

EVICITION IN PIMA COUNTY

A REPORT FROM THE INNOVATION FOR JUSTICE PROGRAM
UNIVERSITY OF ARIZONA JAMES E. ROGERS COLLEGE OF LAW
FALL 2018

INNOVATION FOR JUSTICE



THE UNIVERSITY OF ARIZONA
James E. Rogers
College of Law



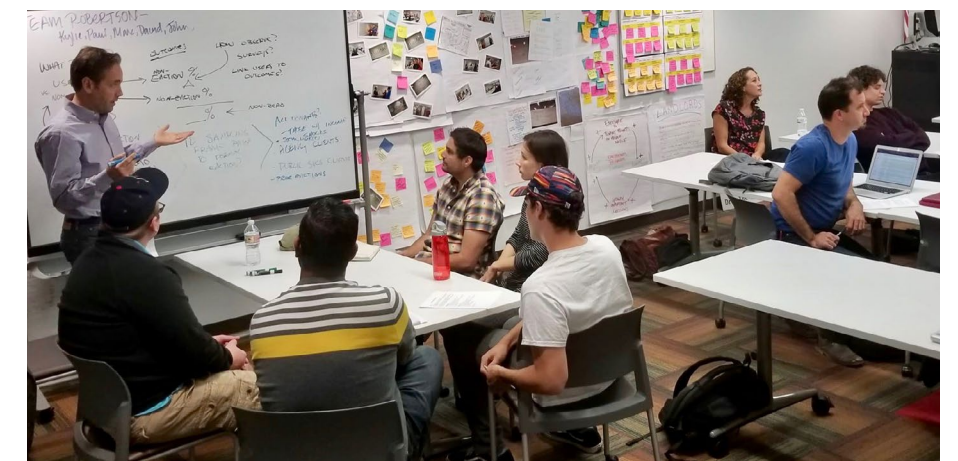
Overview

of the Innovation for Justice Program

The civil legal system promises justice for all, but in reality, that promise is not being delivered. Barriers to entry, power imbalances, and flawed processes inhibit the civil legal system from working as it should. Marginalized populations are most likely to be excluded from effective use of the civil legal system. In the midst of this system failure, how can innovation and technology unlock the promise of equal justice?

The Innovation for Justice Program (i4J) at the University of Arizona James E. Rogers College of Law exposes students to the justice gap, engages students in thinking critically about the power of technology and innovation to close that gap, and empowers students to be disruptive problem-solvers in the changing world of legal services. Students work across disciplines and with government, private and community partners, implementing design thinking and systems thinking to create new models of legal empowerment.

I4J offers project-based, community-engaged learning opportunities for students in undergraduate and graduate programs at the University of Arizona using a design- and systems-thinking methodology. The design-thinking framework engages students in problem identification and problem-solving through a highly visual, five-part iterative process: empathize, define, ideate, prototype and test. In systems-thinking, students view the problem through multiple lenses, considering the diverse stakeholders affected by the problem, identifying causes and effects of the problem components, mapping the forces at work in an existing system and identifying levers and opportunities that can deliver effective and positive change across the system. Each year, the i4J Program applies its innovative approach to social-justice problem solving to a particular challenge in the community.





The Eviction Challenge

In the 2018–2019 academic year, the Innovation for Justice focused its efforts on a challenge framed as: “Increase housing stability for tenants in underserved communities by reducing the frequency of eviction.”

Why Did We Choose Eviction?

57,035 evictions filed in Pima County in the past four years (Data provided by Pima County Consolidated Justice Court, Feb. 2014 to Feb. 2018)

80% of tenants do not appear in court for their eviction proceedings (i4J Fall 2018 observational study)

90% of tenants appear in court without legal representation (i4J Fall 2018 observational study)

80% of landlords are represented by counsel in eviction proceedings (i4J Fall 2018 observational study)

75% of eviction judgments are entered against tenants. (Data provided by Pima County Consolidated Justice Court, Feb. 2014 to Feb. 2018)

Evictionlab.org ranks Tucson as a Top 25 Evicting City

Eviction filings have hovered around 13,000 evictions per year for the past four years – so whatever we are doing to reduce evictions, it is not working (Data provided by Pima County Consolidated Justice Court, Feb. 2014 to Feb. 2018)

Who Gets Evicted? Low-income women, domestic violence victims and families with children are at highest risk.

