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13 **IN THE SUPREME COURT**  
14 **STATE OF ARIZONA**

15 In the Matter of:

16 Arizona Supreme Court No. \_\_\_\_\_

17 **PETITION TO AMEND RULE 31.3(e),  
18 OF THE ARIZONA RULES OF THE  
19 SUPREME COURT**

20 **Petition to Amend Rule 31.3(e), of the  
21 Arizona Rules of the Supreme Court**

22 Pursuant to Rule 28(a) of the Arizona Rules of Supreme Court, Kristin K. Mayes,  
23 through the Civil Rights Division (the “Division”) respectfully petitions the Court to adopt  
24 an amendment to Rule 31.3(e), governing the limited practice of non-lawyer advocates in  
25 administrative proceedings.

26 **I. Background and Purpose of the Proposed Rules Amendments**

The Division requests that Fair Housing Initiatives Program (“FHIP”) employees  
be allowed to represent alleged victims of discrimination (“aggrieved parties”) during

1 the Division’s fair housing investigations, mediations, and conciliations through an  
2 amendment to the exceptions included in Rule 31.3(e). A FHIP is a fair housing  
3 organization or non-profit agency that receives funding from the U.S. Department of  
4 Housing and Urban Development (“HUD”) to provide direct assistance to individuals  
5 who believe they have been victims of housing discrimination. FHIPs must qualify to  
6 receive HUD funding and are monitored by HUD to maintain funding.  
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9         The Supreme Court Rules currently allow employees to represent legal entities  
10 before administrative agencies. Ariz. Sup. Ct. R. 31.3(c)(5). The rules also allow non-  
11 attorneys to represent children with disabilities during informal conflict resolution and  
12 administrative hearings if the representative has specialized training or knowledge and  
13 charges no fee, Ariz. Sup. Ct. R. 31.3(e)(1), and where the non-attorney is representing  
14 an individual in a quasi-judicial matter and charges no fee, Ariz. Sup. Ct. R. 31.3(e)(7).  
15 As with these established exceptions, FHIP employees have specialized knowledge,  
16 training, and oversight through HUD contracts, and they would be negotiating on behalf  
17 of, and advocating for, individuals before an administrative agency without charging the  
18 individuals for their services.  
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22         Moreover, the requested rule change ensures greater access to justice for  
23 underrepresented individuals who are facing housing instability. In Fiscal Year 2023,  
24 the Division investigated over two hundred housing complaints alleging disability  
25 discrimination, and another seventy-nine alleging race-based housing discrimination.  
26 Sixty-nine individuals alleged intimidation, coercion, or interference with protected fair

1 housing rights. Eleven individuals claimed discrimination due to familial status. In  
2 theory, these individuals can retain counsel to advocate their position during the  
3 Division’s investigation. *See* Ariz. Admin. Code R10-2-120(B)(3) (“Any person  
4 appearing before the Attorney General shall have the right to be represented by  
5 counsel.”). But, these individuals often have limited financial resources, and can neither  
6 afford legal representation to better articulate their circumstances, or entice it with the  
7 promise of future reimbursement. FHIPs, because they are both specifically trained in  
8 housing issues and do not charge individuals, can identify and gather the relevant  
9 information necessary for the Division to determine whether discrimination has  
10 occurred, and ensure that individuals are not dissuaded from pursuing their fair housing  
11 rights by the perception that they cannot afford representation. This amendment would  
12 therefore allow the Division to better investigate and issue determinations in its fair  
13 housing investigations and would provide experienced individuals to guide  
14 unrepresented aggrieved persons through the administrative process.

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19 **II. Contents of the Proposed Rule Amendment**

20 The proposed amendment would add a new subsection to Rule 31.3(e), allowing  
21 non-lawyer FHIP employees to represent aggrieved persons before the Division during  
22 an investigation and any alternative dispute resolution process, provided the employee  
23 is employed by the FHIP at the time of representation, the Fair Housing Initiatives  
24 Program is in good standing with HUD and funded by HUD at the time of representation,  
25 and the aggrieved individual agrees to the representation.  
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1 **III. Conclusion**

2 For the foregoing reasons the Division respectfully petitions this Court to amend  
3 Rule 31.3 as set forth in the attached Appendix A.  
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5 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of January, 2024.

6  
7 /s/ Leslie Ross

8 \_\_\_\_\_  
9 Leslie Ross  
10 Section Chief Counsel  
11 Civil Rights Division

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

14 By: /s/ Leslie Ross  
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1 APPENDIX A

2 (New language is underlined)

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4 **Rules of Supreme Court of Arizona**

5 **Rule 31.3 Exceptions to Rule 31.2**

6 ...

7 **(e) Other.**

8 ...

9 **(9)** Fair Housing Initiatives Program. A nonlawyer Fair Housing Initiatives Program  
10 employee may represent one or more aggrieved persons alleging a violation of the Arizona  
11 Fair Housing Act, A.R.S. § 41-1491 et seq. in any alternative dispute resolution process  
12 and administrative investigation before the Civil Rights Division of the Attorney  
13 General's Office, provided:

14 (A) The aggrieved person agrees to representation by the Fair Housing Initiatives  
15 Program;

16 (B) The Fair Housing Initiatives Program is in good standing and funded by the U.S.  
17 Department of Housing and Urban Development at the time of representation; and

18 (C) The representative is employed by the Fair Housing Initiatives Program at the  
19 time of representation.