



ZONA LAW GROUP

ZONA LAW GROUP P.C.

Attorneys at Law
7701 East Indian School Road
Suite J
Scottsdale, Arizona 85251
(480) 949-1400
Scott A. Baluha, #029957
Tatianna Dunne, #036776
attorneys@zona.law
Attorneys for Commenting Party Manufactured Housing Communities of Arizona

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:

Supreme Court No. R-24-0022

PETITION TO AMEND RULE 11(b)(1),
ARIZONA RULES OF PROCEDURE
FOR EVICTION ACTIONS

COMMENTS ON PROPOSED RULE

Commenting Party, Manufactured Housing Communities of Arizona (“MHCA”), hereby opposes the Petition to amend Rule 11(b)(1) (“Petition”) of the Arizona Rules of Procedure for Eviction Actions (“RPEA”), filed by Community Legal Services (“CLS”), DNA People’s Legal Services (“DNA”), Southern Arizona Legal Aid (“SALA”) (collectively “legal services”), and the William E Morris Institute for Justice (“MIJ”), on or about January 10, 2024.

In summary, despite this Court denying the Petitioners last Petition R-23-20027 submitted on January 10, 2023, requesting the same rule change, Petitioners ignore the decisions of this Court and erroneously attempt to use the Arizona Justice Court’s as a focus group for research. In last year’s petition, Petitioners alleged that there was a problem, and the rule change was a solution; now, they are arguing that there may or may

1 not be a problem but want to create a rule change to test whether there is a problem. In
2 other words, they want to create a rule, solely to test an unproven hypothesis. Court rules
3 should not be passed merely to test whether a problem exists. It is up to a petitioner to
4 bring forth evidence for the need for a rule change and the problem it seeks to fix.

5
6 Petitioners again recite the same lengthy recitation of the harm of evictions and
7 homelessness generally, Petitioners: (1) do not provide justification for the current rule
8 change, and (2) do not clearly articulate the harm they seek to correct. This is another
9 attempt to change evictions, not by looking at a specific issue, but solely by arguing that
10 evictions are bad.

11
12 The Petition includes a cut-and-paste of the same justifications and arguments
13 provided in Petition R-23-0027, and every petition made by tenant advocates: that tenants
14 are uneducated, tenants are unrepresented, tenants are unable to understand how to read a
15 summons as to when they are required to appear, tenants have a property interest in their
16 residences, and the perils of homelessness after eviction. Nothing new is stated identifying
17 any evidence-based problem with default judgments after valid service of a summons and
18 complaint. Although hardship provokes sympathy, this Court already denied this rule
19 change and it is not the basis for a one (1) year pilot program Court procedural rule that is
20 unsupported by eviction data and uses vague and undefined terms which can lead to delays
21 and complications. Further, the current RPEA provide ample protection for all parties
22 involved; a tenant who fails to attend a Court hearing, can simply file a motion to vacate
23 judgment, which as will be discussed below, and is commonly granted. There is no harm
24 that the current Petition seeks to address. It is yet another rule by Petitioners attempting to
25 unnecessarily complicate evictions and is nothing more disguised in a one (1) year pilot
26
27
28

1 program.

2 **I. STATEMENT OF INTEREST.**

3 The MHCA is a non-profit organization that protects and promotes the interest of
4 Arizona's manufactured housing community owners. MHCA is the largest manufactured
5 housing community owners' association in Arizona. The MHCA remains active within
6 Arizona, by tracking legislative and legal issues, educating community owners and
7 managers, and working to improve Arizona's manufactured housing. Manufactured
8 housing communities are one of Arizona's greatest sources of low-cost/low-income
9 housing.
10

11 **II. THE PETITION.**

12 The Petition and proposed rule amendment seeks to amend RPEA Rule 11(b)(1) to
13 include language stating:
14

15 Rule 11(b) Preliminary Procedures[.] Beginning October 1, 2024 and ending
16 September 30, 2025, the following procedures will be in place: Each case
17 shall be scheduled to be heard on a specific date and during a specific on-
18 hour time period. On the date and at the time set for the initial appearance,
19 and after announcing the name of the plaintiff and defendant, the court shall:
20 (1) Call the case, identify the parties and any attorneys or representatives
21 present and ascertain that they are properly authorized to represent the
22 parties to the action. If a plaintiff or defendant does not appear or answer as
23 present in response to the initial case call, the court shall call the case a
24 second time later in the calendar before proceeding to the material
25 allegations of the case. The court shall promptly recall such cases either after
26 the specific one-hour time period has passed or at the end of the calendar,
27 whichever happens first. As provided by Arizona Supreme Court Rule 31,
28 no property manager or other agent shall be allowed to represent a party
unless he or she is the property owner, a sub lessor entitled to possession, or
an attorney licensed to practice law and in good standing in Arizona. (2)
State or summarize the material allegations contained in the complaint. (3)
Ask the defendant whether the defendant contests the allegations contained
in the complaint.