Our Community-Engaged Process

In the Innovation for Justice graduate level course, an interdisciplinary team of 10 students began exploring the issue of eviction in their community through human-centered, empathetic exploration of the problem. They attempted to navigate the eviction process themselves, mapped their journeys, observed eviction court proceedings, charted the stakeholders involved in eviction and interviewed those stakeholders. They also reviewed qualitative and quantitative research on evictions locally and nationally, with particular attention paid to innovations spurring effective eviction reduction in other communities.

Here’s how students summarized this experience:

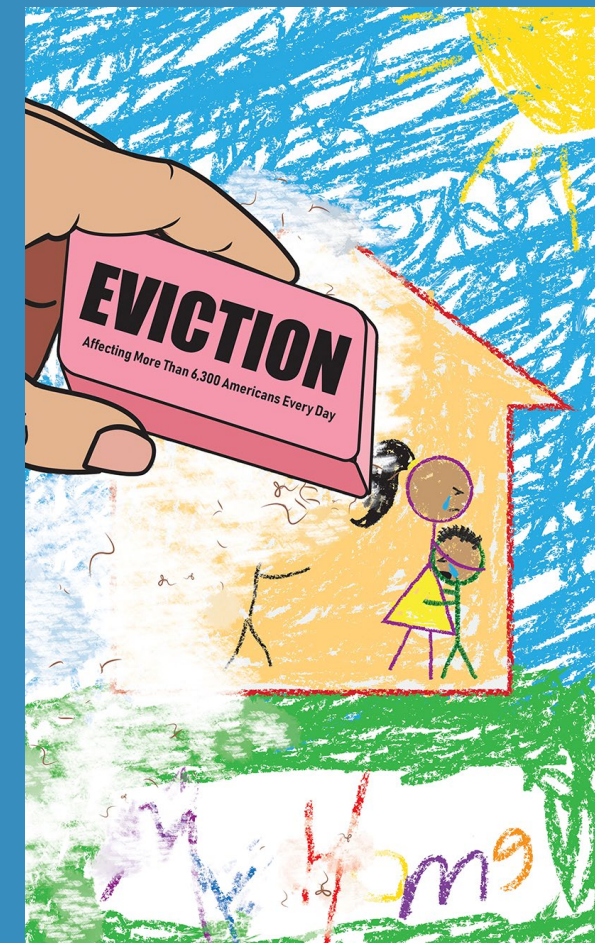


Standing in the Shoes of Tenants:

We were given different technology limitations (transportation, phone, and computer access) and tasked with trying to put ourselves in the shoes of a self-represented tenant who has just received an eviction notice. We traveled to the Tucson City Court, Pima County Superior Court, and Section 8 offices. We called the Pima County Bar Association, local attorneys and legal aid firms, and community providers. No matter the technology and transportation limitations we were burdened with, everyone was met with frustration and discouragement. The information we were able to find could have been helpful before we had received the eviction summons, but the general consensus was that once a tenant has been served with an eviction summons and complaint, they would be evicted. The only legal help available to tenants are pro bono and legal aid services and even then, they only have the resources to take cases that have a possibility of success. Emergency aid services exists, but money is only available once you have received an eviction notice and are in the midst of crisis. We reviewed our findings with Tucson attorneys and judges who were able to point out solutions: solutions that even students, with education, time and resources, can’t find.

