MEMORANDUM

Date: December 6, 2021

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

From: Jan Leshner
       Chief Deputy County Administrator

Re: Emergency Eviction Legal Services Update and Board of Supervisors December 7, 2021 Addendum Agenda Item 19 (Procurement – Legal Services)

On March 16, 2021, the Board of Supervisors directed the Administrator to create a new program to provide legal services to tenants facing eviction who could not afford counsel. The Office of Emergency Eviction Legal Services (EELS) was established within the Community & Workforce Development Department (CWD) to implement this directive. EELS began full service in August 2021. The attached memorandum from Community and Workforce Development Deputy Director Andy Flagg, provides you an update on these efforts.

Evictions have increased in Pima County, although not to the same degree as in other communities across the country. At this time, eviction filings are at about 73% of prepandemic levels. Despite this, the human toll of these actions is substantial and threatens families in our community. Since August this team has provided more than 400 households facing eviction with access to legal counsel. This includes providing free full representation in 58 cases. In full-representation cases, nearly 40% of cases are resolved favorably to the tenant, and another 14% are still pending.

As a component of our overall comprehensive strategy, specially trained EELS navigators have assisted in excess of 400 households with individualized rental assistance process and referral to other community resources. One navigator is dedicated solely to working with households facing imminent homelessness, helping shelter multiple families who would have otherwise become homeless. Such an approach is emerging as best practice in communities facing this crisis.

Anticipating a continued need for services, staff continues to expand program capacity to meet community need. New contracts for these important legal services in 2022 are included in the Board’s Agenda as Addendum Item 19. Staff recommends approval of this item.

JL/anc

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator for Public Works
   Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
   Dan Sullivan, Director, Community Workforce Development
Date: December 3, 2021

To: C.H. Huckelberry
County Administrator

From: Andy Flagg
Community & Workforce Development Deputy Director

Via: Francisco García, MD, MPH
Deputy County Administrator and Chief Medical Officer

Re: Emergency Eviction Legal Services December 2021 Update

The Community & Workforce Development Department (CWD) provides this update on the eviction picture and the Office of Emergency Eviction Legal Services (EELS) activities, through its first full three months of service, August through October 2021. Prior updates (June 24, 2021; August 24, 2021; and September 16, 2021) have outlined the services being provided. This memorandum provides our first opportunity to report preliminary data on the impact of those services.

Overview of Filings

From the onset of the pandemic through August 2021, eviction filings generally hovered at 50% of pre-pandemic levels. This was due to the various moratoria that were in effect restricting the ability of landlords to evict based on nonpayment of rent. After the most-recent CDC eviction moratorium was struck down by the United States Supreme Court in late August, many feared an immediate avalanche of eviction filings. Fortunately, that did not happen, but we have seen a slow, steady rise in eviction filings. For the period August through October, 2021, 2110 eviction cases were filed in Pima County, compared to 2875 for the same time period in 2019 and 1400 in 2020. Filings are up substantially from moratorium-era levels, but still about 73% of pre-pandemic levels. The following chart shows weekly trends, beginning in August.¹

¹The numbers in this chart include all eviction matters set for hearing, including both new filings and existing matters set for hearing (such as continued hearings, or requests for amended judgment or writ for moratorium-delayed cases). Thus, these numbers are higher than just new filings, but provide a good picture of weekly trends.
Tenants Served

During the first three months of the EELS program, staff received 1442 contacts from members of the public seeking assistance or information. Of these, 487 were determined to be eligible and referred to EELS contract attorneys for brief legal assistance or representation, if appropriate, and more than 400 were referred for rental assistance.

Access to Counsel

In the first three months of the program, six contracted attorneys provided brief legal assistance to 377 households (an average of 6 per day). (In addition, under a separate contract and supported with County funding, Step Up to Justice served 62 households in 40 Eviction Prevention Clinics held from June through August.) Full case representation was provided to 58 tenants, more than were represented in all of 2019 (56), and not far from 2020 (79). In those cases in which EELS provided full representation, the landlord received a favorable judgment in 48% of cases. Other than the 14% of cases still pending at the time of reporting, the remaining cases resolved favorably for the tenant.

![Diagram showing results in full representation cases: 48% settled, 17% dismissed on tenant's motion, 14% judgment for landlord, 4% settled (other than on tenant's motion), 3% pending, and 14% judgment for tenant.]

Court Settlement Conferences

Starting in late September, the Pima County Consolidated Justice Court began offering settlement conferences to parties who agree to participate. Tenants are notified at the time the settlement conference is set that EELS is able
to provide representation if they qualify based on income. So far, 19 settlement conferences were held, with 17 of those cases having settled.

Navigation services

EELS Navigators also assist tenants facing immediate homelessness as a result of eviction. In the first three months of the program, 6 families (a total of 23 individuals) were provided emergency shelter in hotels and 6 families or individuals were referred to agency congregate shelters.

Additionally, Navigators facilitated the submission of 443 rental assistance applications.

The path ahead

County staff are finalizing the procurement process to present to the Board contracts for legal services providers for calendar year 2022. We anticipate those contracts will be on the Addendum for the December 7 meeting.

CWD is assembling a dedicated team to process the highest-risk rent-assistance applications, as identified by EELS navigators. Working closely with Grants Management & Innovation, CWD has identified additional American Rescue Plan Act funding to increase navigator staff capacity to address the increase in contacts. And we are working with partners to identify additional housing resources to help tenants whose evictions are not preventable avoid homelessness. Finally, in 2022 CWD looks forward to beginning the process of formal program evaluation, which will include analyzing our robust demographic data to ensure the community is being served equitably by this program.

c: Jan Lesher, Chief Deputy County Administrator