

Addressing the Eviction Epidemic in Arizona



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Lack of Affordable Housing

Lack of affordable housing sits at the root of a host of social problems:

Poverty

Homelessness

Educational Disparities

Health Care Disparities

This means understanding the

eviction crisis is critical to

effectively addressing these

problems and reducing

inequality!



Evictions are Life Altering

Home Statistics

In 2017, more than 25,000 evictions moved through the Maricopa County Justice Courts, according to data obtained by *The Arizona Republic*. It was the 5th highest total in County history and a 12% jump from the year before.

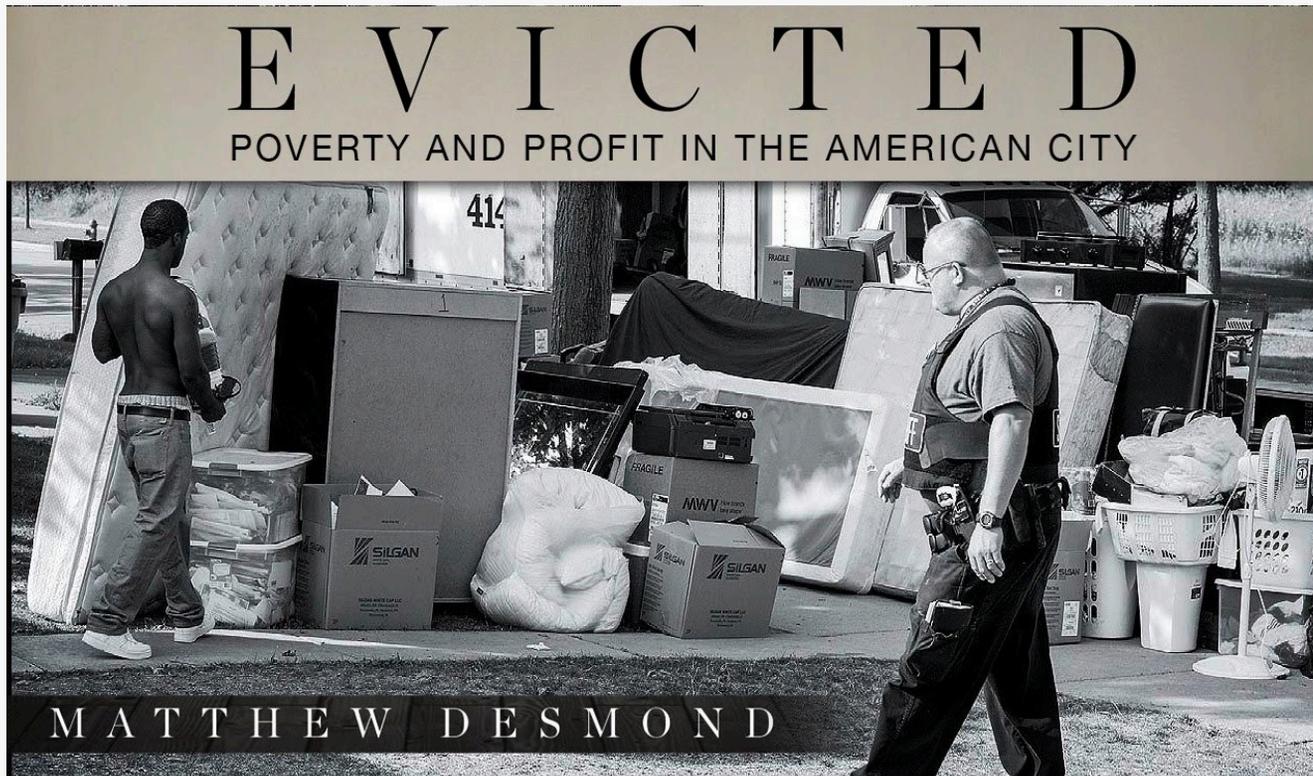
Few parts of Maricopa County remain untouched by the eviction epidemic, but the biggest jumps in eviction rates clustered around the ever-more-expensive neighborhoods of central and downtown Phoenix, and the northwest Valley, which has for years struggled with limited transportation and rental housing options.

The typical Valley renter earns \$17.59 per hour, but it takes about [\\$19.50 an hour to afford a decent two-bedroom apartment](#)



Nowhere in this country can someone afford to pay rent on minimum wage!

Poverty and Profit



Who is being Evicted?



Victims and Minorities



No-Fault Evictions

No-fault evictions make hundreds of families homeless each week.

