

## Building Healthy Communities

Tenants Eviction Assistance Project and Maintaining Stable Housing



**June 2021** Effective eviction prevention relies on a variety of interconnected interventions, including Right to Counsel. This brief explains the Tenants Eviction Assistance Project and highlights the braided resources that support housing security.

# Overview

There are days it can seem difficult to remember pre-pandemic life. For many, our home has become our entire world. School, work, gym – all occur within four walls. Bedrooms are classrooms and dining room tables are conference rooms and offices. For those fortunate enough to ride out this historically challenging time in the safe harbor of home, when the benefit of hindsight can be applied it may likely include a recognition of home as a place of stability and safety.

“WE’VE DISCOVERED THAT AFFORDABLE HOUSING IS THE SINGLE MOST EFFECTIVE FORM OF PERSONAL PROTECTIVE EQUIPMENT ONE CAN HAVE.”

Senator Jack Reed, D-R.I.<sup>1</sup>

However, that is not the story for many. In March 2021, Pew Research Center published survey results of American adults regarding the “economic fallout from COVID-19” that paint a picture of wildly different American experiences during this historic public health crisis. According to Pew, “Adults with upper incomes have fared better.<sup>2</sup> About four-in-ten (39%) say their family’s financial situation has *improved* [emphasis added] compared with a year ago.”<sup>3</sup> This compared to 32% of those identified as middle income and only 22% of those who identified as lower income.<sup>4</sup> **For all those surveyed, 19% expressed they “worry at least almost every day about paying their rent or mortgage.” When asking those who are lower income, this jumped to 34%.<sup>5</sup>**

Pima County’s Eviction and Homelessness Prevention Task Force dug into similar data for the state and reported in early November 2020, “42% of Arizona renter households with incomes below \$25,000 reported not being current on rent.”<sup>6</sup>

It is also clear that the financial impacts of the pandemic are not evenly spread across racial and ethnic groups. While 60% of White and 58% of Asian adults “currently say their personal financial situation is in excellent or good shape,” 66% of Black and 59% of Hispanic Americans, “say their finances are in only fair or poor shape.”<sup>7</sup> Additional research also highlights that “women, people of color and families with children are at especially high risk for eviction.”<sup>8</sup> Specifically, the filing rate for evictions is nearly twice for Black women (6.4%) when compared to White women (3.4%).<sup>9</sup>

Effective eviction prevention relies on a variety of interconnected resources and interventions. **One impactful intervention, designed to “level the playing field” for renters facing eviction, is the provision of legal representation.** Often referred to as Right to Counsel (RTC) initiatives, a handful of municipalities across the nation – some highlighted throughout this brief – have established RTC programs. Seizing an opportunity provided by increased federal funding in response to COVID-19, Community Legal Services (CLS) established an RTC pilot project funded by the City of Phoenix (City): **the Tenants Eviction Assistance Project or TEAP.**





“RIGHT TO COUNSEL IS CRITICAL TO LEVELING THE PLAYING FIELD. PERIOD.”

*Interviewee*

This brief seeks to not only highlight the efforts taken to establish and scale the pilot, but also to briefly examine other city experiences as well as identify opportunities for expansion and strengthening of eviction prevention interventions.

## Scope of Work and Methodology

Recognizing the critical importance of keeping people safely housed, especially in a pandemic, Vitalyst has funded documentation of the TEAP work as well as the highlighting of efforts in other cities that have established RTC programs of varying degrees.

Utilizing secondary research along with 17 interviews of key City personnel, CLS staff, eviction prevention experts, advocates and other RTC programs, this policy brief seeks to not only provide the first snapshot of TEAP, but also outline resources and insights to support and assist the larger community engaged in providing housing security.

## Housing Challenges

While there is no question the impact of the pandemic will ripple through the economy and through our community for years to come, it is important to realize housing insecurity is not a new challenge. If anything, the pandemic simply

stripped away any last notion that all Arizonans have equal access to affordable and stable housing.

