

9T05 COLORADO PRESENTS



WARNING

GENTRIFICATION IN PROGRESS

**Community perspective on
the Denver Metro Housing
Crisis**

9/22/2016



ACKNOWLEDGMENTS

Report by
Andrea Chiriboga-Flor
Zoë Williams

Cover Photo by
Claudia Hernandez-Ponce

Additional photos by Denver
Homeless Out Loud, Neha
Mahajan, Yolanda Begay, Zoë
Williams, Maggie Gómez,
Westword

Fact Checking and Editing
By Colorado Affordable Legal
Services, Yolanda Begay, Dina
Montoya, 9to5 Staff and
Interns

THANK YOU

Current and past 9to5 Colorado Staff, Board,
and Interns; DeWitt Pollard, Tina Lovato, Raissa
Shafer, Yolanda Begay,

Mary Durant, Violet Briseis DeSeguin, Audrey
Haynes, Coby, Maricruz Herrera (for her
outstanding leadership on mobile home parks).

Residents of Denver Meadows for inspiring
creative solutions to housing.

Davian Gagne and the Mile High Connects
team, Enterprise Community Partners, and
Colorado Affordable Legal Services. FRESC:

Good Jobs Strong Communities, Project
VOYCE, Growing Home, Denver Homeless Out
Loud, People Rising Against Poverty, Cities of
Refuge, & Colorado Cross- Disability Coalition
for housing coalition efforts.

Plus all organizations that helped to distribute
surveys and host renter's rights presentations

BACKGROUND

RTD's West Line, a light rail route that travels from Downtown Denver West to Golden, opened in 2013. The West Line is one of many expanded light rail lines that are part of the \$7.6 billion FasTracks project. In the leadup to the line opening, 9to5 collected surveys along the West Corridor and in Southwest Denver to identify community hopes and concerns regarding the transit expansion. An overwhelming number of residents identified the cost of public transit as their greatest barrier in benefiting from the new transit expansion that traversed many low income communities and communities of color. In the case of Westwood, a predominantly immigrant and refugee neighborhood in Southwest Denver, we learned that the neighborhood had become a transit desert when their only bus route was cut two years before. Based on this data, several campaigns were launched including the Affordable Transit Campaign in February of 2014 and a campaign to reinstate the #4 Bus route along Morrison Road in Westwood. The goal of the Affordable Transit Campaign is to hold RTD accountable in ensuring that all residents in the Regional Transportation District have access to quality, efficient, and affordable public transit.**

In addition to concerns about cost and access to transit, residents overwhelmingly expressed fears about rising rents, sales of rental units, local businesses being forced to close, landlords refusing to perform maintenance on buildings, increased evictions and other telltale signs of gentrification.

Within the first year of the West line light rail opening in April 2013, many 9to5 leaders living along the West corridor had been displaced largely because of the increase of rental and property values. Community members described significant pressure to leave their neighborhood. In addition to dramatic rent increases, they also faced a transportation crisis when lifeline service routes were eliminated or significantly altered. 9to5 worked alongside riders to restore one route, the 16L, to service in 2013. Since then, 9to5 and our community partners across the state continue to notice local transit changes to attract "choice riders" to public transit while reducing service to low income communities and communities of color.

It is clear that it has become highly desirable to live close to public transit, especially rapid transit. As Light Rail stations open, new amenities are offered to residents including grocery stores, restaurants, childcare centers, libraries, and other services that encourage smaller, younger, and wealthier households to move into historically lower income communities. The alarming rate at which leaders were displaced made it obvious that there is an urgent need for policies that prevent and discourage gentrification within the Denver Metro Area. From our findings, it is undeniable that cost is a huge barrier to both finding and maintaining housing and that a significant lack of renter's protections in the state of Colorado has created a hostile environment for renters to live in.

*Note: This is an ongoing campaign with a current goal of implementing an income-based transit pass



INTRODUCTION

At the beginning of 2015, 9to5 Colorado began working on a renter's rights campaign to strengthen protections for renters. The issues that emerged in our community engagement process parallel many national patterns: shrinking affordable and public housing, development in urban areas, increase in the number of renters, gentrification and displacement. A renter's rights campaign is only one of many different strategies being used to fight back against gentrification efforts, and though most of our data focuses on those rights or the lack thereof, we have included other strategies that we are either already acting on or hoping to build into our strategy in the future.

9to5 Colorado is a proud partner of Right to the City's Homes for All campaign and shares the belief that people deserve to stay in their communities regardless of income, and that housing and land access is a human right. We also believe that housing and land access is fundamentally about racial and economic justice and should be controlled by communities. Housing policy focused on renters must stand on five pillars: affordability; accessibility; long-term stability and protection from displacement; health; sustainability and quality; and community control (Rise of the Renter Nation). We also support the revitalization of communities so that residents have access to healthy food, child care, community centers, jobs and affordable transit, but we firmly believe it should not have to come at the expense of the people who have been living in their neighborhoods for generations. Gentrification and displacement are not inevitable, they are merely one type of development. Development without displacement can be achieved through community organizing and engagement that ensures that local leaders are part of every development process, including leading and shaping future development.

The purpose of this report is to share the data we collected from community members across the Denver Metro Area that identifies the needs and issues faced by some of the residents who are most vulnerable to displacement and most impacted by the regional development boom. It also serves to showcase how our metro region compares to other growing cities around the U.S. and offers an in-depth discussion about future policy ideas that will strengthen the rights of renters, low-income communities and communities of color in our region.

In the Spring of 2015, 9to5 Colorado began collecting renter's rights surveys to identify the biggest barriers renters face when looking for rental homes and when trying to remain in their housing. A total of 961 surveys were collected in the Denver Metro Area. Our key target population surveyed were low-income residents and residents of color. Surveys were collected online, through door to door canvassing and at special events. After presenting data from the survey plus information about the current state of renter's protections in Colorado to our members, we also collected about 100 questionnaires asking residents to prioritize policy issue areas they would like to see addressed. Strengthening protections for people experiencing maintenance issues was number one, followed by application costs, just cause eviction, and limiting credit and background checks. The last three were just about tied for 2nd place. More information about these policy issue areas and what they could look like here in Colorado will follow.



