



MEMORANDUM

Date: August 24, 2022

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

From: Jan Leshner 
County Administrator

Re: **Emergency Eviction Legal Services Program**

Attached is a report on the first year's services provided by the Emergency Eviction Legal Services Program (EELS). As the report explains, EELS has significantly expanded access to justice for tenants facing eviction, providing 1,174 households with free legal services, 233 of which received full legal representation in their eviction case. Of those full-representation cases, 53 percent ended in a result favorable to the tenant. To date, the expenses of counsel have been under budget, and EELS anticipates being able to fund those costs using American Rescue Plan Act (ARPA) funding through 2024.

Thanks to the EELS program being a part of Community & Workforce Development (CWD), EELS does not just provide eligible tenants with legal services. Instead, it can connect tenants and landlords in the eviction process with a much broader array of services, such as court navigation, expedited rental-assistance processing for cases already in court, job-assistance referrals, and bridge housing. Overall, the program has served 2,160 households in Pima County. The attached report includes examples of families who have benefited from a variety of services through EELS.

Consistent with trends elsewhere in Arizona and the rest of the country, Pima County has seen a recent rise in eviction filings, but actual eviction orders (writs of restitution) are rising much more slowly. EELS will continue to work with litigants in eviction cases to avoid as many preventable evictions as possible. The continued ability of EELS to offer the full array of services provided is dependent, in part, on continued federal funding, particularly Emergency Rental Assistance (ERA). As previously noted to the Board, an application for a further \$15 million reallocation of ERA funding was submitted to Treasury on July 12, and the County is awaiting a response from Treasury.

JKL/dym

Attachment

c: Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer
Carmine DeBonis, Jr., Deputy County Administrator
Steve Holmes, Deputy County Administrator
Dan Sullivan, Director, Community Workforce & Development
Andrew Flagg, Deputy Director, Community Workforce & Development

Date: August 23, 2022

To: Jan Leshner
County Administrator

Francisco García
Deputy County Administrator & Chief
Medical Officer

From: Andy Flagg 
Community & Workforce Development
Deputy Director

Re: Office of Emergency Eviction Legal Services – Year 1 Report

The Office of Emergency Eviction Legal Services (EELS) was created by the Board of Supervisors on March 16, 2021, and has been fully operational for one year. Since inception, the program has outreached to more than 11,500 households facing eviction, provided free legal services to 1,174 households, with a greater than 50% success rate for the 233 households receiving full representation in their eviction case. Our navigators have served a total of 2,160 households, 377 of whom were referred for job assistance. We have helped provide bridge housing to 238 individuals, with an 83% positive exit rate.

This report provides the Board the history, data, and some human stories of that first year's activities, along with plans for the coming year and beyond.

The central mission of EELS is to give eligible tenants access to justice by providing them counsel. As explained in more detail below, EELS has done just that—each eligible tenant who reaches us can be referred to a lawyer at no cost for at least a brief consultation, and in many cases full representation. Over the last year, the number of tenants in this community who can access counsel has increased by at least a factor of four and perhaps much more. And the data show that, consistent with results elsewhere, access to counsel improves outcomes for tenants.

What's more, thanks to EELS being situated in the Community & Workforce Development Department (CWD) and to partnerships with other stakeholders in the eviction process like the Pima County Consolidated Justice Court (PCCJC) and Constables, both tenants and landlords at any stage of the eviction process can now benefit from an array of services designed to keep tenants housed. These services, which will be described in more detail below, include:

- Consolidation of all eviction cases in PCCJC in front of Judge Pro Tempore Ron Newman.
- Navigators in PCCJC to provide information on the eviction process and EELS services.
- Expedited rental assistance for landlords in eviction court who agree not to follow through with eviction.
- Referrals to rehousing programs for those tenants who cannot avoid eviction.
- A navigator assigned to the Constables to assist with households for whom eviction is imminent.
- Direct referrals to job-placement and job-training programs through the Pima County One-Stop.
- Partnership with a separate American Rescue Plan Act funded program providing bridge housing at a local hotel with on-site case management.

