

Report to Pima County's Emergency Eviction
Legal Services:

Pima County Eviction Settlement Conference Engagement: Report and Recommendations

Innovation for Justice
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This report is the result of a semester-long design- and systems-thinking project addressing the challenge: how might we encourage landlords to engage in eviction settlement conferences.

Thank you to our Co-Creators

The work of i4J would not be possible without the support of the community, including our research team, community collaborators and contributors. Thank you for your many contributions to this work.

Our community-co-creators helped us understand the issue of housing instability in Pima County, and worked with us to identify, co-design, and test potential solutions. We look forward to continued collaboration with the shared goal of identifying innovative ways to maintain housing stability in our communities.

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1. Project Background

This report provides research and recommendations regarding strategies for improving landlord engagement with settlement conferences as part of Pima County's Office of Emergency Eviction Legal Services. The report details the current process of Pima County's Office of Emergency Eviction Legal Services, identifies pain points and opportunity spaces within the EELS process, and makes recommendations for future engagement strategies.

Office of Emergency Eviction Legal Services (EELS)

Pima County's Office of Emergency Eviction Legal Services (EELS) was established in 2021.¹ In 2020, the court resolved 6,617 eviction cases in Pima County, and 4,519 (68.28%) ended in a judgment against the tenant.² Of 1,979 writs of restitution issued by the court, 82% (1,619) were executed by the constable.³ In 2021, 6,929 eviction cases were resolved by the court, a 4.71% increase from judgments in 2020.⁴ 74.04% of those judgments were against tenants.⁵ EELS seeks to dramatically reduce these numbers and keep tenants in Pima County housed. EELS work focuses on two goals: (1) "ensuring justice is done in eviction cases," and (2) "keeping tenants housed."⁶ EELS seeks to meet these goals by connecting tenants facing eviction proceedings and qualify for EELS services to attorneys who offer free legal advice.⁷ In addition to providing legal representation to qualifying tenants, EELS seeks to connect tenants to rental assistance, job training, job assistance, and other services.⁸ Tenants who receive free legal advice through EELS are also eligible to participate in settlement conferences through the Pima County Justice Court; the settlement conference is designed to resolve the eviction issue prior to judgment.

This Project

This project focused on the challenge "how might we encourage landlords to engage in eviction settlement conferences?" Resolving eviction cases outside of court judgment can benefit tenants by keeping them housed, affording them time to locate new housing, and helping them to avoid an eviction judgment and the collateral consequences of an eviction judgment. At the start of this project, few landlords were engaging with EELS or Pima County Justice Court settlement conferences.⁹ Reluctance of landlords to engage is not

¹ EELS Summary, provided by the EELS staff.

² *Eviction Statistics 2020*, Pima Cnty. Consol. Just. Ct., <https://www.jp.pima.gov/EvictionStats/eviction-statistics.html>.

³ *Id.*

⁴ *Eviction Statistics 2021*, Pima Cnty. Consol. Just. Ct., <https://www.jp.pima.gov/EvictionStats/eviction-statistics.html>.

⁵ *Id.*

⁶ EELS summary, *supra* note 1.

⁷ *Id.*

⁸ *Id.*

⁹ In one artifact provided by EELS (EELS summary), there is an indication that EELS intended to create a settlement process outside of the court system, but to date no EELS settlement conference has been designed nor implemented. During staff interviews, no staff member indicated that housing their

unique to Pima County; evidence from other jurisdictions indicates that landlord participation is generally low, specifically in mediation and settlement conference options. However, research also indicates that successful mediation of eviction disputes leads to mutually beneficial relationships for landlords and tenants.¹⁰

The research team conducted a legal landscape analysis and engaged in user research including interviews, process map creation, prototype design, and prototype testing. The research results suggest that:

1. Language about court-facilitated eviction settlement conferences should be standardized to avoid confusion.
2. Engagement materials should focus on how settlement conferences are smart business decisions that save time and money.
3. Engagement materials should avoid emphasis on the landlord-tenant relationship.
4. Collaborate with Pima County Justice Court to prepare and send letters and/or emails with educational materials about eviction settlement conferences.
5. Send letters and/or emails to landlords from EELS with information about EELS and the eviction settlement conferences.
6. Collaborate with landlord organizations such as AMA to get eviction settlement conference information to landlords by email or letter.

2. Methodology

Legal Landscape Analysis

At the beginning of this project, the research team conducted a legal landscape analysis to establish a baseline understanding of Pima County's current eviction landscape and the Pima County office of Emergency Eviction Legal Services (EELS). The legal landscape analysis included:

- News articles about housing and eviction in Pima County
- Pima County's Emergency Eviction Legal Services (EELS) website
- Initial interviews with EELS staff
- Artifacts from EELS staff including:
 - EELS summary

own settlement process was on the list of near-future growth for EELS, so this project focused on landlord engagement for the existing Pima County Justice Courts settlement conferences.

¹⁰ *Id.* at 19. "Across programs, we heard that even though landlords have historically tended to avoid mediation, they have in the current moment recognized the benefits of participation, including, according to Judge Rizzo, "having someone to talk to when there is a nonresponsive tenant." Many landlords have come to understand that it often makes more economic sense to work with a tenant to procure funding rather than to secure an eviction that would lead to no tenant (or rent) at all."

- EELS glossary
- Attorney Assignment Procedure
- New Attorney Referral Process January 2022
- If, Then Chart for Navigators
- January 9th Housing Insecurity and Homelessness Report
- Constable Precinct Info
- EELS Meeting Notes
- Return Email for Google Forms
- 8.24.21 Board of Supervisors Memo
- Emergency Eviction Legal Services Update, Dec. 6 2021
- EELS Flyer
- EELS Report 12.17.21
- Constable Daily Report Template
- Navigator Notes for Tenant Eligibility Verification Template
- EELS Daily Report Template
- Housing Resources Template
- Explanations and flow charts of Pima County's eviction process¹¹

Interviews

This project included two interview phases: interviews with EELS staff, followed by interviews with other relevant housing instability stakeholders in Pima County.

Phase 1: EELS Staff

All ten EELS staff members were contacted by email to set up initial conversations to explain the project, review informed consent consistent with IRB approval, obtain verbal consent for the interview, and schedule the interview. The interviews were scheduled over a week and a half at the beginning of this project. Of the ten staff members contacted, eight consented to and participated in interviews. The research team conducted thirty-minute interviews with these staff members, primarily by Zoom; some participants did not have access to Zoom so their interviews were conducted by phone. Interviews were recorded and transcribed, and the information was used to create a process map.

Phase 2: other stakeholders in Pima County .

Following the initial staff interviews, the research team moved into the second phase of interviews focusing on stakeholders outside of EELS. The research team worked with EELS staff to identify relevant stakeholders in Pima County. Interviewees included:

¹¹ See *Evictions*, Pima Cnty. Consol. Just. Ct., <https://www.jp.pima.gov/Info/CaseTypes/Evictions.html>, for explanations and flow charts. Available at: <https://www.jp.pima.gov/Info/CaseTypes/Evictions.html>

- 1 constable
- 1 tenant attorney
- 1 landlord attorney
- 2 landlords
- 1 Pima County Justice Court Judge
- 2 staff members from community-based organizations that interface with landlords and tenants

To recruit for these stakeholder interviews, potential interviewees were contacted by email and invited to participate. The research team worked through existing i4J community connections for introductions where possible.

For landlord recruitment, the research team offered \$40 gift cards for participation and provided recruitment language that was sent out to a Pima County landlord listserv hosted by a community-based organization that interfaces with both landlords and tenants. The research team received inquiries from five landlords, but ultimately ended up scheduling three for interviews because two landlords did not respond after the initial interest contact. Of those three scheduled interviews, one was a no-show and two occurred as scheduled.

Because the purpose of these early-stage interviews was to create a process map of current EELS operations and the larger system that EELS operates in, the research team wanted to interview tenants who have experience working with EELS. EELS staff provided a list of seven tenants who might be interested in participating in interviews. All seven tenants were contacted by text with information about the interviews and offered a \$40 gift card for participation. Of the seven tenants contacted, one tenant scheduled and participated in an interview.

During this phase of interviews, the research team conducted thirty-minute interviews primarily on Zoom, with the exception of one stakeholder who did not have access to Zoom during work hours so was interviewed by phone. The interviews were recorded and transcribed, and the data was incorporated into the process map.

Process Map

The research team created a visual process map¹² capturing the stages of EELS service from multiple perspectives. The process map was informed by both interview phases, artifacts provided by EELS staff, and other information reviewed in the legal landscape analysis. The research team conducted a confirmatory review of the first draft process map with EELS staff and made changes and updates based on feedback. The process map reads from left to right, starting before any lease disruption occurs and ending with the occurrence of an eviction judgment. Each row of the process map contains a different stakeholder

¹²See *infra* Section 4. The process map will be linked and discussed in further detail in Section 4: Findings

perspective. The top row is the landlord perspective, the second row is the EELS staff perspective, the third row is the tenant perspective, and the last row is the perspective of other stakeholders including community organizations providing rental assistance, tenant attorneys, and landlord attorneys.

