

Keally L. Cieslik, AZ Bar No. 038984
Unemployed Workers United, a project of Working Families Power
100 N Howard Street, Suite #400
Spokane, WA 99201-0508
(508) 250-0518
keally.c@uwunited.org

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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|---------------------------|---|------------------------------|
| In the Matter of: |) | Supreme Court |
| |) | No. R-24-0023 |
| PETITION TO AMEND |) | |
| APPENDIX A |) | Comment to Petition to Amend |
| of the RULES OF PROCEDURE |) | Appendix A, of the RULES OF |
| FOR EVICTION ACTIONS |) | PROCEDURE FOR EVICTION |
| |) | ACTIONS |

Commenting Party, Unemployed Workers United (“UWU”) hereby respectfully submits this Comment in support of the Petition to amend the Arizona Residential Eviction Information Sheet (“Petition”), found at Appendix A of the Rules of Procedure for Eviction Actions (“RPEA”), filed by Community Legal Services (“CLS”), DNA People’s Legal Services (“DNA”), Southern Arizona Legal Aid (“SALA”) and the William E. Morris Institute for Justice (“MIJ”) on January 10, 2024. This sheet must be served with the complaint and summons. It serves as a critical navigation guide for pro se tenants navigating the eviction process. The proposal’s provision of contact information for legal services providers and clarified language on the initial hearing and post-judgment process will help tenants access legal services and make informed decisions. This is particularly important in light of the failure of some Justices to clearly explain post-judgment procedure to tenants unfamiliar with legal jargon.

I. STATEMENT OF INTEREST

This comment is made on behalf of Unemployed Workers United (“UWU”), a project of Working Families Power. UWU advocates for the rights of poor and working-class people, with a particular focus on the wellbeing of immigrants and people of color. UWU’s work in Arizona

has included bringing litigation to challenge former Arizona Governor Doug Ducey’s premature termination of federal pandemic unemployment compensation and advocating for (and securing the adoption of) laws banning rental discrimination based on housing vouchers or other sources of income. The process of listening to and working with Arizonans throughout these campaigns led UWU to an even deeper understanding of the challenges and difficulties facing poor and working-class renters in Arizona.

Over the past several years, our members have identified rising housing costs as the most significant threat to their families’ stability and security. In response, UWU began offering recurring virtual know-your-rights training for tenants, accompanied one of our members through the eviction process, and undertook a series of court-watch sessions—observing eviction hearings in a number of Maricopa County Justice Courts, both in person and virtually.

II. ARIZONA’S EVICTION CRISIS

UWU members’ experiences reflect a larger housing crisis across Arizona and, in particular, in Maricopa County. From 2019 to 2023, apartment rent went up 38% in the Phoenix area.¹ The number of evictions filed in Maricopa County in the past year was 33% higher than the pre-COVID annual average.² These numbers cannot be explained away by population growth—Maricopa’s 5.2% eviction rate in 2023 is the highest in the last decade.³ These rates continue to increase in 2024. While communities across the country are grappling with widespread housing insecurity, Arizona stands out. The state has one of the highest housing loss

¹ Housing Update, Maricopa Association of Governments (June 2023), <https://azmag.gov/Programs/Maps-and-Data/Land-Use-and-Housing/Housing-Data-Explorer>.

² Phoenix, Arizona, Eviction Lab (last accessed Apr. 2024), <https://evictionlab.org/eviction-tracking/phoenix-az>.

³ Maricopa County: Eviction Dashboard, Arizona State University ((last accessed Apr. 2024)), <https://resilience.asu.edu/evictions-dashboard>.

rates in the country, and Maricopa County leads the nation in evictions with rates nearly twice the national average.⁴

Evictions have negative health impacts and create significant compounding costs ultimately borne by the public. This includes costs related to, amongst other programs, shelter, education, health care, mental health services, and youth social services.⁵ A University of Arizona Cost of Eviction Calculator estimates that evictions cost the state over \$900,000 a year, or over \$9,000 per household evicted.⁶

III. UWU SUPPORTS THE PROPOSED RULE AMENDMENT

UWU strongly supports the Petition to amend Appendix A of the RPEA to include contact information for all three legal aid organizations in the state and to provide plain language revisions to the Residential Eviction Information Sheet.

A. Arizona Should Provide a Complete List of Legal Service Organizations

The Petition first proposes updating the list of available legal service organizations provided to tenants with their summons.

