structured to utilize a credit enhancement project that will leverage Housing Catalyst's AA- issuer credit rating to issue credit enhanced revenue bonds via the capital markets with KeyBanc Capital Markets. In this structure, Housing Catalyst will issue the bonds and lend the bond proceeds to the LIHTC partnership. By issuing revenue bonds on the public markets through a negotiated sale, Housing Catalyst can achieve the best financing available for the project. The financing results in \$900,000 of benefit to the development (approximately \$770,000 of additional loan proceeds due to the lower interest rate and approximately \$100,000 of reduced interest expense and financing cost savings). This financing approach was necessary to allow the project to stay on track for the needed closing timeframe and overcome the various funding gaps.

The general revenue pledge is a commitment that in the very unlikely situation that the project revenues could not support the bond debt service, operating reserves were depleted, and there were no funds or fix available to correct the project revenues, then Housing Catalyst would use unrestricted general revenues to make the bond debt service payments. This sophisticated tool has been utilized by very few developers in the state of Colorado. The strategy provides the opportunity to benefit from the AA-rating that Housing Catalyst has worked hard to achieve and maintain.

Housing Catalyst is also pursuing a second mortgage utilizing bond proceeds to help fill the gap.

#2 - \$1.3 Million Acquisition by Housing Catalyst

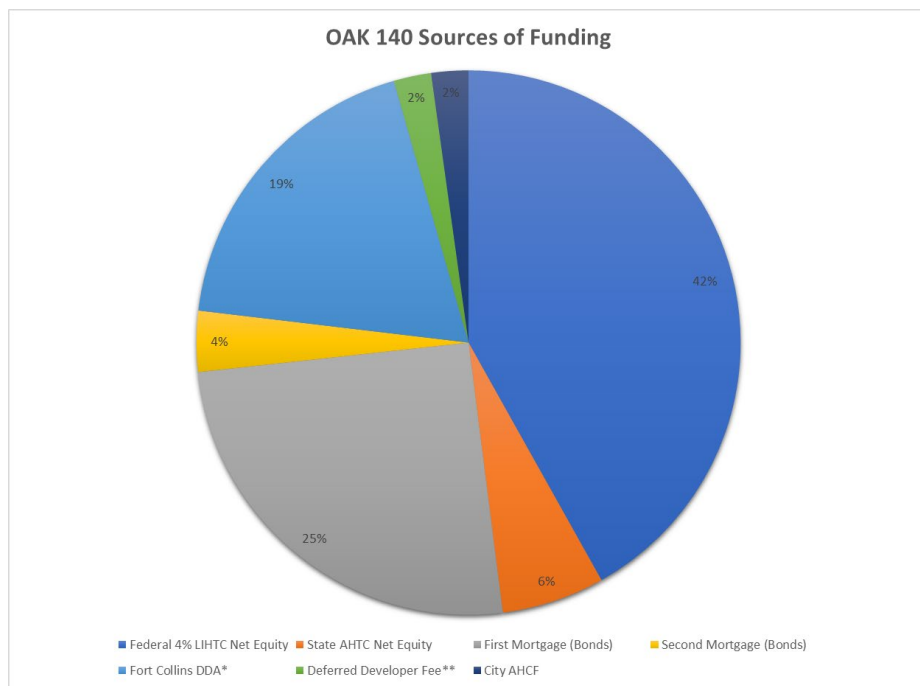
In addition to the general revenue pledge, Housing Catalyst stepped in to acquire the property at 143 Remington to ensure the project could move forward successfully. This was months into the design and outreach process. The opportunity to acquire 143 Remington had not previously been available; however, through ongoing communication and design efforts, it became clear to the seller that the inclusion of the property would make for an enhanced building design and overall better project for the community. Housing Catalyst agreed and committed to contribute \$1.3 million of its own equity to complete the acquisition. Staying true to the initial commitment, no additional funding sources were sought to cover this cost. It is a direct contribution from Housing Catalyst.

#3 – Value Engineering

Housing Catalyst has worked with the team to reduce the construction costs as much as possible while maintaining the aesthetics and quality of building design that were approved through the involved entitlement process.