1 ¹“...Petitioners’ proposed rule change applies to remote hearings as well as in-
2 person hearings....”² Petitioners stated the alleged purpose behind the Petition is

3 Although Petitioners maintain that the amendment would have minimal
4 impact on judicial officers and court staff, the proposal to amend the RPEA
5 on a one-year experimental basis will allow the Court to collect data for
6 evaluation of [1] eviction litigant default rates, and [2] pilot program effects
7 on court staffs use of resources in implementing the temporary rule
8 amendment. After the one-year experimental period, the Court can consider
9 whether the data and findings support a permanent rule amendment.

10 ³ The Petitioners would like “...the RPEA be amended on a one-year experimental basis
11 as a pilot project, the results of which will be evaluated for purposes of considering a
12 permanent rule amendment.”⁴

13 The Petition further justifies the proposed misuse of Court and Judicial time and
14 resources by copying and pasting the exact same justification that was listed within the
15 Petitioners’ denied Petition R-23-0027; “[t]he proposal is in line with past Arizona
16 Supreme Court administrative orders that limit eviction calendar calls to 25 cases in an
17 hour,” and “[t]he...amendment...adds...a matter of minutes to a court’s calendar....”⁵ The
18 Petitioners again copy and paste the same arguments stated within the denied Petition R-
19 23-0027 “[w]ithout recalling cases where a party may have arrived after their case
20 was...called, the court will have to expand staff resources both to process a dismissal or
21 default judgment...to schedule and hear any post-judgment motion from a party initially
22 found in default in eviction litigation.”⁶

23 ...
24
25

26 ¹ Pet., at 5–6.

27 ² Pet., at 9.

28 ³ Pet., at 5.

⁴ Pet., at 2.

⁵ Pet., at 4; *See* Pet. R-23-0027, at 3–4.

⁶ Pet., at 4–5; *See* Pet. R-23-0027, at 4.

1 The Petitioners' copy and paste reasoning on why tenants are late or do not appear
2 for initial hearings in person is "[t]enants are late to court for many reasons, but common
3 explanations include that they were held up at security, they could not find the courtroom,
4 they had car trouble or delayed public transportation, they had trouble getting childcare, or
5 they could not get time off from work soon enough."⁷ The Petitioners argue tenants cannot
6 appear virtually for Court at the time and date of a scheduled hearing because "...some
7 low-income litigants often have limited access to the internet and other technology,
8 making it difficult for the litigants to show up for their hearings on time. Anywhere from
9 13.4 percent of people in Maricopa County to as many as 61.2 percent in Apache County
10 do not have internet service."⁸ The Petitioners attempt to bolster their claims by including
11 a citation from an eight (8) year old survey that was conducted from 2015 to 2019.⁹ There
12 is no support for Petitioners' argument and it defies simple logic as any tenant with access
13 to a telephone can appear in Court, from anywhere in the world. A tenant does not need
14 internet service to appear in Court.
15
16
17

18 **A. PETITIONERS' ARGUMENTS CONTRADICT EVICTION DATA.**

19 Eviction rates in Arizona over the past decade have significantly decreased on a per
20 capita basis, and tenant participation has increased. In 2021, the Department of Housing
21 wrote:
22

23 [w]hile there is a perception that eviction rates have increased over the past
24 decade, an analysis of the data shows that eviction rates...were significantly
25 lower than the end of the preceding decade. When factoring in Arizona's
26 large population increase, the per capita eviction rate in Arizona has
actually...declined over the past few years.

27 ⁷ Pet., at 8; See Pet. R-23-0027, at 5.

28 ⁸ Pet., at 9.

⁹ *Community Data*, CONNECT ARIZONA, <https://connect-arizona.com/digital-equity/community-data> (last visited Feb. 6, 2024).

