

NEWS

In first year, Boulder's Eviction Prevention and Rental Assistance Services program finds success



Jay Allen, center, program coordinator for Boulder's Eviction Prevention and Rental Assistance Services program, and Bridge to Justice contract attorneys Thom Ward, left, and Elise Aiken are some of the people working to assist tenants through Boulder's new eviction prevention program, which has been successful in preventing evictions in



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It's a Friday morning and there is a loaded docket of eviction cases in Courtroom E at the Boulder County Justice Center and a courtroom full of tenants, attorneys and mediators.

There is tension and uncertainty in the courtroom. In eviction proceedings, people aren't sure they'll leave with a home.

But at least some of that anxiety is soothed by Boulder County Judge Elizabeth Brodsky, who acknowledges that it's a stressful situation and ensures all people involved that they'll be treated with respect and that they'll have access to resources.

"We'll get through this," Brodsky tells each tenant who approaches the bench.

This is Boulder's Eviction Prevention and Rental Assistance Services program in real time. Generally, the year-old program provides free legal advice and rental assistance for city residents facing evictions. An [initial report](#) indicates the program has thus far assisted 390 tenants, preventing evictions in 63% of cases and distributing \$168,536 in rental assistance to 82 households.

After Brodsky explains the process to tenants, they leave the courtroom for a conversation with an attorney and return with a proposed solution, whether it's an extension on making a rent payment so they can apply for rental assistance, a renegotiated lease, or an eviction but with extra time to pack up and find a new place to live. Tenants also can opt to file an answer and take the case to court.

Boulder [began the process](#) of implementing the program after the No Eviction Without Representation ballot measure [passed](#) in the November 2020 municipal election.

The services offered through this new program are funded through an annual \$75 excise tax to be paid by landlords on each licensed rental property that requires a long-term rental license. City officials expected the tax to raise \$1.9 million in the first year.

However, it hasn't raised any money yet, according to Program Coordinator Jay Allen. The tax will be collected as part of landlord's property taxes, so the first round is coming, he said. For now, the city has supplemented it with money from its general fund.

The Eviction Prevention and Rental Assistance Services program is part of Boulder's Community Mediation and Resolution Center, which works with community partners to provide landlord-tenant mediation across Boulder County and maintains resources for landlords and renters.

Those who live in Boulder are eligible for the program and have access to an attorney. Those outside the city will meet with a community mediator.

The ballot measure also required the formation of a five-person Tenant Advisory Committee, comprised of renters who can provide feedback and ensure the program is running as campaign organizers intended.

The city has contracted with Boulder-based nonprofit legal services organization Bridge to Justice for legal support. Bridge to Justice currently has five contract attorneys and one staff attorney working with the Eviction Prevention and Rental Assistance Services program and expects to need more.

The support offered through the program is important because a slew of research, including a [study](#) published by the National Institute of Health, shows that people who are threatened with an eviction are more likely to report poor health, high blood pressure, depression, anxiety and psychological distress.

It's something those who are involved with Boulder's program witness firsthand.

"Having to go to eviction court has got to be one of the most difficult things people face in an otherwise really difficult time," Senior Attorney Joel Hayes said about housing-insecure people.

With that in mind, it makes a difference to have a human being, particularly one who's well-versed in the process, tenants' rights and available resources, there to

“One of the biggest things that this program means is that there’s someone who can at least answer your questions and tell you what’s going to happen and be there to help you through the process,” he said.

Sometimes, regardless of the outcome, having access to this support is all a person needs to feel comfortable.

“When you feel like someone cares, it goes a long way,” CJ Young of Longmont said one Friday after his case concluded.

Beyond providing guidance and support, access to legal counsel impacts a person’s ability to negotiate and find a solution.

And this marks another noticeable difference since the program began in January 2021. Before its inception, the No Eviction Without Representation campaign reported that 2% of tenants in Boulder County come to eviction court with legal counsel, compared to 88% of landlords.

Young said he did not realize he’d have access to services when he appeared in court. In fact, part of him thought there might not be a reason to show up at all.

But appearing in court is important: Those who fail to appear for an eviction court date are automatically evicted by default.

Communication, particularly early in the process, is something the city is always working to improve.

“The earlier we can talk to somebody, the better we can help them,” Allen said.

Often, when both sides work together, they can reach a solution that works for everyone. But that doesn’t mean it’s easy to get there. It’s a challenging forum to meet a client, Hayes noted.

“We use really experienced, gifted contract attorneys who are able to step into those cases, analyze them in 15 minutes, advise the client, negotiate with the other side,” he said. “It’s really overwhelming the first couple of times (an attorney) shows up.”

Debbie Wilson, a managing partner with Wheat Ridge-based Springman, Braden, Wilson and Pontius, P.C. and a member of the Boulder Area Rental Housing Association, also regularly appears in eviction court, but representing landlords.

“The positive news is this does not occur in Boulder where the lawyers there for the tenants under the Eviction Protection and Rental Assistance program work to protect the rights of tenants and find rental assistance for them as needed, but are at all times professional and reasonable in working toward a good solution for all,” she added.

Her firm continues to have concerns about the cost of the program and the fees that will be charged to housing providers, which Wilson argued “seems excessive given the low volume of eviction cases in the county.”

In a nonpandemic year, eviction filings average around 1,000 per year, city data shows. However, with state and federal eviction protections and financial support in place because of the coronavirus pandemic, there were less filings than usual in 2020 and 2021, with 392 and 557, respectively.

More than 10,000 properties have been issued a rental housing license in Boulder, city records show.

With less filings, 2021 was a good time for the program to find its feet, Allen noted.

However, that's changed since the federal and state eviction moratoriums [lifted](#). With eviction filings climbing, it's “kind of a new environment,” he said.

Moving forward, the city hopes to refine the program and continue its focus on data collection. In 2021, it worked with the Housing Solutions Lab at the New York University Furman Center, a national housing policy and research agency, as well as other partners to help revise the program's metrics.

As a result, the program will this year launch a new, streamlined intake form meant to capture in-person contacts as well as online referrals. To better quantify outcomes, it will implement a survey to follow up with clients three to six months after they have interacted with the program.

At the weekly eviction court proceedings, Brodsky provides comfort to tenants.

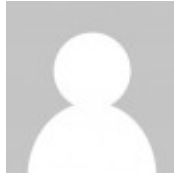
For Young, who at one point didn't think coming to court would help his situation, it made a difference.

“I'm leaving with a smile on my face,” he said.

Brodsky also acknowledges something that lawyers representing both sides, city

Get help

Those facing an eviction or interested in the program can learn more online at bit.ly/3HkHvyP.



Deborah Swearingen | Boulder City Reporter

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