STATE OF THE REGION

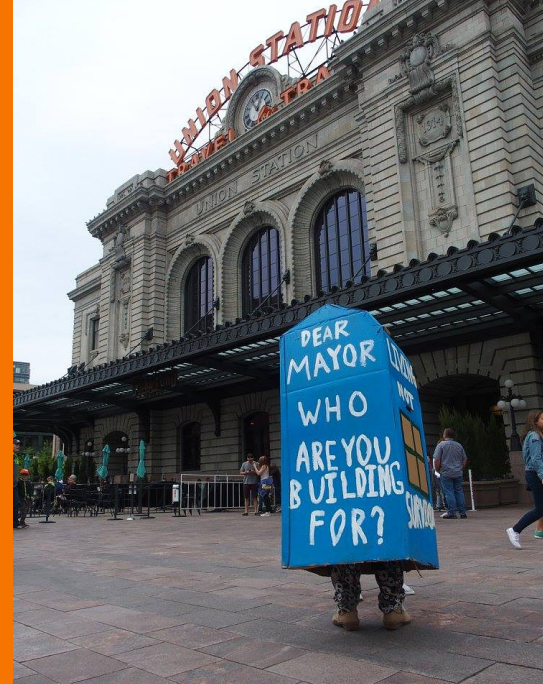
Several factors contribute to the crisis that communities in the Denver Metro Area are facing. One of them is RTD's FasTracks expansion, a \$7.6 billion dollar transit expansion project funded through public private partnerships that is contributing to metro area sprawl (1) and has had devastating impacts on the most vulnerable communities. Much of the land acquired for the buildout runs through low income communities and communities of color. Most of the rail stations also have comprehensive plans that include high density housing developments and amenities that drive up housing costs and cater to middle income residents new to the area, rather than the original communities. As mentioned above, many transit dependent riders struggle to pay for their transit passes, and new rail lines frequently lead to cuts or modifications to critical service routes. These combined factors create significant displacement pressures on communities.

Additionally, housing costs across the Metro area have skyrocketed. Affordable Housing is generally considered to cost 30% or less than a household's pre-tax income. Data from Make Room found that 40% of working Coloradoans are spending more than 30% on housing (2). Longtime homeowners also feel significant impact from the spike in housing costs, as property tax increases result in much higher payments (3) that force them to leave home-ownership for a high stakes rental market. In May of 2016, apartment rents reached record highs (4) accompanied by sweeping vacancy shortages (5). Areas with the highest concentrations of vacancies are also the areas likely to have the highest costs, such as Downtown Denver. North Aurora, a suburb east of Denver once known for affordable housing options that many immigrant, refugee, and low income communities call home, had a 0.9% vacancy rate as of May of 2016.



While housing costs are rising, wages are not. A majority of job growth in the Denver Metro Area has consisted of low wage jobs, with more than 25% of the workforce earning \$12 an hour or less (6). According to Colorado Fiscal Institute, a fast-food worker from a single family home would have to work at least 61 hours a week to live in the Denver area and would have to work 114 hours a week to support their own self and a child (7).

Politically speaking, Colorado is considered a Purple state that is #3 "Top Landlord Friendly State" (8) and #5 "Business Friendly State" (9) due to a lack of protections for workers and renters alike. While most elected officials in the state and metro region have the housing shortage on their agendas, few are looking to policy solutions that reach renters and low income communities. Even Denver's Inclusionary Housing Ordinance (IHO) that requires developments with over 30 units to make at least 10% of them affordable offers a lenient "cash-in-lieu" policy that allows developers to opt out of the affordable units (10). Finally, the City of Denver and many surrounding areas have passed "Urban Camping Bans", panhandling laws and restrictions on motel stays, effectively criminalizing homelessness and those facing housing instability. Overall, there is a lack of political appetite to take on issues such as rent control, rights for renters or other progressive policies that could provide much needed relief to those most impacted.

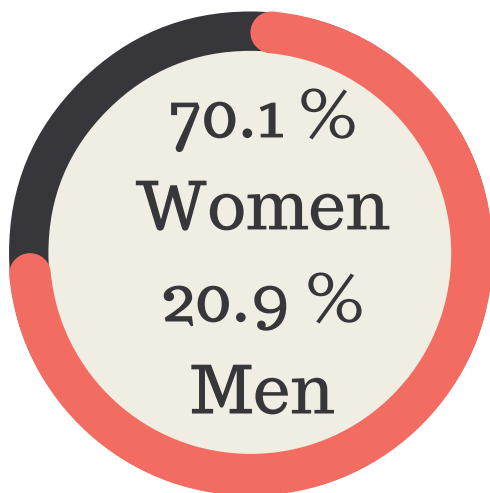


Sources:

1. RTD FasTracks, <http://www.rtd-fastracks.com>
2. The Denver Post, "40 percent of working Colorado renters spend more than a third of income on housing" <http://www.denverpost.com/2016/05/02/40-percent-of-working-colorado-renters-spend-more-than-a-third-of-income-on-housing/>
3. The Denver Post, "Metro Denver homeowners should brace for tax increases, assessors warn" <http://www.denverpost.com/2015/04/29/metro-denver-homeowners-should-brace-for-tax-increases-assessors-warn/>
4. KDVR, "Apartment rents in Denver soar to record high" <http://kdvr.com/2016/05/19/apartment-rents-in-denver-soar-to-record-high/>
5. <http://www.denverpost.com/2016/05/02/metro-denvers-apartment-rents-up-vacancies-down-again/>
6. CFI Report: Share of Low-Wage Jobs in Colorado Growing, Putting More Pressure on Taxpayers, April 8, 2015 <http://www.coloradofiscal.org/report-share-of-low-wage-jobs-in-colorado-growing-putting-more-pressure-on-taxpayers/>
7. CFI report: Denver now unaffordable for many low-wage workers, May 18, 2015 <http://www.coloradofiscal.org/cfi-report-denver-now-unaffordable-for-many-low-wage-workers/>
8. Landlord Station, "Top Landlord Friendly States", May 12, 2015 <http://www.landlordstation.com/blog/top-landlord-friendly-states/>
9. Forbes Best Places for Business, <http://www.forbes.com/places/co/>
10. City of Denver IHO Report <https://www.denvergov.org/content/dam/denvergov/Portals/690/Housing/FINAL%20IHO%20Interim%20Report%20100115.pdf>