Court Observation:

We observed eviction proceedings in Pima County Consolidated Justice Court and documented our experiences. We came away from the court





observations with a sense of despair and hopelessness. Out of the 225 cases that the class observed, only two tenants left the proceedings without being evicted. These tenants were only successful because they were able to show that the landlord had either provided defective notice or had accepted payment prior to the eviction proceedings voiding the eviction. The class observed many situations where tenants had withheld rent due to pests or other habitability issues. Although the court was sympathetic to these tenant issues, the court's focus was on whether or not rent had been paid. If the tenant agreed that they had not paid rent, the court ruled in favor of the landlord. Also, tenants rarely appeared for their eviction proceedings. Whether the tenants showed up or not, the outcome would have likely been the same. Evictions were a foregone conclusion. The court spent an average of 1 minute on a default hearing and 3 minutes on a hearing where a tenant did appear.

Talking to Stakeholders:

Evictions are not an isolated problem, but have far reaching implications for the entire community. We interviewed various stakeholders in the eviction process: tenants, landlords, judges, court staff, attorneys for tenants, attorneys for landlords, advocates, social services, government services, and journalists researching eviction. Our major takeaways from the stakeholder interviews were that the laws in Arizona are unfair to tenants, that tenants could catch up on late rent payments if the eviction process were not so swift and rigid, and that tenants need more education about their rights under the law.



What We Heard from Our Community

TENANTS... Many of the tenants we talked to live paycheck to paycheck. One unexpected financial crisis can lead to a missed rent payment, and then the eviction process begins. Eviction is so fast, tenants don't feel like they have time or capacity to problem-solve. Many tenants described inhabitable living conditions, especially pests, that prompted them to rent-strike, not realizing the legal consequences of their actions. Tenants described the eviction process and confusing — they feel powerless.

SOCIAL SERVICES... Community providers identify the biggest need as tenant education. Many agencies are only able to provide emergency financial assistance, which can be helpful in the short term, but is only a band-aid if tenants do not learn how to avoid eviction in the future. The estimated cost of preventing an eviction is approx. \$800-\$900, while rehousing a tenant can cost \$5,000. However, few agencies in the community provide tenants with assistance before a crisis happens.

LANDLORDS... Generally, landlords do not want to evict tenants. Landlords recognize the far-reaching costs of evictions to both themselves and tenants. Landlords are willing to negotiate with tenants to create pay agreements, but tenants have to reach out to landlords first, and fair housing laws make landlords fearful to approach evictions on a case by case basis. Landlords have no financial incentive not to evict because there is a line of tenants waiting to take the place of the evicted tenant.

COURTS... Judges and court are proud of their efficiency in applying the law but recognize the risks of a justice system where most tenants are self-represented or fail to appear. The addition of court fees can often completely overwhelm an already overwhelmed tenant. From a civil justice perspective, even when a tenant loses an eviction case, outcomes are better when that tenant is represented by counsel. The court sees a need for tenant rights and responsibilities education.

LAWYERS... the legal community recognizes there is a need for more pro bono services and volunteers to help tenants. It is difficult to find lawyers willing to take this kind of work. The lawyers who do help tenants facing eviction have to choose their cases carefully and can only take cases that have a legal defense. Lawyers who work with tenants think the best way to help tenants is changing the laws to provide more structural protections for tenants.



From this



to this?



It happens more often than you think.

In the United States, nearly 6,300 people are evicted everyday. An estimated 1.42 million people used an emergency shelter or transitional housing program in 2016. In January of 2017, approximately 553,142 people were experiencing homelessness, with an estimated 40,000+ being youth under the age of 25. Evictions affect all aspects of our community. Housing is a fundamental human right. Let's treat it as such.

andhomelessness.org
www.court.gov



Uncovering A Deeper Understanding of Eviction

Through our community-engaged research, i4J determined that while evictions happen in the courtroom, they are not specifically a legal system problem. Instead, eviction court proceedings are the last chapter of a much longer story about systems-level failure. Here are some of the earlier chapters of the Arizona eviction story...