#4– Gap Funding City Affordable Housing Cap Funds - \$610,000



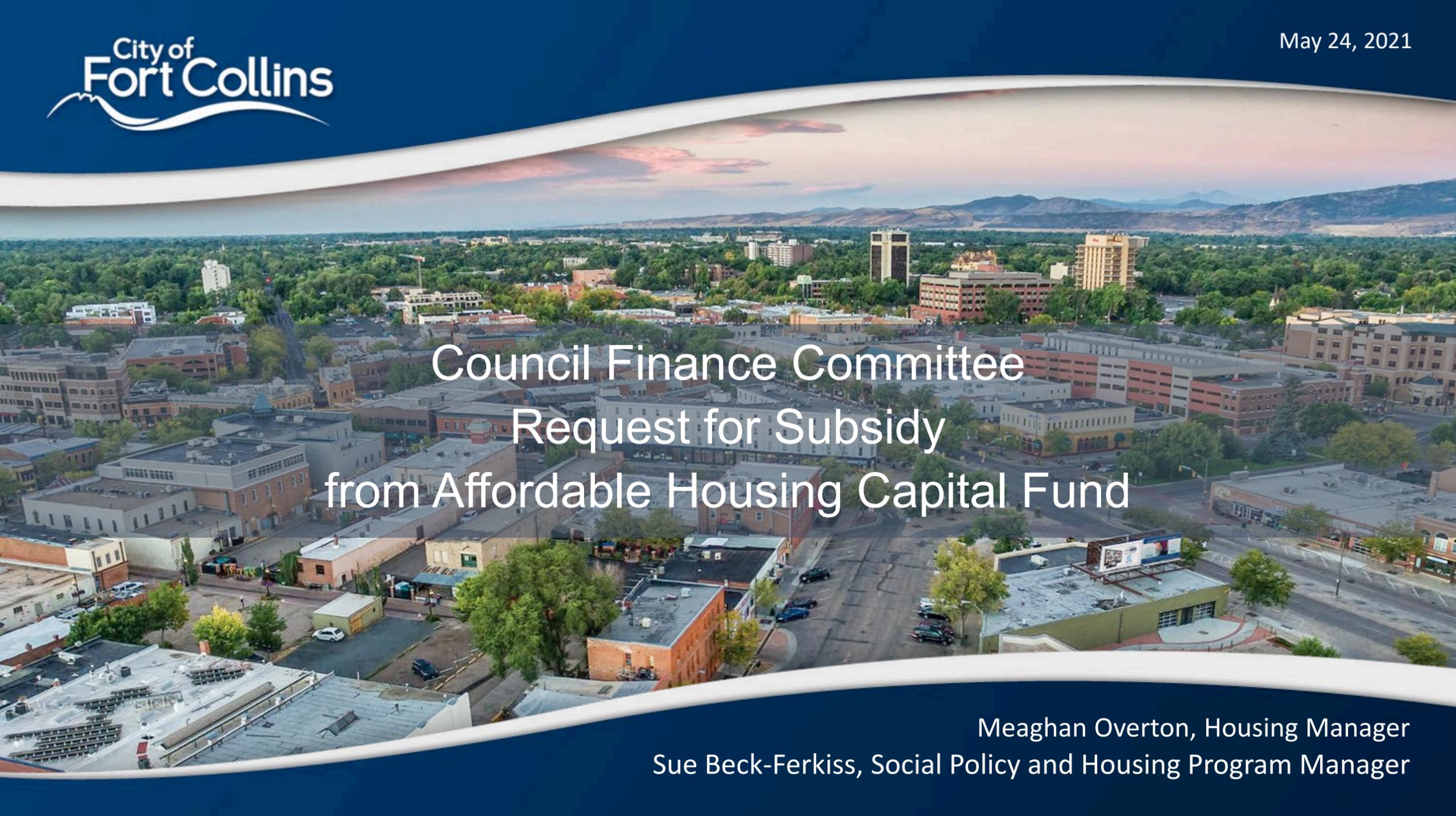
Thank you for your consideration and please let us know if you need any additional information.