The arrows in the process map point in the direction that contact or interaction happens. For example, when EELS sends out mailers to all tenants against whom a complaint has been filed, the arrow starts at EELS and points towards the tenant. Interactions between the first and last rows in the rightmost column have been omitted for readability.

The process map visually lays out the EELS process within the larger system of housing instability in Pima County. It both shows interactions between parties as well as where parties are *not* interacting in the system. This visual representation of the process in this map allows for identification of pain points and opportunity spaces, which can lead to insights about potential opportunities for improvement in landlord engagement. The opportunity spaces in the process map, which leverage current pain points in the existing system—specifically where there are no existing interactions but the possibility to create useful interactions—became the basis for the research questions for prototype testing.

Prototype

Based on the data-informed research questions identified, the research team created early-stage prototypes of engagement materials for landlords. These prototypes allowed the research team to engage with representative users— in this case, landlords who may participate in eviction settlement conferences— to test the research questions. Testing low-fidelity prototypes allows a research team to investigate how a sample of representative users think and feel about initial concepts for a product. It can uncover problems with product-market fit and provide guidance about what design, language, visuals, or general messaging to avoid or to focus on in order to resonate most with users. The benefit of this prototyping approach is that a research team can quickly gain a deeper understanding of how the product is received by users and make iterative design decisions before investing significant time or resources into a new product or resource. This prototype was designed using Google Slides, reviewed by EELS staff for feasibility, and tested with six landlords and one broker.

Landlord engagement was particularly challenging on this project. Landlord recruitment strategies included emails from EELS and other organizations, face-to-face interaction between EELS staff and landlords, and calls and emails from the research team. Ultimately, six landlords and one broker participated in prototype testing. Due to lack of interest from the landlord community, the research team was not able to assemble a group of landlord participants that represented a cross-section of demographic characteristics representative of Pima County eviction plaintiffs; the participant pool skewed toward landlords who file few

to no evictions per year, and manage a wide range of units. Only two landlords who participated in prototype testing managed over 1,000 units.

Each prototype test took approximately thirty minutes. Prototype testing was conducted via Zoom to enable screen-sharing capability. The tests were recorded and transcribed, and the transcripts were reviewed for common themes and insights. Landlord participants received a \$40 Tango gift card to compensate them for their prototype testing time.

3. Legal Landscape Analysis

Pima County Demographics

Pima County is situated in southern Arizona. It is home to Tucson, Arizona's second-largest city and former capital of the Arizona Territory.¹³ According to data from the 2020 census, Pima County has a population of approximately 1,043,433 people, making it Arizona's second-most-populated county behind Maricopa County (which includes the Phoenix metro).¹⁴ And it is growing fast: Pima County is projected to reach 1.4 million people by 2041.¹⁵ The median household income for Pima County sits at around \$55,000, per capita income is around \$31,000, and approximately 14.9% of persons in the county live in poverty.¹⁶ Pima County also boasts a highly diverse population: 37.8% of the population are Hispanic or Latino, 12.5% are foreign born, and 4.4% are American Indian. A language other than English is spoken in around 27% of homes in the county.¹⁷

A 2019 estimate of housing cost in Pima County suggests that there are approximately 466,000 housing units and approximately 411,000 households, each with around 2.45 persons per household.¹⁸ Median value of owner-occupied housing units sits just shy of \$200,000, and median gross rent is approximately \$930.¹⁹ Approximately 80% of people live in the same house that they did a year ago.²⁰

¹³ *About Pima County*, Pima Cnty. Ariz., https://webcms.pima.gov/government/about_pima_county/ (last visited April 22, 2022).

¹⁴ *2020 Population and Housing State Data*, U.S. Census Bureau (2021), <https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html>.

¹⁵ *About Pima County*, *supra* note 13.

¹⁶ *Quick Facts: Pima County, Arizona*, U.S. Census Bureau, <https://www.census.gov/quickfacts/pimacountyarizona> (last visited April 22, 2022).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

The Eviction Process in Pima County

Eviction actions in Pima County are governed by two pieces of legislation: one that pertains to standard rental housing and the other to renters in mobile home parks.²¹ The primary stages of an eviction action are as follows:²²

1. **Pre-Filing:** There are four different notices that a landlord may send to a tenant prior to filing an eviction, depending on what type of lease breach has occurred.²³
 - a. **Five-day notice to pay rent:** If a tenant is not paying rent, a landlord must give a five-day notice to the tenant before filing an eviction lawsuit. If rent is not paid to the landlord at the end of the five days, the landlord may file an eviction lawsuit against the tenant on day six.
 - b. **Five-day notice to cure:** This notice is given to a tenant when the tenant fails to maintain the rental unit. When a tenant receives this notice, it is because their lack of maintenance has an adverse effect on the safety and health of that particular tenant or the other tenants on the premises. The tenant has five days to perform the maintenance. If the maintenance is not performed in those five days, the landlord can file an eviction lawsuit against the tenant on day six.
 - c. **Ten-day notice to cure:** A landlord must give a ten-day notice for a violation of the lease agreement that is not included in any other notice. The tenant has ten days to cure the violation, and the landlord can file an eviction lawsuit against the tenant on day eleven if it is not cured.
 - d. **Unconditional quit notice:** This notice tells the tenant that the landlord is terminating the lease immediately, and there is no opportunity for the tenant to remedy the situation. The landlord can only serve this notice in specific instances: assaults or acts that threaten to harm others, criminal street gang

²¹ *Arizona Residential Landlord and Tenant Act*, Ariz. Dept. Hous., <https://housing.az.gov/general-public/landlord-and-tenant-act> (last visited May 10, 2022). For specific information on the residential version, see *Arizona Residential Landlord and Tenant Act*, Ariz. Dept. Hous. (2018), https://housing.az.gov/sites/default/files/documents/files/Landlord-Tenant-Act-ADOH-Publication-July-2018_0.pdf.

²² For information on the eviction process, see *Evictions*, Pima Cnty. Consol. Just. Ct., <https://www.jp.pima.gov/Info/CaseTypes/Evictions.html> (last visited May 10, 2020) (under "Case Flow Chart"). And for more detailed information, see *Eviction Action Instructions to Plaintiff*, Pima Cnty. Consol. Just. Ct. (2021), <https://www.jp.pima.gov/Forms/JP12%20-%20Eviction%20Instructions%20to%20Plaintiff.pdf>.

²³ Beth Dillman, *The Eviction Process in Arizona: Rules for Landlords and Property Managers*, NOLO, <https://www.nolo.com/legal-encyclopedia/the-eviction-process-arizona-rules-landlords-property-managers.html> (last visited). [The Eviction Process in Arizona: Rules for Landlords and Property Managers | Nolo](https://www.nolo.com/legal-encyclopedia/the-eviction-process-arizona-rules-landlords-property-managers.html)

activity, use or sale of illegal drugs, discharge of a weapon, homicide, or prostitution. The landlord can immediately file an eviction lawsuit.²⁴

2. **Beginning the Lawsuit:** After waiting the requisite notice period, the landlord can file an eviction action and complaint with the court if the issue is not yet resolved.
 - a. The clerk of the court will assign a case number and provide a court date within 3 to 6 business days.
3. **Notice to the Tenant:** After the clerk has assigned a case number and set a court date and time, the tenant must be served with notice of the eviction action.
 - a. Service includes the summons, the complaint, the residential eviction information sheet, and the lease agreement. Other documents may also be included, such as an accounting of charges and payments (for non-payment of rent).
 - b. A fee will be required by the serving agency, and proof of service must be filed with the court prior to the scheduled hearing.
4. **The Hearing:** At or before the hearing, a number of events could occur, depending upon the actions of the parties involved.
 - a. **Filing Dismissals:** If the tenant pays the rent due, moves out, or has settled the dispute at least one day before the hearing, landlords must file a dismissal with the court. At that point the case will be closed.
 - b. **Appearing in Court:** On the hearing date and at the scheduled time, all parties should appear and provide testimony. Both sides should prepare to provide documentation as needed. The judge may enter judgment in favor of the plaintiff or defendant.
 - c. **Failing to Appear:** If the tenant–defendant fails to appear at the hearing and no motions are filed, the judge will enter default judgment on behalf of the landlord–plaintiff.
5. **Eviction and Money Judgment:** Depending upon the judge's ruling, the tenant may need to move out and (in some situations) pay a money judgment to the landlord.
 - a. The tenant usually has five days to move out following the entry of the court's judgment.
 - b. If the tenant has not moved out on the date set by a judge, a Writ of Restitution may be served by the constable to the tenant, and the tenant will be required to leave the property immediately.
 - c. In some situations, the judge will order the collection of a money judgment.
6. **Appeal:** A party may appeal a final order or judgment within five calendar days from the date of judgment.

²⁴ *Id.* The rest of this process and report will focus mainly on notice of nonpayment of rent, based on landlord feedback that nonpayment is the eviction reason that they would be willing to participate in settlement conferences for.