CLS had already started laying the foundation for TEAP before the pandemic. This included formal outreach in January 2020 from CLS and the William E. Morris Institute for Justice (Institute) to Phoenix’s Mayor proposing a pilot program. CLS and the Institute highlighted data from Maricopa County’s Justice of the Peace Courts that documented 65,694 evictions filed in 2018. Reporting by Catherine Reagor of *The Arizona Republic* in 2017 even identified Phoenix as having the second highest eviction rate in the country for apartment dwellers.<sup>10</sup>

As 2020 began, in those first months before COVID-19 upended every aspect of personal and professional life, the Eviction Lab at Princeton University documented that Phoenix eviction filings were “near or above historical average.”<sup>11</sup>

**In December 2020, nine months into the pandemic, *The Arizona Republic* reported it was estimated Arizona renters owed at least \$178 million in rent.<sup>12</sup> As 2021 began, AZEvictionHelp.org, a website for Arizonans seeking help and resources about eviction, had over 71,000 page views and 54,000 unique visitors the first quarter.<sup>13</sup>**

Indeed, COVID-19 rocked an already tenuous housing market in Phoenix.

## Housing Matters

Recognizing housing as a component of health is not unique to the pandemic. Research continues to buoy the conclusion that the long-term impacts of unstable housing can be detrimental in far-reaching ways.

“The adverse health effects of housing insecurity were evident before the emergence of COVID-19, but the pandemic-induced financial crisis for low- and middle-income households has increased housing precarity and related health risks.”<sup>14</sup>

Evictions have been linked to increased incidences of a variety of adverse health outcomes for children including:

- Low birth weight;
- Infant mortality; and
- Increased childhood hospitalizations.<sup>15</sup>

A connection between evictions and poor adult health is documented as well. This includes increased frequency of emergency department visits and higher suicide mortality.<sup>16</sup>

Eviction’s impact on individuals and families also reaches beyond health. Evictions create a legal record which can follow a renter and can keep people from securing safe and stable housing. It can also cause job loss.<sup>17</sup> **Ultimately, “the evidence strongly indicates that eviction is not just a condition of poverty, it is a cause of it.”**<sup>18</sup>

“PEOPLE WHO ARE NOT  
CHRONICALLY HOMELESS  
BUT FACE HOUSING INSTABILITY  
(IN THE FORM OF MOVING  
FREQUENTLY, FALLING BEHIND  
IN RENT, OR COUCH SURFING)  
ARE MORE LIKELY TO EXPERIENCE  
POOR HEALTH IN COMPARISON  
TO THEIR STABLY HOUSED PEERS.”

*Source: Housing And Health:  
An Overview Of The Literature.  
Health Affairs*



### New York City<sup>19, 20, 21</sup>

Recognized as the original Right to Counsel effort, in 2017 New York City’s Mayor de Blasio signed legislation that made “the City of New York the first city in the United States to commit to make legal services available to all tenants facing eviction in housing court and public housing authority termination of tenancy proceedings.” Known as the Universal Access law, it is designed to be phased in by zip code with full implementation complete by 2022.

Program participation requirements include households at or below 200% Federal Poverty Level (\$53,000 annually for a family of 4) and residence in zip codes that are part of the current implementation phase. The program relies on a network of legal agencies to provide representation. In its first year, \$15 million of the city’s \$77 million budget for tenant legal services programs was designated for Universal Access.

Data published includes type of legal support, household size, length of tenancy and case outcomes. In the program’s first fiscal year, “84% of households represented in court by lawyers were able to remain in their homes.”

New York differs from Phoenix politically and in its housing market. A highly dense urban community with rent control and historically high cost-of-living, New York City’s Universal Access law was largely driven by strong community tenant organizations. The city also utilizes housing courts to address evictions.

However, program elements that are not unique to geography and can strengthen universal access programs include the establishment of the program in law, a dedicated funding stream, and data collection and reporting.

## Right to Counsel/Universal Access

Before digging deeper into the insights of both research and experts, it is important to note the impact and potential pitfalls of using the term Right to Counsel (RTC) in reference to civil eviction proceedings. First, a true “right” – which is often interpreted as it is in the criminal system – would require the City to ensure every renter who meets requirements is provided representation. While current case volume has allowed all those who have reached out to CLS to receive legal support, there may come a time when resources and system stress do not allow full provision of counsel. If that occurs, the program is no longer functioning as a civil right.

There is no question that access to civil legal representation is critical, and as one interviewee shared, “even one lawyer makes a difference.” Simple wholesale lifting and replication of the term can cause confusion in an already challenging process. However, for ease and for the purposes of this report RTC will be used to discuss TEAP.

