



Community Development & Neighborhood Services

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MEMORANDUM

DATE: February 13, 2024

TO: Mayor Arndt and City Council members

THRU: Kelly DiMartino, City Manager

Tyler Marr, Deputy City Manager

Caryn Champine, Director, Planning, Development & Transportation

FROM: JC Ward, Neighborhood Programs Manager, Neighborhood Services

Leo Escalante, Neighborhood Liaison, Neighborhood Services

RE: Eviction Legal Fund 2023 Year End Report

This memo aims to provide City Council members with an annual update on activities performed and opportunities identified as part of the implementation of the City's ARPA-funded Eviction Legal Fund for the period of January 2023 to December 2023.

2023 Eviction Legal Fund Overview

The City of Fort Collins Eviction Legal Fund is a grant program that provides funding to legal service providers and community partners to support housing stability through tenant and landlord education programs, outreach, legal advice clinics, and direct client representation for Fort Collins residents. Beginning in 2020 with CARES Act funding as part of the pandemic response, the program continued from 2021 through today with CARES Act funding and American Rescue Plan Act ("ARPA") funding. Colorado Poverty Law Project ("CPLP"), Fuerza Latina, and Interfaith Solidarity and Accompaniment Coalition ("ISAAC") provided outstanding services for the program in 2023. The mosaic of partners embedded in a variety of vulnerable and low-income Fort Collins communities created a powerful collective impact. The 2023 Eviction Legal Fund awarded \$200,000 in grants to service providers.

In 2023 through the Eviction Legal Fund, our ARPA-fund investment:

- Kept an average of **three families per week** in their homes through direct legal representation
- Demonstrated the cost effectiveness of keeping people housed – **costing \$1,282 per family** (3 families per week in 2023/\$200,000 ARPA funding) vs. the \$38,000-95,000 per person annual cost of homelessness.
- Reached more than **1,600 residents** through all funded services
- Served **1,563 renters**
- Served **45 landlords**
- **Resolved 119 eviction/housing-related cases** that required an attorney
- Provided **legal representation for 20 families** in court proceedings for eviction
- Achieved **eviction avoidance in 94% of the cases** that had support from an attorney
- Resolved conflicts through **mediation in 11 cases** and **assisted 65 landlords and tenants** through conflict coaching
- Trained volunteers in **22 mediation training sessions**
- Offered **29 Know Your Rights trainings** and other educational events with 605 attendees
- Provided **6 "Ask a Lawyer" legal clinics** for 709 participants

cc: Paul Sizemore, Director, Community Development & Neighborhood Services
 Marcy Yoder, Sr. Manager, Neighborhood Services

- Assisted **130 community members** with eviction-related resources through a housing hotline
- Helped build and maintain trusting relationships among community members, the City of Fort Collins, and service providers with CPLP and Fuerza Latina participating since 2020 and ISAAC since 2022

The participation rates and program outcomes in 2023 reinforced the prioritization of early intervention in housing stability-related cases by service providers, indicating higher success rates for all parties involved where education, training, mediation, trust building experiences, and conflict coaching are available before these issues involve the courts or law enforcement.

Background

Identified as a critical path for the City during the COVID-19 response and recovery, the Eviction Legal Fund was piloted and supported by CARES Act funding in 2020 and 2021. Due to the ongoing need for these services and in recognition of the success of the pilot program, the Eviction Legal Fund received continued financial resources for 2022, 2023, and 2024 from the City's ARPA funds. Modeled after the Neighborhood Grant programs to allow for rapid deployment of resources, the Eviction Legal Fund has been coordinated by the Neighborhood Services Department since its inception. It was designed to meet numerous City Strategic Goals related to housing stability, neighborhood livability, and equity (detailed in the Strategic Alignment section below). This program has cross-departmental synergy and is seen as a beneficial complement to ongoing housing stability work by Social Sustainability, Neighborhood Services, and Utilities. It also resolved limitations on customer service that did not permit the City to provide legal advice or refer issues to attorneys by creating a pathway for those free services to the public without also creating liability for City departments and staff.