GENDER



Survey Demographics and Household Information

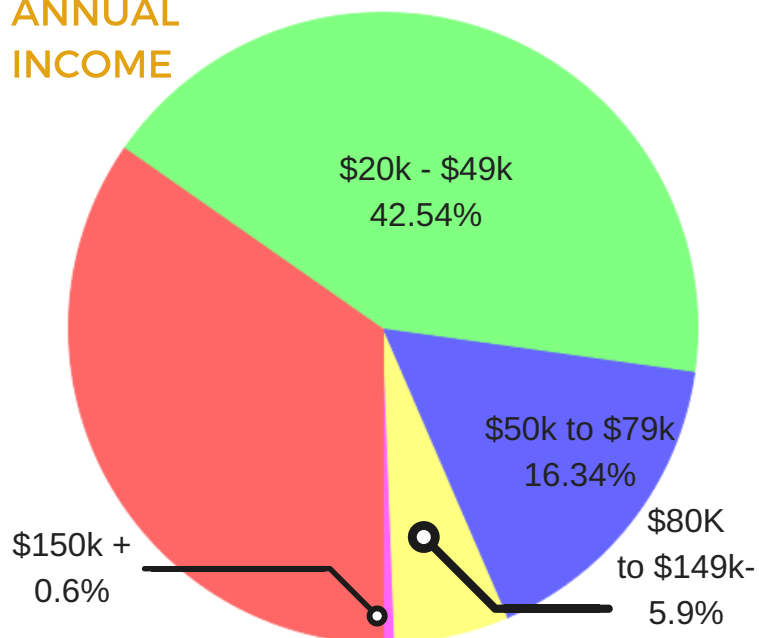
LANGUAGE



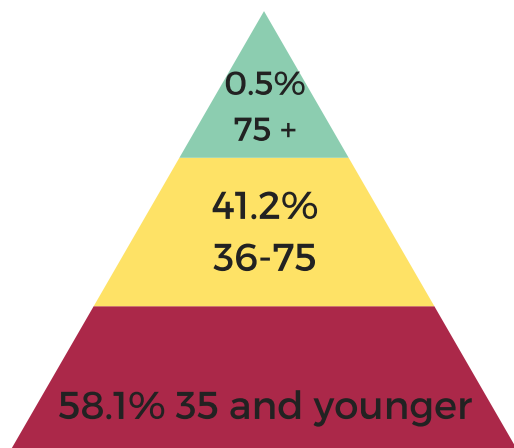
TOP 10 CITIES CITIES IN WHICH RESPONDENTS LOOKED FOR HOUSING

Denver	-78.3%
Aurora	- 47.9%
Lakewood	- 25.0%
Englewood	- 14.2%
Arvada	- 14.1%
Wheat Ridge	- 13.6%
Littleton	- 13.1%
Westminster	- 12.3%
Thornton	- 11.5%
Commerce City	- 9.9%