No-fault evictions occur because renters cannot or do not pay their

rent; however, Landlords can evict renters for a number of reasons:

- Taking in boarders (family members, friends)

- Damaging property

- Causing a disturbance

- Breaking the law

In most American cities and towns, landlords can evict

renters even if they have not missed a rent payment or

otherwise violated their lease agreement; these are called “no

fault” evictions.

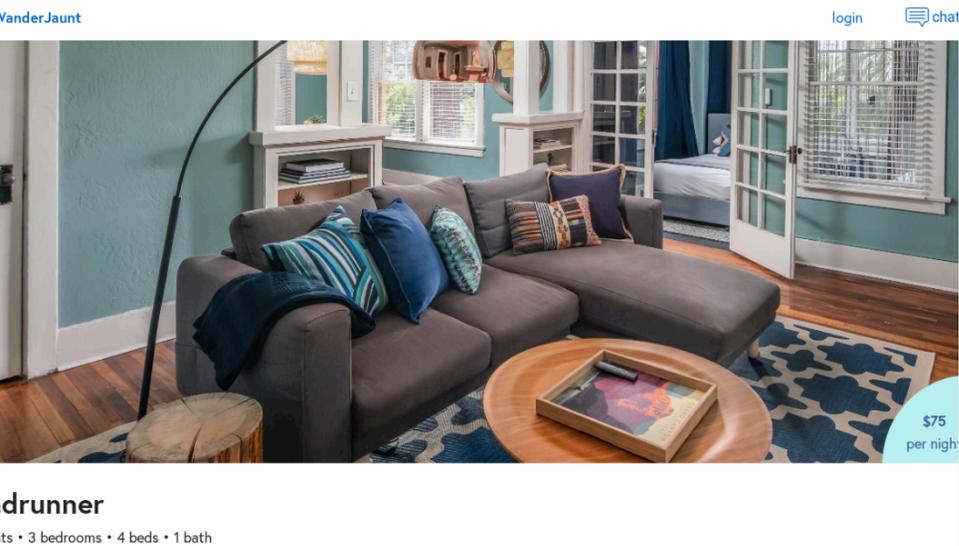


The Impact of the Investor

Downtown Apartment Building Cleared of Tenants to Open Short-Term Rental Hotel

(Phoenix New Times, 2019)

"At this time, we are announcing a new age for the Westminster Apartments," the letter stated. "Ownership has decided to take the experience into a progressive new direction and turn the entire building into short term rentals."



California landlord kicks out 12 Gilbert families to raise rent

(AZCentral, 2018)

"A California company is kicking dozens of parents and children out of affordable Gilbert apartments so the company can renovate the units and likely double the rent"



Eviction as a debt-collection strategy

The eviction process is used by some landlords as a means to get their tenant to pay up and evictions form an integral component of landlord business structure (NAE.org, 2019)

"a notice to refocus their priorities"

*"Ultimately it's not about kicking somebody out and replacing
It's about making sure that you are making your money"*

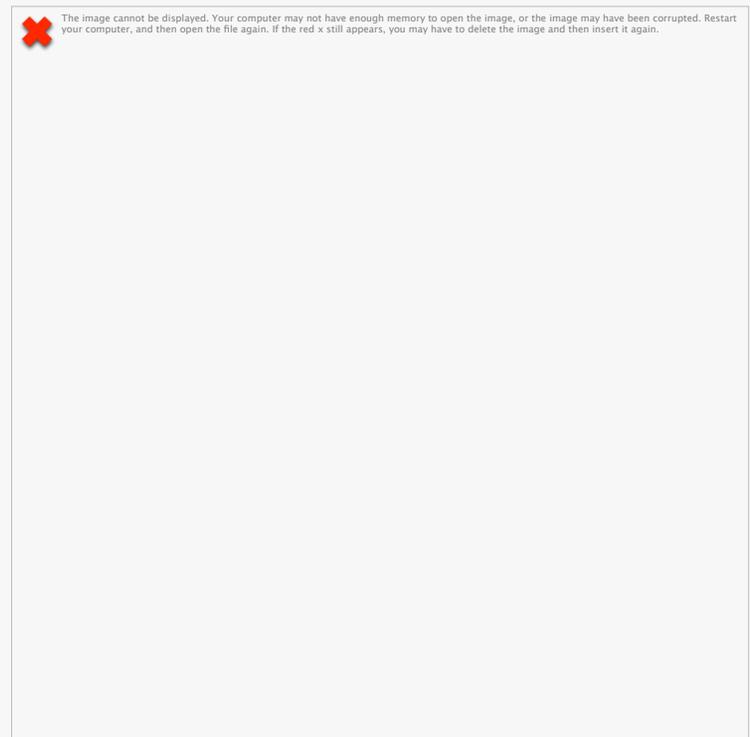
"Eviction fee is worth it"

Eviction filings are historically more than eviction rates

The cost of eviction is often higher than the cost of working
with a client on payment arrangements

"The True Cost of Eviction is More Than

you think" (Landlordology, 2016)



What is happening at your local court on eviction day?