Pre-pandemic, only one organization, Colorado Legal Services, was operating in Larimer County for low-cost or no cost legal services in civil cases. When the pandemic began, this local low-income legal service provider was already operating at 100% capacity, creating a widening gap in resources during COVID response and recovery. Some residents, including undocumented community members, did not qualify for Colorado Legal Services representation because of the source of the organization's funding. The Eviction Legal Fund has been successfully filling much of that gap over the last three years by providing resources that attracted Colorado Poverty Law Project to bring their services to Northern Colorado for the first time and leveraging the expertise of trusted nonprofit partners with deep roots in the community to connect residents with additional new resources like the housing hotline and Know Your Rights training sessions for both landlords and tenants. **CPLP now has one full-time attorney and two bilingual support staff that work exclusively on cases from Larimer County and a mobile home park specialist from their Denver office who works extensively with Fort Collins residents and City staff.**

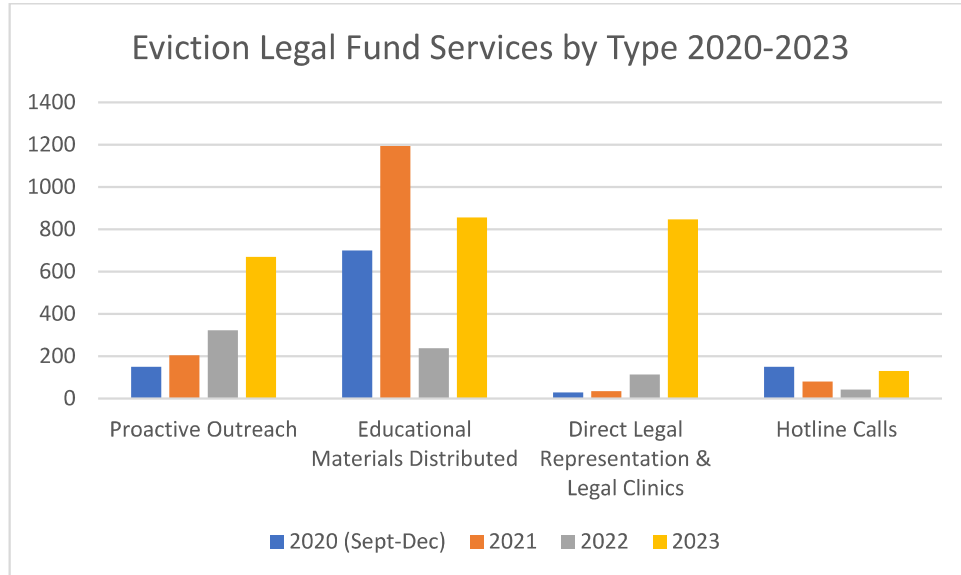
Lessons Learned

Continuing Need

Although some impacts of COVID-19 have decreased over time, housing stability has not fully recovered from the dramatic increase in housing prices and economic hardships experienced during the height of the pandemic, particularly for residents from historically marginalized communities for whom the pandemic compounded existing inequities. The additional resources like increased rent assistance and tenant protections, such as eviction moratoria, in place from 2020 through 2022 have now also lapsed. However, our community partners and legal service providers still report that threats of eviction, landlord-tenant conflicts, and the inability to pay rent or utilities are maintaining higher than pre-pandemic rates. Rent assistance shortages for Fort Collins residents began in July 2023 and continued through the end of the year as need outpaced available funds.

Legal advice, educational resources on tenant and landlord rights and responsibilities, and legal representation are an important component of the affordable, stable housing puzzle in Fort Collins that offers practical conflict resolution options with proven ability to keep residents housed. Participation in all Eviction Legal Fund components was relatively consistent throughout each quarter of 2023 with Q1 and Q4 demonstrating higher need for services. The exception to participation rate consistency was the legal advice clinics that saw an 80%

increase in attendance in Q4 2023 over participation in Q1 2023. This may be due to the increasing need for this type of service or it may reflect the results of outreach and awareness efforts over the last three years.



- “Proactive Outreach” includes Know Your Rights training, Mediation Volunteer Training, and Conflict Coaching
- State and Federal Eviction Moratoria were in place during the Eviction Legal Fund from 2020- September 2021.

Efficient Service Model

Annual capacity for legal services by a single attorney for low-income clients is approximately 225 cases, including direct legal representation and brief legal advice consultations. The approximate current annual salary for an attorney from an organization serving low-income clients is approximately \$100,000. The Eviction Legal Fund provided direct legal representation in 139 cases and reached 709 community members through legal clinic events, the equivalent work of 3.77 full-time attorneys with salaries of \$377,000 working exclusively on cases from Fort Collins. The current funding for this program is \$200,000 per year. In addition to providing these opportunities for contact with attorneys, the Eviction Legal Fund reached 760 residents through the other education and outreach components of the program by leveraging the expertise of community nonprofit organizations for program delivery.