- 940,000 households in Arizona are renting.
- 215,000 of those households are “extremely low-income,” meaning a family of four earning less than \$24,000 per year.
- The income required to afford a two-bedroom rental at FMV: \$38,000 per year.
- For the 215,000 households in Arizona who need affordable rental housing, there are 55,000 affordable rentals available.
- At the Arizona 2018 minimum wage of \$10.50, you would have to work 56 hours a week to afford a one-bedroom rental home at FMV.
- Social services identify housing as the biggest area of need in Pima County. Housing needs include affordable housing, rental assistance, utility assistance, and emergency shelter. But housing assistance is also one of the least common forms of assistance that our nonprofit community currently provides, and 16,000 families are waiting for Section 8 housing vouchers.

(National Low-Income Housing Coalition)

(Prof. Brian Mayer, 2017 State of Tucson’s Human Service Nonprofit Sector: Service Strengths, Gaps, and Changes in Funding)



We are asking tenants to live in a perfect storm: low wages, lack of affordable housing, and inadequate social service resources.

Consequently, tenants have no capacity to absorb an unexpected financial expense; this can lead to a missed rental payment; and a single missed rental payment can quickly become an eviction.

As a tenant is experiencing eviction, that tenant is simultaneously experiencing a number of other life stresses:

- The eviction process is confusing to the point of inducing inertia;
- It’s easy for tenants to become lost trying to navigate resources;
- Tenants generally believe they are better off not going to court;
- Tenants report feeling powerless in the eviction process.

When evictions happen, stable homes become further out of reach. An eviction stays on your credit report for 7 years, making it difficult to rent again.

So how do we reduce evictions?

There are many ways we can reduce eviction in our community, depending on capacity and intervention point:

Policy-Level Changes: We could start at the beginning of the story and pursue efforts to reverse the perfect storm: make housing more affordable, increase wages, and provide more robust social services. In order to effect this level of policy change, tenants’ voices need to be heard in policy-making. Lawmakers should be informed about the true costs of eviction for a community: homelessness, disrupted education, and destabilized neighborhoods. Other possible policy-level changes include slowing down the eviction process and encouraging non-judicial resolution of landlord-tenant matters with the goal of settlement and avoiding eviction judgments. But judicial process changes need to be coupled with other policy-level changes. For example, slowing down the eviction process could have the unintended consequence of raising rents, as landlords are faced with the prospect of rental units sitting empty for longer periods of time while eviction matters are resolved.



Eviction happens fast. From missed rental payment to homeless in 20 days.

DAY 1: Tenant fails to pay rent

DAY 4: Tenant receives 5 day notice

DAY 9: Landlord files eviction action and serves the tenant with the complaint and summons

DAY 14: Eviction hearing

DAY 20: Tenant must leave, or will be removed by a constable within 1–2 days

Shift Resource Allocation: It can cost \$30,000 to provide emergency shelter to a homeless family for one year. Pre-eviction rental stabilization assistance can be provided for \$2,000. (Homestart.org).

Get Preventative: Households in eviction court show signs of financial strain 2-3 years prior to having a case filed against them, with credit scores falling and unpaid bills rising. We can do more with publicly-available data to identify households at risk of eviction, and offer them early preventative assistance. (Does eviction cause poverty? Quasi-experimental evidence from Cook County, IL* John Eric Humphries, Nick Mader, Daniel Tannenbaum & Winnie van Dijk† December 26, 2018)

Offer Tenant Education: Many of the tenants we talked to did not know their rights or responsibilities as tenants, and didn’t know how to handle a housing issue or where to get information. Preparing tenants before they are in crisis could be an effective eviction prevention tool. As stated in the “results” section below, i4J is currently engaged in research on this topic.

Improve Landlord-Tenant Communications: Both tenants and landlords shared stories with us about miscommunications that lead to evictions. Often, tenants don’t know how to reach out to their landlords when there is a problem. And landlords who wish they could help, don’t know there is a problem until it is too late. As stated in the “results” section below, i4J has produced a communications tool for tenants and landlords —Hellolandlord.org.

