MEMORANDUM

Date: June 24, 2021

To: The Honorable Chair and Members
   Pima County Board of Supervisors
From: C.H. Huckelberry
       County Administrator

Re: Update on the Emergency Rental Assistance Program known as ERAP 1 and ERAP 2

These grant acceptances were on the Board’s Addendum Agenda as Items 46 and 47. The Board requested a report on the status of the Emergency Rental Assistance Program.

Attached is a more comprehensive report on this subject, including the role of our homeless services in the Office of Emergency Eviction Legal Services.

The first grant (ERAP 1) has been ongoing for some time and a majority of the funds have been expended or encumbered as rent relief exclusively to landlords. Likewise, utility assistance is provided as direct payment to the utility company.

Please advise if you need any additional information on these programs.

CHH/anc

Attachment

c: Jan Lesher, Chief Deputy County Administrator
   Carmine DeBonis, Jr., Deputy County Administrator for Public Works
   Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,
   Health and Community Services
Date: June 24, 2021

To: C.H. Huckelberry, County Administrator

Via: Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer

Cc: Jan Lesher, Chief Deputy County Administrator

From: Dan Sullivan, Community & Workforce Development Director

RE: Emergency Rental Assistance Program & Homeless Service and Office of Emergency Eviction Legal Services Updates

Emergency Rental Assistance Program Update & Homeless Services

The Tucson Pima Eviction Prevention Program continues to trend in a positive direction. Specifically, The Arizona Multihousing Association pointed at Pima County and the City of Tucson program as "on track to be the most efficient and expedient program in the state."

The community is benefitting from additional Federal funding for eviction prevention. On May 7, the Biden Administration announced allocating the additional $21.6 billion under the American Rescue Plan for Emergency Rental Assistance Program (ERAP 2). Pima County received $12,018,046 from ERAP 2, which adds to the $15,188,622 from ERAP 1 received in March.

The Biden Administration also eased restrictions on the program, including paying up to 18 months of rental payment, allowing self-attestations to verify income eligibility, and removing the need to document COVID-19-related financial hardship.

Currently, 1,839 households have received or are in the process of receiving assistance through the jointly-funded program in Pima County, and more than $14.4 million has been paid or committed to landlords and utility companies. By comparison, as of this date, the Arizona Department of Economic Security has provided $7.24 million, and Maricopa County has committed $6.1 million in Emergency Rental Assistance Program (ERAP) funds. Attached is a spreadsheet showing the total applications processed and paid by Community Workforce and Development (CWD) and Community Investment Corporation (CIC) and billed to Pima County.

The percent of Arizona renters in arrears on rental payments is at its lowest point since April 2020, as reflected by data from the Southwest Institute for Research on Women. It is unknown how many households will be evicted when the moratorium is lifted on August 1. However, CWD and The City of Tucson Housing & Community Development (HCD) are working in collaboration to develop plans to address the potential influx, including:

- Use ERAP funds to assist households that have been evicted and displaced with financial assistance for security and utility deposits and fees;
C.H. Huckelberry
Re: Emergency Rental Assistance Program & Homeless Service and Office of Emergency
Eviction Legal Services Updates
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- Request the local Continuum of Care prioritize those who become homeless for the first time; to Rapid Rehousing program;
- Communicate to landlords to hold off on evicting while the application from tenants are processed; and
- Expand low-barrier shelter capacity and explore acquiring additional hotel rooms nights.

Homelessness was an issue before the pandemic, and all indicators suggest it will continue. CWD and HCD are also working in conjunction to develop a plan to address homelessness in Pima County to achieve "Functional Zero," where homeless experiences are rare, brief, and non-reoccurring.

Locally, increases in unsheltered and chronic homelessness can be tied to a lack of low-barrier shelter options. Persons experiencing homelessness may be turned away from a shelters because of intoxication, partners, pets, or other factors, as well as ineffective resource coordination for those with high service needs.

Point in Time Count (PIT) 2020 data indicates 1,140 households (1,324 people) experiencing homelessness in Pima County. The number of unsheltered people experiencing homelessness reported through the same counts indicates an alarming single-year increase of 60.3%, according to a recent study from the Tucson Pima Collaboration to End Homelessness (TPCH). Under-utilization of existing shelter and supportive housing capacity hinders efforts to address homelessness in the region. On the night of the 2020 PIT Count, nearly one in five community beds were unoccupied. Under-utilization within the crisis response system is especially prevalent, with 32% of crisis shelter beds unoccupied on the night of the 2020 PIT Count.