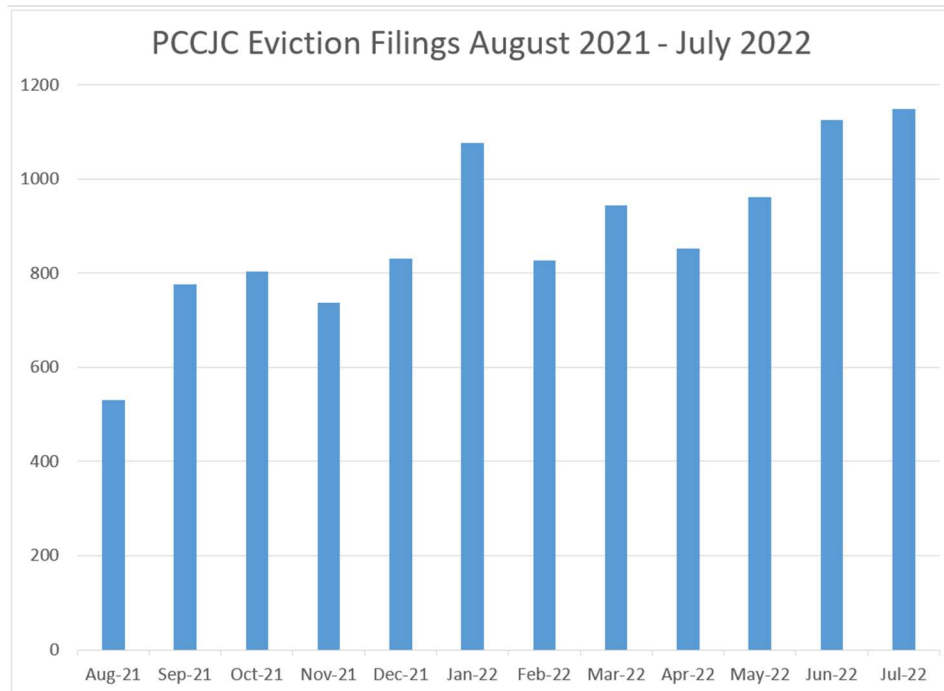
Background – Evictions in Pima County

In the ten fiscal years before the pandemic, Pima County justice courts saw an average of nearly 14,000 eviction filings per year.¹ Filings plummeted during the first year and a half of the pandemic, when moratoriums prevented the completion of many nonpayment evictions. Starting with the end of the last CDC moratorium in August 2021,

¹See Arizona Supreme Court, *Justice Court Evictions*, at <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards/Justice-Court-Evictions>.

filings gradually rose to about 90% of pre-pandemic levels, and then jumped substantially in June and July 2022 to essentially pre-pandemic levels.

The cause of this jump is unknown, but, importantly, the issuance of writs of restitution—the order to carry out the eviction—has not risen at the same pace as filings have. As explained further below, we believe processing of post-judgment rent assistance has played a major role in keeping that number from rising higher.



Assuming a return to at or near pre-pandemic levels, and further assuming that 70% of filings result in actual eviction,² then according to Innovation for Justice’s Cost of Eviction Calculator,³ the annual cost of eviction in Pima County is enormous—\$103,265,349. Interventions that are effective in stopping preventable evictions can reduce that cost, to say nothing of avoiding the human toll created by a loss of housing.

To develop recommendations on how to address the eviction crisis, County Administrator C.H. Huckelberry convened an Eviction and Homelessness Prevention Task Force. The Task Force’s report, produced in December 2020, made a number of recommendations, including providing legal representation to tenants in eviction cases.⁴ EELS is an outgrowth of that recommendation, but has continued to be cognizant of the Task Force’s other recommendations in its implementation.