Legal Assistance: 83% of tenants who receive legal representation at eviction proceedings remain in their homes. The social return on investment from legal representation is significant: other cities that have provided legal assistance to tenants in eviction proceedings expect to save millions in shelter costs, emergency room and inpatient hospital room expenses, reduction in cost of providing public benefits when jobs are lost due to eviction and reduction in the cost of family and community instability. (Stout Risius Ross LLC, Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants, Universal Access to Legal Services: A Report on Year One of Implementation in New York City, 2018)

Deploy Technology to Help: Most tenants are unrepresented in eviction proceedings. Many jurisdictions are pursuing efforts to harness the power of technology to inform and engage tenants in the court process. For one example, check out Rentervention.org.

Make the Eviction Court Process Transparent and Navigable: Students in the i4J Visualizing Justice course worked to re-design court eviction forms to improve their readability and navigability. Similar re-design is happening in other jurisdictions. Azcourthelp.org also offers eviction information resources in print and video for self-represented litigants.

Perspectives on Eviction Prevention Solutions: What can YOU do?

TENANTS: Tenants facing eviction are often facing other life crises simultaneously, which makes it difficult for them to fight for change. But tenants have strength in numbers, and tenant associations can raise tenants’ voices by sharing tenant experiences and advocating for legislative reform. Tenant advocacy, coupled with sharing tenants’ experiences and the lasting impact of eviction, should be a part of eviction prevention policy-making. In addition, tenants who have experienced eviction may be able to help engage communities in eviction prevention education.

LANDLORDS: Landlords can provide tenants with educational resources about tenant responsibilities and what to do if tenants are facing an inability to pay or a concern about their property. Landlords can set up effective communication channels with tenants, and support efforts to resolve payment issues or other conflicts before a situation rises to the level of eviction. Both landlords and tenants told us they wanted more communication. Landlords can incentivize tenants to prioritize rent payments with matching contributions to rent accounts, rent escrow or rent insurance. Often tenants cannot pay because of an unforeseen event. Because the eviction process is so quick, tenants do not have enough time to fix these problems before the debt become insurmountable. Landlords can help tenants prepare for these unexpected occurrences by building a short-term safety net that buys the tenant enough time to remedy the situation, ensures the landlord still receive payment, and saves the landlord the cost of eviction. We found tenants were more likely to prioritize paying rent when the landlord was following their legal responsibility to maintain the property; landlords can avoid liability and save money by doing maintenance on time. Landlords can also participate in mediation offered through community organizations to encourage non-eviction resolutions to landlord-tenant conflict.

YOUR RESPONSIBILITIES AS A TENANT

From the Arizona Landlord and Tenant Act



Your lease is a legally binding contract that will have consequences if you do not comply with its terms. Pay your rent on time and always get a payment receipt from your landlord. There may be other obligations you and your landlord agree to under the terms of the lease, in addition to your legal obligations under the AZ Landlord Tenant Act.



Follow the Rules
Make sure your landlord allows pets and you pay any fees before having them in your home.



Be Respectful
Behave in a way that will not disturb your neighbors. Remember, you are responsible for your guests. Check the lease for the legal number of occupants before you invite family and friends to stay with you long-term.



Take Care of Your Home Inside and Out
Keep your place clean: Throw away all trash and dispose of waste in a safe manner. Do not destroy, damage, deface, or remove anything in or outside your home. Use any facilities, like pools, play equipment, and other shared spaces, in a safe and responsible manner.



Report Problems to Your Landlord in Writing
Notify your landlord right away in writing if you spot any issues that would require them to provide maintenance or make repairs to your home, including but not limited to bedbug issues. Do not prevent your landlord from entering your home in order to inspect the premises, provide maintenance, or perform other tasks. Do not withhold your rent or reduce your rent payment if repairs are not made. This must be handled through a separate legal action.



You Could Get Evicted for Committing a Crime
A crime-free addendum included in your lease may state that if you or a guest on the rental property commits a crime (including a drug-related crime), or even if your landlord has reason to believe you committed a crime, that can be grounds for immediate termination of your lease.

