

1 ANDREW P. SCHAFFER, AZ Bar. No. 037352  
2 BRENDA MUÑOZ FURNISH, AZ Bar. No. 027280  
3 MICHELLE J. SIMPSON, AZ Bar. No. 020199  
4 WILLIAM E. MORRIS INSTITUTE FOR JUSTICE  
5 3707 North Seventh Street, Suite 300  
6 Phoenix, Arizona 85014-5095  
7 (602) 252-3432  
8 dpschaffer@mijaz.org  
9 bmfurnish@mijaz.org  
10 mjsimpson@mijaz.org

11 PAMELA BRIDGE, AZ Bar No. 018252  
12 COMMUNITY LEGAL SERVICES  
13 305 S. 2nd Avenue  
14 Phoenix, Arizona 85003  
15 (602) 253-1536  
16 pbridge@clsaz.org

17 CHARLES W. DOUGHTY, AZ Bar No. 027403  
18 DNA PEOPLE'S LEGAL SERVICES  
19 2323 E. Greenlaw Ln., Ste. 1  
20 Flagstaff, AZ 86004  
21 (928) 774-0653  
22 cwdoughty@dnalegalservices.org

23 ALAN R. SOLOT, AZ Bar No. 006587  
24 SOUTHERN ARIZONA LEGAL AID  
25 2343 E. Broadway Blvd., #200  
26 Tucson, Arizona  
27 (520) 623-9461  
28 asolot@sazlegalaid.org

IN THE SUPREME COURT  
STATE OF ARIZONA

**PETITION TO AMEND APPENDIX  
A, ARIZONA RULES OF  
PROCEDURE FOR EVICTION  
ACTIONS**

Supreme Court No.

**PETITION**

1 Pursuant to Rule 28 of the Rules of the Supreme Court, Community Legal  
2 Services (“CLS”), DNA People’s Legal Services (“DNA”), Southern Arizona  
3 Legal Aid (“SALA”), and the William E. Morris Institute for Justice (“MIJ”)  
4 respectfully petition this Court to amend the Rules of Procedure for Eviction  
5 Actions (“RPEA”), Appendix A, by revising the Arizona Residential Eviction  
6 Information Sheet so that it is easier to read and understand. Many parties, mostly  
7 tenants, in eviction cases are unrepresented and must navigate the eviction process  
8 by themselves. The Residential Eviction Information Sheet (“Sheet”) is an  
9 important tool that unrepresented eviction litigants can use to help prepare for  
10 court and the processes related to a possible eviction; accordingly, it should be  
11 clearly written in plain language that succinctly explains the eviction process, and  
12 the resources available to parties in eviction cases.  
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17 In support of this Petition, Petitioners state the following:  
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19 **I. Statement of Interest**

20 CLS, DNA, and SALA (collectively “legal services”) are federally funded  
21 civil legal services law firms that represent low-income Arizonans. Together,  
22 CLS, DNA, and SALA deliver free, direct legal services statewide to low-income  
23 Arizonans in a variety of priority civil practice areas affecting life’s most basic  
24 needs and legal rights, including eviction litigation and other civil cases affecting  
25 housing health, safety, and stability.  
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28 MIJ is a non-profit organization established to advocate and litigate on

1 behalf of the interests of low-income and other vulnerable Arizonans statewide.  
2 MIJ works closely with the three federally funded legal services law firms, other  
3 legal advocacy organizations, and community groups on a variety of systemic  
4 poverty law and public interest issues, including ensuring that all Arizonans facing  
5 eviction have a chance at justice by having equal access to the legal system.  
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## 8 **II. Background and Purpose of the Proposed Rule Amendment**

9 In 2008, the Arizona Supreme Court approved the RPEA. The current rules  
10 provide direction on initial appearances and trial procedures in eviction actions.  
11 The Arizona Residential Eviction Information Sheet is found at Appendix A of the  
12 RPEA. It is a one-page sheet that provides a general overview of the eviction  
13 process. The Sheet has provided valuable information to eviction litigants.  
14 However, it has at times caused confusion, especially among tenants, who are far  
15 less likely to have legal counsel in eviction cases and far more likely to rely on the  
16 Sheet for information about their rights. The Sheet's use of small font, inclusion of  
17 undefined legal terms, and incomplete listing of legal services' contact information  
18 are just a few issues that must be corrected. A revised Sheet can clarify some of  
19 the more bewildering parts of the eviction process, reduce confusion, and clarify  
20 landlords' and tenants' understanding of their rights.  
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## 25 **III. Proposed Rule Amendment**

26 Legal services and MIJ propose the following amendments to Appendix A  
27 of the RPEA:  
28

- Simplification of language to explain more clearly important legal rights, such as the pre-filing notice requirement and a tenant’s right to reinstate the lease with payment of rent and other amounts before the initial hearing;
- Inclusion of definitions of terms for key eviction case documents, including the Summons, Complaint, and Answer;
- Comprehensive enumeration of updated, accurate contact information for each of the three legal services law firms providing representation services in eviction cases to Arizonans statewide; and
- Clarification of language intended to give instructions and information to eviction litigants about appearing in court, settlements of disputes, and post-judgment timing and procedures.