Outreach

From the beginning, EELS has recognized a logistical challenge to connecting tenants to legal representation. Eviction cases move very quickly, and unlike in criminal cases, there is no procedural point in time or legal

²Data on actual evictions is not as reliable as data on filings, in part because many tenants “self-evict” after judgment. But based on recent data, approximately 70% of cases end up with a judgment in the landlord’s favor, meaning the landlord has the right to evict. Therefore, it is used here as a proxy for the number of actual evictions expected.

³<https://law.arizona.edu/eviction-calculator>. This number is arrived at using the estimated 9,800 evictions and state and local data on costs like shelter and medical costs.

⁴See [Pima County Eviction and Homelessness Prevention Task Force, December 2020 Report](#).

mechanism for the appointment of counsel. Working with IT and Communications, EELS set up a phone line—(520) 724-3357 (EELS)—and a web intake form—pima.gov/evictionlegalservices—to allow potential clients to access the program. Fortunately, we are able to leverage data provided daily by the PCCJC (where the vast majority of eviction cases are filed) to mail a postcard directly to each tenant facing eviction, providing information about our services, in English and Spanish, and our contact information. We work with the Pima County Print Shop each day to do this, and have sent **over 11,500 postcards** to date.

Get FREE legal help on your eviction case.

Reciba ayuda legal GRATUITA en su caso de desalojo.

Have you received an eviction notice from your landlord?
¿Ha recibido un aviso de desalojo de su propietario?

According to court records, an eviction case was recently filed against you.
De acuerdo con registros del tribunal, se presentó un caso de desalojo en su contra recientemente.

There's help! ¡Hay ayuda!

You may be entitled to **FREE** legal services. Pima County's Emergency Eviction Legal Services program (EELS) can ensure you know your rights and be your advocate.
Usted puede ser elegible para recibir servicios legales **GRATUITOS**. El programa de Servicios Legales en Emergencias de Desalojo del Condado Pima (EELS) puede asegurar que usted esté al tanto de sus derechos y puede ser su defensor.

Find out if you qualify. Call **520-724-EELS (3357)** or visit the EELS website at pima.gov/EvictionLegalServices.
Vea si califica. Llame al **520-724-EELS (3357)** o visite el sitio web de EELS en pima.gov/EvictionLegalServices.

This project is being supported, in whole or in part, by federal award number SLFRP0180 awarded to Pima County by the U.S. Department of the Treasury.

Este proyecto está siendo apoyado, en su totalidad o en parte, por un premio federal numerado SLFRP0180, otorgado al Condado Pima por el Departamento de la Tesorería de los Estados Unidos.



An EELS client was referred to an EELS contract attorney, who was able to get the case dismissed because the tenant was not provided proper notice. In the meantime, the client was able to get rent assistance through a source that did not require landlord participation—the landlord refused to participate in our program—and paid off the amount due, reinstating the lease and allowing the client to remain housed.

In addition, information about our services is available at PCCJC, our One-Stops, and local libraries. We staff tables at outreach events, and we have provided our information to other CWD divisions and community partners who deal with people experiencing housing instability and who frequently refer clients to us.