10

11

Keep Thinking Creatively

Before i4J students built real eviction solutions, they brainstormed wildly on new ideas for eviction prevention. Just for fun, here are some of their other ideas:

Want to raise public awareness about e viction? Create a celebrity #eviction social media campaign

Want to increase tenant attendance at eviction proceedings? Establish a mobile, after-hours eviction court.

Want to improve empathy among lawmakers? Set up a habitability haunted house at the State Capitol.

Want to improve landlord-tenant communications? Maybe we need a landlord-tenant softball league.

THE LEGAL SYSTEM: Lawyers can engage in pro bono representation of tenants, and can advocate for legislative change on behalf of tenants. Courts can offer space to housing clinics and mediation programs. Courts can ensure that judges in eviction proceedings have proper training and review. Judges and lawyers working in eviction proceedings can undertake efforts to understand the true cost of eviction for tenants, and look for ways to ensure that process efficiency does not trump fairness in eviction proceedings.

LAWMAKERS: The laws are unduly strict from the tenant perspective. Lawmakers can consider revising statutes to provide tenants with more time to respond to unexpected financial catastrophe. They can make it easier for tenants to navigate and participate in the eviction legal process: the vast majority of eviction proceedings end in default judgment against the tenant because the tenant could not attend. Lawmakers can become informed about the true costs of eviction for a community, in the form of homelessness, disrupted education, and destabilized communities.

COMMUNITY: Social and government services can get involved before eviction starts. Eviction laws usually allow for extremely fast eviction service and proceedings. There is often not enough time to stop the eviction. Help tenants avoid eviction before the clock starts. We also see a need for increased communication between existing organizations: there are community organizations providing a variety of services in the eviction space, but tenants struggle to find the right provider. Community organizations can provide educational workshops for landlords as well as tenants. We found many instances where landlords did not follow the correct notice or waiting requirements or constructively evicted by failing to maintain the housing. They can offer mediation between landlords and tenants and encourage communication. They can couple financial education with eviction prevention education. And the community as a whole should speak out against eviction: the harms of eviction should be posted everywhere, PSA-style. Social awareness is a powerful tool.

The Results of the i4J Eviction Challenge

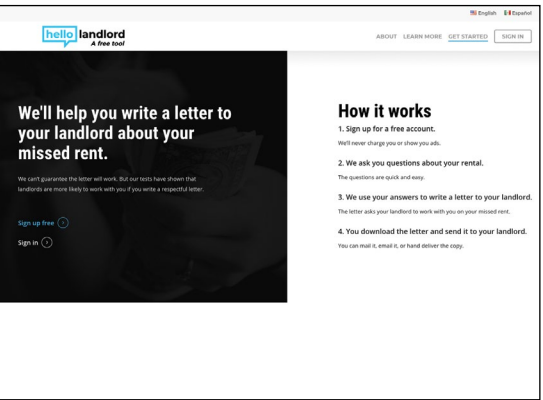
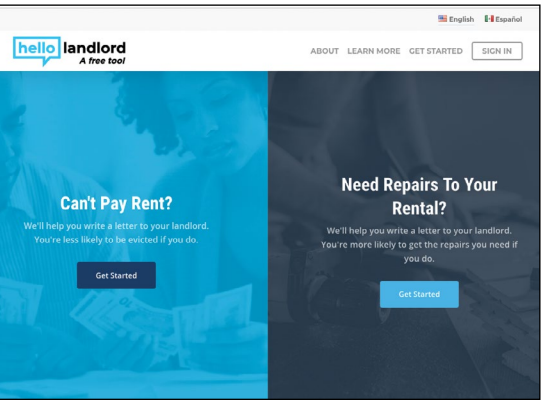
i4J’s graduate students wanted to create a tool that could offer an upstream eviction prevention strategy that would reduce the miscommunications between tenants and landlords that they



observed leading to evictions. They worked in partnership with BYU Law’s LawX Legal Design Lab and Six Fifty HQ to design, test and launch **Hellolandlord.org**, a web-based tool that empowers tenants to write respectful letters to their landlords when they anticipate missing a rental payment or have a habitability issue. Hello Landlord is available in English and Spanish and is not jurisdiction specific, so it can be used by tenants anywhere in the U.S. Hello Landlord was featured in Forbes, Fast Company, Lawsites, KJZZ and the AZ Daily Star.