Greater Need for Early Conflict Intervention

An eviction case being filed with the court reflects one of the final stages of landlord-tenant conflict where one or both parties do not believe resolution is possible without a court order. However, there are numerous points for conflict intervention by qualified service providers before parties reach that point. While most of the resources accessed through the Eviction Legal Fund (53%) required contact with an attorney, hundreds of residents had issues, questions, and conflicts resolved through early intervention program components like Know Your Rights trainings, housing hotline calls, and mediation. Participation in these components increased by 280% since the program’s first full year in 2021.

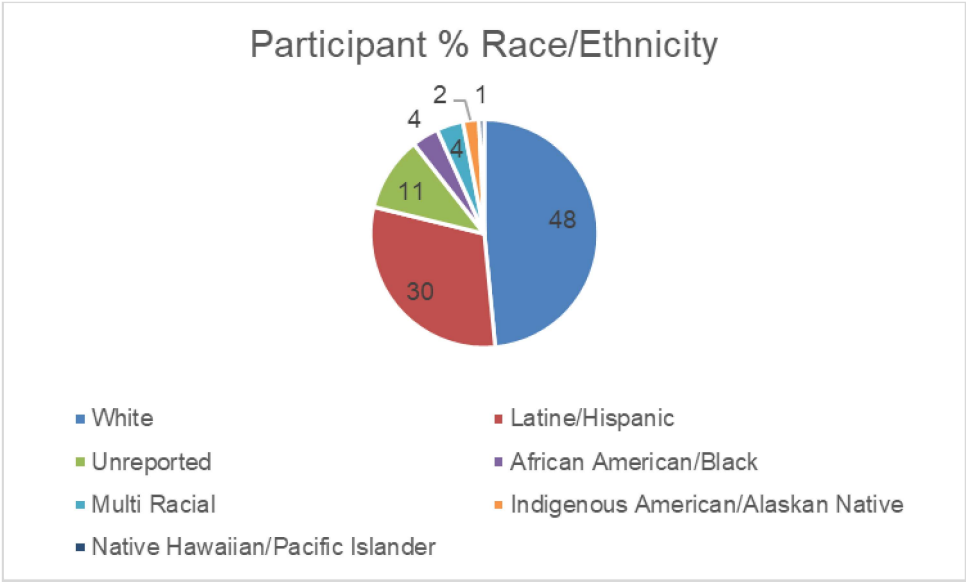
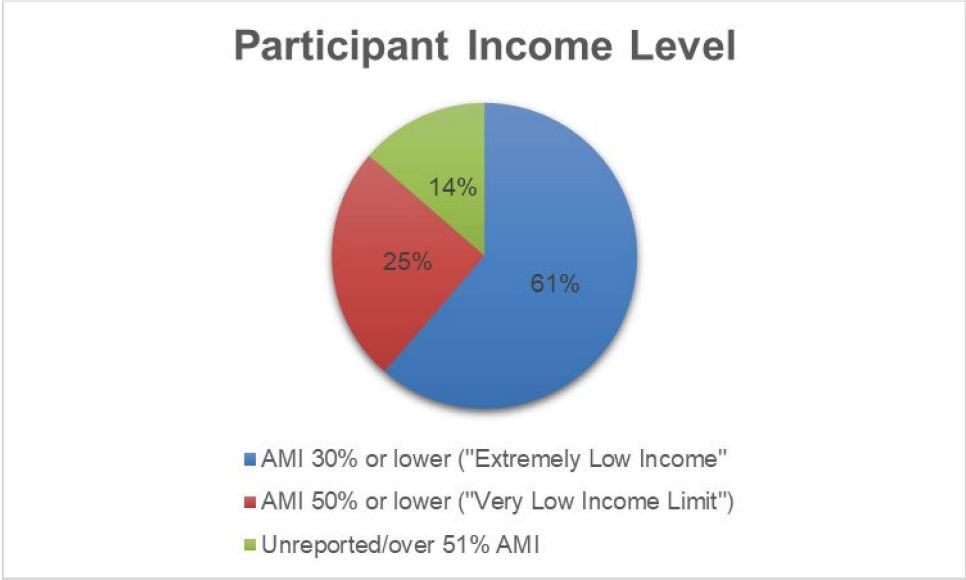
Program Demographics

