



Agenda Memorandum

Agenda Item – 10.E.

City Council Meeting
February 13, 2023



Strategic Priority 3: Shared Sense of Community

Foster equitable opportunities that help residents feel at home and connected in their community and empowered to live their best lives.

Subject: Colorado Legal Services Adams County Program Intergovernmental Agreement

Prepared By: David Frankel, City Attorney
Kodi Erb, Assistant to the City Manager

Recommended City Council Action:

Authorize the City Manager to enter into an Intergovernmental Agreement between Adams County, Colorado Legal Services, the cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City, Aurora, and Northglenn, and the City and County of Broomfield regarding contributions toward the continuation of a landlord-tenant legal services program.

Summary Statement:

Adams County, the cities within Adams County, and the City and County of Broomfield have expressed interest in an updated two-year Intergovernmental Agreement (IGA) to extend the work of the 2018 - 2022 legal clinic to serve residents focused on landlord-tenant issues. The clinic will continue to focus on eviction assistance for tenants.

Fiscal Impact:

\$31,000 in expenditures.

Source of Funds:

General Fund: Central Charges Operating Budget

Policy Issue(s):

Should the City collaborate with Adams County, the cities within Adams County, and the City and

County of Broomfield to provide legal services to residents in need and increase the annual contribution from \$30,000 to \$31,000?

Alternative(s):

City Council could choose not to participate in the extended program. This is not recommended because it provides a valuable service that will assist residents with landlord-tenant issues.

Background Information:

Over the last four years, several local governments have worked with Colorado Legal Services (CLS) to create and promote a legal program with dedicated local offices to serve their residents in need of landlord-tenant legal advice and representation. Having a court-ordered eviction on one's record causes great harm to renters and their ability to secure housing, and there is concern that evictions may be causing residents to fall into poverty.

As a host city, Westminster provides office space in the Irving Street Library for the program two days a week. Additional office hours are offered at the Adams County Justice Center in Brighton.

CLS has provided landlord-tenant legal representation to qualifying individuals through the local offices funded by the 2018 to 2020 pilot program and through a second IGA term from 2020 to 2022. The clinic focused on eviction assistance for tenants. The report of the program for quarter three in 2022 is attached (Attachment A), as well as a program fact sheet (Attachment B). CLS also provides referral assistance to Westminster residents in Jefferson County as well as those with legal questions outside of landlord-tenant disputes and serves the metro Denver area through its Denver office. Eligibility for CLS services is based upon a client's income.

The IGA with CLS is in partnership with Adams County and the Cities of Thornton, Federal Heights, Brighton, Commerce City, Aurora, Northglenn, and Westminster, and the City and County of Broomfield. A copy of the proposed IGA with CLS is attached (Attachment C). The City of Westminster's current contribution to this IGA is \$30,000 per year and is paid from the General Fund, Central Charges operating budget. CLS is requesting the City of Westminster increase the annual contribution to \$31,000 as part of the agreement (Attachment D). CLS is requesting stakeholders commit resources in accordance with the number of clients and cases clients CLS served in that municipality. As such, CLS has requested that Westminster increase its annual contribution to \$31,000.

The highlights from the IGA with CLS and partner jurisdictions include the following:

- The purpose is to provide legal assistance to low-income households to help prevent or mitigate the adverse familial and societal impacts of involuntary displacement and/or homelessness within the contributing jurisdictions.
- While referrals to other providers may be made for residents of any income level and funds may be used to represent clients with up to 250% of poverty through other providers, CLS will use the funds only to represent residents of the contributing jurisdiction earning up to 200% of the federal poverty guidelines, as revised each year by the federal government.
- CLS will use the funds only to serve individuals in eviction and housing related matters. CLS will not use the funds to initiate or defend any cause of action or civil matter in which one of the local governments or its housing authority is an opposing party in an eviction action but may use other funds to do so if required by the professional responsibility of CLS to its clients.

- The support and cooperation of the Chief Judge, judicial officers, and Adams County Court Staff is essential to the success of the Program. CLS recognizes the autonomy of the Adams County Court in overseeing any processes that affect or interact with the court, its personnel, or its space beyond client representation. CLS will work collaboratively with the Chief Judge or their designee to receive guidance on any questions, procedures, or processes within the province, domain, or responsibility of the Adams County Court.
- CLS will provide the contributing local governments with data including the number and general demographics of the individuals served, referrals made to any other legal service provider, and the outcomes of the legal representation provided.
- CLS has a similar IGAs with the City and County of Denver (five years), City of Pueblo (6 months), and a new IGA with Arapahoe County including Centennial, Englewood, Aurora, Sheridan, Glendale, and Dove Valley.

CLS provided the following details outlining the costs of the program and staffing:

- The average caseload for one full time employee (FTE) housing attorney and one FTE paralegal with assistance of other CLS Denver Housing Staff.
- The caseload per year is 200 to 250. Of which, 75% or 150-187 clients are provided legal advice, information, and brief services and 25% or 50-63 clients are provided full and extended legal services (representation, negotiation, etc.).
- CLS conservatively estimates costs between \$800 to \$900 per case, however, this total does not take into account the overhead and supervisor time spent with attorneys and paralegals.
- Of note, the number of cases handled varies by location, outreach efforts, local culture, and type of housing case (private landlord, subsidized housing, public housing cases).

CLS is exploring tools to determine a cost per case that is based on case type (e.g., federally subsidized housing versus private housing) and legal problem (e.g., nonpayment of rent versus lease violation).

The total cost per attorney/paralegal team (salary is based on years of service/experience and CLS estimates 30% of salary for benefits) is:

- Attorney – \$108,152 (salary and benefits)
- Paralegal – \$82,750 (salary and benefits)
- Overhead Costs – 17% of attorney and paralegal salaries - \$32,453
- Total – \$223,355/year (the IGA covers \$194,000/year)
- Supervisor – \$124,475 (salary and benefits) – Time spent by the supervisor varies by need, so is not included in the total of general cost per case. For other grants, 5-10% of supervisor's time for each specific program is estimated.

Supporting the CLS program that provides landlord-tenant legal services in the community and in

partnership with neighboring jurisdictions supports the City's Strategic Plan Priority of Shared Sense of Community.

Respectfully submitted,

A handwritten signature in blue ink that reads "Mark A Freitag". The signature is written in a cursive, flowing style.

Mark A. Freitag
City Manager

Attachments:

Attachment A - Adams and Broomfield Landlord-Tenant 3rd Quarter Report 2022

Attachment B - Adams and Broomfield Colorado Legal Services Fact Sheet

Attachment C - CLS Program Proposed 2023 IGA

Attachment D – Draft Proposed Exhibit B – Schedule of Annual Contributions for Each Jurisdiction