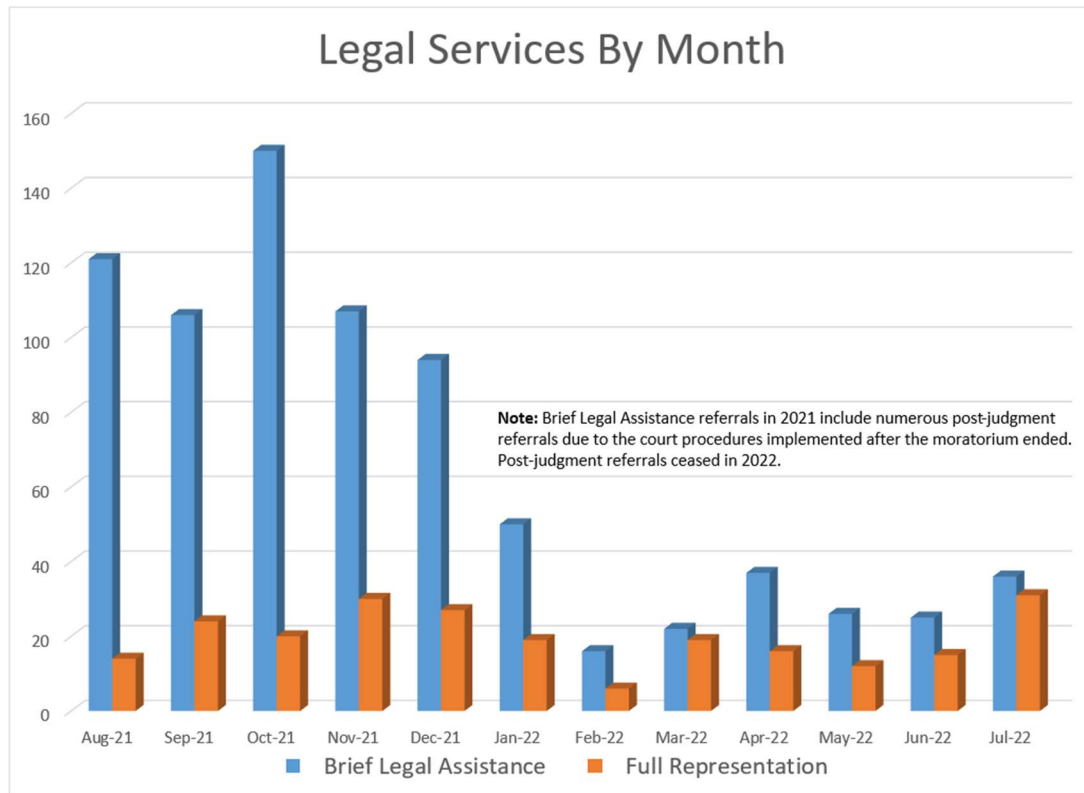
Legal Representation

All litigants in court have a right to be heard, but as the United States Supreme Court has recognized, “[t]he right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel.”⁵ Historically, most landlords in eviction cases were represented by counsel, yet less than 1% of tenants were.⁶ Recognizing that most evictions are for nonpayment of rent and that many tenants may not have a valid defense, EELS created two tiers of services—Brief Legal Assistance and Full Representation⁷—and contracted with law firms and nonprofits to provide services. In its first year, EELS assisted **1,174 households** with free legal services. That total includes Brief Legal Assistance to **1,023 households**, **233 of whom** received Full Representation.

⁵*Gideon v. Wainwright*, 372 U.S. 335, 345 (1963) (quoting *Powell v. Alabama*, 287 U.S. 45, 68-69 (1932)).

⁶See [Memorandum from County Administrator C.H. Huckelberry to Board of Supervisors, Re: Eviction Statistics](#) (Feb. 25, 2021).

⁷This model is similar to that used in New York City, the country’s first eviction right-to-counsel program.



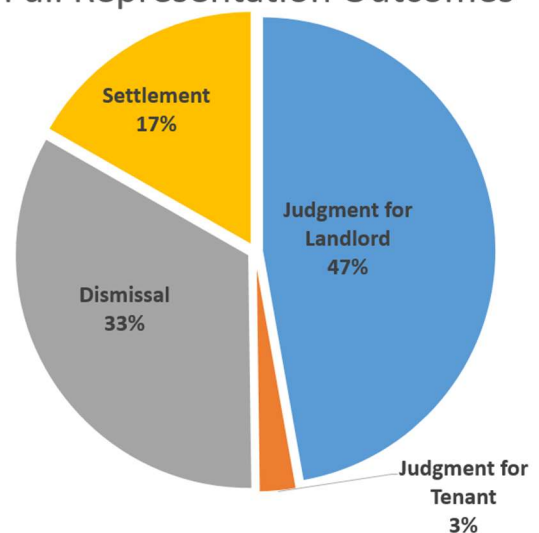
This represents at least a fourfold increase over the last prepandemic year, in which PCCJC shows that 56 tenants were represented. We are not aware of a meaningful measure of how many tenants prepandemic were provided advice but not full representation, but it is reasonable to assume that many if not most of the 790 households that received only Brief Legal Assistance would not have been able to do so but for EELS. This, too, is a valuable service, ensuring tenants know what their rights are (and are not) and understand what can be an intimidating process.