Manistee Justice Court, Tuesday May 21st, 2019, Judge Donald Watts

1 out of 26 Justice Courts in Maricopa County

110 evictions on the docket

1 out of 2 evictions hearings that week

4/110 showed up to court

3 attorneys representing all 110 cases

AZ justice courts are making a push for more tenants to turn up to court



, what can we do about this very big problem?

is not an option for our communities to ignore the Eviction problem

Arizona is rated the third worst in the nation for affordable housing for low income families (*National Low Income Housing Gap Report, 2019*)

Evictions are continually rising with 43,800 evictions signed in 2018. A 3% increase from 2017
obtained by the AZ Republic, 2019

There is not enough shelter or housing programs available for every household facing homelessness

Advocacy efforts to strengthen tenant protection

Legislative change to provide better protection for tenants in Arizona

Elimination of income Discrimination

Right to Education stipulations

Strengthening our services to help reduce evictions

Landlord and service provider education on the eviction process

Financial support/Case management support for those in the eviction process

Pro bono support in court

Strengthening of homeless prevention programs



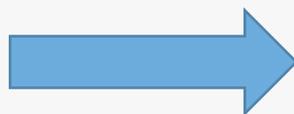
thinking the Assessment Process

“I’ve received a 5 day notice, so I left and now I am homeless”

“I couldn’t get to court”

“I didn’t speak to my landlord”

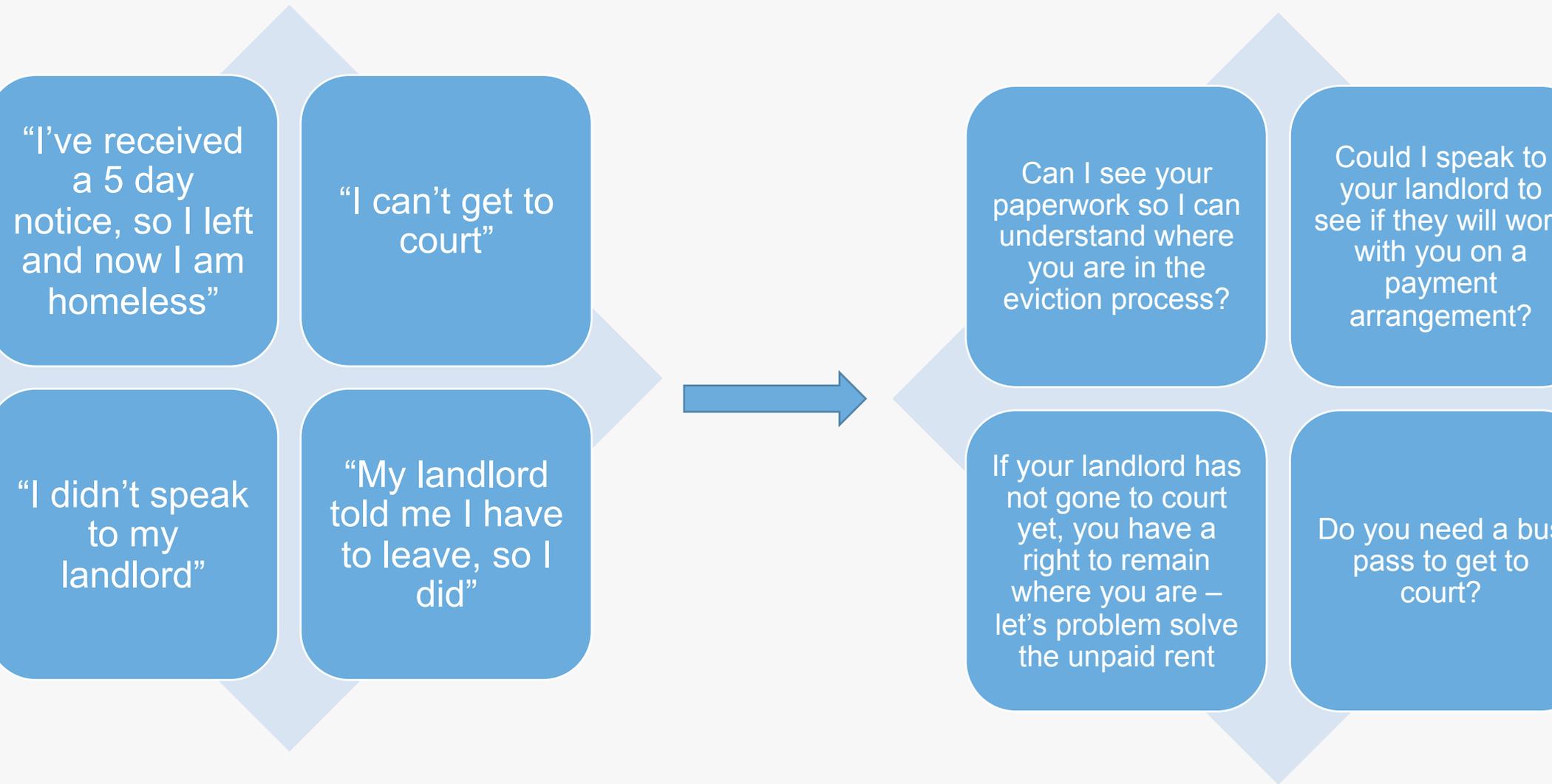
“My landlord told me I have to leave, so I did”