Pima County Eviction Court Data

There were 6,569 eviction complaints filed in 2020.²⁵ The court resolved 6,617 eviction cases in 2020.²⁶ Of the 6,617 eviction cases resolved in 2020, 2,095 (33.66%) were dismissed.²⁷ Of the 4,522 eviction cases that received judgments in 2020, the court entered judgment for plaintiff landlords in 4,519 (99.93%) cases, and judgments for landlords in 3 (0.07%) cases.²⁸ Of the 1,979 writs of restitution issued by the court, 82% (1,619) were executed by the constable.²⁹

In 2021, there were a total of 6,899 eviction complaints filed.³⁰ The court resolved 6,929 eviction cases in 2021.³¹ 1,796 (25.92%) of those filings were dismissed. Of the 5,133 eviction cases that received judgment in 2021, 5,130 (99.94%) were judgments for plaintiff landlords.³² Only 2 tenants received judgments in their favor in 2021 (0.06% of judgments).³³ The court issued 2,318 writs of restitution in 2021; the constable executed 72% (1,672) of the writs issued.³⁴

Between January and April 2022, 3,702 eviction complaints have been filed.³⁵ 3,732 eviction cases have been resolved by the court in 2021.³⁶ Of the cases resolved thus far in 2022, 1,052 have been dismissed.³⁷ Of the 2,680 eviction cases that received judgments January-April 2022, 2,677 (99.89%) judgments were entered for landlord plaintiffs.³⁸ Judgments were entered in favor of tenants in only 3 (0.11%) cases.³⁹ The court has not yet published data regarding how many writs of restitution have been executed by the constable.⁴⁰

²⁵ *Eviction Statistics 2020*, *supra* note 2.

²⁶ Year-to-year court data reporting does not capture filings and outcomes for the same sets of cases because some cases may be filed in one calendar year and resolved in the next calendar year.

²⁷ *Eviction Statistics 2020*, *supra* note 2. Pima County Justice Court does not report which party moved to dismiss the case; this number is likely a combination of tenants winning on motions to dismiss as well as the landlord moving to dismiss the case for a number of reasons, some of which could be the tenant paid the rent, the lease breach was cured, or rental assistance came through.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Eviction Statistics 2021*, *supra* note 4.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Eviction Statistics 2022*, Pima Cnty. Consol. Just. Ct., <https://www.jp.pima.gov/EvictionStats/eviction-statistics.html>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* This is true as of May 28, 2022. Pima County Justice Court will likely update their website in the coming months with this information.

EELS Assistance in Pima County

EELS provides free services to low-income tenants facing eviction. Low-income tenants are defined as tenants with a combined household income below 80% of the area median household income. EELS contacts all tenants who have had an eviction case filed in the Pima County Justice Court by sending a mailer informing them that they may be eligible for free legal assistance in their eviction case. If a tenant facing eviction seeks EELS assistance, EELS may be able to provide the following services:

Navigation services: Navigators help explain the eviction process to tenants, help them apply for rental assistance via Community Investment Corporation (CIC) and Pima County Community Action Agency (CAA), and are available to answer questions tenants have about the eviction process. Navigators cannot provide legal advice. EELS staff does not currently manage rental assistance applications, but does notify the agency handling the rental assistance when rental assistance processing needs to be expedited due to a tenant's impending eviction. Navigation services also include assistance in preparing for and attending court, when a tenant is not represented by an attorney. This includes making sure the tenant knows where and when their hearing is, what to wear, and how to interact with a judge. Again, the navigators do not provide legal advice to tenants. Increasingly, navigators are also interacting with landlords, communicating with them regarding pending rental assistance and other problem-solving efforts.

Lawyer referral: EELS refers qualifying tenants to lawyers who analyze the legal aspect of the tenant's eviction cases. Lawyer referral is only available to tenants who have not yet had an eviction hearing at the time they are contacting EELS. If an eviction hearing has already occurred and eviction is imminent, the tenant is connected to the Transitional Services Navigator for transitional resources. EELS manages \$2 million in federal money to pay lawyers to represent these clients. Lawyers mostly provide brief legal assistance to tenants, but in 2021, roughly 11.91% of referrals to lawyers led to full case representation.⁴¹ In cases where there is not full representation, lawyers also provide group eviction prevention clinics to tenants where basic advice is given about the eviction process. EELS switched from a "lawyer for a day" model— where tenants were to contact a contract attorney based on what day they contacted EELS— to a matching model where the EELS Program Coordinator provided contract attorneys with landlord contact information. There are two different types of contract attorneys that work with EELS: private attorneys and

⁴¹ Andy Flagg, Emergency Eviction Legal Services December 2021 Update Memorandum 2 (Dec. 3, 2021).

nonprofit/legal aid. The nonprofit/legal aid attorneys will screen the tenant's case to determine whether there is a good faith claim to raise in the case. If yes, the case is sent back to EELS to be referred out for direct representation. If there is no good faith claim, the tenant is referred to a lawyer-conducted advice-only clinic. If the case is sent to a private attorney, that attorney runs a conflict of interest check. Assuming no conflict exists, that attorney will decide whether the case warrants direct representation. If the case does not warrant direct representation, then the attorney gives the client any relevant advice and the relationship ends. If the attorney decides the case warrants direct representation, the attorney will represent the client in all future eviction proceedings for this case and an attorney-client relationship is created.

Job training and assistance: EELS connects tenants to job training and assistance through Pima County Community Workforce Division. EELS recognizes that housing instability can become a cycle, and seeks to provide resources to tenants to help them reach sustainable housing through seeking consistent employment, if unemployment or inconsistent employment is contributing to the tenant's housing instability.

Transitional services: EELS also helps tenants facing imminent homelessness. EELS assists with finding shelter via transitional housing such as housing with family members, hotels, or referrals to congregate homeless shelters. These services also include tenant education on rights and responsibilities. Additionally, tenants are connected to classes on budgeting. These transitional services focus on helping the tenant find employment that fits the tenant's skills.

For the first three months of the EELS program (August – October 2021), 2,110 eviction cases were filed in Pima County.⁴² During this time, EELS staff identified 487 tenant defendants in those 2,110 eviction cases who were eligible for either legal assistance or representation from EELS contract attorneys.⁴³ Brief legal assistance was provided to 377 tenants and 58 tenants were provided full case representation.⁴⁴ Cases that received full representation saw judgments favorable to the tenant in 38% of cases.⁴⁵ EELS also provided emergency shelter to 12 families or individuals,⁴⁶ and facilitated the submission of 443 rental assistance applications.⁴⁷

⁴² *Id.* at 1.

⁴³ *Id.* at 2.

⁴⁴ *Id.*

⁴⁵ *Id.* 48% of cases resolved in favor of the plaintiff. 14% of cases were pending at the time of reporting. This outcome statistic does not match with the reported Pima County Justice Court data because the Court does not indicate what party moved to dismiss when the motions to dismiss in any given eviction case was granted.

⁴⁶ *Id.* at 3. EELS reported that "6 families (a total of 23 individuals) were provided emergency shelter in hotels and 6 families or individuals were referred to agency congregate shelters."

⁴⁷ *Id.*

4. Findings

Pain Points and Opportunities in the Process Map

The research team synthesized the initial-stage data collection through the creation of a [process map](#). After aggregating the data on the process map and identifying interactions between perspectives, the research team identified current pain points in the process— areas that might currently be inhibiting landlord participation in settlement conferences— and opportunity spaces— areas where potential landlord engagement about settlement conferences could occur and potentially be successful.

Pain Points⁴⁸

First, within the current system, EELS staff, the tenant, and the landlord are not interacting simultaneously. Sometimes there is an exception, when the navigator is at the eviction hearing if the tenant is not represented by an attorney. However, the navigator's role in that situation is not to provide legal advice, and actively encouraging participation in settlement conferences by either party at that point would be inappropriate. The current system does not afford opportunities for EELS staff, tenants, and landlords to efficiently communicate together and discuss the possibility of settlement.

Second, there are a lot of moving and uncoordinated parts in this system. There are often multiple processes happening at once, and sometimes circling back to each other— especially with rental assistance and both landlords and tenants wanting reassurance about various things. This is a pain point because of the time it takes to loop all parties into all processes; eviction is a time-sensitive issue and circling back to check on rental assistance, connection to legal services, etc. can be more time-consuming than the eviction process allows. With so many moving parts, there is a risk that tenants may fall through the cracks or abandon attempts to seek assistance, or landlords might get frustrated waiting for rental assistance or other aid to come through, instead choosing to move forward with evicting the tenant. Multiple processes occurring simultaneously also contributes to other pain points, such as when confidentiality concerns between processes arise.