In the 233 cases in which Full Representation was provided, 53% ended in a favorable result for the tenant—either a favorable judgment, settlement, or dismissal.

EELS initially budgeted \$450,000 per year for legal services, which was a very rough estimate made before lawyers provided their pricing and before we knew the demand. The ultimate cost of legal services for the first year was \$372,925.00. Our master agreement with our various lawyers expires at the end of December and we expect to seek renewal in accordance with the normal renewal process.

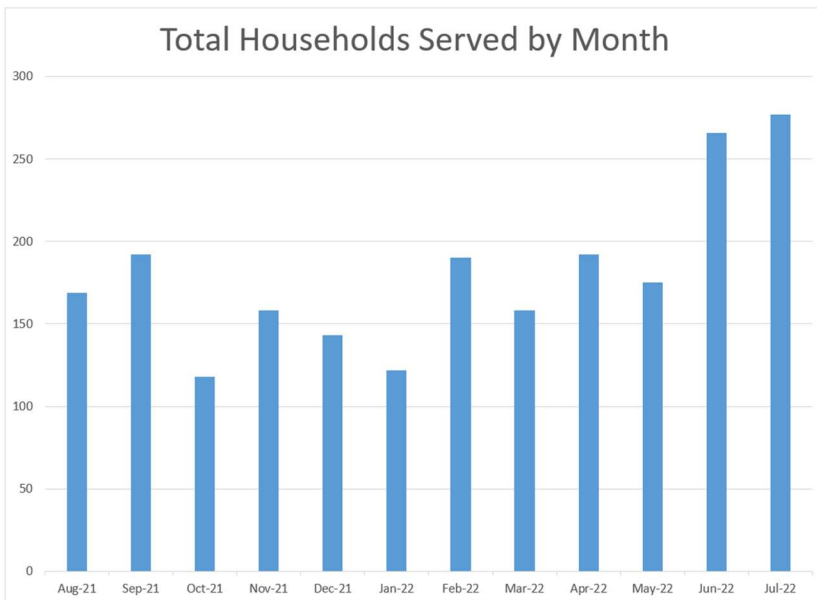
In addition, under a separate contract and supported with County funding, Step Up to Justice served 151 households in 96 Eviction Prevention Clinics, at a cost of \$18,500.

Full Representation Outcomes



Court Navigation

Among the Task Force’s additional recommendations was the use of court navigators to provide information about the eviction process, as has been done elsewhere, including in Philadelphia. This recommendation harmonized well with both the mission of EELS and the CWD’s goal more generally to move to a navigator-based service-delivery model. Accordingly, with approval of County Administration, EELS created navigator positions both to be available to provide information to litigants about the eviction process and to serve as an entry point for those seeking EELS services. EELS has navigators placed at both the Kino One-Stop and at the PCCJC courthouse, utilizing space provided by PCCJC and the Constables. Additionally, EELS was able to absorb the existing Constable social-worker position that had previously been budgeted with the Constables to better integrate services to those facing imminent eviction.



An EELS client who is a single mother with small children, facing eviction, came in to the Kino One-Stop. EELS staff worked with her and her landlord to get her rent-assistance application assigned to a case manager within a week, allowing her and her family to remain housed. The client stated: “My Navigator went above and beyond. Without EELS, I would probably not be in my house.”