### Imbalance of Power

**The inherent and substantial imbalance of power between landlords and tenants was stressed nearly across the board by those who were interviewed for this project.**

The phrase, “level the playing field” was shared more than once when asked about the value of a Right to Counsel – or expanded access to counsel – program. One individual shared that when you talk about the scales of justice, they are “heavily weighted in the landlord’s favor.”

First, landlords often have attorneys not only acting on their behalf in preparation for an eviction hearing but present for hearings. They are able to navigate the legal issues and understand the nuances of the Arizona Residential Landlord and Tenant Act. Tenants, already operating under tremendous stress and likely not familiar at all with legal proceedings or Justice Courts, are rarely armed with that support.

In May 2020, the William E. Morris Institute for Justice produced a report after observing and documenting a sample of eviction hearings in Maricopa County which occurred in 2018 and 2019. In the sample of more than 1,000 cases they observed or reviewed, 94% of landlords were represented. Only two tenants were represented in the cases observed by the authors.<sup>22</sup>

Having legal representation is more than the provision of information. A tenant can have the information at hand, but they do not necessarily know how to negotiate or what to say to the judge. An attorney advocate has the ability to not only “speak the same language” but also determine what the leverage points are in a case and negotiate on a tenant’s behalf.

Tenants can also more easily agree to outcomes that are not to their advantage if approached prior to proceedings by the opposing attorney. In a practice one interviewee described as “predatory access” to tenants, prior to a hearing a landlord attorney can approach a tenant and offer to negotiate an outcome that will allow that tenant to avoid having to appear before the court. What can result is a stipulated judgement where a tenant agrees to an eviction with no appeal rights. If the tenant had their own attorney, this likely would not occur.





## San Francisco<sup>23, 24, 25, 26</sup>

San Francisco's "No Eviction without Representation Act" was approved by voters in June of 2018 and services began a year later. Funded by the Board of Supervisors in 2019 after originally being established as an unfunded mandate, program financing is administered by the Mayor's Office of Housing & Community Development and funds a lead agency to coordinate implementation. It has no income limitations for tenant participation.

Engaging with a broad group of organizations to provide legal representation, the program "requires eviction legal assistance projects to provide full-scope legal representation to the maximum extent possible (rather than self-help, legal advice and counsel, and limited-scope representation)."

Examining the first six months of data, "67% of full-scope clients stayed in their homes, as compared to 38% of limited-scope clients who stayed in their homes. Among Black tenants who received full-scope representation, 80% stayed in their homes. Almost as many tenants received full-scope representation during this period than in the entire 12-month period prior."

However, there have been stressors in providing true full-scope representation to all who request it. While the program has demonstrated impact and been described as "effective protection from eviction," attorneys and city staff have gone on record as stating the program needs more money and more attorneys.

The importance of an attorney providing representation cannot be overstated. However, acknowledging the value of having a tenant advocate, some interviewees mentioned the potential role of navigators. While there may be a space for navigators in support of attorneys or addressing other social service needs such as rental and utility assistance, to ensure the level playing field so many mentioned, RTC or universal access programs need attorneys working on behalf of tenants.

Interviewees also highlighted the inherent imbalance in the Arizona Residential Landlord and Tenant Act (Act). While the Act provides remedies for both parties, the power to invoke the remedy – payment of rent – is with the landlord. The Act does not require landlords to allow for partial payments, yet it does permit "reasonable" late fees without clear limitations. The Act also has exceptionally tight timelines for renters, only allowing them a five-day notice to provide full payment of rent.

The Act provides no defense for non-payment of rent. This led some to ask if legal representation is as beneficial when this defense cannot be raised. Many interviewees stressed it was actually the opposite. While the Act does not provide a defense for non-payment, there are a number of steps a landlord must execute – serving the tenant, calculating rent, counting days, filing notice, etc. – that if done incorrectly provide the tenant a strong legal argument. However, a tenant alone likely would not have the legal knowledge to raise those challenges. Further, for tenants in federally subsidized housing there are additional rules about notice and service that must be met. An attorney has the training and experience to leverage these opportunities.