Third, when legal services are warranted and wanted by the tenant, the tenant's relationship with EELS generally does not continue. This is because attorney-client privilege is established. Once the attorney-client relationship is established, EELS does not have the opportunity to provide information to the tenant about court processes. This is a pain point

⁴⁸ EELS is an ever-changing process. These pain points were identified as the EELS process existed in January-February of 2022. Existing pain points may have since been resolved, and new ones may yet to be identified.

because of the way information about settlement conferences is currently distributed—tenants and landlords generally do not have access to information about conferences until the eviction hearing, when the judge offers the settlement conference option. Additionally, the settlement conference option is only offered if both parties are present at the hearing.

Fourth, information about settlement conferences is currently only offered at the eviction hearing, and only when both parties are in attendance. This means that only tenants who have qualified for EELS and elected to work with counsel or tenants who have the assistance of an EELS court navigator and attend the hearing receive this information. This pain point is particularly problematic because by the time the eviction hearing occurs, it is very late in the eviction process and the landlord has little interest in pursuing this option.

Fifth, the system is currently working really well for the landlords; they have no incentive to change the way that they navigate it.

Opportunity Spaces

Pain points give rise to opportunity spaces. The opportunity spaces are indicated on the Miro Board with yellow stars and information about what opportunities might be available.

First, when something happens to disrupt the lease, the parties are in problem-solving mode. This could be a potential opportunity space to educate about problem-solving methods other than filing an eviction action, including settlement conferences.

Second, EELS currently sends mailers to tenants who have had eviction complaints filed against them. EELS could also be attempting to engage landlords at this stage.

Third, some landlords want EELS to provide proof that the tenant is working to catch up on late rent by applying for rental assistance or other social services. At this point, landlords already want to hear from EELS. This might be an opportunity to build relationships with landlords and educate landlords about the availability of both rental assistance and settlement conferences.

Fourth, when EELS receives an inquiry from a tenant, they triage to determine what support the tenant needs. This may lead to connections with rental assistance, job assistance, job training, or lawyers. At this point, EELS is already making a lot of connections with parties, services, and people. There may be an opportunity to loop the landlord into these conversations—building relationships and providing information about settlement conferences.

Fifth, EELS has future plans to staff and house a rental assistance team. This is an opportunity space to embed settlement conference education and potentially house out-of-court settlement conferences. This is also an opportunity to address the concerns of both tenants and landlords in creating a new rental assistance process. These concerns are

mainly outside the scope of this project, but include uncertainty about how long rental assistance will take, what late fees are permissible, and how much rental assistance can cover.

Sixth, EELS navigators also present an opportunity space for increasing landlord engagement with settlement conferences. Navigators interact with landlords throughout the process, especially leading up to the hearing. This is an opportunity to build those relationships and provide information about settlement conferences.

Seventh, the eviction hearing is currently the first time that landlords and tenants learn about the settlement conference, and they usually have to make a split-second decision on whether to participate. Additionally, the settlement conference option is only offered when both parties show up. Some landlords report that they often do not see their tenants at the hearings for various reasons. At any time before the hearing, there is an opportunity space to educate landlords about settlement conferences.

Eighth, a current pain point is that EELS is generally no longer able to continue relationships with tenants once they have direct representation by an attorney. This turns into an opportunity space for settlement conference education at the time of attorney referral. For a settlement conference to occur, both parties must consent to participation. If the tenant and their attorney discuss and want to pursue a settlement conference, there may be an opportunity to connect with the landlord and their attorney about the settlement conference prior to the hearing— currently the only time in the process where settlement conferences are offered and discussed. Attorney referral is an opportunity space ripe for tenant education about why a settlement conference might be a good choice, the enforceability of it, and why the other side may or may not agree to participate. This may also be an opportunity space to discuss the goal of landlord participation in settlement conferences with contract attorneys, so they are aware that EELS supports settlement conference options.

The final opportunity space is after judgment. Within the current process, there is no formal follow-up with landlords by EELS staff post-judgment. However, EELS staff expressed interest in relationship-building with landlords throughout the landlord-tenant relationship. Post-judgment, there is an opportunity for EELS to speak with landlords and work towards co-creating a professional relationship that is amenable to both parties. This might be something like maintaining a consistent relationship between EELS staff and landlords, ensuring that landlords see EELS as a resource, or encouraging landlords to contact EELS first the next time a problem with a tenant arises. Additionally, the work that Navigator Spencer is doing after judgment is an opportunity to build relationships with new landlords, as he is helping to secure housing for tenants who were evicted from their previous housing.

Prototype Design

Landlord Prototype Research Questions and Prototype Design

Identifying opportunity spaces helped to spotlight many possible intervention points and potential ways to engage landlords in settlement conferences. Based on the possible opportunity spaces and possible intervention points identified through process mapping, the research team selected five research questions to test with Pima County Landlords. After selecting the five research questions for testing, the prototype was built in Google Slides, reviewed by EELS staff for feasibility, revised based on EELS feedback, then tested with six landlords. The prototype is [available here](#).

Before focusing on the research questions selected, the prototype test started with an introduction, including brief information about settlement conferences— to narrow the scope of the prototype test— and demographic questions. These demographic questions asked landlords how many units and what type the landlord manages, how many notices of nonpayment and evictions are filed per year, the number of judgments in the landlord's favor, and familiarity with eviction settlement conferences.

What is a settlement conference?

- For landlords and tenants
- Free tool offered by the court
- Voluntary, both parties must agree to participate
- Facilitated by a judge
- Goal: Mutually beneficial result
- Binding & enforceable



Figure 1: Prototype Introduction

Research Question 1: What messaging in settlement conference materials would resonate with landlords?

Because landlords currently only learn of the availability of settlement conferences at the eviction hearing, and because the research team identified multiple points earlier in the process where landlords education could occur, the research team was interested to learn from landlords what messaging might be successful in earlier engagement approaches. This research question seeks to determine which of six different messaging strategies resonate most with landlords:

1. *Empirical data about the effectiveness of settlement conferences.* This option focuses on the outcomes of settlement conferences, including landlords saving money, the percentage of agreements reached through settlement conferences, and the percentage of expedited rental assistance dispersed through settlement conferences. Because there are currently low instances of settlement conferences occurring and collecting this data was outside the scope of this project, the numbers used are example figures. Initial interview data indicated that landlords have “heard bad things” about settlement conference options. Additionally, interview data suggest landlords refuse to accept rental assistance because it takes too long. Statistical evidence showing positive landlord outcomes such as saving money and expedited rental assistance may increase participation in settlement conferences.

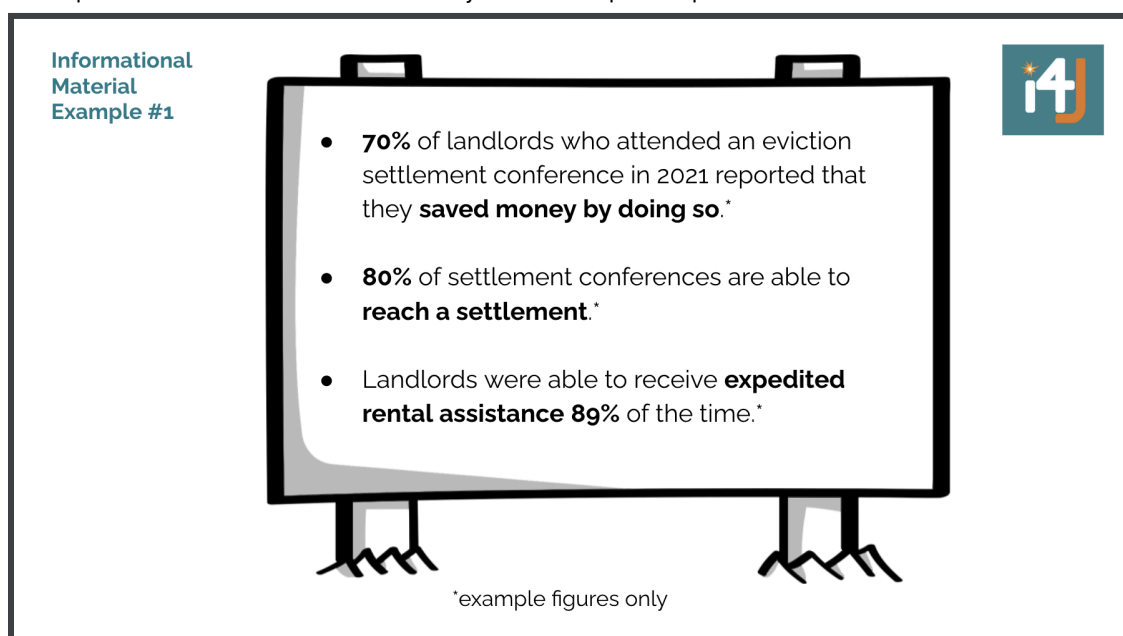


Figure 2: Informational Material Example 1

2. *Emotional appeal about avoiding eviction and keeping families together.* There is a possibility that landlords could be incentivized to participate through their empathy towards their tenant. Initial interview data suggested that landlords are very willing to work with their tenants— at least up to a point. One landlord who participated in

interviews said that they “will work with tenants to break up payments,” letting them pay throughout the month instead of one lump sum. Another landlord said that they would give the tenant “as long as possible” to get rental assistance before filing an eviction, provided that they were actively seeking assistance. These data suggest that the landlord cares about the tenant in some capacity, and may be incentivized to problem-solve with their tenant based on the empathy they feel for their tenant. In contrast, interviews with EELS staff and other stakeholders indicated that landlords do not care about their tenants and only want their money. The purpose of this approach is to gather data directly from landlords about whether an emphasis on tenant well-being would be persuasive.