1 ¹⁰In 2011, the overall eviction rate in Maricopa County was four-point nine percent
2 (4.9%).¹¹ In 2021, the overall eviction rate in Maricopa County was two-point six percent
3 (2.6%).¹² In 2022, the overall eviction rate in Maricopa County was four-point two percent
4 (4.2%).¹³

5 While the foregoing is good background information to address Petitioner's
6 generalized complaints, for the current Petition, the only relevant data points relate to
7 tenants failing to appear and their likelihood of success if they file a motion to vacate or
8 set aside judgment. This is because the current Petition effectively asks Courts to be
9 required to recall cases at various times – this can only relate to a failure to appear at the
10 initial calling, or the failure to be able to get relief via post-judgment motion. The data
11 demonstrates that such are not valid issues – more tenants are appearing now than ever
12 before, and in an overwhelming majority of times where motions to vacate are filed, they
13 are granted. Therefore, the Petition doesn't fix a legitimate issue.

14 In 2019, thirty-six-point fifty seven percent (36.57%) of tenants failed to appear in
15 eviction actions for Maricopa County. In 2020, twenty-nine-point twenty eight percent
16 (29.28%) of tenants failed to appear in eviction actions for Maricopa County. In 2021,
17 twenty nine percent (29%) of tenants failed to appear in eviction actions for Maricopa
18 County. In 2022, only twenty-five-point one nine percent (25.19%) of Maricopa County
19
20
21
22
23

24
25 ¹⁰ *Rental Assistance to Continue Statewide Arizona's 2020 eviction rates lowest in decades*, ARIZONA DEPARTMENT OF HOUSING, <https://housing.az.gov/newsletter/rental-assistance-to-continue-statewide-winter-2021> (last visited Feb. 6, 2024).

26 ¹¹ *Maricopa County: Eviction Dashboard*, ARIZONA STATE UNIVERSITY, <https://resilience.asu.edu/evictions-dashboard> (last visited Feb. 8, 2024).

27 ¹² *Id.*

28 ¹³ *Maricopa County: Eviction Dashboard*, ARIZONA STATE UNIVERSITY, <https://resilience.asu.edu/evictions-dashboard> (last visited Feb. 8, 2024).

eviction filings resulted in a default judgment.¹⁴

In 2022, the Pima County Justice Court posted its eviction statistics, finding one hundred twenty (120) motions for reconsideration were filed, and out of the one hundred twenty (120) motions for reconsideration, ninety-one (91) of the motions for reconsideration were granted.¹⁵ While in 2020, thirty seven (37) motions for reconsideration were filed, and twenty four (24) of the motions for reconsideration were granted.¹⁶ Additionally, in 2022, the total amount of judgments entered was nine thousand nine hundred fifty (9,950), while only three thousand five hundred thirty six (3,536) resulted in a writ of restitution being issued by the Court.¹⁷

The statistics demonstrate tenants have ample access to the Justice Courts and are exercising their rights. Additionally, out of all the Pima County eviction judgments in 2022, only one point two percent (1.2%) of tenants felt the judgment was incorrectly entered, and out of the one-point two percent (1.2%), only twenty-nine (29) tenants' motion for reconsideration were denied.¹⁸ The Petitioners are essentially petitioning the Arizona Supreme Court for a rule change impacting zero-point two percent (0.2%) of tenants, if the Arizona Supreme Court assumes those motions for reconsideration were wrongly denied.

¹⁴ STATISTICS, ARIZONA JUDICIAL BRANCH, <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards/Justice-Court-Evictions> (last visited Feb. 6, 2024).

¹⁵ Derek Zenner, *Eviction Statistics 2022*, PIMA COUNTY CONSOLIDATED JUSTICE COURT, <https://www.jp.pima.gov/EvictionStats/eviction-statistics.html> (last visit February 16, 2023).

¹⁶ Derek Zenner, *Eviction Statistics 2020*, PIMA COUNTY CONSOLIDATED JUSTICE COURT, <https://www.jp.pima.gov/EvictionStats/eviction-statistics.html> (last visited Feb. 16, 2023).

¹⁷ Derek Zenner, *Eviction Statistics 2022*, PIMA COUNTY CONSOLIDATED JUSTICE COURT, <https://www.jp.pima.gov/EvictionStats/eviction-statistics.html> (last visit Feb. 16, 2023).