Nationally, 2020 PIT Count data suggest an increased number of people experiencing chronic street homelessness. Veteran homelessness has stabilized, and family homelessness did not see an increase in the 2020 count, which would be the first time in over a decade.

The most recent gap analysis conducted by the Corporation for Supportive Housing and TCHP indicates that an additional 2,000 supportive housing beds are needed in Pima County by 2030 to effectively address homelessness.

CWD and partners are working in collaboration to develop a plan to accomplish "functional zero." Fundamentally, the plan will include creating pathways to expand existing resources, create additional low-barrier shelters, and provide services across the entire geographical area.

Office of Emergency Eviction Legal Services
Since creating the Office of Emergency Eviction Legal Services (EELS) in April 2021, the staff has extensively reviewed the Eviction and Homelessness Prevention Task Force's December 2020 recommendations, particularly those specific to improving the delivery of judicial services. Those recommendations included exploring the creation of an Eviction Specialty Court, increasing the quality
and availability of information to litigants, providing courtroom navigation services, and providing counsel to tenants.

The staff has devoted significant time researching eviction prevention programs implemented across the country and has met with some of the people who have been directly involved in implementing them. These programs incorporate free legal assistance to qualifying tenants as well as mediation and navigation services.

The benefits of these programs are many. First, more tenants can remain in their homes, not only saving a family from the trauma of eviction but avoiding the significant downstream costs of evictions to the community. Second, it should increase the ability to efficiently and expeditiously provide restitution to landlords through rent assistance. Third, it gives the County critical information on who is facing evictions to create more effective prevention programs. Fourth, it will allow the County to connect those tenants with additional resources that could avert future evictions, like job assistance, childcare scholarships, financial counseling, and health services.

The EELS eviction program will include multiple components:

1. **Tenant Legal Representation**

Currently, tenants who cannot afford counsel have limited options. Nonprofit organizations like Southern Arizona Legal Aid and Step Up to Justice provide free representation to some tenants. Still, there has been inadequate funding to make these services broadly available. Eviction data provided by the Consolidated Justice Court for 2019 (before the pandemic) show that out of over 12,000 eviction filings, only 56 cases listed an attorney for the tenant.¹

*Selection and Assignment of Counsel.* All lawyers who advise and represent tenants through EELS will be contract lawyers. EELS is developing a solicitation to generate a list of qualified counsel available to provide this service, which can be assigned to qualifying tenants who contact EELS or are available at Justice Court to accept clients. (A program coordinator has been hired to manage the solicitation process and thereafter the assignment of cases and scheduling of on-call attorneys.) We recognize the urgent need for implementation given the upcoming end to the CDC eviction moratorium next month. To that end, we are working to deploy our federal funding as quickly as possible to make counsel available to tenants as we scale up other aspects of the program. Applicable federal funding, from the American Rescue Plan Act, which created the Coronavirus Local Fiscal Recovery Fund (CLFRF), along with the United States Department of Treasury's Interim Final Rule governing its use, became available mid-May.

Unlike in criminal cases or other cases in which the Court appoints counsel at a specific procedural point in the case (such as an arraignment), eviction cases move extraordinarily quickly. There is no legal mechanism currently in place for the Court to appoint counsel to represent tenants. EELS hopes, through outreach efforts, to contact many qualifying tenants before their initial appearance and connect them with counsel. Several approaches will be used, including a combination of staff outreach using filing

information, community outreach and social media, educational clinics, and making available a hotline and web portal through which tenants can contact us. But realistically, we expect that a substantial number of qualifying tenants will show up for their initial appearances unaware of EELS. Consistent with other similar programs in the country, we plan to incorporate one or more "lawyers of the day" into EELS. They will be available to do intake, provide brief advice at initial appearances, and take on full representation of clients whose case will proceed to trial. In addition, Pima County contracted with Step Up to Justice to fund the administration of its eviction prevention clinics for one year, beginning June 1, 2021.

**Eligibility.** The Board's conditions for eligibility require that tenants (a) attest that they have suffered a loss of income or financial hardship due to the Covid-19 pandemic; (b) are financially unable to afford counsel, and (c) are currently facing or will soon face an eviction filing or judgment for either non-payment of rent or other material noncompliance with a lease. Eligibility will be determined by EELS staff before assignment to a lawyer.

EELS will define "financially unable to afford counsel" to include any person in a household whose income is at or below 80% of area median income (AMI). Currently, 80% of AMI in Pima County is $54,900 for a family of four. This measure is the same income measure used to qualify tenants for the Emergency Rental Assistance Program. In addition, as authorized by Treasury,2 EELS will presume that tenants in this income category are Covid-impacted. This essentially collapses the first two conditions of eligibility into a single inquiry. EELS will minimize the burden of demonstrating qualification as much as possible as permitted by Treasury rules and guidance.