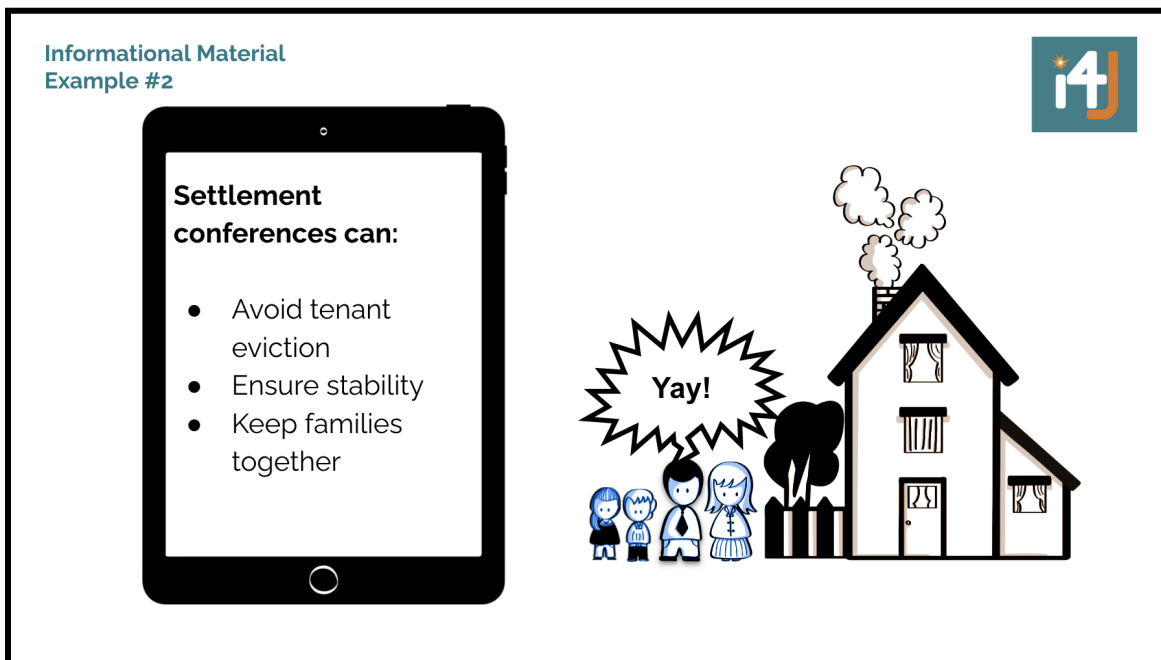


Figure 3: Informational Material Example 2

3. *Emphasizing that agreements arrived at through settlement conferences are binding and enforceable.* Initial interviews indicated that landlords were unsure of pursuing alternative dispute resolution modes like settlement conference or mediation because they were concerned that they would waive their right for court involvement in enforcing the lease.



Figure 4: Informational Material Example 3

4. *Emphasizing the neutral facilitator aspect of settlement conferences.* Initial interviews indicated that landlords think that settlement conferences and other forms of alternative dispute resolution are skewed in favor of tenants. Highlighting the neutral facilitator aspect of settlement conferences may incentivize participation through dispelling that myth.



Figure 5: Informational Material Example 4

5. *Emphasizing expediting rental assistance through settlement conference participation.* Initial interviews with both landlords and other stakeholders— including EELS staff and folks involved with dispersing rental assistance— indicated that most landlords

prioritize getting paid, and getting paid fast. Emphasizing expediting rental assistance may have a persuasive effect on landlord participation in settlement conferences.

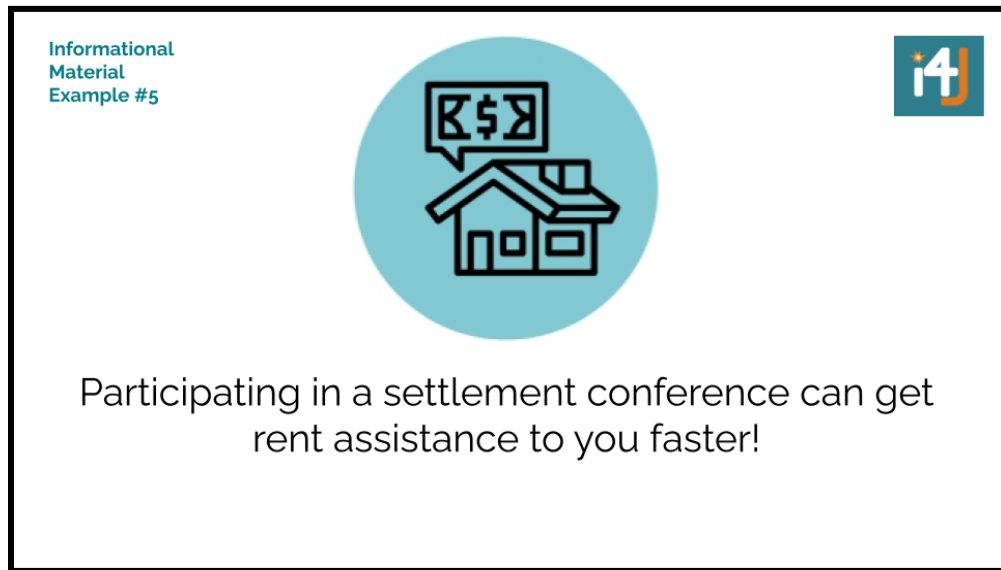


Figure 6: Informational Material Example 5

6. *Emphasizing repairing the landlord-tenant relationship.* This messaging strategy was included because the research team heard anecdotally that landlords do not care about repairing the relationship with their tenant from other stakeholders in the process; the research team wanted to confirm through interviews with landlords that this messaging would not incentivize participation.



Figure 7: Informational Material Example 6

As part of this first research question, the research team wanted to test which way landlords wanted to receive information about settlement conferences: by email, letter, flyer, phone call, or text message.

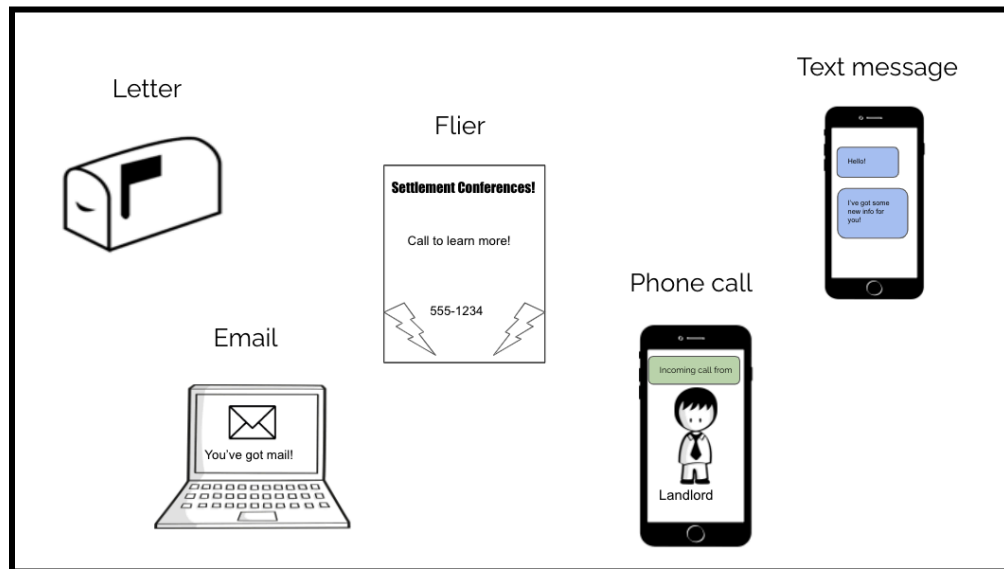


Figure 8: Communication Preferences

Research Question 2. What timing in the landlord-tenant relationship do landlords want information about settlement conferences?

From initial interviews, the research team learned that both landlords and tenants usually learn about the settlement conference option at the hearing, and only if both parties are present. Through the process map, the research team identified multiple points in the landlord-tenant relationship where information about settlement conferences could be introduced:

- Before there is a problem
- When a problem arises
- Before notice of nonpayment
- Before the complaint is filed
- After the complaint is filed but before the hearing
- At the hearing

This research question was designed to learn more about which of these stages would be useful times to share settlement conference information with landlords.



Figure 9: Landlord-Tenant Relationship Timeline

Research Question 3. Who do landlords want information from / trust?