Sincerely,



Julie J. Brewen CEO

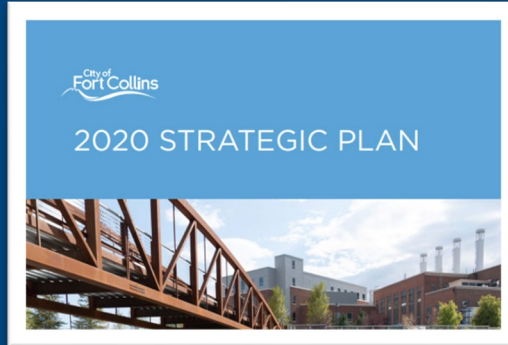


An aerial photograph of the Fort Collins city center, showing a dense urban area with various buildings, streets, and green spaces. The city is surrounded by a vast expanse of green trees, and the Colorado Rockies are visible in the background under a clear sky.

Council Finance Committee
Request for Subsidy
from Affordable Housing Capital Fund

Meaghan Overton, Housing Manager
Sue Beck-Ferkiss, Social Policy and Housing Program Manager

Is Council Finance Committee supportive of the request for \$610,000 of direct subsidy from the Affordable Housing Capital Fund for the Housing Catalyst Oak 140 project?



- **NLSH 1.1** Improve and increase...housing... affordable to a broad range of income levels.
- **ECON 3.4** Foster infill and redevelopment opportunities consistent with City Plan policies.



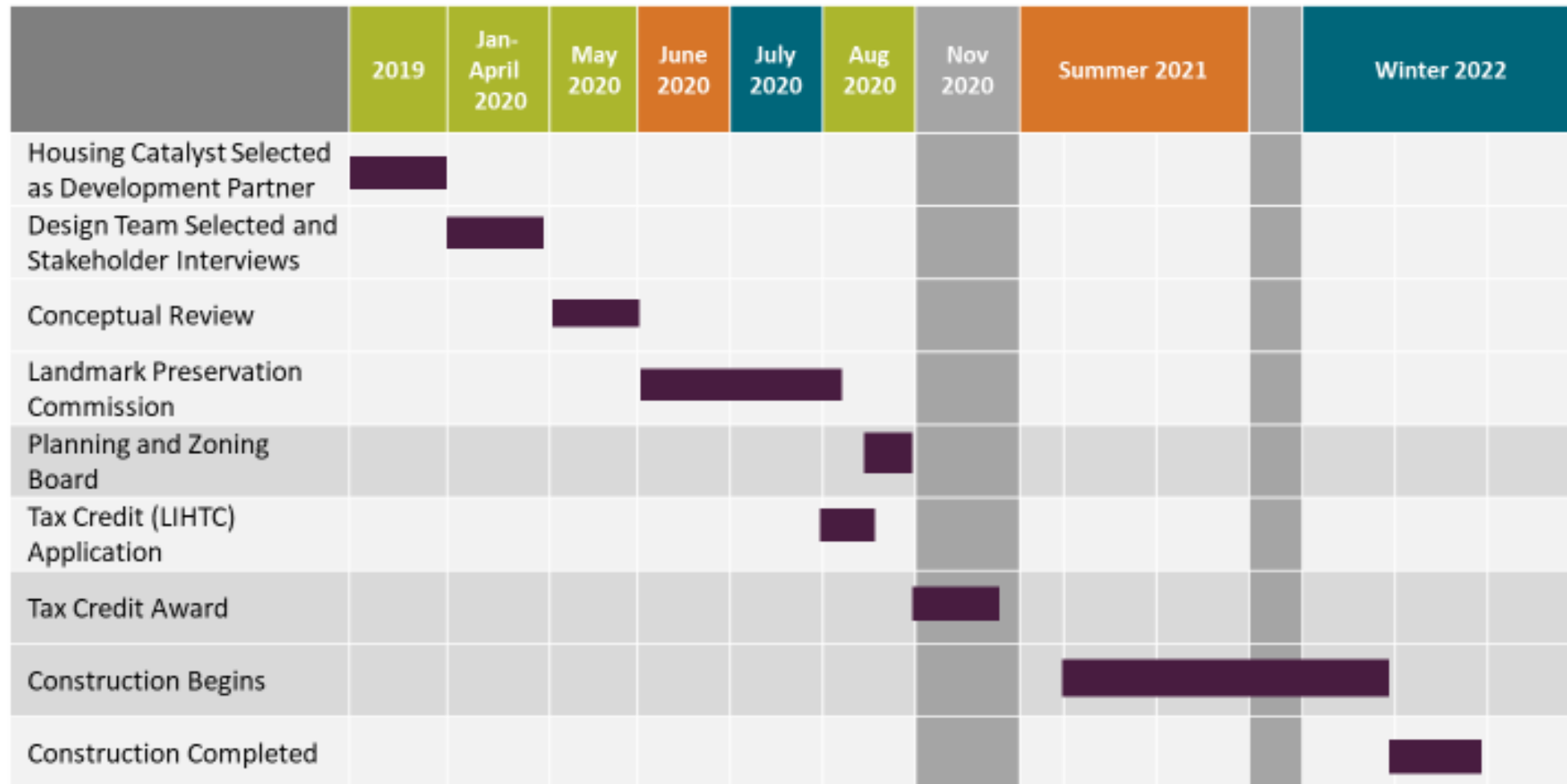
- 10% affordability by 2040
- Rental needs concentrated below 60% AMI
- Continue to prioritize direct funding to lowest income levels
- Increase inventory of affordable rental units



