

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**ZONA LAW GROUP P.C.**  
7701 East Indian School Road  
Suite J  
Scottsdale, Arizona 85251  
(480) 949-1400  
Scott E. Williams, #012417  
Mark B. Zinman, #024028  
Scott A. Baluha, #029957  
[attorneys@zona.law](mailto:attorneys@zona.law)  
Attorneys for Plaintiff

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of:  
  
PETITION TO AMEND RULE 11(D)  
AND 18(D) OF ARIZONA RULES OF  
PROCEDURE FOR EVICTION  
ACTIONS

Supreme Court No. R-25-0020  
  
Comment to Petition to Amend Rule 11(d) and  
18(d) of Arizona Rules of Procedure for  
Eviction Actions



ZONA LAW GROUP

Commenting Party, Manufactured Housing Communities of Arizona (“MHCA”), hereby opposes the Petition to amend Rule 11(d) and 18(d) (“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, 2025.

In summary, the Petitioners’ proposed changes to RPEA Rule 11(d) and 18(d) (“Petitioners’ Proposed Rule 11(d) and 18(d)”) seek to introduce unnecessary, impractical, and overreaching amendments to Arizona’s eviction rules, changes that would do nothing but complicate proceedings, impose new burdens on courts and landlords, and undermine the well-established goal of swift case resolution. Under

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the guise of procedural reform, the petition misuses outdated and statistically meaningless data to push for substantive rule changes that would dramatically alter eviction litigation in favor of tenants. The proposed amendments are not minor clarifications—they strip courts of discretion, create an automatic right to continuances under an overbroad definition of “good cause,” and inject new procedural hurdles that would disproportionately delay eviction cases, regardless of merit.

Rather than addressing an actual procedural deficiency, the petition manufactures a crisis where none exists, relying on cherry-picked data and factually incorrect claims to justify a fundamental shift in eviction law. If adopted, these amendments would disrupt the balance of rights between landlords and tenants, clog eviction dockets with unnecessary delays, and erode the efficiency of Arizona’s expedited eviction framework. Courts exist to ensure fairness, not to implement a one-sided policy agenda through procedural rulemaking.

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

Petitioners devote a substantial portion of their argument to discussing the general hardships associated with evictions. However, they (1) fail to provide any

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

clear justification for the proposed rule change, and (2) do not specifically identify a procedural deficiency that needs correction. Rather than addressing a concrete issue within the existing eviction process, the petition is yet another attempt to alter eviction proceedings based on a broad policy argument against evictions themselves.

Petition R-25-0020 recycles the same broad justifications and arguments previously advanced by tenant advocacy groups—asserting that tenants are uneducated, unrepresented, and disadvantaged in eviction proceedings. However, it fails to provide any new rationale or data-driven justification for amending Rules 11(d) and 18(d). Instead, this petition is yet another attempt to inject unnecessary procedural complications into eviction cases without demonstrating a genuine procedural flaw that needs correction.

The conflicting and repetitive language in Petition R-25-0020 further highlights the fundamental issue: Petitioners have not sought input from property owner advocates, who must weigh broader considerations beyond those selectively raised by tenant advocates. The proposed amendments to Rules 11(d) and 18(d) are one-sided, failing to account for the unintended consequences of broadly expanding continuance rights while disregarding the need for judicial efficiency and balance in eviction proceedings.

...  
...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**I. STATEMENT OF INTREST**

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

**II. THE PETITION**

Petitioners overall alleged purpose behind Petition R-25-0020 is to expand and codify the definition of "good cause" for continuance requests in eviction cases, arguing that Arizona’s eviction process is too fast and that continuances are not granted frequently enough, particularly for tenants. Petitioners claim that a clearer definition of "good cause" would encourage courts to grant more continuances, allowing tenants additional time to gather evidence, secure witnesses, consult legal counsel, and negotiate settlements.<sup>1</sup>

Petitioners attempt to support their claims by incorrectly citing an old report that relies on eviction data from five to six years ago. “In the 2020 report, MIJ reported that out of 1,097 cases observed 17 plaintiffs requested continuances and 16 of those requests were approved. Similarly, only 11 defendants requested

---

<sup>1</sup> Pet., at 7-8

1 continuances, 8 of which were approved.”<sup>2</sup> Notably the report actually states “The  
2 institute observed eight tenants request continuances, three of which were denied.”<sup>3</sup>  
3 Petitioners main argument is that continuances would promote due process and  
4 prevent rushed judgments that could result in economic hardship, housing  
5 instability, and other negative consequences for tenants. Ultimately, the proposed  
6 amendments to Rules 11(d) and 18(d) aim to make continuances more accessible  
7 and, in effect, slow down Arizona’s expedited eviction process by broadening the  
8 circumstances under which courts **must** grant delays resulting in an endless cycle of  
9 continuance requests for tenants, while imposing severe financial and logistical  
10 hardships on landlords that are ultimately passed on to tenants.