Given the difficulties in recruiting landlords throughout this project, the research team hypothesized that the party communicating the information to the landlord would have an impact on whether the landlord would be motivated to participate in settlement conferences. The options presented to the landlords were:

- The Court
- The Arizona Multihousing Association (AMA)
- A County Program (like EELS, but did not specifically mention EELS)
- Other landlords
- An option to name someone else

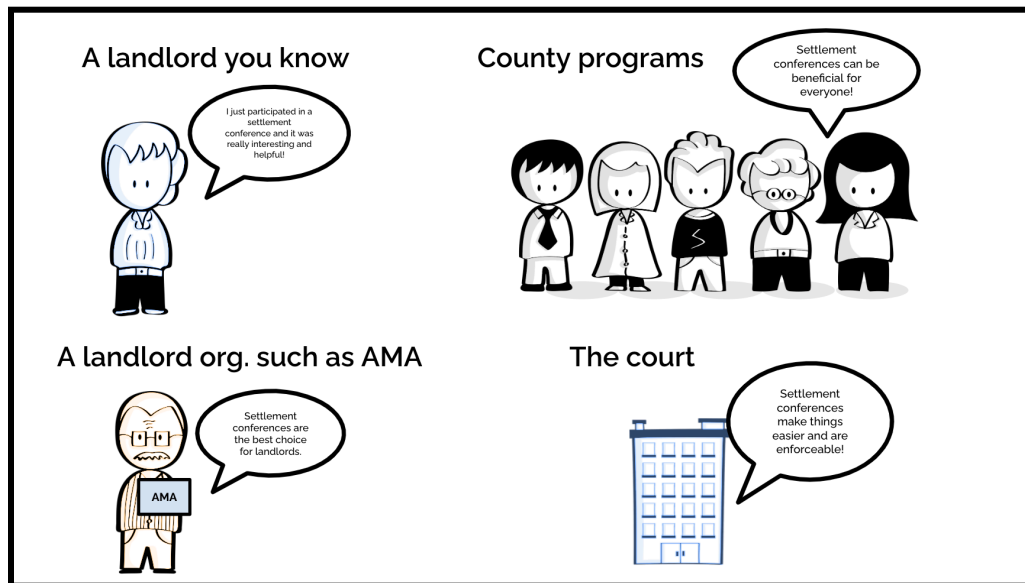


Figure 10: Trusted Sources of Information

Research Question 4. What do landlords think of settlement conferences?

One assumption that the research team identified was that landlords want to pursue a settlement conference at all. The research team brainstormed some potential barriers related to why landlords might be adverse to participating in eviction settlement conferences and included those in the test. This included asking what questions landlords might have about settlement conferences and which of those questions do landlords want answers to before agreeing to participate:

- Whether they lose rights by agreeing to participate?
- Who is the neutral party?
- What happens with rental assistance if there is a settlement conference?
- What happens if the tenant doesn't follow the terms of the settlement?
- Where are settlement conferences held?
- How long does the process take?
- How much does this cost the landlord?
- Do both parties receive a copy of the settlement agreement?

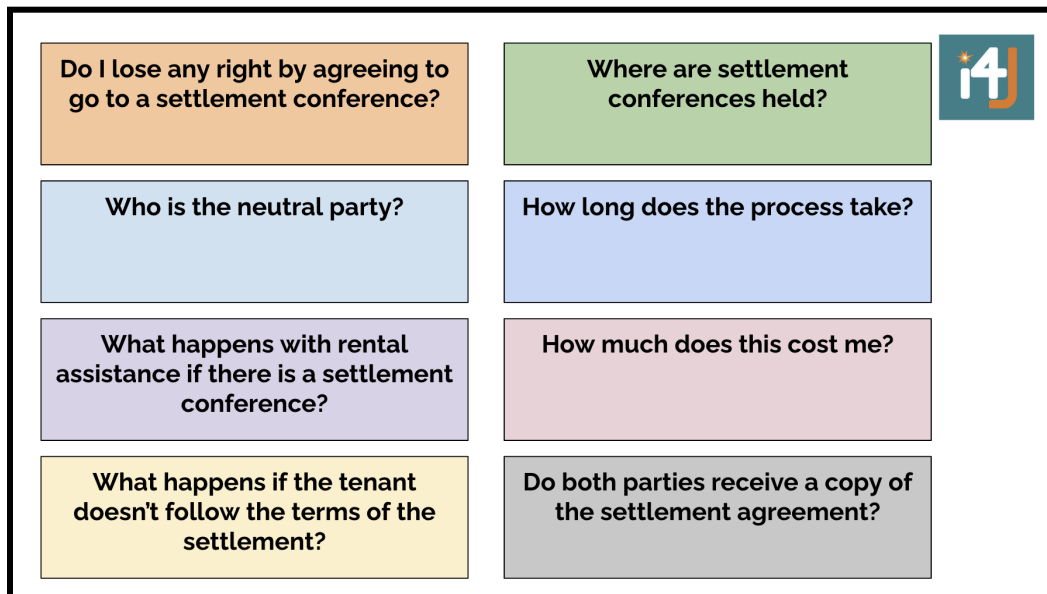


Figure 11: Potential Barriers to Eviction Settlement Conference Participation

As part of this research question, the research team hypothesized that the location of the current eviction settlement conferences— in person, at the courthouse— might be a barrier to participation. The research team sought information regarding landlord preference between in-person and online settlement conferences, and whether landlords would still be willing to participate even if it was not their preferred method.

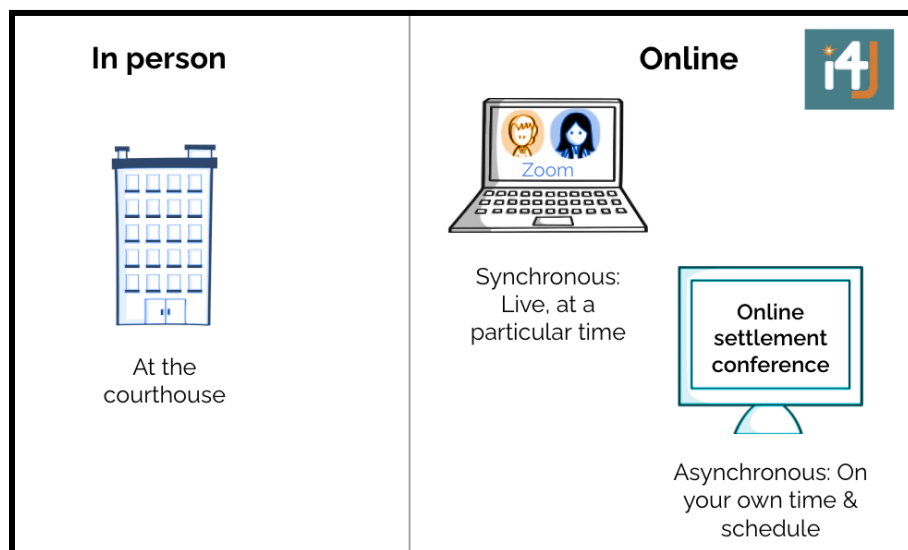


Figure 12: Eviction Settlement Conference Modality Preference

Research Question 5. Is the landlord familiar with EELS?

During the interview phases, the research team learned that landlords are often confused about what EELS does and how landlords interact with EELS. Additionally, given the difficulties in recruiting landlords to participate in interviews and prototypes, the research team thought it likely that some participating landlords would be unfamiliar with EELS. The research team's goal with this research question was to determine whether information about EELS and the services offered would be beneficial when disseminating information about settlement conferences. EELS staff expressed a desire to connect with and build relationships with landlords, which is only possible once landlords are aware of EELS.

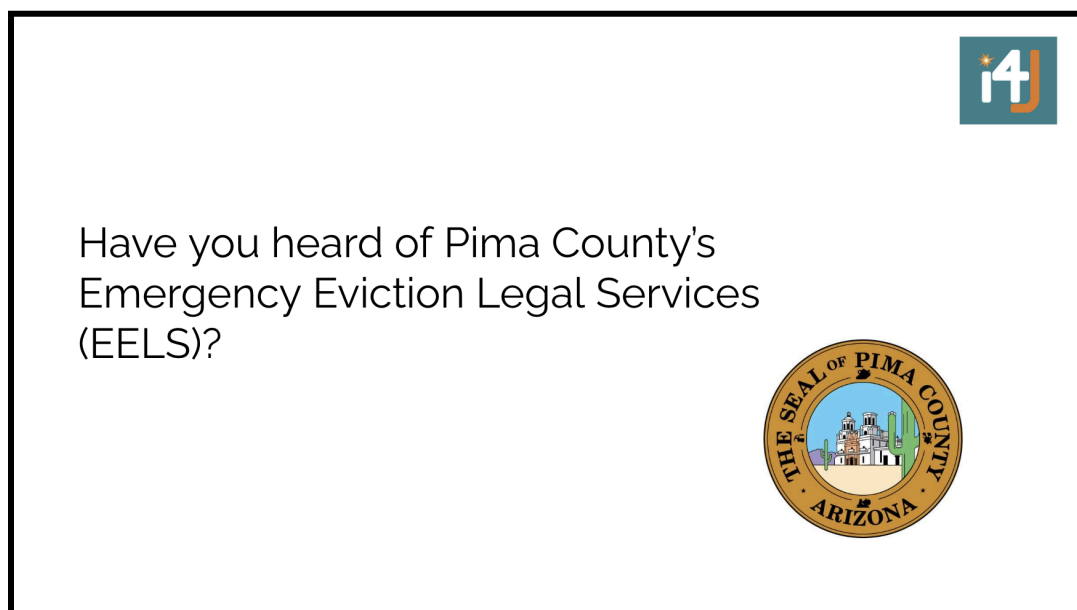


Figure 13: Final Research Question

Prototype Testing

Landlord Recruitment During Prototype Testing

Landlord engagement proved challenging throughout the project, and prototype testing was no exception. The research team directly contacted twenty-four Pima County landlords. The landlord contact information was pulled from various sources, including a list provided by EELS staff during the interview phase as well as Pima County Justice Court data from 2020.