- **LIV 2:** Promote infill and redevelopment
- **LIV 5:** Create more opportunities for housing choices
- **LIV 6:** Improve access to housing ...regardless of their race, ethnicity, income, age, ability, or background

- **What:** \$610,000 in direct subsidy from the AHCF for the Oak 140 affordable housing project
- **Why:** Financing gap created by escalating commodities prices, especially for lumber.
- **The Project:** 79 affordable rental homes serving residents making between 30-80% AMI
- **Partners:** Housing Catalyst, Downtown Development Authority

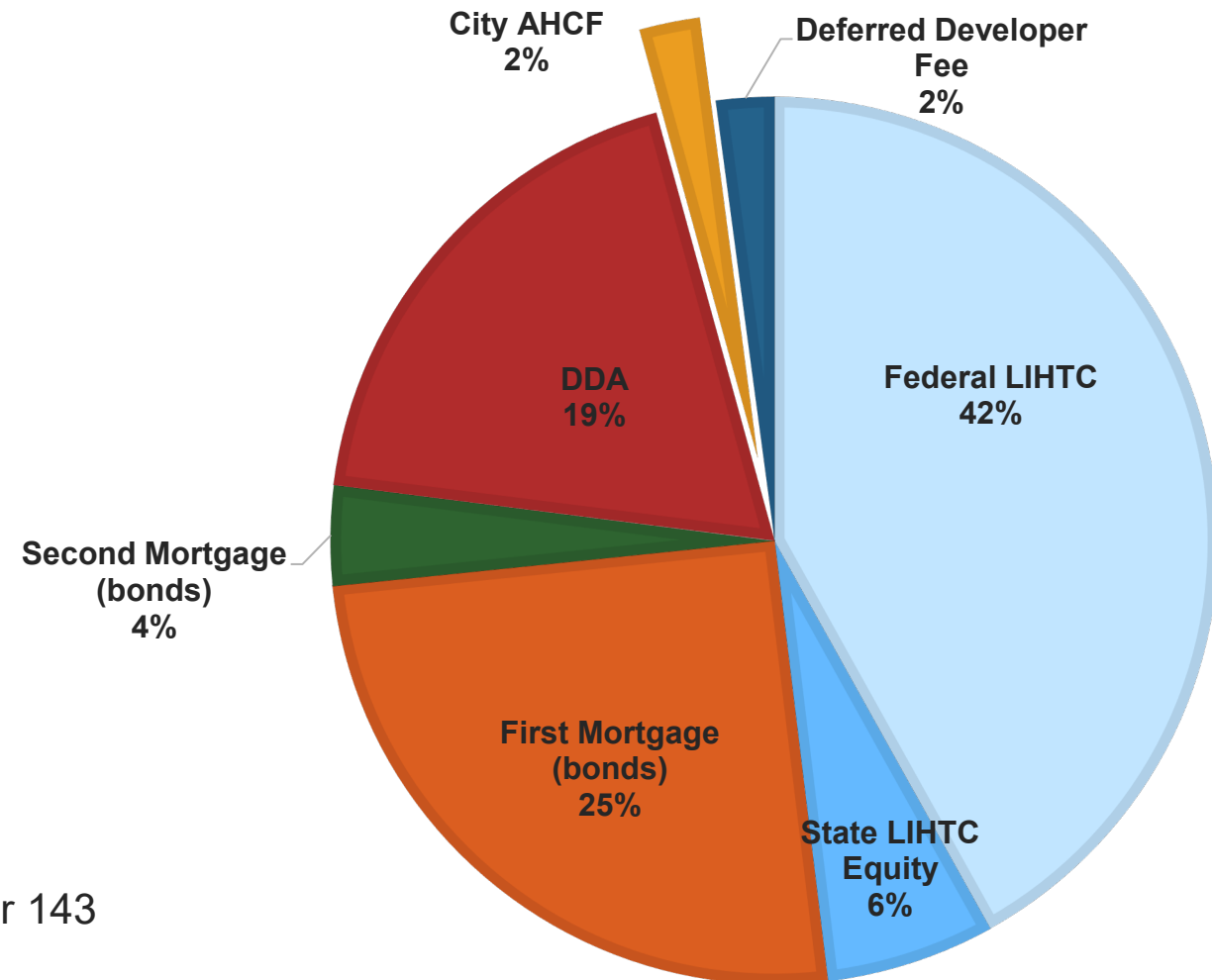




| Source | Amount |
|-------------------------|---------------------|
| Federal LIHTC Equity | \$11.6 million |
| State LIHTC Equity | \$1.7 million |
| First Mortgage (bonds) | \$7 million |
| Second Mortgage (bonds) | \$1 million |
| Fort Collins DDA Equity | \$5,175,370* |
| City AHCF | \$610,000 |
| Deferred Developer Fee | \$576,298** |
| TOTAL | \$27,689,041 |

*DDA Equity amount does not account for the land contribution, which estimated value is \$2.3 million

** Does not reflect the Housing Catalyst \$1.3 million for 143 Remington acquisition



Benefits

Trade-offs

Delivers 79 affordable rental units