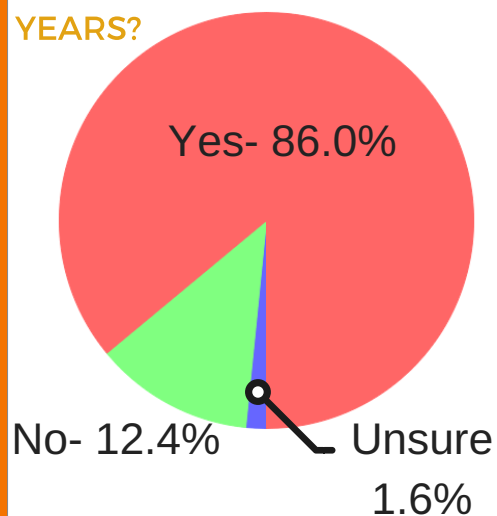
ANNUAL INCOME



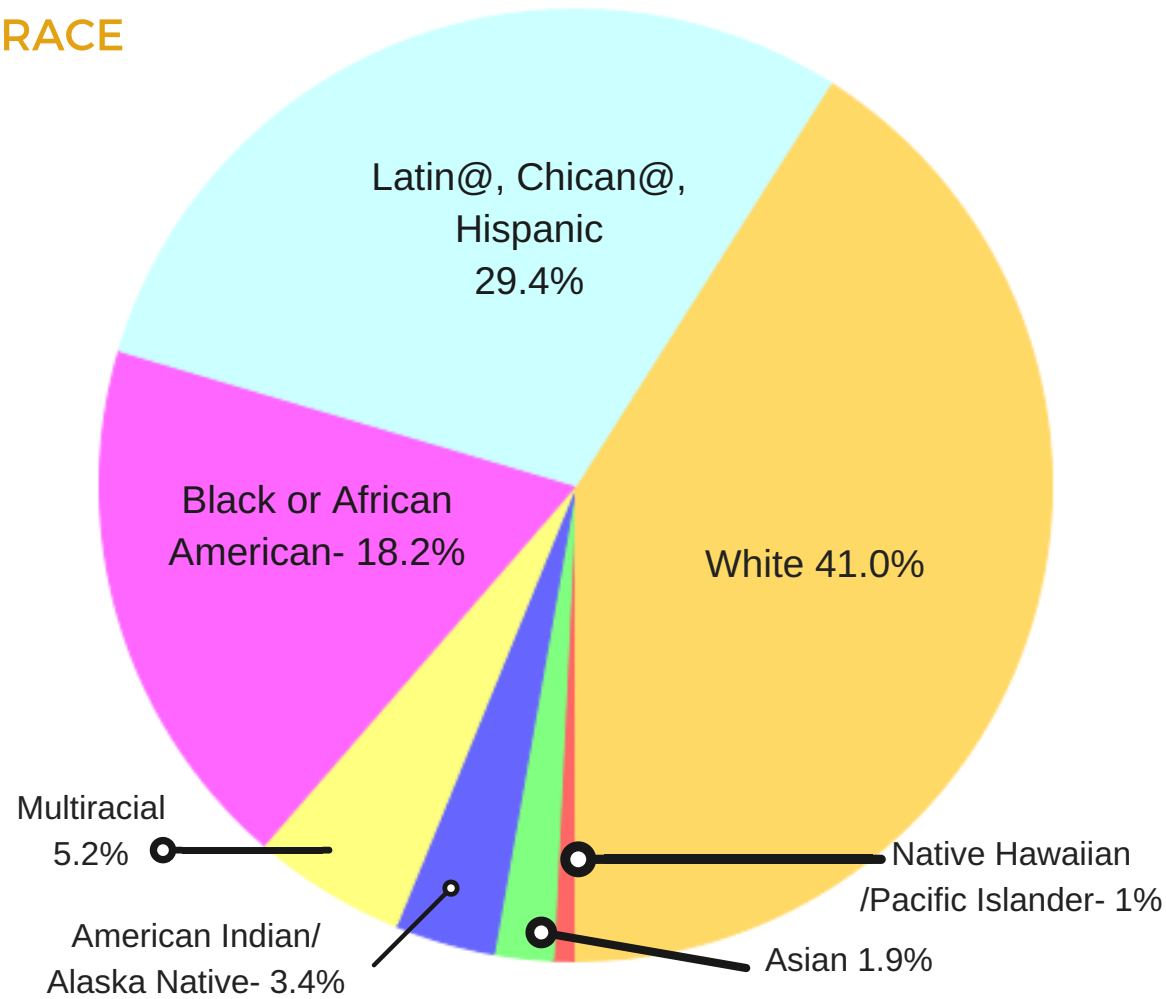
AGE IN YEARS



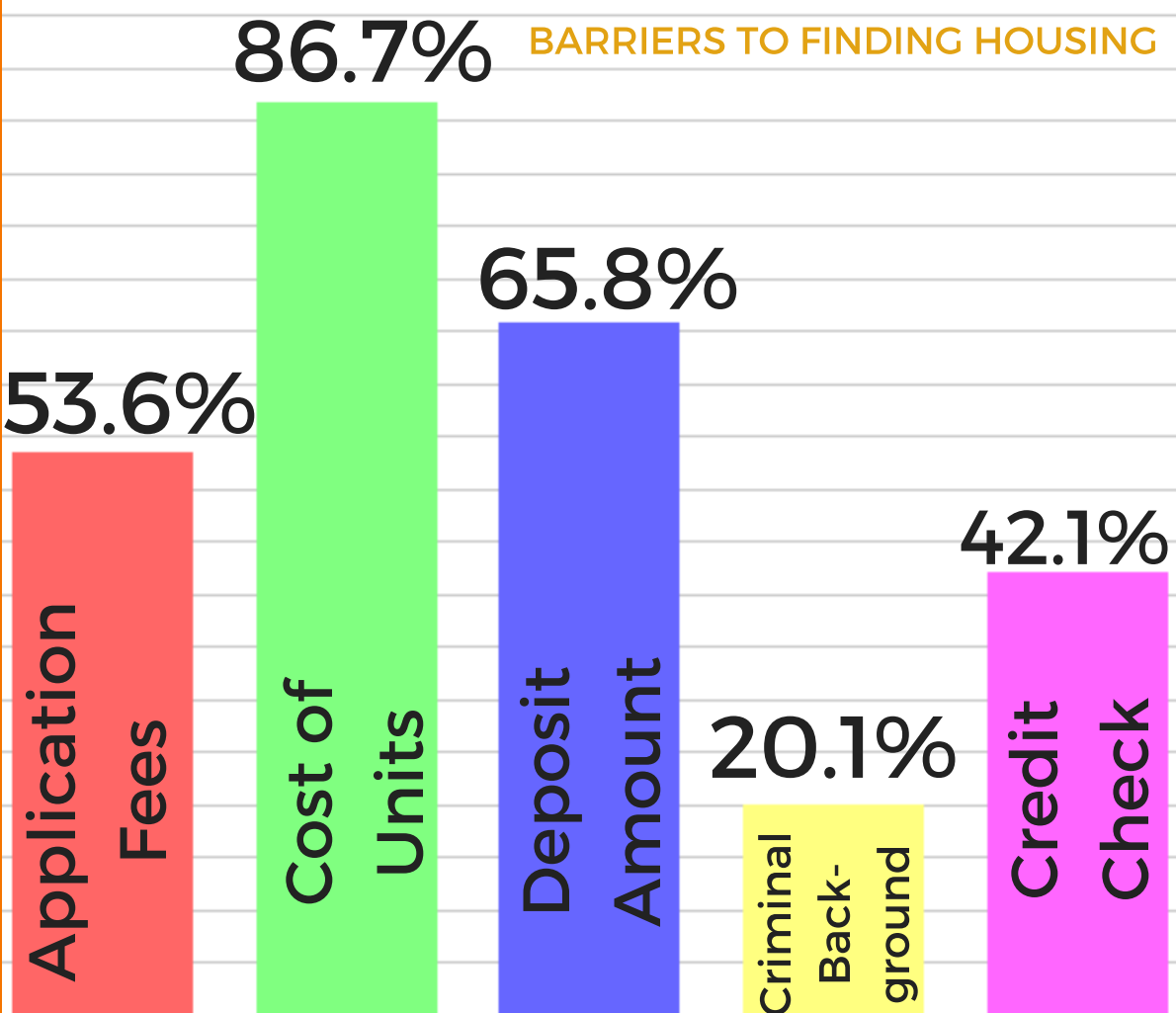
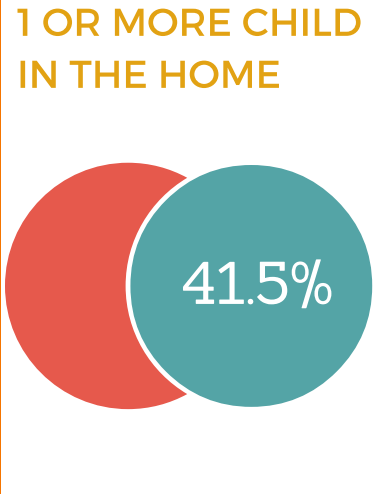
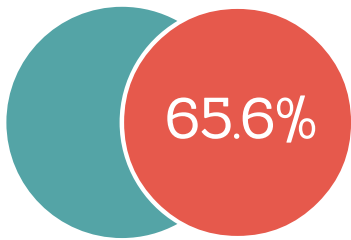
HAVE YOU EXPERIENCED BARRIERS TO FINDING A RENTAL HOME IN THE PAST 3 YEARS?