1 Petitioners' arguments that tenants are unable to appear in person, participate in
2 Court, and don't have access to the internet to attend virtual hearings is statistically
3 unsupported. The data clearly shows tenant participation in eviction hearings has
4 substantially increased. This Court can draw the logical conclusion that the increase in
5 tenant participation is directly linked to virtual Court hearings, despite Petitioners'
6 repeated assertion that "...litigants often have limited access to the internet and other
7 technology, making it difficult for the litigants to show up for their hearings on time."¹⁹
8 Virtual hearings have provided tenants the reassurance that they no longer have to worry
9 about being held up at security, finding a courtroom, car trouble, delayed public
10 transportation, finding childcare, or requesting time off of work. Tenants do not need an
11 internet connection to connect to Courts virtually, as almost every virtual appearance
12 contains a telephonic option.
13
14

15 In order to bolster Petitioners' arguments, Petitioner MIJ cites itself and restates the
16 same outdated statistics used in the prior denied Petition R-23-0027. Petitioner MIJ citing
17 itself states "...out of 1,097 cases observed, 94% of landlords were represented by an
18 attorney in court, while only two tenants were represented by an attorney."²⁰ Petitioner
19 MIJ's observation has nothing to do with the proposed rule change that erroneously
20 concludes that tenants need more time to appear at initial hearings for eviction actions.
21 Petitioners misrepresented tenant participation in eviction actions and failed to state
22 statistics or logical explanations that supports their arguments. Instead, Petitioners again
23 copy and paste, almost word for word, previous lackluster policy arguments made in
24
25
26

27 ¹⁸ Derek Zenner, *Eviction Statistics 2022*, PIMA COUNTY CONSOLIDATED JUSTICE
28 COURT, <https://www.jp.pima.gov/EvictionStats/eviction-statistics.html> (last visit Feb. 16, 2023).

denied Petition R-23-0027 and other past petitions or comments.²¹

As stated by Justice Sandra Day O'Connor "I don't know that there are any short cuts to doing a good job." Instead of Petitioners petitioning for carefully considered and formed rule changes to advocate for tenants, Petitioners resubmitted their denied Petition R-23-0027 under a one (1) year pilot program request. Furthermore, Petitioners' entire Petition is again based upon unsupported allegations that lack any evidentiary basis and are backed by its own outdated publications. It's misguided for Petitioners to assume they can turn Arizona Courts into a playground for research and development, at the expense of the justice system and tax payers.

B. THE PROPOSED ONE (1) YEAR PILOT PROGRAM RULE AMENDMENT WOULD RESULT IN AN EXORBITANT TIME AND FINANCIAL BURDEN ON THE COURTS AND PARTIES.

RPEA Rule 11(b)(1) currently requires,

On the date and at the time set for the initial appearance, and after announcing the name of the plaintiff and the defendant, the court shall: (1) call the case, identify the parties and any attorneys or representatives present and ascertain that they are properly authorized to represent the parties to the action. As provided by Arizona Supreme Court Rule 31, no property manager or other agent shall be allowed to represent a party unless he or she is the property owner, a sub lessor entitled to possession, or an attorney licensed to practice law and in good standing in Arizona. (2) State or summarize the material allegations contained in the complaint. (3) Ask the defendant whether the defendant contests the allegations contain in the

¹⁹ Pet., at 9; See Pet. R-23-0027, at 5–6.

²⁰ Pet., at 6–7; See Pet. R-23-0027, at 5.

²¹ For Petitioners' arguments surrounding eviction actions and its impact regarding tenants and low-income tenants see Pet., at 6–7; William E. Morris Institute for Justice Supreme Court No. R-19-0018 Comments in Support of Petition to Amend the Rules of Procedure for Eviction Actions, at 7–9; William E. Morris Institute for Justice Supreme Court No. R-18-0020 Comments in Support of Petition to Amend the Rules of Procedure for Eviction Actions, at 4–5; William E. Morris Institute for Justice Supreme Court No. R-17-0020 Comments in Support of Petition to Amend the Rules of Procedure for Eviction Actions, at 5–6; William E. Morris Institute for Justice Supreme Court No. R-16-0022 Comments in Support of Petition to Amend the Rules of Procedure for Eviction Actions, at 4–5.

complaint.

RPEA Rule 13(b)(3)(A) allows a Court “[i]f the defendant fails to appear in person or through counsel on the initial return date, and no continuance is granted, the court, after determining that the conditions of Rule 13(a)(1)-(4) are satisfied, shall enter a default judgment against the defendant.” The Petitioners’ proposed rule change would amend the RPEA Rule 11(b) to include

Although Petitioners maintain that the amendment would have minimal impact on judicial officers and court staff, the proposal to amend the RPEA on a one-year experimental basis will allow the Court to collect data for evaluation of [1] eviction litigant default rates, and [2] pilot program effects on court staffs use of resources in implementing the temporary rule amendment. After the one-year experimental period, the Court can consider whether the data and findings support a permanent rule amendment.