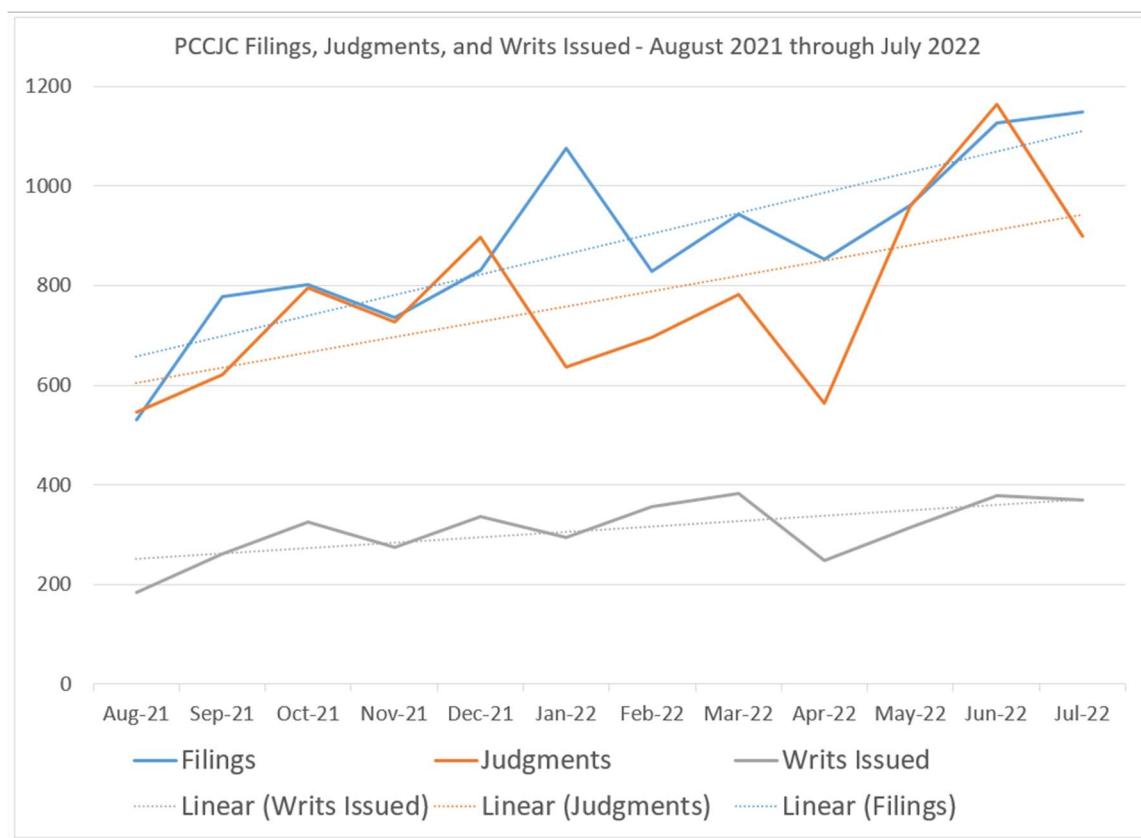
Hon. Jeffrey Bergin, Presiding Judge of the Superior Court:
Having court navigators has been “an absolute game-changer for the eviction process.”

Constable Bennett Bernal:
“Having a dedicated Navigator really does allow for the Constables to not have to worry about time. The crucial thing in an eviction is time. It helps alleviate some of the stress for us and the tenants.”

Navigators screen contacts for eligibility and determine whether they can be referred to counsel. Navigators can also assist with an array of other services, including escalating Emergency Rental Assistance Program (ERAP) applications, referring tenants to job-assistance programs through the One-Stop, helping with rehousing, and getting families and other vulnerable members of our community access to emergency shelter. Our navigators have served a total of **2,160 households** over the first year of service.

ERAP Escalation

In an effort to prevent homelessness, and consistent with ERAP’s prioritization of payments based on eviction status, EELS established a process and dedicated team to process ERAP applications in an expedited manner if the tenant has an eviction filed against them. If a judgment has already been entered in the case, the landlord is required to complete a form confirming that they will hold off on completing the eviction to allow the ERAP process to be completed. Through this process, many tenants have been able to remain housed despite the eviction process already having been initiated. Currently, the escalation team is processing approximately **200 cases per month**, and we believe that this team’s work is a major part of the reason that actual evictions have not risen at the same pace as filings.