RACE



2 OR MORE ADULTS IN THE HOME



BARRIERS TO FINDING HOUSING

About 87% of respondents reported that the cost of rental units has been a barrier to getting into housing; about 69% reported that rent increases have been a challenge in staying in housing; and 67% reported the cost of rent in general has been a challenge while living in rental housing. From this data, it is clear that rent costs and increases are by far the number one issue residents are facing in the Denver Metro Region. Rent control is illegal in the state of Colorado, and the statute is written in such an extremely broad manner that even small measures such as restricting deposit amounts and other fees, is considered to be rent control.

According to Make Room, 40 percent of working Colorado renters are rent-burdened, meaning they spend more than a third of their pre-tax income on housing. Over two thirds of those workers spend at least 35 hours a week working. One in every four Colorado renters is severely rent-burdened, which means they are paying over 50 percent of their pre-tax income towards housing (1).

One senior experiencing homelessness shared, “There does not seem to be anywhere that is affordable. I was forced onto the street and have no choices for a safe place to stay. I lost all of my possessions and I have never felt safe renting. Costs have far surpassed my meager earnings and I am older and less able to survive. I have no family and nowhere to turn; I feel inevitably I'll be in a nursing home or forgotten or die without being housed.”

As renters move farther from central and urban areas, they also find themselves paying more for transportation and with less access to direct services that may offer relief.

1. The Denver Post, "40 percent of working Colorado renters spend more than a third of income on housing" <http://www.denverpost.com/2016/05/02/40-percent-of-working-colorado-renters-spend-more-than-a-third-of-income-on-housing/>



“There is no rental assistance for people like me - a single mom with no help. I make only \$100 or less over the annual amount to be able to get any kind of assistance. I had to sell everything I had and live in a friend's living room for months to save up to be able to rent my own place. Rent is so high everywhere that it takes one of my entire checks, and I only get two checks a month. But I have a good job with The Denver Housing Authority. I work hard and raise my daughter alone; I try and go to as many food banks just to feed me and my daughter. It is hard to find decent rent in a nice neighborhood for my daughter to go to school.”

- Maria Orr.

The crisis of rent costs extends well beyond the working poor. One respondent explained, “Middle income people like myself are also having trouble finding housing that they can afford -- between student loans, housing costs, transportation costs and general living expenses, it is impossible to not feel tenuous financially. Forget about putting aside money for savings. If it weren't for the great job that I have (and commute 1.5 hours each way to get to--can't move closer because I can't afford it), I would leave the region. And I'm not the only one.”

Application fees were also a substantial concern for renters. About 54% of respondents reported that application fees were a barrier to finding housing. Currently, there are no laws that directly address application fees, which means there is no cost limitation. One resident mentioned that a property owner was charging \$145 for each application fee in Denver, meaning if two adults were applying, it would be almost \$300 without a guarantee that their application would be accepted.

After 3 months of searching for housing after she was displaced from her home, Lyly Carmona estimated that she spent about \$1,000 just on application costs: “Each application was \$50, and since my husband and I both had to apply, we ended up spending \$100 for each place we tried to get into.”

Another trend we have been hearing from residents is that often times over a dozen applications are accepted for just one unit.

As Yolanda McCloud put it, “At every house, there were at least 20 people at with an application.” The lack of restrictions around applications means that it is possible for landlords to continue accepting applications even when they have an idea of who they are going to rent to, or from people they have already decided will not be accepted.

Residents applying for public housing also have to pay application fees without any guarantee that they will actually get into a unit.

Background checks were also reported as a consistent barrier. Colorado is an open-records state, meaning landlords can go as far back into a person's record as they would like to go. These searches can include arrests, meaning that a person can be denied housing even if they were never convicted of a crime.

20% of respondents answered that this is a barrier to finding housing, and because of racial disparities in policing and incarceration, it is clear that this kind of barrier disproportionately affects people of color. A camping ban in Denver that has been in place since May 2012 has contributed to an increase of people with records, as people experiencing homelessness can be cited or arrested if they are found sleeping or sitting in public spaces. This creates yet another barrier to getting into housing.



42% of respondents reported that credit checks were a barrier to finding housing. Discrimination against source of income is legal in Colorado and like background checks, there is no limit to how credit checks can be used.

Source of income discrimination is a tremendous barrier for people receiving public assistance, using housing vouchers, or utilizing income from sources such as child support. Many community members mentioned that they have Section 8 housing vouchers, but nowhere to use them.

9to5 member Nicole Zayhowski explained that “I have excellent credit and have faced discrimination regarding the origin of my income being child support. I receive \$1,100 a month for child support and have actually been denied housing with the comment of ‘what if they (the obligee) loses his job.’” The issue of credit checks and income discrimination also disproportionately affects people of color. Some residents reported that landlords required a credit score of 620 or higher to move in.