Of these twenty-four landlords, twenty were contacted by phone. These calls resulted in two tests being scheduled, but only one test occurred (one landlord was a no-show). The

other eighteen landlords declined outright, did not respond to messages left with staff, or did not respond to voicemails. Two landlords were contacted by email, both without response. The remaining two landlords contacted were contacted through text message, neither of which responded.

Because of the low participation from cold calls, emails, and text messages, information about participation in interviews was circulated through the EELS listserv. From this, two landlords expressed interest, with one landlord scheduling and participating in prototype testing.

Information about participation was also circulated by EELS staff during the course of their interactions with landlords. This resulted in two landlords scheduling and participating in prototype testing. One of the landlords asked if her broker could also join the prototype test; that prototype test had two participants but is counted as a single test for data reporting because the landlord and broker responses were consistent with each other.

The last method of recruitment was through AMA— this resulted in two interested landlords who both scheduled and participated in testing.

Overall, six landlord prototype tests were conducted over two and a half weeks. All prototype testing participants received a \$40 tango gift card for their time.

Landlord Demographics from the Prototype Testing Phase

Landlord prototype test number	Number of units	Types of units	Number of notices of nonpayment	Number of evictions filed	Eviction judgments
1	1	Single-family dwelling	0	Personal preference is not to evict.	Personal preference is not to evict.
2	123	Single family homes for moderate-income and low-income families	At least 30 out of 123 units every month	Since COVID, only 2 evictions; in general, only 1-2 evictions per year	All evictions filed end with judgment in landlord's favor; of the evictions that were filed, only one was compelled by the court to leave.

3	A little over 200	Most single-family homes, some duplexes, some townhomes, some condos, no apartments	10-15 notices of nonpayment per month (around 120 a year). Many notices of nonpayment are repeat tenants.	5-15 evictions filed per year; sometimes file evictions to "scare" tenants into paying.	100% judgment in favor of the landlord; very rarely do people leave the property after judgment, maybe only one or two per year.
4	225	Primarily multi-family apartments	3-4 notices of nonpayment served per year	2 evictions in 6 years; none for nonpayment of rent	100% of eviction judgments in favor of the landlord and resulted in the tenant leaving the property.
5	5 properties with 1,600 units	Garden-style apartments	N/A (landlord wanted to verify this number before sharing, but did not respond to follow-ups from the research team)	Less than 5 evictions filed last year	Almost all evictions end with judgment in favor of the landlord; a lot of tenants leave on their own after there is a judgment against them.
6	3,008 units	Apartments	Difficult to put an exact number but always have them; Golf Links has a higher number of notices of nonpayment than Oro Valley	Very low evictions filed each year; sometimes file evictions to "bump them to the top of the list" for funding resources	Very high rate in favor of the landlord; careful about not going to court unless they are sure of an outcome in their favor.

All six landlords had not previously participated in eviction settlement conferences. Two landlords had heard of eviction settlement conferences, but four had not. When asked

about previous participation in settlement conferences, two landlords shared their thoughts on the initial perceived usefulness of settlement conferences. One indicated that they can't imagine having a settlement conference for anything else other than non-payment. They explained that if there is an irreparable breach like shooting a gun, then they are not interested in settlement, they want the tenant gone. For other breaches of contract, such as speeding through the complex or having an unauthorized pet, the tenant has been given informal and formal notice to cease behavior and they have not, so the landlord is not interested in giving them another chance through a settlement conference. Another landlord reported that by the time they hire an attorney to assist with a tenant issue, the only option is eviction; at that point they do not think that settlement conferences are something they would take advantage of. They expressed concern about the cost of delaying eviction and believe that if they reach the formal eviction process, they have exited settlement options. This landlord reported feeling like a "charity" because they "truly exhaust every single option" before proceeding with eviction.

Findings from Landlord Prototype Testing

Email is the most preferred method of receiving information about settlement conferences, followed by a letter.

Email

Five out of six landlords confirmed email is their preferred method of receiving settlement conference information. (One of these landlords said email and letter were tied as their top choice.) In support of their preference for email, three landlords specified that they liked that email provides an electronic paper trail. One landlord said email provides enough information that she can digest in her own time. One preferred email because it is easier to ensure it goes to the intended recipient compared to other options. The one landlord who did not prefer email said email was too easy to ignore.

Letter

A letter was the first choice for two landlords. (One of these landlords said email and letters were tied as their top choice.) A letter was the second choice for two landlords. Letters appealed to landlords because they are "a bit more professional than a flyer," are a physical option, and are easier to get to the right recipient than a phone call or text message.

Phone call

Only one landlord voiced support for a phone call. This landlord said calls were more personal and provided an easier way to ask questions and receive immediate answers. However, three landlords said they would not like to receive phone calls.

Text message

Only one landlord voiced support for text messages. Landlords who preferred not to receive text messages said they already receive too many texts messages and texts are not “serious.”

Flier

No landlords preferred fliers.

Informational materials with empirical data emphasizing how settlement conferences can save landlords time and money are most likely to encourage landlord participation.

Five out of six landlords reflected positively on the informational material with empirical data about settlement conferences. One landlord commented that the hypothetical numbers were “rather promising” and thought this approach was “good by showing numbers and percentages.” Another landlord remarked that “the big (hypothetical) numbers” made her interested in participating in a settlement conference, in part because they truly believe in helping tenants as much as they can. Three landlords confirmed that expedited rental assistance was a draw. Three landlords also commented that saving money was a positive factor in encouraging their participation in settlement conferences. One landlord suggested that including more information about how many tenants fulfilled their obligations in the settlement and what happens when a tenant fails to abide by the terms of the settlement may be beneficial.

The opportunity to receive expedited rental assistance is a substantial motivating factor.

Four out of six landlords stated that the informational material emphasizing expedited rental assistance would make them interested in participating in a settlement conference. Of those landlords, one commented that this would give landlords— business-minded professionals— a reason to participate, another stated that it would “absolutely” make her interested, and one noted that they considered it a “significant factor.” However, one landlord noted that although the message is good, this “won’t move the needle” in encouraging their participation because rental assistance is also expedited through the traditional judgment route. That landlord suggested that it would be “extremely helpful” if the settlement conference was available before the filing of an eviction complaint.

The binding and enforceable element of settlement conferences positively resonates with landlords, but it may be more effective when combined with statistics focusing on the landlord’s bottom line.

Four out of six landlords appreciated the binding and enforceable element, remarking that it gives the landlord reassurance that the court will enforce the terms of the agreement if the tenant does not comply. They also noted that it shows that a settlement agreement may be just as good as a traditional judgment. Two of those landlords confirmed that the binding and enforceable element would make them interested in a settlement conference. However, one landlord indicated that the binding and enforceable information would be more

motivating if combined with the example material emphasizing empirical data and another said she would add "information that would be more meaningful." Two landlords wondered what the value of the settlement conference was in light of the fact that traditional judgments and leases are also binding and enforceable. Two landlords confirmed that this option would not get their attention or encourage participation.

The neutral facilitator is a positive feature, but might not be enough to encourage participation in a settlement conference on its own.

All six landlords reflected positively on the fact that settlement conferences are facilitated by a neutral party. One landlord remarked that "it's good information to know that the facilitator is neutral and there to help both of you." Two landlords liked the positivity and optimism of a "neutral facilitator." However, three landlords confirmed the neutral facilitator alone would not make them interested in a settlement conference. One specified that they would prefer to see information about "saving money" and "coming up with a mutual plan" because "most landlords are business people." One remarked that this example was "interesting, but not a deciding factor in participating," and another said it is "not very persuasive." One landlord explained that an important factor is *who* the neutral facilitator/judge is because, per this landlord, some judges are biased towards tenants.

The emotional appeal of avoiding eviction and keeping families together may help motivate landlords to participate in settlement conferences, but landlords will be more motivated if this information is combined with information about how the settlement conference may impact their bottom lines.