Given the Board's direction that income-qualifying tenants will be entitled to representation whether at imminent risk of eviction or at risk of eviction "in the coming weeks or months," EELS plans to accept income-qualifying tenants who have received any written communication from their landlord or landlord's attorney indicating they are noncompliant with their lease agreement (whether for non-payment or material breach) or who attest under penalty of perjury that they have missed at least one rent payment.

2. **Courtroom Navigation**

Providing access to counsel undoubtedly will benefit tenants in eviction proceedings by putting them on a more level playing field with their adversaries. Before the pandemic, eviction filings averaged 12,000-13,000 per year. The majority of these cases are for non-payment of rent, for which there is often no defense a lawyer can ethically raise. We believe a robust legal representation program should also include a courtroom navigation component. Courtroom navigation has been successfully incorporated into other eviction diversion programs elsewhere in the country, including Philadelphia's.

EELS will request approval to add two new Program Coordinator positions within CWD to serve as courtroom navigators. They will be trained on the eviction process and other services and resources available to both landlords and tenants. They will be available to assist any litigant in an eviction case. Unlike lawyers representing parties, navigators will be neutral. Therefore we will seek to embed the

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navigator function within Consolidated Justice Court as much as possible, including an in-person presence as soon as in-person attendance at eviction proceedings begins. Navigators will be available as a "first contact" for litigants who either receive an eviction summons and contact EELS or those who show up for their initial appearance without knowing about the EELS program. They will be able to triage litigants, efficiently connecting qualifying tenants with counsel, and will also be able to assist with connecting litigants to other resources. Program Manager Bonnie Bazata will manage the navigation function.

3. Cooperation with Consolidated Justice Court Administration

We believe the components discussed above will lead to more just and efficient adjudication of eviction cases while keeping more tenants housed. But a truly holistic, successful program requires collaboration with the Judicial Branch on matters within its scope of authority. With funding provided by the County, the Consolidated Justice Court recently implemented a pilot program consolidating all eviction cases before Justice of the Peace Pro Tem Ron Newman. And for the first time that we are aware in Arizona, the Court will be utilizing settlement conferences in eviction cases. EELS is appreciative of the Court's efforts and looks forward to assisting the Court in evaluating the impact of these programs and exploring with Court Administration other means to maximize the fairness and efficiency of eviction adjudication.

4. Preliminary Budget – Year 1

Developing a final budget for this nascent program is challenging because of various unknowns, including how many tenants will seek EELS services and the cost of outreach efforts. Therefore, the budget presented here should be considered preliminary and refined as the program is implemented. Of note, the types of programming being developed are potentially eligible for federal support through ARPA and other sources.

<table>
<thead>
<tr>
<th>EELS Year 1 Preliminary Budget</th>
<th></th>
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<tbody>
<tr>
<td>Administration (Deputy Director, Program Manager, Program Coordinator)</td>
<td>$150,000</td>
</tr>
<tr>
<td>Direct Service – Courtroom Navigation (2 Program Coordinators)</td>
<td>$140,000</td>
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<td>Direct Service – Contract Lawyers</td>
<td>$450,000</td>
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<tr>
<td>Outreach – Staff</td>
<td>$35,000</td>
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<tr>
<td>Outreach – Hotline/web portal</td>
<td>$150,000</td>
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<tr>
<td>Outreach – Communications</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$975,000</strong></td>
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</table>

5. Data Collection / Evaluation

With any program, particularly one as new as EELS, collecting data and evaluating the effectiveness of the interventions is critical. The Consolidated Justice Court collects significant data on eviction filings, but some data (particularly demographic and address information regarding tenants) is not collected as part of the court process. EELS will collect and will require its contract lawyers to collect and report this
information as well as case-specific data. As we develop this program, we explore evaluation options, including seeking separate grant funding for an outside evaluation.

Conclusion

As noted above, CWD staff have remained especially mindful of the Eviction and Homelessness Prevention Task Force's December 2020 recommendations in designing this program, particularly those specific to improving the delivery of judicial services. We believe the EELS program, coupled with recent efforts undertaken by the Consolidated Justice Court, will effectively implement all recommendations regarding the delivery of judicial services, except two that require amendments to state statute to implement. Those two recommendations are extending the 5-day eviction notice to 15 days and extending the time to appeal an eviction judgment.