9to5's original survey did not ask about ADA accessibility, but we learned from members that this also poses a challenge when looking for housing. According to Colorado law, landlords cannot refuse tenants the right to make reasonable modifications to the unit or to the common use areas, but many times the cost falls on the tenant. The lease may also require that any modifications made be reversed before the tenant moves out, again at the expense of the tenant. Both of these items can be very costly, especially for people with disabilities who are on fixed incomes.

Roosevelt, a resident of Aurora mentioned that when he applied to Elkridge Apartments in Aurora, the manager “looked at me in a wheelchair assuming I couldn’t afford the rent. I felt discriminated against. Some places say they are handicap accessible, but they are really not.”

Christine, another Aurora renter, said “I was diagnosed with MS and needed a handicapped accessible apartment which would have required a small ramp to get up the stoop and a nearby assigned parking place. The complex management refused to install these, so I had to break the lease and move, losing \$3000.”

"Last year, when I was looking to rent, I was an executive at the organization I worked for, and had cleaned up my credit. But I couldn't find anywhere that would let me rent due to a felony from 2008. One company, Pentacle, had me pay an application fee and gave me 24 hours to collect letters of recommendation (on account of my felony). I began calling people for recommendations and called Pentacle back within an hour of leaving their leasing office. They told me that they had denied me because of my felony. There is no consistent discrimination regarding felonies...some places say no felons, some places say your felony must be 5, 7, 10 years old."

- Magalie

After rent costs and increases, maintenance was the most reported challenge, with 52% of respondents facing this issue when living in rental units. This is likely because Colorado has an extremely weak Warranty of Habitability that states that the landlord is able to decide if the residential premises are fit for human habitation. If the warranty is breached, tenants have the right to withhold rent, move out or sue the landlord for any repairs the tenant had to make. Unfortunately, landlords are also able to add a clause in a lease that explicitly bans tenants from withholding rent, leaving a possibility that the tenant could be evicted for taking any of these actions.

"In my current apartment, maintenance concerns are frequently marked 'completed' without any visit to my apartment or completion of the maintenance requested. Some of those items are still pending 10 months later. Pest control was requested and not responded to for 8 months. Water is frequently cut off for days at a time with no warning. Hot water is not always available," explained one Denver resident.

There are cities that conduct code inspections and/or have agencies that tenants can call if a landlord is not responding to maintenance requests that solve hazardous or life threatening conditions. However, many tenants do not know about this option or fear retaliation by their landlords. Many families feel they have to live in unsafe or unmaintained residences.

Denver resident Carolyn shared, "I've had my worst experiences with large property managers that don't care about the care of their units, and usually maintenance teams are stretched too thin to fix anything on time. I was living on 13th and Downing two years ago and my old coil heating was broken. There was no way to adjust the temperature, so it was either off or on 100%. My apartment was like a sauna and I either had to leave my window open a crack for a bearable temperature (wasting energy, heat and my money), or freeze. My landlords did nothing to respond to my requests so I gave up."



"We were experiencing electrical and plumbing issues, the furnace, gas heater and vents were not working during one of the coldest nights of the year. The electrician said it had to be upgraded or it would start a fire. HUD came out and said it was not up to code. But the landlord was not responding, I was scared for my 3 kids living with me. I withheld part of my rent since the landlord was not coming to fix the problems, and so the owner put an eviction notice on my door."

- Yolanda McCloud

As the demand for affordable rental increases, more and more residents are being pushed to month-to-month leases. Landlords are no longer worried about filling their units and can put residents on these short-term leases. This allows landlords to push tenants out in a matter of days if they want to hike up the rent, rent to a higher bidder or if they decide to sell the property. This poses a great threat to stability of housing and rent costs. Landlords in Colorado only have to give a 7 day notice before increasing a tenant's rent and a 10 day notice to move out.

Lidia Carmona described the hardship she and her family faced when the landlord sold the property after living there for 8 years with a month-to-month lease, "After 15 days of looking, I still couldn't find anything, so the owners gave me 10 more days. They put a dumpster in front of my home; I felt so much pressure to move. I had to get rid of all of my furniture. They never gave me my deposit or a receipt, and they charged us for all of the extra days. Our whole lives changed in one day. My kids were very worried and would ask me if we were going to live in the street. We had to stay in a hotel for 2 weeks for \$70 a night, so much of our savings went to paying for that. I was so desperate, I rented a basement for 2 months, telling the owners: I'm basically homeless, please help me, my kids need a place to stay. The toilet didn't work, it was humid, there wasn't a kitchen, we had to eat out all the time so we weren't eating healthy food. We couldn't have things like milk. I felt so depressed to see how my kids were suffering."

In addition to the lack of leases, many residents reported issues with verbal lease agreements and not receiving receipts for payments. Landlords are not required to give written leases or receipts for payments such as deposits and monthly rent. Standard lease terms include cost of rent, who is responsible for repairs, circumstances under which the landlord may enter the unit, late fees, pet fees, deposit amounts, length of lease, and maintenance (such as snow removal, garbage collection, and lawn care). The lack of a written lease allows a landlord to arbitrarily determine or change policies and prevents tenants from negotiating the terms of their leases. This is particularly true with corporate and large landlords who use management companies.

"I felt so hopeless in eviction court when the judge asked me if I had a receipt for all the rent payments. My heart just fell. I never thought to ask for a receipt. Then my house was gone and my family was living in a car."

- Penny, Englewood Resident



FORCED OUT OF HOUSING

39% of respondents had been forced to leave a rental property for reasons other than their own choice in the past 3 years. Many others shared that they were placed in a position where they were pushed out of their homes due to large rent spikes.