²²If Petitioners’ one (1) year pilot program rule change were to be implemented, the time period for an eviction calendar would expand to include the cases that have to be recalled for failure to appear. Attorneys, after their cases are called, would have to remain in Court for the entire eviction calendar to have their fail to appear cases recalled. Again, Petitioners do not include a legal definition for the term “end of the calendar” and the various Justice Courts handle their “calendar” differently, with significantly different implications given this vague language. Petitioners restate that the Court previously limited eviction cases to twenty-five (25) cases an hour, however, as previously explained to Petitioners that requirement was rescinded by later administrative orders regarding eviction actions.²³

...

...

²² Pet., at 5–6.

1 A direct consequence of the proposed one (1) year pilot rule change would be
2 unnecessary delays for law firms and attorneys, resulting in an increase in the attorneys'
3 fees they charge to handle evictions. If attorneys now have to plan on eviction calendars
4 routinely expanding, they will increase attorneys' fees which only hurts tenants. The
5 Petition assumes that attorneys remain in Court for the entire eviction calendar, which is
6 not the case. Attorneys, who may have had only one (1) case for an eviction calendar, will
7 now have to remain in Court for the other twenty-four (24) or more cases to be called, then
8 wait for their specific firm to be called. Again, the Petition assumes a Court will call cases
9 in the order they were originally called, and wrongfully assumes each Court follows the
10 same process.
11

12 The proposed rule and one (1) year pilot program is a waste of the Court's time and
13 resources. Courts already have long dockets with the current case count, and having to
14 recall cases, already called, for the circumstance a tenant appears late, places an enormous
15 burden on the Courts. Petitioners' once again repeat themselves and claim "[t]he
16 amendment...adds...a matter of minutes to a court's calendar..."²⁴ However, that
17 statement is factually incorrect. Most eviction hearing dockets run up to the next eviction
18 docket time, if not over, with the current RPEA. If the proposed rule change were to be
19 implemented, all eviction dockets would have to be scheduled for longer time frames. This
20 would then cause all other types of cases the Courts hear to be pushed to a later time. The
21 proposed rule change creates a trickle-down effect that is completely unreasonable to ask
22 the Courts to take on.
23
24
25
26

27 ...

28 ²³ Pet., at 4; See Pet. R-23-0027, at 3; See also Admin Order No. 2022-14.

1 In a prior comment for Supreme Court No. R-18-0020 MIJ states "...the eviction
2 case dockets in many Justice Courts are crowded because that is how justices want to hear
3 these cases...[t]hus, the justices can choose to set cases in a more reasonable manner or
4 have a longer eviction call."²⁵ Petitioners essentially believe Judges currently are
5 incapable of managing their own dockets and need additional instructions and rules on
6 how to handle preliminary procedures for eviction actions. Petitioners disregard that this
7 Court already reviewed and denied Petition R-23-0027, and instead resubmit the same rule
8 request under a one (1) year pilot program. Petitioners think Arizona Justice Courts can be
9 used as free research, and are attempting to use micromanaging tactics as a tool in order to
10 insert control and get their agendas passed.

11
12
13 **C. THE CURRENT RPEA PROVIDES AMPLE PROTECTIONS FOR**
14 **PARTIES.**

15 The RPEA currently provides ample protections for parties who are unable to
16 appear in person or virtually, on time, for an initial hearing on an eviction action. Parties
17 who are unable to make the initial hearing date for an eviction action can file a motion to
18 continue before the initial hearing date.²⁶ The Maricopa County Justice Court provides a
19 template form for parties to use, and the form has all the necessary wording, within the
20 template.²⁷ Tenants, regardless if they are represented, understand they can call the Court
21 and ask for help on how to request additional time to appear at an initial hearing for an
22 eviction action. Upon information and belief, the Court clerks regularly direct tenants to
23
24
25
26

27 ²⁴ Pet., at 4; See Pet. R-23-0027, at 4.

28 ²⁵ William E. Morris Institute for Justice Supreme Court No. R-18-0020 Comments in
Support of Petition to Amend the Rules of Procedure for Eviction Actions, at 7.

²⁶ See RPEA Rule 9.

the template forms that they are able to use.