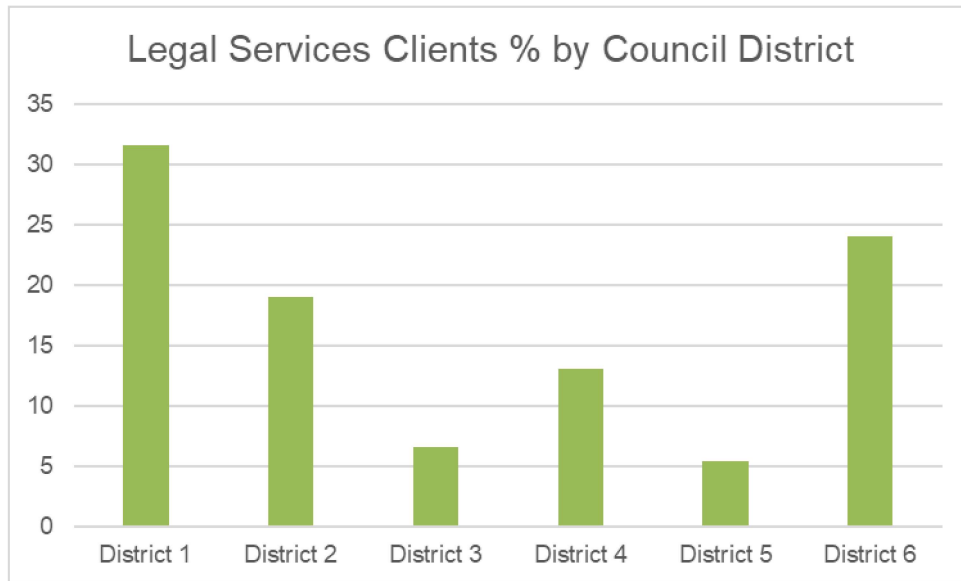
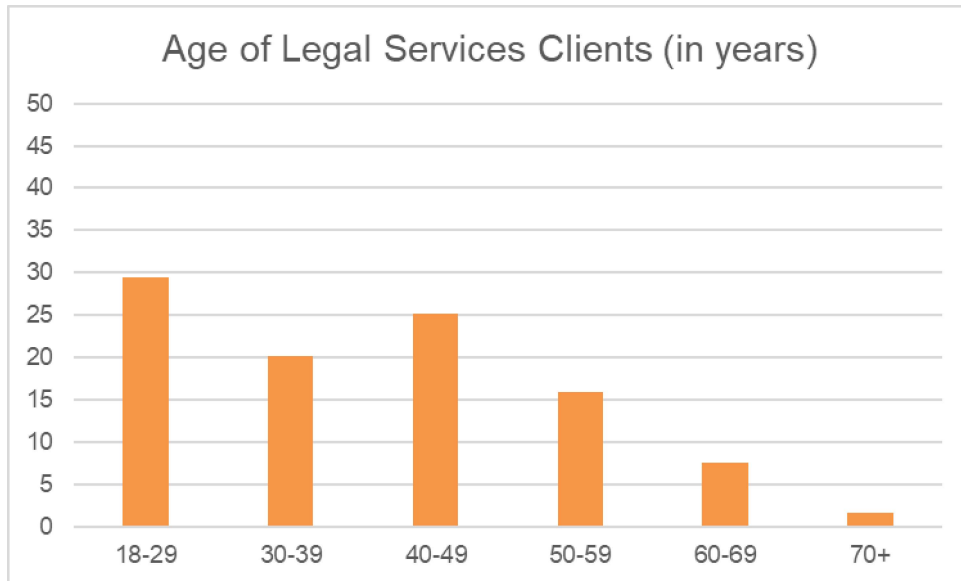
As a caveat to the data presented in this section, note that a concerted effort has been made to reach historically underserved and marginalized community members through the Eviction Legal Fund over the last three years, as they were identified as some of the most at-risk populations for COVID-19 impacts and continue to experience compounding intersectional vulnerabilities that contribute to housing instability. Data may represent the current state of the community but it may also reflect the success in targeting specific demographics through outreach efforts.

The 2023 Eviction Legal Fund gives us a picture of the residents in Fort Collins who are currently housed, but facing housing instability. Most of these residents are employed but are in the “extremely low income” range, with 61% of participants making below 30% Area Median Income (“AMI”). Residents from Communities of

Color are overrepresented in the client population when compared to the overall city population, particularly for Latiné residents.