In the state of Colorado, residents can be evicted for nearly any reason. The procedure for termination of a residential tenancy is regulated by the Forcible Entry and Detainer Act. A landlord is required to give a written and signed 3 Day Demand for Compliance of Possession before they file a lawsuit to evict the tenant. If the problem is fixed within 3 days, the eviction can be stopped. If the tenant has not "cured" the eviction or moved out, the landlord may file the Forcible Entry and Detainer complaint. At this point, the tenant can either answer or appear at their court date. Even if the tenant pays the amount owed to the landlord, the landlord is not required to halt the eviction process. An eviction process can be completed in as little as 12-14 days.

The extreme lack of available affordable units makes the timeline for people to move out and find a new place virtually impossible for many people. Yolanda McCloud described her search for housing after her landlord gave her 6 weeks notice to move after she was evicted: "I've never had trouble finding a house to move into before. I must have been to 20-30 houses and spent well over \$200 on just applications. We moved out at the very last second because we couldn't find anything. I had to stay with the lady I worked for for a while my husband stayed with his friend, my dog had to stay somewhere else and we had to pay for all of us to stay in these places while we looked. It was a horrible experience."

According to Colorado
Affordable Legal Services:

An eviction remains on
record for

7

YEARS

130

Denver
Households

Go through eviction
proceedings every week

In 2014 there
were 35,000
evictions in 5 of
the Metro Denver
Counties

Denver, Adams, Arapahoe,
Jefferson, and Douglas



Evictions prohibit tenants from finding stable housing, including disqualifying them from accessing subsidized and transitional housing

“As someone who was evicted for not being able to pay rent, I’m someone who needed transitional housing the most until I could afford a place to live. It doesn’t make any sense. During the 2 years after I was evicted, I lived in 4 different places, sleeping on couches with my son, staying with friends. It was so hard to look into my sons’s eyes and not be able to answer the question he always wanted to know: ‘Where are we going to sleep tonight?’”

- Yolanda Begay, 9to5 Colorado Board Member,

“I see ads that say ‘no evictions, no evictions,’ and even though I have documentation about my case, landlords are not even considering me. Eviction to them means trouble maker. They don’t look at the fact that I paid my rent on time for 20 years.”

- Yolanda McCloud,



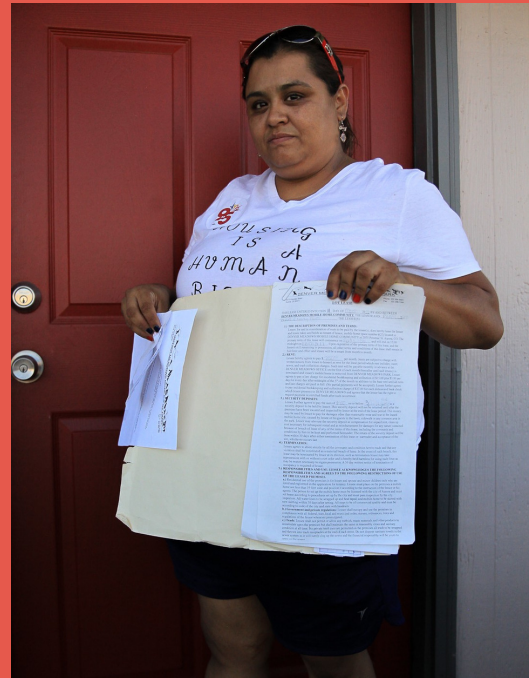
About 18% of people who took the survey reported that their properties were foreclosed or sold, forcing them to vacate. A majority of them were displaced from a manufactured home park in Southwest Denver along Morrison Road.

The Federal Uniform Relocation Act is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of property or displace persons from their homes, business or farms. The Uniform Act's protections and assistance apply only to the acquisition, rehabilitation, or demotions of real property for federal or federally funded projects. The limited scope of this funding is concerning considering the vast numbers of people being displaced. This is especially critical to think about when discussing manufactured housing (or mobile home parks).

The Westwood properties were bought by St. Charles Town Company with the intent to remove all of the manufactured homes and put in apartment buildings. All residents would be displaced. Some of the units will be set aside as "affordable" for middle income earners, despite the fact that most residents living in the neighborhood are low income and will not be able to afford to rent them. The City of Denver loaned the company \$2 million to offset the costs of relocation and 9to5 resident organizing ensured everyone was compensated fairly. All of the residents were displaced. Although this particular project did not qualify for Federal Uniform Relocation Act funds, it should have, particularly because most manufactured homes are not actually mobile, placing thousands of mobile home owners at risk of losing all of their equity if the owners decide to sell or redevelop the property.

Finally, Colorado falls well below the national average for legal aid resources. Without sufficient access to legal aid or renter's rights education, violations of landlord tenant and fair housing law will continue to go unnoticed.

Yolanda Begay was evicted from her apartment when she could no longer pay her rent. She did not have access to legal aid and was unaware that if she had moved out before the eviction court date, the eviction would not have appeared on her record:



“Even though it would have been really hard to move out in such a short amount of time, not having an eviction on my record would have given me a much better chance at finding housing. I was turned away from transitional housing because of my eviction.”

Housing discrimination is a pervasive issue, and without legal assistance, many renters do not have the support to report or pursue damages for incidents of discrimination.

One survey respondent talked about his struggles with finding places that accepted children. “We finally found a home that will not charge us an extra deposit fee just because we have a baby. Other places were willing to let people have a dog without a deposit, but told us we had to pay \$300 deposit to have a baby in the unit.”

There were also multiple reports of housing discrimination for people of color. As one woman described, “Blacks are not welcomed in Lakewood, Brighton, Thornton, Longmont, Broomfield, Golden and when [landlords] meet you they will no longer rent to afro-americans.”

These issues would be easier to address if tenants had access to legal support in filing grievances. Additionally, there are no Housing Courts in the Metro Area. Subsequently, landlord and tenant legal disputes are sent through an overburdened court system where cases are de-prioritized.



"You feel afraid to fight anything, even when you know it is wrong, because they have so much control over your life. But when you do have a little help, you see how important your rights are."

- Reya, West Denver Resident

APPLICATION FEES

No regulations exist regarding application fees.

SOURCE OF INCOME DISCRIMINATION

There are no protections for source of income discrimination (i.e. against people receiving public assistance) or limits on credit checks.