## Impacts

RTC programs in the civil eviction space are relatively recent. New York City is credited with standing up the first with passage of its Universal Access Law in 2017. A handful of these programs are highlighted throughout this brief. While Washington became the first RTC state in April 2021, most are municipal and while there are distinct density, housing affordability and political differences among the communities compared to Phoenix, there are lessons that can inform TEAP as it seeks to potentially expand.<sup>27</sup>

The Stout Risius Ross Eviction Right to Counsel Resource Center conducts and catalogs a variety of studies that quantify the fiscal impact of legal representation in eviction proceedings. Findings include:

- “For every dollar invested in a right to counsel for low-income tenants facing eviction in Baltimore City, there is a cost savings or value of those services estimated to be at least \$6.24 that would be recognized by Baltimore City and Maryland.”<sup>28</sup>
- “For every dollar Philadelphia spends on providing legal representation to low-income tenants, it will receive a benefit of at least \$12.74.”<sup>29</sup>

In addition to the fiscal benefits, other cities have identified the direct benefit to tenants where representation provides an increased likelihood of remaining housed. February 2020 reporting from San Francisco – which established its RTC program in 2018 – found “of the tenants who have received full-scope representation, 67% managed to stay in their homes, in comparison to a 38% success rate for tenants who received limited scope representation.”<sup>30</sup> And in the first fiscal year of New York City’s program, “84% of households represented in court by lawyers were able to remain in their homes.”<sup>31</sup>

**As one interviewee shared, legal aid is a basic need, akin to food or other social services.** Often this is not understood until a crisis occurs like the one we are currently in.

### Newark<sup>32, 33, 34, 35</sup>



Identified by many as a city of renters – it’s estimated 78% of residents rent – in December 2018 Newark became the third city in the country to guarantee counsel to tenants facing eviction. Enacted by city ordinance for residents at 200% FPL (\$53,000 annually for a family of 4) or lower, the law allows for full or partial representation.

To administer the program, in June 2019 Newark created the Office of Tenant Legal Services and committed \$400,000. The Office partners with Essex Newark Legal Services and pro bono attorneys. At the time of implementation those interested were advised to complete an eligibility form at City Hall.



# Tenants Eviction Assistance Project (TEAP)

Community Legal Services' (CLS) TEAP program, funded by the City of Phoenix, had the unique challenge of being stood up during the COVID-19 pandemic. However, piloting an RTC program was not a reaction to the pandemic, but instead an intervention CLS had proposed to the City prior. Noting Phoenix had the second-highest eviction rate in the country for residents in apartments, in January 2020 CLS reached out to the Mayor proposing a pilot RTC program. The vision included “free tenant attorneys *at the justice courts* [emphasis added] which serve the City of Phoenix to assist low-income tenants in their eviction hearings, negotiate with landlord attorneys and provide tenants free legal advice before their hearings.”

## Program Set-up, Budget & Eligibility

Using CARES Act funding, the City contracted with CLS to establish a Tenants Eviction Assistance Project (TEAP) pilot with a start date of July 1, 2020, carrying through December 30, 2020.

An initial contract amount of \$850,000 was established and CLS began the process of bringing on staff to execute the scope of work. A project director was brought on in July 2020 and began hiring attorneys. With no guarantee of funding beyond six months, recruitment was a challenge.

WHILE THE ONSET OF THE PUBLIC HEALTH CRISIS DRASTICALLY IMPACTED THE VISION WITH THE IMMEDIATE SUSPENSION OF IN-PERSON EVICTION PROCEEDINGS, IT ALSO OFFERED OPPORTUNITIES WITH THE INFUSION OF FEDERAL DOLLARS THROUGH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY, OR CARES, ACT.



## Cleveland<sup>36, 37, 38, 39, 40</sup>

Cleveland established an RTC program with passage of a city ordinance in October 2019, driven by the highest rate of childhood poverty in the nation and second-highest rate of adult poverty. Cleveland is also distinctive because most landlords own on average 4-6 units.

The program launched in 2020 and is unique in both its funding mechanism and administration. Legal Aid received a \$2.25 million dollar, 3-year grant from the Cleveland Foundation. The United Way of Greater Cleveland is the designated lead who contracts with Legal Aid and “leverages corporate and philanthropic dollars.” The program has also established an evaluation committee which has hired outside evaluators.

Program participation requires a tenant’s income be at or below 100% FPL (\$26,500 annually for a family of 4) and at least one child must reside in the home. Eviction cases are heard in housing courts.

United Way also helped facilitate better connection between rent assistance and representation by providing a small grant to connect a local rental assistance provider directly to Legal Aid.