Although the highest number of people assisted through the Eviction Legal Fund who needed services from an attorney were in their 20's, there is a fairly consistent distribution of clients ranging from age 18 to 59 years old, indicating a widespread housing affordability issue throughout the community. Senior citizens comprised the lowest percentage of participants in this program, but were more likely to also be unemployed than participants in other age ranges. The highest percentage of participants who needed representation or advice from an attorney live in Council District 1 (32%), Council District 6 (24%), and Council District 2 (19%).*





Council Districts reflect home addresses based on pre-redistricting designations existing before August 2022.

Impacts beyond the numbers

Service providers for the Eviction Legal Fund (“ELF”) submit narratives of impact from participants in the program components they deliver. One theme that emerged from these client stories in 2023 was the cascading impact of circumstances outside the control of the renter, such as health issues or landlords refusing to repair units, that result in housing instability.

- *A couple with three young children live in a local mobile home park. They experienced a backup of sewage in the home, which made it unlivable. The park management refused to take responsibility for the situation and the couple contacted the ELF for assistance. Attorneys were able to step in to ensure the home was cleaned up, repairs were made, and the family received compensation for loss of use and expenses.*
- *A woman undergoing breast cancer treatment had an apartment flooded with water. She was staying in a hotel at her own significant cost. The landlord waited two weeks to hire someone to repair the leak. The repairs were not done properly, the toilet was removed, and there was water damage and mold everywhere. With no projected repair date, this tenant contacted the ELF for help and was able to*

negotiate a mutual rescission of her lease along with compensation to repay her expenses and allow her to relocate to a new apartment.

- *A resident had fallen behind on rent after being hospitalized and slipping into a coma. He came to the Eviction Legal Fund after an eviction judgment had been entered against him while he was in the hospital. Attorneys negotiated a stipulation with the property owner to allow the resident to pay the rent arrears and remain in his home.*
- *A monolingual, Spanish-speaking mobile homeowner signed off on a nonpayment eviction and judgment entered against her, despite the documents being in a language she did not speak or understand. The mobile homeowner had informed the landlord's attorney she did not speak English but the landlord's attorney never offered to communicate with her in Spanish or translate the documents into Spanish. Attorneys with the ELF connected the homeowner to a rent/mortgage assistance program, and drafted a motion to vacate the judgment, in part, because the documents were not translated or explained to the homeowner in Spanish. The landlord's attorney agreed to vacate the judgment and dismiss the case. Mortgage assistance paid the homeowner's back lot rent and she was able to remain in her home.*

Strategic Plan Alignment

- **Housing Strategic Plan (2021)** - Greatest Challenge 7: Housing policies have not consistently addressed housing stability and healthy housing, especially for people who rent. The Eviction Legal Fund was identified as a "Quick Win" Strategy to directly support legal representation if an issue needs to be resolved by the court and provide additional tools and resources necessary to carry this strategy in instances where early intervention or a wider variety of options might keep people housed and resolve housing-related conflicts.
 - Strategy 25: Fund foreclosure and eviction prevention and legal representation
- **City of Fort Collins Strategic Plan (2022)**
 - 1.1 Increase housing supply and choice and address inequities in housing to ensure that everyone has healthy, stable housing they can afford.
 - 1.4 Advance equity for all with an emphasis on racial justice to remove systemic barriers so that persons of all identities, including race, ethnicity, religion, gender, age, class, sexual orientation, and mental and physical abilities can fully participate in City services and experience equitable community outcomes.
 - 1.5 Enhance the quality of life and sense of belonging in neighborhoods by connecting neighbors to City services, building community and fostering harmonious relationships.

Next Steps

The Eviction Legal Fund has been in place for forty (40) months as of December 2023. Performance metrics reflect the success of the program, the impact on equity in the community, its contribution to housing stability, improved customer service for neighbors, and an efficient use of program dollars from federal sources. The program has ARPA funding through the end of 2024 and currently is contracted with Colorado Poverty Law Project, ISAAC, and Fuerza Latina to continue their work this year. City staff will submit a 2025/2026 BFO offer through the budgeting process to support the Eviction Legal Fund into the future.

The implementation of Rental Housing programs (in association with new requirements for rental registration) is expected to be a strong complement to the services of the Eviction Legal Fund. Rental Housing programs will focus on fostering positive relations between landlords and tenants to encourage conversation and conflict resolution outside of the court system, avoiding costly legal fees. The portfolio of educational programming and housing quality grants coming online in 2024 will focus on enhancing resources available to landlords and tenants through all stages of a lease agreement.