

**TENANT LEGAL SERVICES ORDINANCE**

**ADMINISTRATIVE RULES AND REGULATIONS**

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Adopted pursuant to Article IX, Chapter 27 (Housing) of the  
Denver Revised Municipal Code (D.R.M.C.)

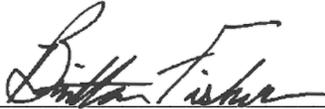
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Britta Fisher  
Executive Director of the  
Department of Housing Stability

\_\_\_\_\_  
December 23, 2021  
Date

Adopted and Published Pursuant to Article IV, Chapter 2, of the Revised Municipal Code of the  
City and County of Denver.

Public Hearing held on December 20, 2021

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### I. **Purpose, Definitions, and Authority**

#### A. Purpose

The purpose of these rules and regulations are to implement and administer Article IX, Chapter 27 (Housing) of the Denver Revised Municipal Code.

#### B. Definitions

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

“Covered Proceeding” means any judicial or administrative proceeding related to a covered individual who is facing eviction or civil claim for monetary damages for nonpayment of rent, including any proceeding deemed by a Designated Organization as the functional equivalent of such a proceeding, and any related appeals, or any action by a governmental assistance-providing agency terminating a subsidy or otherwise adversely affecting a tenant’s rights, duties, welfare, or status.

“Designated Organization” means any entity that has the capacity to provide legal representation to Covered Individuals in Covered Proceedings.

“Director” means the Executive Director of HOST.

“HOST” means the Department of Housing Stability.

“Full Legal Representation” means ongoing legal representation provided by a Designated Organization to a Covered Individual and all legal advice, advocacy, mediation, negotiations, and assistance associated with a Covered Proceeding.

“Other Affordable Housing Provider” means an entity that runs or otherwise administers a housing choice voucher program or similar program that provides tenant-based rental subsidies to income-qualified households.

C. Authority

Pursuant to the D.R.M.C. § 27-196, the Director may adopt such reasonable rules and regulations as may be necessary for the administration and implementation of the provisions of Article IX, Chapter 27.

II. **Procurement of Designated Organizations**

HOST shall oversee the procurement of Designated Organizations that will provide Full Legal Representation to Covered Individuals in Covered Proceedings. The City Attorney's Office must assist HOST in the development of the procurement documents and evaluation of respondents.

To ensure the competitive selection of Designated Organizations, HOST will comply with the procurement provisions set forth in Memorandum No. 8B attached to and incorporated into Executive Order 8.

A Designated Organization must have sufficient legal professionals, either on staff or through volunteers, with landlord-tenant experience, to provide Full Legal Representation to Covered Individuals in Covered Proceedings.

HOST will regularly monitor the caseloads of Designated Organizations to evaluate whether Covered Individuals have sufficient access to Full Legal Representation. If demand for Full Legal Representation is greater than what Designated Organizations with a contract with the City have the ability to provide, HOST will attempt to procure additional Designated Organizations, as resources allow.

All contracts with Designated Organizations shall be subject to appropriation.

III. **Program Administration and Eligibility**

A. **Administration of the Program**

HOST will designate a primary point of contact to administer and oversee the program. The name of the primary point of contact will be published on the HOST website. This person will be responsible for responding to questions from the public and will be the primary contact for Designated Organizations. If individuals contact someone with HOST other than the primary point of contract with questions regarding the program, those individuals will be referred to the primary point of contact.

The primary point of contact may not answer legal questions but will provide individuals with a full list of Designated Organizations and their contact information.

B. **Covered Individuals**

Subject to appropriation, Covered Individuals may receive Full Legal Representation from a Designated Organization in a Covered Proceeding.

HOST will work with Designated Organizations to determine how individuals with the lowest median income can be granted priority for Full Legal Representation given the ethical obligations of attorneys providing legal services and the structure of the Designated Organization.

**C. Publication of Designated Organizations**

To best ensure that Covered Individuals have access to Full Legal Representation, HOST will post the program eligibility and contact information of Designated Organizations on the Department of Housing Stability webpage.

**VI. Required Disclosures to Tenants**

Pursuant to D.R.M.C. § 27-201(a), the City is required to approve or provide a form of written notice of tenants' rights and resources. HOST construes the obligations of a landlord or any agent working on behalf of a property owner set forth in D.R.M.C. § 27-215(a) and (b) to impose the same obligations as set forth in D.R.M.C. § 27-201(a) on an owner or operator of a residential rental facility. The enforcement and penalties for violating D.R.M.C. § 27-201(a) are set forth and controlled by D.R.M.C. § 27-201(b).

Upon the earlier of January 1, 2022 or the time at which the written notice of tenants' rights and resources is approved or provided by the City, an owner or operator of a residential rental property must provide the written notice of tenants' rights and resources to individuals at the time when (i) a lease is executed; and (ii) any rent demand pursuant to C.R.S. § 13-40-104 is served on a tenant. Additionally, when the Housing Authority for the City and County of Denver, Colorado or any Other Affordable Housing Provider sends notice that a tenant's rental subsidy or tenancy will be terminated, the tenant must also be provided with the written notice of tenants' rights and resources.

A tenant who does not receive the notice of tenants' rights and resources at the required time may contact HOST's primary point of contact that administers the tenant legal services program. The primary point of contact shall refer the tenant to the appropriate enforcement authority.

The written notice of tenants' rights and resources must contain information concerning minimum housing standards required under Article II of Chapter 27 of the D.R.M.C.; resources and information on how to make a complaint related to minimum housing standards; a statement regarding tenants' legal rights when receiving a notice to vacate their premises, to utilize or seek legal representation, or in any court proceeding related to their rental housing; and how to locate rental assistance and legal services providers.

HOST will, to the extent feasible, require that information regarding Designated Organizations be included in the written notice of tenants' rights and resources.

**V. Reporting Requirements of Designated Organizations**

Reporting requirements of Designated Organizations shall be established in the contractual agreement between the City and the Designated Organization.

HOST shall ensure that the information contained in and frequency of reports submitted by a Designated Organization to HOST is sufficient for HOST to assess the impact of the ordinance and determine needs. At a minimum, Designated Organizations will be required to include the following information in reports submitted to HOST:

- a. Number of Covered Individuals served or denied services;
- b. Description of legal representation performed and cost per case;
- c. Income levels of Covered Individuals served and Covered Individuals who were denied service for income qualification;
- d. Information that was voluntarily disclosed concerning demographics of individuals served; and
- e. Case disposition or outcome data.