RENT CONTROL

Rent control (including capping deposit amounts) is illegal in the state of Colorado.

ENTERING A PROPERTY

Landlords must give some notice before entering into a tenant's home. If it is considered an emergency, they do not have to notify the tenant. The amount of notice is not protected.

BACKGROUND CHECKS

Colorado is an open records state, meaning landlords can always use background checks to deny housing, even for very old cases, arrests and dismissed charges.

RENTER'S RIGHTS AND GAPS IN COLORADO

NOTICE OF RENT INCREASE

If a tenant is on a month-to-month lease, a landlord can give as little as 7 days notice to increase rent in any amount.

LEASE AGREEMENT

Landlords are not required to give a written copy of a lease or receipts for payment.

EXCEPTION BREAKING LEASE

Colorado does offer a protection allowing tenants to terminate lease early due to sexual assault or abuse. Tenants may be responsible for one month of rent.

ADA ACCESS

Costs to modify a residence for disability access may fall on tenant, and a lease can require that modifications must be reversed prior to moving out.

EVICTION

Tenants must receive a 3 Day Demand before a landlord files a suit to evict the tenant for nonpayment of rent.

Tenants have the option of either paying the past rent or moving out within 3 days. An eviction can stay on a record up to 7 years. In general, evictions are heavily in favor of landlords, who can evict tenants for nearly any reason. Most tenants have no legal support in this process.

LEGAL AID

"Crisis in civil legal representation for the indigent." (2014 Colorado Access to Justice Commission Report).

No housing court system.

MAINTENANCE

Leases define maintenance responsibilities. Many times leases revoke the right to withhold rent, make repairs and sue landlord for rental difference, or move out for uninhabitable conditions as stated in the Warranty of Habitability.

There is no time limit by when a landlord has to fix a problem.

SECURITY DEPOSIT

Landlords are not required to give a receipt of security deposit and there is no state statute to limit amounts that can be charged.

Deadline for returning security deposit is 30 days unless lease specifies longer. If deposit is not returned, the landlord must give itemized list of expenses to tenant. If landlord does not, tenant can sue for up to 3x the amount of the deposit.



A variety of strategies must be employed to address the complex issues facing renters in the region.

IMMEDIATE STRATEGIES

Community Organizing: Grassroots organizing is essential to housing justice. We strongly believe that low-income communities, communities of color and the people who are impacted most by housing issues must lead our movements for change. which can be achieved Organizing at all levels must be well-resourced by philanthropy.

Tenant Associations: This is an important strategy for organizing in buildings and specific communities. When community members are siloed, they are much more likely to face housing instability and to be taken advantage of by landlords. Tenant Associations are also a great way to identify housing concerns that need to be addressed at municipal and state level.

Registered Neighborhood Organizations: This is a tool to not only bring community members together, but to also connect residents to the city and its decision-making processes.

Coalition Building: Communities all over Colorado are facing similar issues. It is critical to have tables to bring organizations working in these communities together and share ideas and strategies.

Eviction Defense: Most people facing evictions do not have legal representation or support. Evictions can be reduced through education and organizing to halt evictions.



MID RANGE STRATEGIES

Community Land Trust: This is a powerful strategy that helps prevent gentrification and displacement in communities by creating not-for-profit land ownership that is controlled by the community.

Municipal Policy: Several policies can be passed at the City level including limiting application costs, increasing access to legal aid, implementing “Just Cause” evictions, preventing landlord retaliation and adding protections for mobile home owners.

Preserve Manufactured Housing: Mobile Home Parks all over the Denver Metro Area are considered to be spaces open for future development. Mobile home housing is the most viable home ownership option for very low income families. While the homes are generally owned, the land is rented. These homes are not considered actual property and many cannot be moved. Park owners and managers notoriously abuse residents and avoid maintaining properties. Residents deserve more protections, guarantees for relocation benefits and the opportunity to shape their communities. This strategy will require a dramatic shift in local and statewide approaches to manufactured housing as well as comprehensive resident organizing.

LONG RANGE STRATEGIES

Rent Control: Without capping rents and deposits, renters will always be vulnerable to a predatory environment that favors landlords. This can be done at the state legislative level and should be seen as a high level priority for organizing and policy groups alike.

More Affordable Housing: Most affordable housing is targeted at middle income earners, and very little is created for households at the lowest income levels, despite the fact that this group is at the highest level of need. A statewide plan to address the lack of housing for households most vulnerable to being unhoused (those living below 30% of the Area Median Income) is direly needed.

Renter's Rights: State level protections are needed for all renters.

Track Displacement: With the current tidal wave of displacement, whole communities are disappearing without attention. Statewide tracking systems are necessary as the Metro Area becomes increasingly unaffordable, as many residents are finding themselves pushed from urban and even suburban areas. These outcomes must be tracked to better understand what can be done to intervene.



As we close this report, 9to5 Colorado Staff and Members are feeling the profound heaviness of this moment. We are seeing a State of Emergency in our communities that is pushing families to the point of despair. Housing and school segregation, which decades of social movements fought, are on the rise again. People who have lived in communities for generations are being pushed from the neighborhoods that raised them. The families who built the Metro Area and filled it with life are being pushed into debt, crisis, poverty, homelessness, and disappearance.

We believe that these communities deserve better, and we know something great is possible. 9to5 also knows that the Denver Metro Area we envision cannot happen without our members, leaders, and the communities most impacted at the forefront of all planning.

The people of the Denver Metro Area are ready to mobilize. Residents are organizing in apartment buildings, neighborhoods, mobile home parks, and communities around the Metro region. Their leadership is the greatest hope for our State. We are honored to be in this struggle together.

This report has been written to share crucial information widely. We encourage you to distribute broadly. Please respect the labor of women of color, working class, and queer people by sharing in full format with credit.



9to5 Colorado
www.9to5.org
1634 Downing Street
Denver, CO 80218

303-628-0925
andrea@9to5.org