A report released in January 2021 provided initial data on program impact and found “93% of Legal Aid RTC clients seeking to avoid an eviction or involuntary move were able to achieve this outcome” and “83% of Legal Aid RTC clients seeking more time to move (30 days or more) were able to achieve this outcome.”



While there is not a definitive answer on when the first TEAP client was served, CLS worked to provide representation even before they were fully staffed. One element that allowed the program to be stood up quickly was the already established relationship between the two key partners. CLS has long worked with the City’s Landlord and Tenant Program.

Initially, the only eligibility requirements for TEAP services were to be a City of Phoenix resident facing a potential eviction and to meet the citizenship/immigration status required of all CLS clients. Those living in subsidized housing were also included as eligible for services.

As December 30 approached, both partners wanted to extend the pilot. With CARES Act dollars no longer available, the City was able to leverage city-designated existing Community Services Block Grant (CSBG) dollars along with discretionary CSBG funds, applied for and approved by the Arizona Department of Economic Security. This allowed the pilot contract to re-start January 1, 2021, carrying through June 30, 2021. The second six-month contract was in the amount of \$465,000. The City advised a portion of the initial six-month contract amount was returned and as a result the new amount was recalibrated to reflect more realistic spending ability. TEAP has one project director, six attorneys and two paralegals.

CSBG dollars added an additional requirement that the relatively unencumbered CARES Act funding did not have. Now TEAP clients must meet the original set of requirements, as well as, per the contract’s scope of work, self-declare their income below 200% FPL (\$53,000 annually for a family of 4). Residents of subsidized housing are still eligible.

Another ancillary component of the TEAP program is what one provider referred to as bringing services “full circle” for Phoenix residents facing eviction. TEAP staff, both attorneys and paralegals, can assist clients in finding and applying for rent assistance when the eviction proceeding is in part or total due to non-payment. They do this through direct referral channels with the City of Phoenix Human Services Department, which also operates as a designated Community Action Agency. CLS also utilized a portal established by Wildfire to assist residents in applying for rent and utility assistance. Wildfire is both an advocacy organization focused on ending poverty and also an agency facilitating the completion and approval of online applications for both rent and utility assistance. CLS was provided access to the online tool in November and December of 2020, approving 30 TEAP participants as well as assisting Wildfire by reviewing and approving other applicants not directly affiliated with TEAP. For the January 2021–June 2021 six-month engagement CLS was still working to finalize its contractual relationship with Wildfire at the time of publication but anticipates again providing this “full circle” support.



## POTENTIAL TEAP CONSIDERATIONS MOVING FORWARD

- Is there sustainable funding?
- Can philanthropic or corporate giving be leveraged?
- Should the program be embedded in ordinance?
- What is the impact of full-scope vs. limited-scope representation?
- What is the connection to rental assistance?
- What data should be collected and is there value in an external evaluator?

## Outreach

While CLS provided representation in housing matters before TEAP, the kind of eviction-focused, expanded access provided by this program was an addition that added value and spotlighted a critical need. As a result, the City and CLS not only established the program quickly, but also expedited getting the word out to potential clients that the service was available. CLS took on creating the outreach materials with approval from the City. Both the City of Phoenix and CLS not only posted flyers in both English and Spanish on their respective websites, they also reached out to their extended networks to promote the program.

As with all pandemic-related challenges, CLS had to pivot away from in-person community events and utilize other avenues. CLS specifically shared its focus on partnering with other trusted community providers and sharing program information through those partners, as well as utilizing an extensive outreach list.

Moving forward there could be outreach opportunity through the courts as well. CLS has recommended flyers about TEAP be mailed to the tenant with the complaint. While that is not currently permitted, CLS shared that staff are willing to create and provide the materials if the court allows.

## Early Data

In examining four months of TEAP data provided for review, it is important to note that many cases carry across multiple months and therefore may be captured in multiple reports. However, it is helpful to get a general sense of the initial operating stages of the pilot by looking at high-level case numbers provided. Specifically:

- TEAP cases “directly” handled by CLS in any given month more than doubled between November 2020 and February 2021.
- However, the number of cases newly opened each month remained fairly consistent at around 70-75 and cases closed each month ranged from 15 to approximately 30.

