



Keeping Colorado Housed – Eviction Legal Defense Fund

Everyone benefits when all Coloradans have a place to call home, especially during a global pandemic. However, the economic consequences of the COVID-19 pandemic are making a safe and stable home unattainable for many Coloradans. Hundreds of thousands of Coloradans are at risk of eviction as a result of the pandemic. Many children are participating in remote learning at home and facing a myriad of disruptions in their daily routine. Their well-being depends more than ever on keeping families housed.

The Colorado General Assembly created the **Eviction Legal Defense Fund (ELDF)** in 2019. The ELDF provides funding to legal aid organizations who assist tenants facing eviction throughout the state.

Even with the current funding allocated to the program, the need for legal counsel for tenants facing eviction across the state exceeds what the program can support.

We urge the General Assembly to preserve the \$600,000 in General Fund allocated for the ELDF and to explore other opportunities for increasing this funding when possible.

The Need

- **One in four Colorado renters are at risk of eviction** due to the pandemic.ⁱ
- Legal representation for low-income tenants at risk for eviction is critical, However, a study found that **less than three percent of tenants in Denver County were represented** by an attorney during an eviction, while nearly 90 percent of landlords were represented.ⁱⁱ
- Tenants who do have access to legal counsel are significantly more likely to remain in their homes. One study found that **two-thirds of tenants represented by an attorney were able to stay in their homes**, compared with only one-third of tenants who were not represented.ⁱⁱⁱ
- Current ELDF funding is not sufficient to provide adequate legal counsel to meet the need in every Colorado county.
- When at least one legal aid attorney is working in a county, it has a positive ripple effect and leads to more parity and fairer agreements between all tenants and landlords.

The Eviction Legal Defense Fund

- Colorado Legal Services increased the number of clients it represented **by 66 percent** in the year that it received ELDF funds (FY 2020).
- In the year it received ELDF funds, CLS increased its number of eviction assistance clinics **from seven to 198**.
- Of the 1,233 clients served by CLS in the year it received ELDF funds:
 - 493 clients reported having a disability
 - An estimated 31 percent were families with children
 - An estimated 41 percent were from communities of color
- CLS was **not able to serve at least 323 individuals and families**, who were turned away.

Evictions are a Racial Justice Issue & Impact Families with Children

- Due to past and current racist policies and practices that create more barriers to housing stability for communities of color, Black and Latinx individuals and families are significantly more likely to face eviction.
- Data show that in several states including Colorado, Black female renters are filed against for evictions at **double the rate** of white renters.^{iv}
- Families with children also face eviction at significantly higher rates. A study found that among families facing eviction who appear in court, those families with children disproportionately receive eviction judgments.^v
- During September and October of 2020, Colorado adults living in households with children were **nearly three times** as likely as those without children to report being behind on rent, and **significantly more likely** to have slight or no confidence in their ability to pay next month's rent.^{vi}
- As a result of the culmination of discriminatory policies and practices, Black women with children face the highest rate of eviction.^{vii}

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ⁱ COVID-19 Eviction Defense Project (CEDP).

ⁱⁱ "Facing Eviction Alone: A Study of Evictions in Denver 2014-2016," Aubrey Hasvold and Jack Regenbogen, Colorado Center on Law and Policy and Colorado Coalition for the Homeless (2017).

ⁱⁱⁱ The Pew Charitable Trusts. (2017.) How Free Legal Help Can Prevent Evictions.

^{iv} ACLU. (2020.) Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color.

^v Desmond M et al. (2013). Evicting Children. Social Forces. Harvard University.

^{vi} Population Reference Bureau analysis of data from the U.S. Census Bureau's Household Pulse Survey, Weeks 16 and 17.

^{vii} Matthew Desmond. (2014, March). Poor black women are evicted at alarming rates, setting off a chain of hardship. MacArthur Foundation.