11  
12  
13  
14 **A. THE PETITION’S MISREPRESENTATION OF DATA AND**  
15 **RELIANCE ON METHODICALLY FLAWED OBSERVATIONS**  
16 **PROVIDE NO BASIS FOR RELIEF.**  
17

18  
19 The 2020 MIJ report’s conclusions about continuance approvals in eviction  
20 cases are not just misleading they are built on a statistically meaningless, factually  
21 unreliable, and methodologically indefensible foundation.  
22  
23  
24  
25

26 \_\_\_\_\_  
27 <sup>2</sup> Pet., at 6

28 <sup>3</sup> William E. Morris Inst. for Just., *What’s Justice Got to Do with It? The Experience of  
Tenants in the Maricopa County Justice Courts*, at [24] (May 2020)  
<https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file>.

1 Across 19 court calls between September 2018 and March 2019, MIJ  
2 observed just 1,097<sup>4</sup> cases actually called on the record — a vanishingly small  
3 snapshot of eviction activity in Maricopa County, which saw 38,558 eviction cases  
4 filed during that same period.<sup>5</sup> Even if every single one of those filings had resulted  
5 in a case being called — a premise unsupported by reality — MIJ’s observed cases  
6 would represent no more than 2.84% of total filings. In reality, the true coverage is  
7 even smaller, further eroding the credibility of any broad conclusions drawn from  
8 this limited dataset.  
9

11 The continuance data is even more statistically absurd. Out of those 1,097  
12 cases observed, there were only 25 total continuance requests — 17 from landlords  
13 and 8 from tenants.<sup>6</sup> That means just 2.28% of all observed cases involved any  
14 continuance request at all, a sample size so microscopic it defies serious analysis.  
15 Narrowing even further, those 25 requests represent no more than 0.065% of all  
16 eviction filings during the observation period, assuming every single case filed  
17 made it to a hearing — a statistical stretch that still results in a meaningless fraction  
18 of total activity.  
19  
20  
21

22 <sup>4</sup> William E. Morris Inst. for Just., *What’s Justice Got to Do with It? The Experience of*  
23 *Tenants in the Maricopa County Justice Courts*, at [10] (May 2020)  
24 <https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file>.

25 <sup>5</sup> Arizona Judicial Branch, Justice Court Evictions, *Arizona Courts*,  
26 <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards/Justice-Court-Evictions>  
(last visited Mar. 20, 2025).

27 <sup>6</sup> William E. Morris Inst. for Just., *What’s Justice Got to Do with It? The Experience of*  
28 *Tenants in the Maricopa County Justice Courts*, at [23-24] (May 2020)  
<https://morrisinstituteforjustice.org/helpful-information/landlord-and-tenant/47-institute-maricopa-county-justice-courts-eviction-report-5-21-2020/file>.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The petition’s attempt to inflate and manipulate this already fragile data only worsens its credibility. The petition falsely claims 11 tenant continuance requests with 8 approvals, but the 2020 report itself plainly states only 8 tenant requests, with just 5 approved — a 62.5% approval rate, not 8 out of 11. This isn’t a minor discrepancy — it’s a fundamental factual error in the petition’s core argument. If the petition’s authors cannot even accurately report a set of just 8 data points, every broader claim they make about systemic unfairness collapses under the weight of their own inaccuracy.

Even if the data were accurate — which it is not — it would still be obsolete and irrelevant. These observations were conducted between September 2018 and March 2019, meaning they rely on data that is now more than five years old. Arizona’s eviction courts, judicial practices, and broader housing policies have evolved dramatically since then, especially during and after the pandemic. Basing sweeping claims about current court practices on pre-pandemic data from a mere 19 court calls is analytically bankrupt — akin to evaluating today’s economy using job numbers from 2018.

Even the approval rates themselves — 94% for landlords and 64% for tenants — are statistically worthless given the microscopic sample. 17 landlord requests across 1,097 cases equals just 1.55% of all observed cases, and 8 tenant requests equals only 0.73%. To claim this 0.73% represents meaningful evidence of systemic bias is mathematically indefensible.

1 The entire continuance argument disintegrates under the combined weight of  
2 its own statistical insignificance, factual inaccuracy, and outdated foundation. MIJ  
3 and the petitioners are asking policymakers to rewrite eviction procedure based on a  
4 sample that — even under the most generous assumptions — reflects at most 2.84%  
5 of total filings and only 2% of cases actually observed. Serious research would  
6 dismiss such claims outright as methodologically unsound, factually unreliable, and  
7 entirely unfit to support claims of systemic injustice.  
8

9  
10 **B. THE PROPOSED AMENDMENT IS A SUBSTANTIVE CHANGE,**  
11 **NOT A PROCEDURAL RULE MODIFICATION.**

12 Under Ariz. Const. art. VI, § 5 the Supreme Court may regulate only  
13 procedural court matters. However, it may not diminish, abridge, or modify  
14 substantive rights.<sup>7</sup> When a conflict arises between a procedural rule and a  
15 substantive statute, the statute controls. *Starr Pass Resort Devs., LLC v. Harrington*,  
16 245 Ariz. 495, 499, 431 P.3d 209, 213 (Ct. App. 2018).  
17

18 The petition to amend Rules 11(d) and 18(d) of the Arizona Rules of  
19 Procedure for Eviction Actions is not a minor procedural clarification—it is a  
20 sweeping legislative overreach disguised as a rule change. This proposal  
21 fundamentally rewrites Arizona eviction law by stripping courts of discretion,  
22 overriding statutory deadlines, and granting tenants an indefinite right to delay  
23 eviction proceedings—a right that does not exist under Arizona law. This is not a  
24  
25  
26  
27

28 <sup>7</sup> § 2:1. Rulemaking Authority, 2 Ariz. Prac., Civil Litigation Practice § 2:1 (2d ed.)