CLS also provides the City with selected “Success Stories” as well as samples of outcomes for each month. These outcomes are not specific or aligned to the cases identified as closed. This sample is small enough that it would not yet be appropriate to draw any themes but helps to spotlight impacts the program had in individual cases. Continuance was the most frequently reported outcome over the four months of data provided, with varied reasons. There were also cases identified as: 1) dismissed; 2) cases where there were judgements for plaintiffs; and 3) at least two instances where cases were dismissed with prejudice due to lack of proper notice.



LEARN MORE ABOUT THESE  
COMMUNITY PARTNERS WORKING  
TO PROVIDE EVICTION ASSISTANCE  
BY VISITING THEIR WEBSITES:

- CLS:  
[HTTPS://CLSAZ.ORG/](https://CLSAZ.ORG/)
- WILDFIRE:  
[HTTPS://WILDFIREAZ.ORG/](https://WILDFIREAZ.ORG/)

## Future Considerations

When assessing a program, especially one in the pilot phase, capturing and comparing data is key. However, it is important to remember it is still “early days” as the City and CLS scale the program and begin focused outreach. While case numbers and closures are key foundational data, the City also can look to other Human Services Department measures as well as examples of other RTC programs across the country.

For example, having complete outcome data that is easily categorized will be extremely helpful. Current reporting captures just a sample of outcomes and is not consistent in its labels. In looking at reporting, there were at least six different categorizations of cases that were dismissed. Examples that include nuance and detail are helpful, but first having clear, high-level “buckets” to put those outcomes in will allow the program to not only capture more but provide a consistent nomenclature across time. If the program continues, this will allow historical assessment and more accurate comparisons.

Additionally, measuring and viewing success with an equity lens is essential. Looking to capture data about participant

race, ethnicity, residential zip code and census tract is crucial. Using that to compare against community-wide data will allow the program to operate with equity going forward and recognize when adjustments are needed. CLS advised they are currently capturing address, income, race and ethnicity data and there could be opportunities to use this if the program continues to expand.

As time passes and the pilot potentially continues or becomes an established program, the City and CLS will want to apply the same nimbleness they have demonstrated by recognizing the program may need modifications, and then make sure priorities and measures of success match. Specifically, one interviewee articulated while the project is operating under the Eviction Moratorium, the goal is to keep people housed and the Moratorium is a unique tool to do this. However, once that lifts, the project may evolve to more substantially include measures such as: 1) fair hearings; 2) negotiated payments tenants can afford; 3) actual dollars saved by tenants; and 4) legal outcomes that are not damaging to the tenant’s future ability to find housing.



## TEAP Success Stories

A mother with two children had submitted all necessary documentation to her landlord regarding her emotional support animals. However, the landlord had refused the documentation and sued for eviction. The tenant did not have the money to move and could not relinquish her animals. The TEAP attorney was able to persuade opposing counsel to dismiss the case.

- TEAP was able to keep a client in their home when the landlord had filed a motion that the client had misrepresented his CDC Declaration, required by the Moratorium. TEAP provided evidence the client had applied for rental assistance and had just received confirmation he was receiving the full amount. TEAP was also able to demonstrate to the court the tenant had made a payment after signing the Declaration and was turned away when seeking to provide an additional rent payment. The ruling was in favor of the client who was able to use the rental assistance to pay the full amount. He is employed again and making timely rent payments.

## Sustainability

In addition to evaluating key data points to collect and augment, the City is also assessing how best to provide sustainable financing for the work. While there is no clear funding yet established, the City estimates a potential total infusion of \$416 million in American Rescue Plan Act dollars that must be expended by the end of 2024. These funds could be a potential source of support for TEAP moving forward. Sustainable support allows for long-term planning and can help resolve challenges such as hiring for staff when funding is only guaranteed in six-month intervals.



Perhaps the most seismic shift the program will face is when the Eviction Moratorium that has been in place for much of the pandemic is lifted. While evictions have continued during the Moratorium and CLS services have been in demand, the program has existed in a bit of a suspended state as a large number of evictions have been essentially put on hold. The TEAP program has not yet had to confront how to provide representation when demand far outpaces supply and will have to factor this into any sustainability planning and funding.

Part of CLS's strength when establishing TEAP was its experience with evictions. CLS includes a Housing Unit that was in place before TEAP and continues to serve clients in need who do not qualify for TEAP's services. This experience will help CLS respond to the likely scenario where the resources available are overwhelmed by the community need. CLS is committed to not turning anyone away, and as part of preliminary planning they have established a cadre of volunteer attorneys who are engaged with a minimal eviction caseload to ensure they are ready. However, the impact of COVID-19 coupled with lost protections provided by the Moratorium may very well create a tsunami of stress on programs like TEAP.