☑ Approved
☐ Not Approved

C.H. Huckelberry 6/24/21
County Administrator
## COVID-19 Related Eviction Rental Assistance Report

Data from Community Action Agency/Emergency Services Network Database

<table>
<thead>
<tr>
<th>FEDERAL - RENTAL ASST, UTILITIES, EVICITION PREVENTION</th>
<th>TERM DATES</th>
<th>Funds Allocated*</th>
<th>Funds Obligated</th>
<th># of Households</th>
<th>Paid by CAA</th>
<th># of Households</th>
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<tbody>
<tr>
<td>Emergency Rental Assistance (ERA) CAA Rental Assistance</td>
<td>9/30/2022</td>
<td>$5,669,760</td>
<td>$3,879,099</td>
<td>792</td>
<td>$3,165,318</td>
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<td>Emergency Rental Assistance (ERA) CAA Utility Assistance</td>
<td>9/30/2022</td>
<td>$800,000</td>
<td>$410,600</td>
<td>419</td>
<td>$358,844</td>
<td>342</td>
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<tr>
<td>Coronavirus Relief Fund(CRF), CAA Rental Assistance (available CIC $53,113.5 moved to CAA 12/14/20)</td>
<td>3/31/2021</td>
<td>$3,678,114</td>
<td>$3,677,113</td>
<td>1470</td>
<td>$3,677,113</td>
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<td>Coronavirus Relief Fund(CRF), CAA Utility Assistance (available CIC $325k moved to CAA 11/21/20)</td>
<td>3/31/2021</td>
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<td>279</td>
<td>$25,325</td>
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<td>HU Community Development Block Grant-CV (CDBG-CV), CAA Rent Assistance Program</td>
<td>9/30/2022</td>
<td>$422,040</td>
<td>$270,682</td>
<td>134</td>
<td>$263,250</td>
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<td>FEMA, Emergency Food &amp; Shelter Program (EFSP) CARES (hotline one month payments)</td>
<td>5/29/2021</td>
<td>$164,156</td>
<td>$159,255</td>
<td>188</td>
<td>$157,880</td>
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<td>FEMA, Emergency Food &amp; Shelter Program (EFSP) Additional Allocation</td>
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<td>$49,302</td>
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<td>$0</td>
<td>0</td>
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<td>Health &amp; Human Svvs (HHS), Low Income Home Energy Assistance Prg (LIHEAP-CARES) Utilities Only</td>
<td>9/30/2021</td>
<td>$1,811,941</td>
<td>$1,619,340</td>
<td>1461</td>
<td>$1,536,177</td>
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<td>HHS Administration for Children and Families (ACF) - CSBG/CARES CSBG SFY2020 &amp; SFY2021</td>
<td>9/30/2022</td>
<td>$500,000</td>
<td>$500,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>9/30/2022</strong></td>
<td><strong>$13,420,313</strong></td>
<td><strong>$10,341,089</strong></td>
<td><strong>4,743</strong></td>
<td><strong>$9,483,582</strong></td>
<td><strong>4,433</strong></td>
</tr>
</tbody>
</table>

*For direct assistance

## FEDERAL - DISTRIBUTED TO NON-PROFITS FOR DIRECT RENTAL ASSISTANCE

| CRF, CIC Agency Eviction Prevention Partnership | 11/30/2020 | $2,795,960 | $2,795,960 | 899 | $2,795,960 | 899 |
| Emergency Rental Assistance (ERA) CIC Rental Assistance | 9/30/2022 | $6,800,000 | $1,769,756 | 257 | $1,766,112 | 257 |
| Emergency Rental Assistance (ERA) CIC Utility Assistance | 9/30/2022 | $400,000   | $104,020   | 120 | $104,020   | 120 |
| **TOTAL** | **9/30/2022** | **$9,995,960** | **$4,669,736** | **1,276** | **$4,666,092** | **1,276** |

## STATE

| Arizona Department of Housing (ADOH) COVID-19 Eviction Prevention & Rental Assistance | 3/31/2021 | $1,684,339 | $1,675,260 | 779 | $1,676,046 | 779 |
| (additional 300k amendment recd 12/10/2020 & contract extended through 3/31/2021) | **TOTAL** | **$1,684,339** | **$1,675,260** | **779** | **$1,676,046** | **779** |
| (4th amendment recd 1/15/21 for an additional $424,339) |

## OTHER UTILITIES

| TRICO (Rent, mortgage and utilities) | 6/30/2021 | $105,690 | $71,985 | 93 | $70,385 | 90 |
| **TOTAL** | **$105,690** | **$71,985** | **93** | **$70,385** | **90** |

## CWD EVICTION PREVENTION GRAND TOTAL

| **$25,206,301** | **$16,758,070** | 6,891 | **$15,896,104** | **6,578** |