The proposed revised version of the Sheet is attached to this Petition and incorporated herein.

**IV. Explanation of Need for the Proposed Rule Amendment**

An eviction judgment can be devastating to a tenant, particularly a low-income tenant. In Arizona, eviction actions are expedited proceedings – tenants are usually required to move out with only a few days’ notice, and a writ of restitution may be issued five days after a landlord obtains an eviction judgment. A.R.S. § 12-1178(C). This can be extremely difficult for a low-income tenant, especially given the reported shortage of affordable housing.<sup>1</sup>

In Arizona, there is a shortage of approximately 136,282 rental homes that

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<sup>1</sup> National Low Income Housing Coalition, *Housing Needs By State: Arizona*, <https://nlihc.org/housing-needs-by-state/arizona> (last visited Jan. 9, 2024).

1 are affordable and available for extremely low-income renters, who account for  
2 about 20 percent of the population.<sup>2</sup> Of the housing inventory that is available, it  
3 can be near impossible for a low-income family to successfully secure an available  
4 apartment or house. To be able to afford a two-bedroom rental home at the Fair  
5 Market Rent, an Arizona family needs an annual household income of \$62,252, far  
6 higher than the approximately \$26,500 average annual income of a low-income  
7 household.<sup>3</sup>

10 Compounding the housing shortage issue is the fact that most tenants in  
11 eviction actions are unrepresented by counsel.<sup>4</sup> Thus, most tenants facing eviction  
12 must figure out the court system and eviction process on their own, which can be  
13 complicated and confusing to persons inexperienced with landlord/tenant law. It  
14 is, thus, no surprise that most eviction actions end up with a judgment for the  
15 landlord and the tenant being forced to move.<sup>5</sup> In 2022 in Maricopa County alone,  
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20 <sup>2</sup> *Id.*

21 <sup>3</sup> *Id.*

22 <sup>4</sup> William E. Morris Institute for Justice, *Injustice In No Time: The Experience*  
23 *of Tenants in Maricopa County Justice Courts*, June 2005, [https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/4-](https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/4-final-eviction-report/file)  
24 [final-eviction-report/file](https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/4-final-eviction-report/file); William E. Morris Institute for Justice, *What's Justice*  
25 *Got To Do With It? The Experience of Tenants in the Maricopa Justice Courts*,  
26 May 2020, [https://morrisinstituteforjustice.org/helpful-information/landlord-and-](https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file)  
[tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file](https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file).

27 <sup>5</sup> See Arizona Judicial Branch, *Justice Court Evictions by Manner of*  
28 *Disposition*, <https://www.azcourts.gov/statistics/Interactive-Dashboards/Justice-Court-Evictions> (last visited Jan. 9, 2024).

1 there were 39,705 eviction actions where the eviction was granted.<sup>6</sup>

2 The proposed rule amendment would make the current Sheet clearer and  
3 easier to read and understand so that unrepresented eviction litigants, including  
4 tenants facing the loss of their homes, are able to better navigate the eviction  
5 process, effectively represent themselves, and access all available resources. This  
6 in turn will help more tenants stay in their homes and help alleviate Arizona's  
7 housing shortage problem.

10 **V. Conclusion**

11 We request that the Court approve this Petition and implement the Petition's  
12 request to revise the Arizona Residential Eviction Information Sheet, found at  
13 Appendix A of the Rules of Procedure for Eviction Actions. A revised Sheet will  
14 profoundly impact unrepresented tenants facing eviction and help keep more  
15 people in their homes during Arizona's ongoing housing availability crisis. For the  
16 above-stated reasons, Petitioners respectfully request that the Court approve this  
17 Petition to amend Appendix A of the Rules of Procedure for Eviction Actions.

21 Respectfully submitted this 10th day of January 2024.

22 COMMUNITY LEGAL SERVICES  
23 DNA PEOPLE'S LEGAL SERVICES  
24 SOUTHERN ARIZONA LEGAL AID  
25 WILLIAM E. MORRIS INSTITUTE FOR  
26 JUSTICE

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<sup>6</sup> *Id.*

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By /s/ Andrew P. Schaffer  
Andrew P. Schaffer  
Brenda Muñoz Furnish  
Michelle J. Simpson  
3707 North Seventh Street, Suite 300  
Phoenix, Arizona 85014-5095

/s/ Pamela Bridge  
Pamela Bridge  
COMMUNITY LEGAL SERVICES

/s/ Charles W. Doughty  
Charles W. Doughty  
DNA PEOPLE'S LEGAL SERVICES

/s/ Alan R. Solot  
Alan R. Solot  
SOUTHERN ARIZONA LEGAL AID

Original electronically filed with the  
Clerk of the Supreme Court of Arizona  
this 10th day of January 2024.

By: /s/ Andrew P. Schaffer