### Philadelphia<sup>41, 42, 43, 44</sup>

Philadelphia began exploring RTC in 2017 when Councilwoman Helen Gym introduced a resolution to examine the impact of evictions and substandard housing on residents. That resolution also called for examination of a right to council. Much of the focus was on the disproportionate impact of eviction when examined by race, with reporting by *The Philadelphia Tribune* stating, "eviction rates in neighborhoods that were 80 percent or more Black were more than three times higher than eviction rates in predominately white neighborhoods." Councilwoman Gym stated, "If we care about women, Black women in particular, we have to care about eviction and pay attention to it."

Stout Risius Ross conducted a study for the Philadelphia Bar in 2018 and findings included an estimated return on investment of \$12.74 for every dollar invested in legal representation for low-income tenants.

In late 2019 the Philadelphia City Council passed "Legal Representation in Landlord Tenant Court" with tenant qualifications including an annual gross income under 200% FPL (\$53,000 annually for a family of 4) and an allocation of \$2.1 million in the city budget.

## One of Many

Legal representation for tenants facing eviction is one intervention that can serve to keep individuals and families in stable housing and ensure they are treated fairly and equitably in the courts. However, when examining the larger issues of housing affordability, stability and equity, it is just one of many tools that need to be used.

Tenant attorneys can address process and equalize power issues but cannot resolve inadequate financial resources. If a client does not have the income to pay the rent, regardless of the attorney's commitment, an eviction is a likely result without robust, coordinated rental assistance.

For these two supports to yield maximum impact, courts must also allow tenants the time and ability to seek and receive rental assistance. Currently, and specific to COVID, the courts are permitted to grant a continuance if a renter is in the process of seeking rental assistance. Pandemic-specific court processes are also in place to provide additional protections to tenants. However, these did not exist prior to the pandemic and currently are not designed to extend beyond the initial public health crisis.

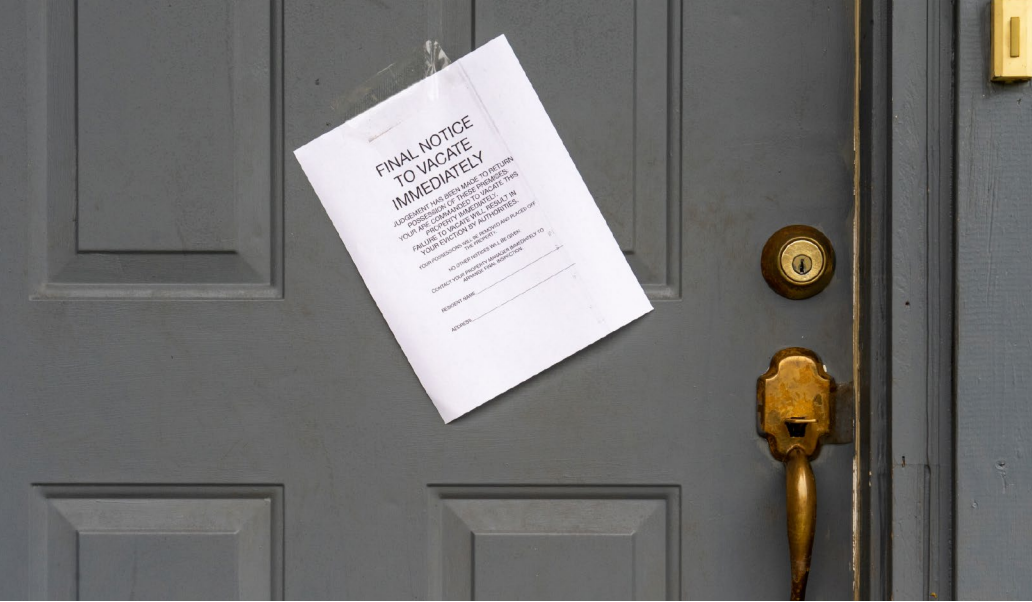
Court processes also have outcomes where tenants, even once the eviction issue is resolved, can be negatively impacted for years and decades later. As one interviewee shared, a judgement against a tenant that is satisfied is still a judgment that follows that tenant as they try to find future housing. There is opportunity at the federal level to address this specific to the COVID pandemic. Arizona Representative Greg Stanton introduced legislation, H.R. 1594, the COVID-19 Eviction Consumer Report Fairness Act, which “would require all Credit Reporting Agencies to exclude evictions, any information related to evictions, or any proceedings seeking evictions, from consumer reports between March 13, 2020 through 120 days after the date the President terminates the national emergency.”<sup>46</sup>