Parties can also file an answer, before the initial hearing, and dispute the allegations listed within the complaint and state legal defenses. Moreover, a party can file a motion to dismiss prior to the initial hearing, which allows a party to dispute the allegations listed within the complaint and state legal defenses, prior to the initial hearing.²⁸

The RPEA provides parties protection in the circumstance that they planned on appearing on time for the initial hearing for an eviction action, but unexpectedly were unable to. Parties who originally planned on appearing in person can appear telephonically.²⁹ In the small circumstance that a party does not have access to a smart device or computer, or *even a telephone*, and fails to appear at the initial appearance of an eviction action, the party can file a motion for reconsideration.³⁰ A party who was unable to appear for an initial hearing on an eviction action that receives a judgment against them can also file a motion to stay the issuance of a writ or quash a writ already issued.³¹

Upon information and belief, most eviction actions are filed due to nonpayment of rent. These eviction actions can be resolved if the defendant goes into the landlord's community office and tenders the full amount of rent sought. The defendant can reinstate the rental agreement by tendering the full amount of payment sought before and after an eviction action is filed.³² The issue is not that tenants need more time to appear on the initial hearings for eviction actions, the problem is tenants cannot afford their rent due

²⁷ *Court Forms*, JUSTICE COURTS OF MARICOPA COUNTY, <https://justicecourts.maricopa.gov/find-a-form/court-forms> (last visited February 17, 2023).

²⁸ See RPEA Rule 9(f).

²⁹ See RPEA Rule 11.

³⁰ See RPEA Rule 9(g).

³¹ See RPEA Rule 14(c) and Rule 17.

³² See A.R.S. § 33-1368(B); See A.R.S. § 33-1476(E); and See A.R.S. § 33-2143(E).

1 to various reasons, including financial hardships. The Petition and proposed rule change
2 has nothing to do with the actual issues tenants are facing, and only attempts to delay the
3 entry of judgment, at the expense of the Courts, parties, law firms, and attorneys.
4 Unfortunately, such increases in expenses will ultimately be passed along to the tenants.
5 The RPEA already provides parties opportunities to seek continuances of an initial hearing
6 on an eviction action and remedies if a default judgment is entered.
7

8 **D. THE PROPOSED RULE CHANGE WITHIN THE PETITION IS**
9 **VAGUE.**

10 The Arizona Supreme Court, when reviewing statutes applies “fundamental
11 principals of statutory construction, the cornerstone of which is the rule that the best and
12 most reliable index of a statute’s meaning is its language and, when the language is clear
13 and unequivocal, it is determinative of the statute’s construction.”³³ The Arizona Supreme
14 Court has said “[w]e employ the same approach when interpreting our rules.”³⁴
15

16 The wording of the proposed rule change remains unclear and vague. It fails to
17 recognize Justice Courts handle their dockets (aka their “calendars”) differently. From the
18 plain reading of the proposed rule change, a person can conclude that a Court will recall
19 cases where the defendant failed to appear, after the other cases within an attorneys’
20 current docket were called, but before the Court moves on to the next law firm. An
21 alternative reading is that a Court will recall cases, where the defendant failed to appear,
22 after all other cases for the entire docket of that particular eviction calendar have been
23 called. If the proposed rule change were to be implemented, with the current wording,
24 defendants in a Court may receive additional time then defendants in another Court. The
25
26
27
28

³³ *State v. Hansen*, 215 Ariz. 287, 289 (2007).

1 current language of the proposed rule change is not clear and unequivocal, and will only
2 lead to varying results, which prejudices all parties involved in the eviction action
3 proceeding.

4 **III. CONCLUSION.**

5 The Petition and proposed rule change should be denied because Petitioners have
6 failed to articulate a specific problem which is supported by data. Further, they failed to
7 set forth a nexus between the language in the Petition and the alleged problem.
8

9 RESPECTFULLY SUBMITTED this 19th day of March, 2024.
10

11 ZONA LAW GROUP, P.C.

12 By: /s/ Scott A. Baluha

13 Scott A. Baluha

14 *Attorneys for Commenting Party*
15
16
17
18
19
20
21
22
23
24
25
26
27
28

³⁴ *State v. Hansen*, 215 Ariz. 287, 289 (2007).

CERTIFICATE OF SERVICE

COPY OF THE FOREGOING

Mailed this 7th day of May, 2024 to:

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

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

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

ALAN R. SOLOT, AZ Bar No. 006587
SOUTHERN ARIZONA LEGAL AID
2343 E. Broadway Road, #200
Tucson, Arizona
(520) 623-9461
asolot@sazlegalaid.org