i4J graduate students were also interested in responding to the community demand for tenant education, and the i4J program was fortunate to partner with Step Up to Justice, a pro bono civil law center, to design, test and launch **the RENT Project**, which offers tenant education workshops in Pima County (tucsonrentproject.org). The RENT Project is made possible through the generous support of the Agnese Nelms Haury Program in Environment and Social Justice. The RENT Project curriculum was co-designed with community stakeholders including tenants, landlords, social services, government services and the bench and bar. Many of the resources offered during the workshops are also available for free on the RENT Project website. The RENT Project includes a research component, studying the long-term housing stability of tenants who participate in tenant education before an eviction crisis arises.

Undergraduate students in the Visualizing Justice course produced **public awareness posters about eviction, re-designed eviction court forms to improve readability and use, and created info sheets about tenants’ responsibilities in Arizona and what to do after an eviction**. All of those resources are available for free download on the Innovation for Justice web page under the “Projects” tab.



THANKS

The work of i4J would not be possible without the support of the community - thanks to all of you for your many contributions to the program. You have helped students engage with the community in project-based courses by donating your time, your expertise, your feedback and your encouragement. We hope that the deliverables we produced this year add value to your already incredibly valuable work. As always, our door is open and your feedback is welcome, so please email or call anytime!

Bonnie Bazata, Pima County Ending Poverty Now
Judge Tom Berning, Tucson City Court
Emily Bregel, Arizona Daily Star
Lisette Calderon, UA College of Law
Beth Carey, Primavera Foundation
Manira Cervantes, Pima County Community Action Agency
Jane Carter, Pima County Consolidated Justice Court
Georges Clement, Just Fix NYC
Sylvia Cuestas, Sullivan Jackson Employment Center
James Daube, Southern Arizona Legal Aid
Rick DeBruehl, Arizona State Bar
Randy Downer, Inter-State Investigative Services
Judy Drickey-Prohow, Law Offices of Scott M. Clark
Gregg Flatt, MC Properties
Judge Keith Frankel, Maricopa County Justice Court
Prof. Christopher Griffin, UA College of Law
Heather Hiscox, Moves the Needle
Judge Anna Huberman, Maricopa County Justice Court
Peggy Hutchison, Primavera Foundation
Hanna Kaufman, Lawyers Trust Fund of Illinois
Anne Kurtin, UA Office of Student Engagement
Courtney LeVinus, Arizona Multihousing Association
Chris Maglione, Maglione Rentals

Alex Mastengelo, Habitation Realty
Sarah Mauet, UA Academic Initiatives and Student Success
Prof. Brian Mayer, UA Dept. of Sociology
Judge Ron Newman, Pima County Consolidated Justice Court
Pima County Public Library, Main Library
Pima County Mothers in Arizona Moving Ahead
Pima County Consolidated Justice Court
Pima County Public Library, Main Library
Judge Vincent Roberts, Pima County Consolidated Justice Court
Prof. Christopher Robertson, UA College of Law
JJ Rico, Arizona Center for Disability Law
Amanda Rutherford, Step Up to Justice
Lilian Schwartz, University of Arizona
Sally Stang, City of Tucson Housing and Community Development Dept.
Cristie Street, Nextrio
Dan Sullivan, Pima County Sullivan Jackson Center
T Van Hook, Habitat for Humanity
Michael Wagenheim, UA College of Law
Matthew Waterman, Southern Arizona Legal Aid
Alden Woods, Arizona Republic
Jay Young, Southwest Fair Housing Council

Design: Dakota Worden
(Undergraduate Spring 2019 Visualizing Justice)
Copy: Bryce Talbot and David Miller
(Fall 2018 i4J Graduate students)



STAY ENGAGED

@UARIZONALAW
law.arizona.edu/i4j
@stacyrbutler4