Another challenge highlighted by interviewees was the inherent imbalance in the current Arizona Residential Landlord and Tenant Act. As long as the legal framework for the process includes barriers such as limited timelines and remedies available to predominantly one party, interventions alone will not provide the wide-reaching housing stability tenants need. In the 2021 legislative session, State Senator Engel introduced SB 1039 (which did not get acted on) to form an eviction prevention study committee to examine how to “reduce eviction filings and mitigate the costs, both financial and personal, to tenants and landlords, attributable to the state's current eviction process.”<sup>47</sup>

### Pima County<sup>45</sup>

Pima County recently dedicated \$2 million and hired a former County Attorney to scale up an Emergency Eviction Legal Services (EELS) program to provide legal representation for tenants facing eviction.





REAL SYSTEMIC CHANGE  
MUST BE THE SCAFFOLDING  
THAT PROGRAMS LIKE  
LEGAL REPRESENTATION  
ARE ATTACHED TO.

Another solution can be the use of eviction diversion programs, which more robustly combine rental assistance with legal support and processes that consider the multiple factors that can impact a tenant’s ability to maintain housing. One such example is based in Michigan. Michigan county courts have some autonomy in how they address these cases and are permitted to implement eviction diversion programming unique to each court. Housing Assessment and Resource Agencies (HARAs) are tasked with administering the diversion program on behalf of the Michigan State Housing Department Authority.<sup>48, 49</sup> HARAs are “a statewide network of homeless and special housing needs service providers. HARAs are responsible for collaborating with local stakeholders to design an eviction diversion process that notifies tenants and landlords about the program and ensures eviction filings are resolved by conditional dismissals in as many cases as possible.”<sup>50</sup> They work in collaboration with legal aid, who also received additional funding to expand access to counsel in eviction proceedings.

## A Broken System

There is no question legal representation for tenants facing eviction is one lever necessary to protect those in danger of losing their home. Attorney advocates provide the kind of expertise tenants need when engaged in the lopsided dynamic of existing eviction proceedings with only landlords represented by attorneys.

However, without robust, consistent, dedicated funding – Arizona is one of a small handful of states with no state budget line item for legal aid for example – and collaboration across programs and interventions, Arizonans already on the precipice will find themselves out of their homes, dealing with a cascade of negative outcomes.

### What is critically necessary and yet currently elusive?

Affordable housing and jobs that pay a livable wage. Arizona State University’s Knowledge Exchange for Resilience (KER) examines and seeks to provide solutions on strengthening community resilience. When looking specifically at how we build a more resilient housing system, KER Sociologist Lori Phillips observes, “One of the most effective ways that we can reduce the number of evictions in Maricopa County is by creating employment opportunities that offer a stable living wage to the people that live here.”<sup>51</sup> However, a report by Arizona State University’s Morrison Institute for Public Policy examining the state’s housing market noted “in the last decades” the growth in wages and inflation has not kept up with rents.<sup>52</sup>

Pima County’s current efforts acknowledge the interconnected nature of all of these forces on housing stability and health and examine how to prevent evictions with a multi-pronged approach. Not only are policy solutions being explored for eviction prevention, but also mitigating consequences of housing insecurity; increasing affordable housing; and applying the lens of research and evaluation.<sup>53</sup> Additionally, the Morrison Institute for Public Policy’s recent work on housing begins to mine potential policy options to positively impact the stock of affordable housing.<sup>54</sup>

The entire country is facing an avalanche of evictions when the Moratorium ends. Yet the tenuous nature of housing security for so many is not an issue suddenly created by COVID. It was clear long before March 2020 and promises to remain long after we’ve moved into a post-pandemic reality. While civil legal representation is a critical intervention, it is, as one interviewee shared, just “one part of the Swiss Army knife.” Real systemic change must be the scaffolding that programs like legal representation are attached to.

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