



MEMORANDUM

Date: January 21, 2020

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Eviction Process Suggestions and Recommendations by Housing Staff**

Some time ago, I asked our Housing staff to observe the eviction process and make specific recommendations regarding improvements such as minimizing the cost and emotional stress on individuals involved in the process as well as understanding the legal implications and record creation that follows those who are evicted.

I asked for this report to provide additional information to the initiative of the Constables in a pilot program to reduce the impact of eviction.

If you have any questions on the report or findings, please contact my office.

CHH/anc

Attachment

c: The Honorable Bennett Bernal, Presiding Constable
The Honorable Kristen Randall, Associate Presiding Constable



Date: January 16, 2020

To: C.H. Huckelberry, County Administrator From: Arnold Palacios, Director Community Services Employment and Training

VIA: Dr. Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer *[Signature]*

Re: Housing and Eviction Process Request from January 2, 2019

As per your request, Housing staff from both Community Services Employment and Training, and from Community Development Neighborhood Conservation attended Pima County Consolidated Justice Court proceedings to evaluate the court eviction process to formulate suggestions/recommendations to minimize future forced evictions.

Observation of Consolidated Court Proceedings

CSET and CDNC staff observed Consolidated Court eviction proceedings during ten days in the month of October.

The eviction proceedings occur within a very short interval as shown in the following brief outline:

- Landlord issues a 5 day (calendar) notice to tenant if payment has not been received by the 6th day of the month;
- During 5 day notice – tenant can pay rent and late fee;
- After the 5 day notice expires, landlord will forward to attorney for legal action;
- Attorney prepares eviction process which includes obtaining a court date and serving tenant with notice either in person, on the door or certified mail, must be documented;
- Tenant can pay rent and late fees prior to court date but must now include court cost and attorney fees;
- Court date - plaintiff and defendant appear before judge to determine outcome;
- If 5 day Writ is granted by judge, defendant has to leave property or can be removed by law enforcement.

Of the 134 eviction cases observed by Frances Salcido (CDNC) and Esther Cortez (CSET), 112 Defendants did not appear in Court. Overwhelmingly, in the cases observed, over 90% were settled in favor of the Landlords for "Non-Payment of Rent" because Defendants did not appear. Of the 22 that did appear, some had witnesses, but no attorney to represent them. Average rent owed by defendants was \$1,230.00. The average of total charges inclusive of late fees, utilities, court costs and attorney's fees was \$1,628.00.

Kino Service Center

2797 E Ajo Way, Tucson, Arizona 85713 * Phone: 520-724-7700 * Fax: 520-7246796



Another point of comparison is the December Consolidated Court Hearings report. Seven hundred and thirty seven cases were reviewed and at different stages of the process. For this month 97 writs or evictions were processed. Total Charges inclusive of late fees, utilities, court costs and attorney's fees averaged \$1,735.00.

During the court proceedings the Judge did grant bench hearings to some defendants if they had proper evidence that required extra time to hear the case, which resulted in another court hearing. It was clear to staff observers that the Defendants did not understand the proceedings and/or the Landlord tenant Act rights and responsibilities.

Defendants presented a variety of reasons for non-payment: 1) Rent withheld due to maintenance issues; 2) Guest of the tenant committed crimes on property and therefore tenant assumed no responsibility; 3) Tenant claimed non-payment of rent was the responsibility of a third party; 4) Tenant claim landlord would not accept rent on the 5th day of the month; and 5) Tenant performed work on property in exchange for rent.

Input from Judges

Judges expressed some of the same concerns. Judge Newman reported that the Landlord/Tenant Act cannot be interpreted by most individuals. Judge Monroe expressed the desire to take action to keep individual from needing to appear in Eviction Court. She's concerned that tenants do not understand the long term impact since an eviction remains on record for 7 years, preventing defendants from renting again. However if the tenant vacates the premises within the original 5 day notice, no eviction is recorded. Additionally, Judges advised that they could not take into consideration any third party assistance at the time of the eviction hearing (i.e. non-profit agency, churches, veteran's programs etc.). Judges also notified defendants they could not withhold rent for habitability issues.

Eviction Prevention Efforts

In addition to the previous observation, Pima County Community Action Agency meets each month with community based agencies, constables, legal aid, health department staff and Step up to Justice to discuss eviction prevention funding we received from Arizona Department of Housing. We've invited other stakeholders within the community, who provide services to those that reside in the targeted areas, to join our efforts in reducing evictions in Pima County, including landlords.

The intent of these ongoing collaborative meetings is to discuss issues related to barriers, grant restrictions, poverty in high eviction areas, outreach to landlords, tenant education, financial literacy, suggestions to funder, reporting requirements, case management, wrap around services to include behavioral and substance abuse treatment. Targeted areas that include high eviction rates are connected to extreme poverty thus making it difficult to demonstrate sustainability.

These efforts are funded by Arizona Department of Housing Eviction Prevention Pilot grant of \$407,000 awarded February 1, 2019. To date 242 families at risk for eviction were provided assistance. Only four cases of the 242 served have experienced eviction. Grant expenditures to date (\$197,000) have funded rent assistance and court costs. This pilot program is the only one that allows for assistance with court costs.

Kino Service Center

2797 E Ajo Way, Tucson, Arizona 85713 * Phone: 520-724-7700 * Fax: 520-7246796



Recommendations from staff and the Partnership

1. Multi-media messaging campaigns and easy to understand education about tenant rights and responsibilities under the Landlord Tenant Act are needed.
2. Connection to behavioral health and substance abuse resources is critical for a segment of this population.
3. Case management should focus on self-sufficiency rather than one-time assistance. Built in incentives such as utility assistance, and increase in the voucher award cap may help stabilize households.
4. Program flexibility is needed to assist household prior to the five day eviction notice in order to facilitate intake and mitigation efforts.

c: Jan Leshner, Chief Deputy County Administrator