Job Assistance Referrals

As the home of the Pima County One-Stop, CWD and its partners provide job assistance to residents throughout Pima County. EELS has been fortunate to embed one navigator within its staff with extensive experience in workforce development, and directly refer interested tenants to available programs. EELS began integrating job-assistance referrals in earnest in January 2022, and since then has referred **377 individuals** to job-assistance programs.



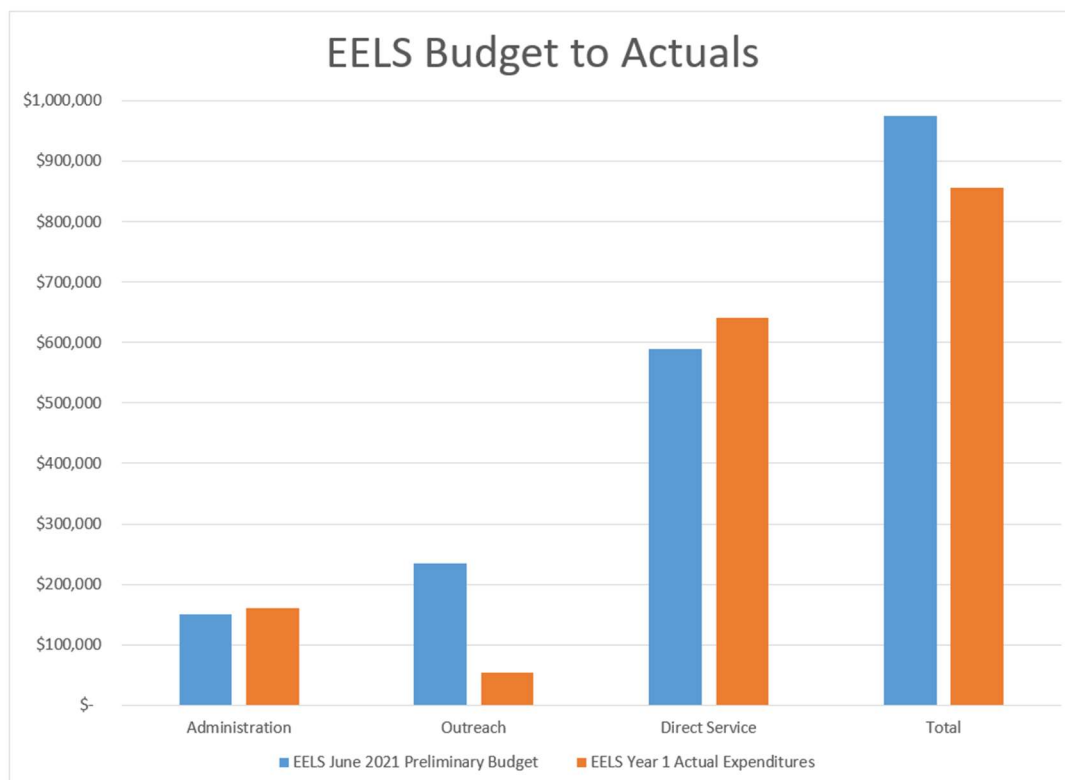
Bridge Housing

Thanks to an additional allocation of American Rescue Plan Act funding, as well as other federal funding through Emergency Solutions Grants, CWD has for the first time been able to directly operate a low-barrier, transitional housing operation at a local hotel. This program prioritizes families and others whose circumstances make a noncongregate, hotel setting preferable to traditional shelters, and includes on-site case management and support, as well as medical services provided at no cost to the County by El Rio. Those at risk of imminent eviction are referred into the hotel directly by the EELS Constable navigator. This program has served **238 individuals**, and of the 124 of whom have exited, **83% have exited to positive housing outcomes**.