Screen for homeless Services



Alternative Approach



Educating your clients on the eviction process

Some evictions can be prevented if a tenant communicates with their landlord, negotiates payment plans, turns up to court and accesses relevant resources

Many tenants leave before they have exhausted the eviction process and lose opportunities to save their home.

Many don't understand the legal process or find it intimidating. Many clients turn up at entry points seeking homeless services after leaving their homes prior to legal eviction

Educating clients on the eviction process increases the likelihood of people staying in their homes. This decreases inflow into the shelter system and empowers clients to resolve their housing crisis.

Entering the homeless system should always be a last resort



The AZ eviction process – Non payment of rent

5 day notice: The landlord serves a written 5-Day Notice to the tenant to pay the required rent or vacate the unit. This must contain specific information and be served correctly

Landlord files a lawsuit: If the amount on the notice is not paid, the landlord can serve a complaint to the justice court.

The tenant receives the summons to court

Summary hearing: This hearing will be approximately 3-6 days after landlords complaint is filed in the court

Eviction judgement issued: Tenant is ordered to leave the property by 5 days after the hearing date

Or, a trial hearing set: If a judge determines there may be a defense to proceedings which requires more time to be heard

Writ of Restitution: If the tenant does not leave, the landlord goes back to the court to apply for a writ of restitution

Lawful execution of writ of restitution: The sheriff or constable executes the warrant and the tenant must leave

Motions to set aside and appeal are available

Reinstating the rental agreement

If the tenant pays all past due rent, late fees that appear in the rental agreement, attorney fees and court costs before the judgement is entered, the lease is reinstated.

If the landlord accepts partial payment without written terms that the landlord does not lose their ability to proceed with eviction.

Or:

At the discretion of the landlord at any time in the process.



Defenses and Counter-claims

landlord did not put the right information on the notice

landlord did not serve the notice correctly

landlord did not serve the correct summons and complaint

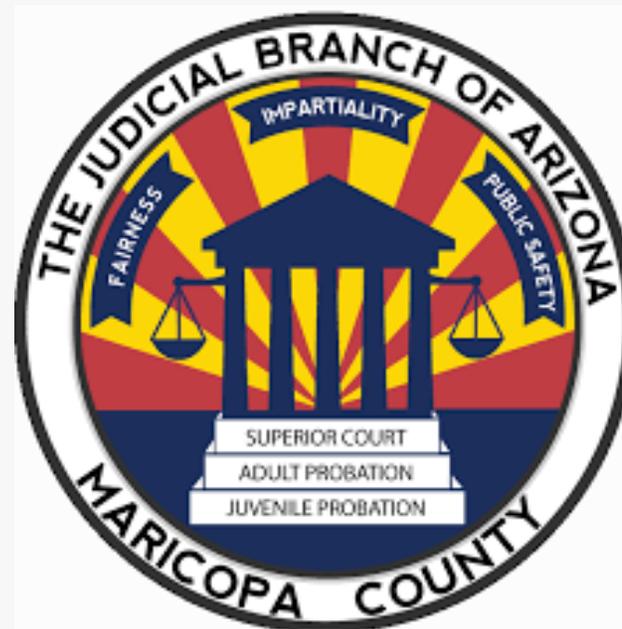
tenant did not commit the violations listed on the complaint

eviction is a retaliation

denial of fair rental value (e.g the pool was closed or a service listed in the lease was otherwise not provided)

landlord accepted a payment of rent after giving the notice

When a defense, no written response is needed unless later requested by the court. However the tenant must show up to the summary hearing to provide a defense to proceedings



Examples of successful eviction education initiatives

HA (Substance Abuse and Mental Health Services Administration) Eviction Diversion program in Kalamazoo, Michigan:

Offers a 'Community housing hour' where tenants can speak to non-profits, service agencies and legal aid organizations.