1 procedural adjustment; it is a substantive policy shift that falls outside the Arizona  
2 Supreme Court’s rulemaking authority.

3 Eviction proceedings in Arizona are summary actions designed to ensure  
4 swift resolution of possession disputes. Under current law, judges have discretion to  
5 grant continuances only for good cause shown (Rule 11(d)), ensuring that courts  
6 manage their dockets efficiently and prevent undue delays. The petition seeks to  
7 eliminate judicial discretion entirely by replacing “may” with “shall,”<sup>8</sup> forcing  
8 judges to grant continuances automatically based on an arbitrary list of reasons,  
9 regardless of merit. This change directly conflicts with multiple statutory provisions  
10 that impose strict timing requirements on eviction cases:  
11

- 12 •A.R.S. § 33-1377(C): Limits continuances in justice court to three  
13 days.
- 14 •A.R.S. § 12-1177(A): Limits continuances in superior court to five  
15 days.
- 16 •A.R.S. § 33-1368(A): Requires tenants to remedy lease violations  
17 within ten days or face termination, reinforcing the need for  
18 timely eviction enforcement.
- 19 •A.R.S. § 33-1375(A)-(B): Establishes clear notice periods for  
20 terminating periodic tenancies, ensuring evictions proceed  
21 without unnecessary delays.

22 These statutes clearly define how long a tenant may remain in possession and  
23 prevent indefinite delays. However, the proposed amendment circumvents these  
24 legal safeguards by allowing tenants to extend eviction proceedings indefinitely  
25 without statutory authority. By overriding clear legislative mandates, this proposal  
26 crosses the line from procedural rulemaking into substantive lawmaking, which is a  
27

28 <sup>8</sup> Pet., at 4

1 power reserved for the Arizona Legislature and not the Supreme Court.

2 **C. THE PETITION CREATES NEW SUBSTANTIVE RIGHTS FOR**  
3 **TENANTS AND ENCOURAGES ABUSE.**

4 The proposed amendment would grant tenants an entirely new right to delay  
5 eviction hearings indefinitely, even though no such right exists. The petition seeks  
6 to invent a new tenant right to automatic delays, allowing tenants to request  
7 continuances for nearly any reason, regardless of legal merit. This substantively  
8 changes eviction law by shifting the burden of proof onto landlords, forcing them to  
9 wait for indefinite continuances even in cases where the tenant has no defense and  
10 has not paid rent in months.

11 The petition also removes judicial oversight and replaces it with a checklist  
12 of excuses that courts must accept to grant continuances. The list is vague and open  
13 to abuse, allowing tenants to manufacture delays indefinitely. Some of the most  
14 problematic justifications include:

- 15 • Employment conflicts – Any tenant can claim they have work
- 16 obligations and demand a delay.
- 17 • Childcare issues – This is not a legal defense to eviction and should
- 18 not be grounds for indefinite delays.
- 19 • A "good faith belief" that rent will be paid soon – This is entirely
- 20 subjective and unverifiable, allowing tenants to stall eviction
- 21 indefinitely.
- 22 • A need to gather evidence – Eviction cases are summary proceedings;
- 23 if a tenant has no evidence at the first hearing, delaying the case serves
- 24 no purpose except to obstruct justice.<sup>9</sup>

25  
26  
27  
28 

---

<sup>9</sup> Pet., at 5.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Under existing Arizona law, judges already have discretion to grant continuances when legitimate good cause is shown. However, this petition eliminates that safeguard, requiring judges to accept any excuse on the petitioners’ laundry list—without evidence, without verification, and without limitation.

**III. CONCLUSION**

Petition R-25-0020 should be denied in its entirety. The proposed amendments serve no legitimate procedural purpose but instead seek to delay eviction proceedings by imposing overly broad and unnecessary continuance requirements. By significantly expanding the definition of “good cause,” the petition opens the door to indefinite continuances, allowing tenants to postpone proceedings endlessly with minimal justification. Rather than enhancing fairness or efficiency, these changes would create uncertainty, increase litigation burdens, and undermine the expedited resolution that eviction proceedings are designed to achieve. The Court should reject this attempt to obstruct the eviction process under the guise of procedural reform.

RESPECTFULLY SUBMITTED this 1st day of May, 2025.

ZONA LAW GROUP, P.C.  
By:           /s/ Scott A. Baluha            
Scott A. Baluha  
*Attorneys for Commenting Party*

CERTIFICATE OF SERVICE

COPY OF THE FOREGOING

Mailed this 1st day of May, 2025 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 Blvd., #200  
Tucson, Arizona  
(520) 623-9461  
asolot@sazlegalaid.org

AN