A mother of two fell behind on her rent because of Covid-19. Her landlord would not cooperate with Emergency Rental Assistance Program, so EELS was able to place the family temporarily in a hotel. An EELS navigator working with another property owner learned that the owner had a unit for rent. With assistance using rehousing funds, the EELS client will move from the hotel to this unit September 1.

EELS Budget vs. Actual Expenditures

When the EELS preliminary year 1 budget was established in Summer 2021, there were many unknowns, including the cost of counsel and the level of demand we would receive. As expected, the initial budget was more accurate in some areas than others. For example, the cost of counsel has tracked fairly close to the original EELS estimate. But staff needs were higher than anticipated, while a significant portion of the outreach budget—investment in a hotline and portal—can be funded separately through CWD’s acquisition of a department-wide system. Accordingly, actual expenditures unsurprisingly have varied from initial projections. CWD will work with Grants Management and Innovation to align the next year’s budget with anticipated expenditures.



Other EELS Initiatives

EELS also participates in several local and statewide eviction prevention efforts and reports regularly to a countywide eviction prevention network. In addition, EELS undertook several efforts to bring awareness and innovation to the program. Here are five examples:

1. EELS worked with the City of Tucson's Community Safety, Health & Wellness program on the creation of a heat map on evictions comparing the average eviction rate (2016-2021) to four 2019 ACS census variables. This was a national pilot project of New America using their new Foreclosure and Eviction Analysis Tool (FEAT) that is now being showcased and expanded to other communities. EELS will be using this tool to better understand where evictions are happening and how to best target outreach efforts.
2. EELS has also utilized interns and AmeriCorps members to bring additional staffing support during the last year. EELS will also be incorporating volunteers from the new Public Health AmeriCorps effort developed by AmeriCorps and the Centers for Disease Control and Prevention.
3. EELS is collaborating with Interfaith Community Services (ICS) on a special project on the housing and other needs of vulnerable seniors on fixed incomes. While there are many successful services for older adults in Pima County, there is little to address the complex situations of aging adults with limited incomes and intensifying health needs.
4. EELS also worked with the Innovation for Justice (i4J) program at the University of Arizona's James E. Rogers College of Law on ways to increase awareness and use of the new Settlement Conference process at PCJCC, which avoids an eviction on the tenant's record while ensuring a legally binding outcome.
5. EELS provided support for a survey of rent assistance recipients last fall as a part of Dr. Brian Mayer's Poverty Class. EELS will again support that effort with additional questions to help us better understand the relationship of evictions to covid19, rent increases, and job loss.

The Second Year

Beyond continuing to provide the services described above, EELS has several goals as it enters its second year of full service. We are exploring additional investment through staff and nonprofit partners in education for tenants before the eviction process to help make tenants aware of their legal rights—and available resources—before they receive an eviction notice. We look forward to a more-robust analysis of our demographic data to ensure we are serving the community equitably. Additional EELS staff may be added to increase job assistance capacity, with the goal of increasing sustainability and stability as ERAP funding ends.

Finally, EELS expects to have sufficient American Rescue Plan Act (ARPA) funding to provide legal services through August 2024 and we hope beyond. As we evaluate the effectiveness of the various services provided, we anticipate presenting to County Administration a plan to continue a version of the program after this funding is exhausted. We will do so in plenty of time for proper consideration by the Board.

cc: Dan Sullivan, CWD Director

Appendix – Prior Memorandums to Board of Supervisors

December 6, 2021 – Emergency Eviction Legal Services Update and Board of Supervisors December 7, 2021 Addendum Agenda Item 19 (Procurement – Legal Services)

September 16, 2021 - Emergency Rental Assistance Program and Emergency Eviction Legal Services Updates

August 24, 2021 - Office of Emergency Eviction Legal Services Update

June 24, 2021 - Update on Emergency Rental Assistance known as ERAP 1 and ERAP 2

April 16, 2021 - Establishment of the Office of Emergency Eviction Legal Services