Questions are answered and resources are provided

Collaboration between judges, housing aid providers, landlords and legal aid providers

Specialized eviction diversion conversations offered backed by financial support where needed

In 2013, the program prevented 360 evictions, sparing 360 adults and 363 children from the trauma of homelessness



What initiatives and resources exist in Maricopa County?

Eviction Prevention Assistance – Available to those residing in Phoenix (County Meadows) and Glendale (Manistee Justice Court). Assistance is available to households who have less than 60% Area Median Income and who have received a 5 day notice. One time financial assistance is provided to those who can sustain their rent following eviction prevention. Housing counseling is also available without financial assistance for those who need help with negotiating mutual rescission or extended payment plans.

Eviction prevention/Homeless prevention programs via local CoC's – Funding is available

EP funds – Typically up to \$500

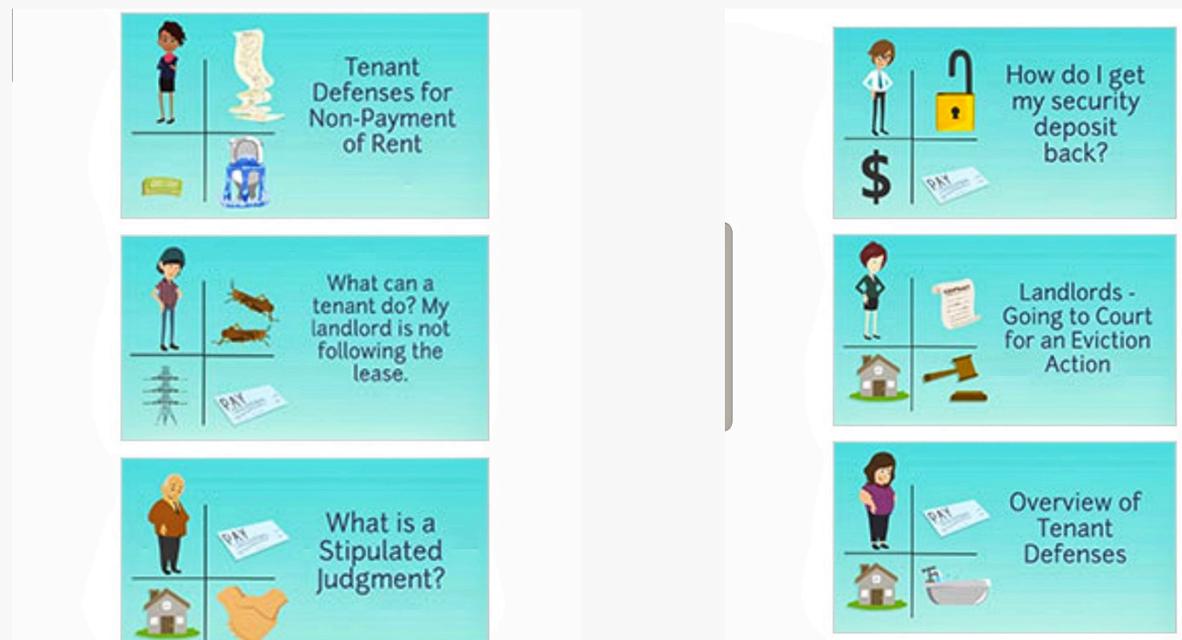
Courts education drive – The AZ courts Judicial branch has released a series of videos and educational publications aimed at encouraging tenants to attend court.

Phoenix Landlord and Tenant Counsel – Provides education on tenants' rights under the Arizona Landlord and Tenant Act.

Community Legal Services – Provides support to low income tenants with eviction and other AZ LL/T issues, aiming to preserve housing

AZ courts eviction education videos:

<https://www.azcourts.gov/selfservicecenter/AZ-Legal-Info-Hub/Legal-Info-Videos-Landlord-Tenant-Disputes-Eviction-Residential>



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