Unique partnership (HC+DDA) on a transit-oriented infill site

Ready to begin construction

Favorable level of City contribution per unit

AHCF balance depleted until Jan. 2022

Is Council Finance Committee supportive of the request for \$610,000 of direct subsidy from the Affordable Housing Capital Fund for the Housing Catalyst Oak 140 project?

- Established 2015, \$4 million over 10 years through 2025
- Uses:
 - **Fee credits** for qualifying units (less than 30% AMI) in AH projects
 - **Direct subsidy** for development or rehabilitation of one or more AH projects
- Previous projects supported include:
 - Cadence (55 units, age-restricted), Oak 140 (79 units), Mason Place (60 units permanent supportive housing), Oakridge Crossing (110 units, age-restricted), Village on Horsetooth (96 units)
- AHCF will be replenished with \$500,000 in January 2022

- Competitive Process

| Source | Est. Amount |
|---|--------------------|
| Affordable Housing Fund | \$1,000,000 |
| HOME (Federal) | \$725,000 |
| CDBG (Federal) | \$750,000 |
| HOME/HUD American Rescue Plan Act (Federal) | \$2,600,000 |
| TOTAL | \$5,075,000 |

- AHCF will also be replenished with \$500,000 in January 2022



OAK 140
Council Finance Committee

May 24, 2021





Mission:

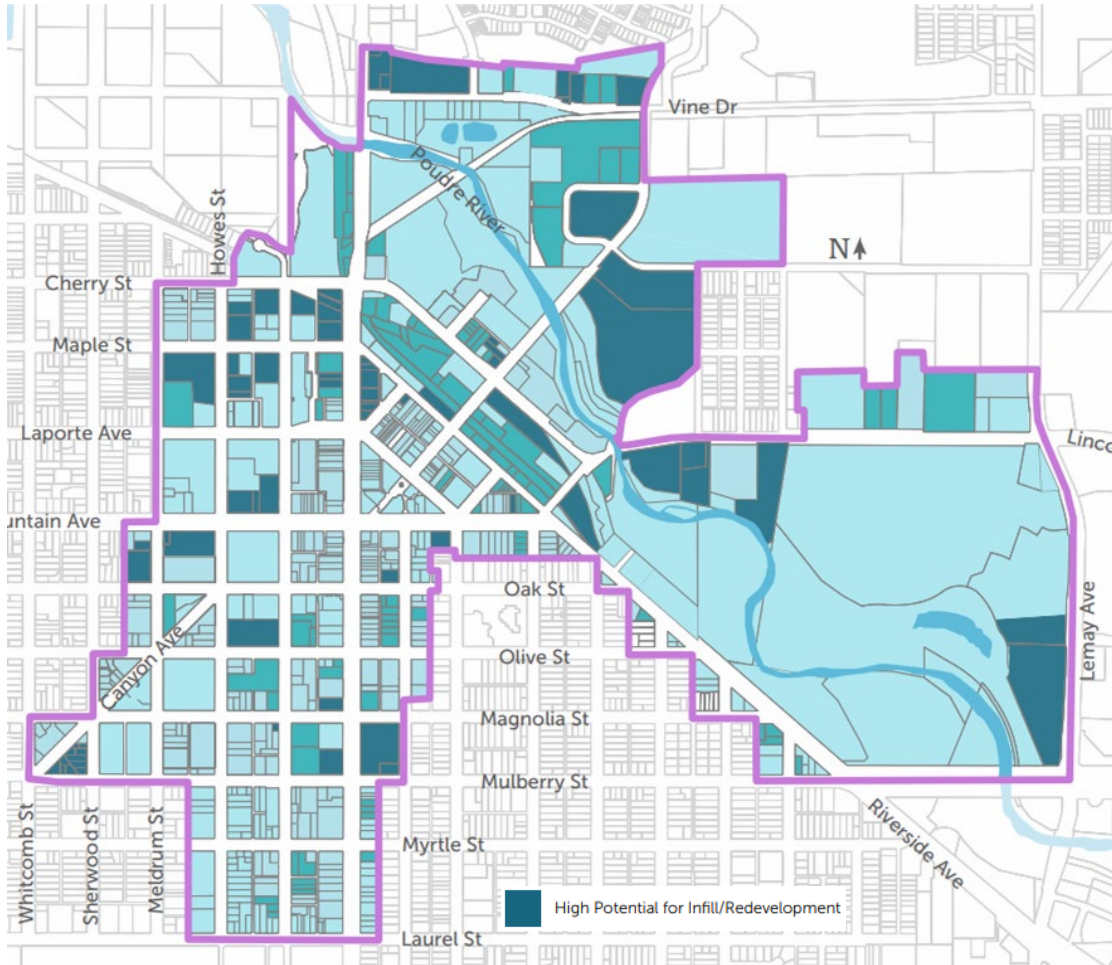
To create vibrant,
sustainable communities
throughout Fort Collins.



Mission:

To build public and private
investment partnerships that foster
economic, cultural, and social
growth in the Downtown area.

THE NEED FOR AFFORDABLE HOUSING



The City of Fort Collins believes one of the keys to a healthy community is the ability to house its residents in good quality, affordable housing.

- ✓ A top priority in the City's Housing Strategic Plan is to **increase housing supply and affordability.**
- ✓ City Council has prioritized improving access to a **broad range of quality housing that is safe, accessible and affordable.**

The 140 E Oak St Development meets our community needs and priorities.

HOUSING STRATEGIC PLAN



2021



ADOPTED BY CITY COUNCIL IN 2021



A top priority is to **increase the supply and affordability of housing.**



Reaffirmed a goal for the City to facilitate the development of affordable housing: **10% of the City's housing stock be affordable by 2040.**



Current affordable inventory is ~5%; **goal requires 282+ units to be produced annually until 2040.**

AFFORDABLE HOUSING DOWNTOWN



The overall income average will be 60% of the area median income (AMI).

7

30% AMI Units

6

40% AMI Units

28

50% AMI Units

29

70% AMI Units

8

80% AMI Units

PROJECT BENEFITS



- ✓ Creates affordable living in a highly desirable downtown location
- ✓ Unique affordable community targeting people who work in and around downtown
- ✓ Mixed-use project partnership between Housing Catalyst and the Downtown Development Authority
- ✓ Aligns with adopted policy and priorities for the City of Fort Collins
- ✓ Mixed-use concept activates street level and promotes pedestrian activity

Sign up for updates and info: tinyurl.com/oakfc

HISTORY AND OUTREACH

Historic Context



October 2016 Charrette



Broad participation from community members, public sector, business owners



Identified significant need and desire for affordable housing for people working in and around downtown



Called for an active ground floor, partnerships, and a design complementary to historic character and reflective of our time