The current information sheet only lists CLS as a legal service provider, and inaccurately states that CLS operates only in Maricopa County. This must be corrected. An accurate list will ensure that tenants throughout the state have essential information about legal services.

UWU notes that the Manufactured Housing Communities of Arizona (“MHCA”), the sole opposition to the proposal at the time this comment was authored, does not address this

⁴ *Id.*

⁵ Eviction Prevention: Reducing Harm To Households and Society, Wisconsin Institute for Research on Policy (Feb. 2023), <https://www.irp.wisc.edu/resource/eviction-prevention-reducing-harm-to-households-and-society>.

⁶ The Cost of Eviction Calculator, Innovation for Justice (last accessed Apr. 2024), <https://uarizona.neotalogic.com/a/costofevictioncalculator>. This is based on national averages—given the high cost of healthcare in Arizona, the true cost to the state is likely higher.

component of the proposal.⁷ The MHCA Comment states that “changing the language within the RPEA Appendix A does not impact whether or not a tenant receives a judgment against them in an eviction action.”⁸ The comment’s omission of the proposed updated list of contacts allows the group to avoid recognizing that tenants in Arizona lack the same access to legal representation that the MHCA and other property owners have, and that access to this legal representation may impact whether a tenant receives a judgment.⁹

B. The Proposed Plain Language Edits Will Better Prepare Tenants for the Eviction Process

The proposed plain language edits to the Arizona Residential Eviction Information Sheet will better prepare tenants to navigate the fast-moving eviction process and to understand what preparations they need to make post-judgment. UWU believes that the clarification of instructions on significant procedures are particularly important.

In Arizona, over 90% of landlords are represented by attorneys—frequently attorneys who spend most or all of their time representing landlords in eviction proceedings—while less than 1% of tenants have access to legal representation.¹⁰ Thus, tenants with little knowledge about their rights as tenants or the eviction process must face repeat players with specialized expertise. Regardless of income or education, eviction procedures can be confusing and hard to navigate for those new to the process.

⁷ Manufactured Housing Communities of Arizona, Comment on Petition to Amend Appendix A, Supreme Court No. R-24-0023 (“MHCA Comment”).

⁸ *Id.* at 4.

⁹ See, e.g., Heidi Schultheis & Caitlin Rooney, *A Right to Counsel Is a Right to a Fighting Chance*, American Progress (Oct. 2, 2019).

¹⁰ *What’s Justice Got to Do With It?*, William E. Morris Institute for Justice (May 2020) at 12, <https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file>.

Many tenants do not show up to their initial hearing at all because they do not know what will happen at the hearing or how to prepare. The proposed amendments add information about what a tenant can expect at an initial hearing and the implications of not appearing. This will help tenants make informed decisions and prepare for their appearance.

The proposed amendments also clarify post-judgment proceedings by defining “Writ of Restitution” in plain terms and sharing additional implications of a judgment (such as wage garnishment and impact on credit reports). It is UWU’s experience that tenants who do show up to court often struggle to understand the proceedings and the significance of judgments entered against them. Justices often use legal terms of art like “writ of restitution” and “judgment” without explaining them, leaving tenants confused about whether they have actually been evicted. Court observers have watched multiple calendars where justices have never used the word eviction, even where tenants have asked for clarification about the meaning of a judgment against them. In one proceeding observed by a member of our team, the Justice told a family with four children that a judgment had been signed and a “writ” would be issued in five days, but that they could negotiate with their landlords in the meantime. The parents left the proceeding expressing relief that they would not need to leave their home and bring their children to a homeless shelter, without understanding that the landlord was not obligated to engage in post-judgment negotiation and that they could be forcibly removed from their home with no further notice. The clarified language will provide critical information for tenants who need to understand their options post-judgment.

While MHCA criticizes the Petition for not impacting whether a tenant receives a judgment,¹¹ the benefits of these plain language instructions would go far beyond simply

¹¹ MHCA Comment, *supra* note 7, at 4.

whether a judgment is signed or not. Ensuring tenants are well-informed will benefit both landlords and tenants by clarifying expectations early, allowing tenants to make appropriate preparations to ensure they have a safe place to go if they do need to leave their homes, and reducing the incidence of forcible removal.

IV. CONCLUSION

UWU respectfully requests the proposed amendment to Appendix A be accepted. Plain-languages guides are a critical tool for pro se tenants.

RESPECTFULLY SUBMITTED, this 1st of May, 2024

UNEMPLOYED WORKERS UNITED

By: /s/ Keally L. Cieslik
Staff Attorney