In response to the material with an emotional appeal focused on the effect of eviction on tenants, four out of six landlords commented positively about the "benefits to families," and that this example showed the "other side of the equation" and is "about community." Two landlords confirmed this would make them interested in participating in a settlement conference or finding out more about the option. However, all six landlords expressed some reservations about this option. Three landlords preferred to see information about how settlement conferences impact their bottom lines or a combination of information focusing on keeping families housed and information about their bottom lines. One landlord remarked that "landlords are business people who are triggered by numbers," and therefore a "combination of numbers and information material would be good." Similarly, another remarked that she thinks "most landlords are concerned about the bottom line," and still another said this example would not make her as interested as the one emphasizing empirical data. Three landlords ultimately said that this would not make them interested in participating in a settlement conference. Two of these landlords thought this example showed landlords in a negative light and felt this option would be more motivating for tenants than landlords. One of these landlords suggested that tenants need to be more educated about their rights and responsibilities and that landlords are not responsible for "keeping families together" or ensuring stability.

Repairing the landlord-tenant relationship has the least motivational value for landlords, and may even discourage participation in settlement conferences.

Four landlords said the informational material that emphasized repairing relationships with tenants would not make them interested in participating in a settlement conference or would discourage their participation. One landlord stated this option was “offensive” to her, and another stated that it would “tick me off,” in part because it “implies that landlords are the ones who broke the relationship.” Two landlords recommended this example not be used. Three landlords indicated that repairing the relationship is either not a priority because “it’s just business” or due to fair housing laws. One landlord explained that if you are at the point of considering an eviction, “you are not looking to repair the relationship, you’re looking to end it.” However, one landlord indicated that this example might be beneficial for smaller landlords with closer connections to their tenants. Two landlords said they either liked this example or it would make them interested in participating in a settlement conference.

Landlords prefer to receive information about settlement conferences early in the landlord-tenant relationship, either before there is a problem or when a problem arises.

All landlords chose either “before there is a problem” or “when a problem arises” as the optimal time to receive settlement conference information. Landlords appreciated a proactive approach. As their second choice, three landlords chose “after the complaint is filed but before the hearing.” In support, one landlord said a complaint being filed would garner more attention. Two landlords noted that a phone call would be useful after the complaint was filed or if the situation was urgent because it enables direct communication and better information flow.

Landlords prefer to receive information about settlement conferences from either the court or the county but are open to receiving information from many sources.

All landlords identified either the court or the county as the conveyor of information that would make them most motivated to participate in a settlement conference. One landlord said all options would be her top choice because there is value in receiving information from many sources.

Court

Two landlords identified the court as their top choice, and two landlords identified the court as their second choice. Landlords reasoned that they would pay more attention to communication from the court, landlords “listen to powerful organizations,” and hearing “right from the source” is beneficial.

County program

Two landlords identified a county program as their first choice. One landlord ranked the county program as their top choice because “the county and city are the most motivated to keep people housed, they are the ones who keep programs in place.”

Another landlord

One landlord identified “another landlord you know” as their top choice. Two additional landlords viewed this option positively; one stated that “landlords are also good, but they don't have the same weight.”

The Arizona Multihousing Association

Two landlords suggested they would be motivated by receiving information from the Arizona Multihousing Association.

Other suggestions

A landlord suggested they would also be motivated by receiving information from the Attorney General's Office because “they manage and investigate Fair Housing claims, so they have lots of clout.” Other suggestions included Interfaith Community Services (ICS), other nonprofits that deal with housing issues, the settlement conference facilitators, the constable's office, and the Tucson Association of Realtors.

Landlords' preferences for who they receive information from do not change when the format of information changes.

No landlords reported that their preferences changed when the format changed.

Landlords' preferences for who they receive information from do not change with the timing of information.

Five landlords confirmed they would still want to hear from the court or county before the problem arises or before the complaint is filed. One landlord noted they would want to hear from an organization like the AMA before the problem arises, another said they would want to hear from a landlord at any point. One landlord said a phone call might be beneficial if it is after the complaint.

Landlords prefer to attend a settlement conference either in-person or synchronous online.

In-person

Four out of six landlords confirmed that in-person was their top choice. (One had in-person tied with synchronous online.) One landlord was concerned about their tenants' access to technology and ability to participate online. Another landlord said that being in-person impresses upon the parties the importance of meeting their own responsibilities. However, two landlords expressed concern that participating in-person may be too time-consuming or not a good use of time.

Synchronous online

Four landlords identified synchronous online as their ideal method of participation. (One landlord had in-person tied with synchronous online. One landlord said either synchronous or asynchronous would be ideal.) Landlords identified the following reasons for their online synchronous preference: (1) Landlords are accustomed to Zoom because of the pandemic, (2) online is more convenient, (3) synchronous forces everyone to be in the same (virtual) place (in contrast to asynchronous), (4) it provides a forum to ask questions and receive immediate answers (in contrast to asynchronous option), and (5) more people have been showing up since the court has offered remote options.

Asynchronous online

Only one landlord indicated the asynchronous online option would be their first choice, and it was tied with the online synchronous option. Four out of six landlords indicated they would still participate asynchronously online if it was required or the resident's choice. One specified that she would still want to have access to someone to answer questions in real-time. Landlords cited concerns about fairness in the online setting. One was concerned that it is easier to be "not truthful" when online. Another landlord noted that in the asynchronous online setting, there was "too much room for questions not being answered or things being interpreted unfairly."

Most landlords are motivated by factors that pertain to how much the settlement conference costs and how long the process takes, but there are a variety of important factors.

How much does this cost me?

Two out of six landlords ranked "how much does this cost me" as the most important factor in deciding whether to participate in a settlement conference. One landlord ranked it as their third choice, and one ranked it fourth. An additional landlord said they would want to have cost information.

How long does the process take?

Two out of six landlords ranked "how long does the process take" as the most important factor. Landlords reasoned that by the time a case gets to a settlement conference, they have probably already invested a lot of time already. Thus, whether the settlement conference is faster or slower than the traditional process is an important consideration. One landlord ranked it as their second choice. An additional landlord said this was an important consideration because "if settlement conferences take too long, then it's not worth the time or the money."

What happens if the tenant doesn't follow the terms of the settlement?

Two out of six landlords ranked “what happens if the tenant doesn’t follow the terms of the settlement” as the most important. One landlord ranked it as their second choice, and one ranked it fourth. Two additional landlords indicated this was an important consideration.

Do I lose any rights by going the settlement conference route?

Three landlords ranked “do I lose any rights by agreeing to go to a settlement conference?” as the second most important factor in deciding whether to participate in a settlement conference. One such landlord reasoned it was important to know that a settlement agreement is as important as a judgment. Two additional landlords ranked this as their third choice, and one more noted that whether they lost any rights was important to know.

What happens to rental assistance?

One landlord ranked “what happens to rental assistance” as their third option. An additional three landlords identified this as an important consideration.

Landlords could benefit from more education about EELS and its services.

One landlord had never heard of EELS. Three landlords had heard of EELS but did not have enough information or experience to say whether they would recommend the program. Only one landlord said she would recommend EELS. She noted that “it is just a waiting game” once the tenant is approved. However, this landlord also exhibited some confusion about EELS. One landlord reported having “many experiences” with EELS and being unhappy with the program. This is because “approval is not a guarantee” and “landlords need guarantees.” Also, the “emergency” assistance was not processed at an emergency pace. This landlord also reported that EELS initially helped tenant relationships, but that is not the case anymore. For these reasons, this landlord would only recommend EELS to particular types of landlords.

Settlement conference information and recommendations are likely to be unpersuasive to landlords who have already demonstrated they are uninterested in pursuing a settlement conference option.

One landlord reported that she is generally not excited about the settlement conference option because she views eviction as a last resort, and by that time there is generally nothing to settle. Another landlord described that she is generally not receptive to settlement conferences because there is no “settling” going on. The tenant has a legal obligation, and the settlement conference simply allows the tenant a different way of meeting their existing legal obligation.

5. Revised Prototype

The research team created a revised prototype in response to the data gathered from the six prototype tests conducted. The revised prototype is still an early-stage prototype that is focused on further information-gathering, and is not intended to be used as specific information or graphics for distribution. The purpose is to provide a direction for the next stage of testing, not as final materials.

The research team revised informational examples focused on empirical data about settlement conference outcomes and the emotional appeal about avoiding eviction and keeping families together, as well as communication preference. The revised prototype is [available here](#).

The informational example focusing on empirical data about settlement conferences has been broken down into two options. The first has all statistics on a single slide. The data point about expedited rental assistance was moved to the first bullet point because three out of six landlords indicated that is the data point that caught their attention. A final data point was added, the percentage of tenants who abide by the terms of the settlement agreement, at the suggestion of one landlord. Additional follow-up questions— What is the lowest percentage that would still be persuasive for you? Why did you choose that number? — were added to the questions accompanying this example because the numbers shown are merely examples. It would be important to know the threshold that is convincing, because if the actual court data is below that threshold then using statistics in informational material distributed to landlords would likely not be effective. The second was revised to combine the original informational examples about empirical data and the emotional appeal, at the suggestion of 2 landlords.

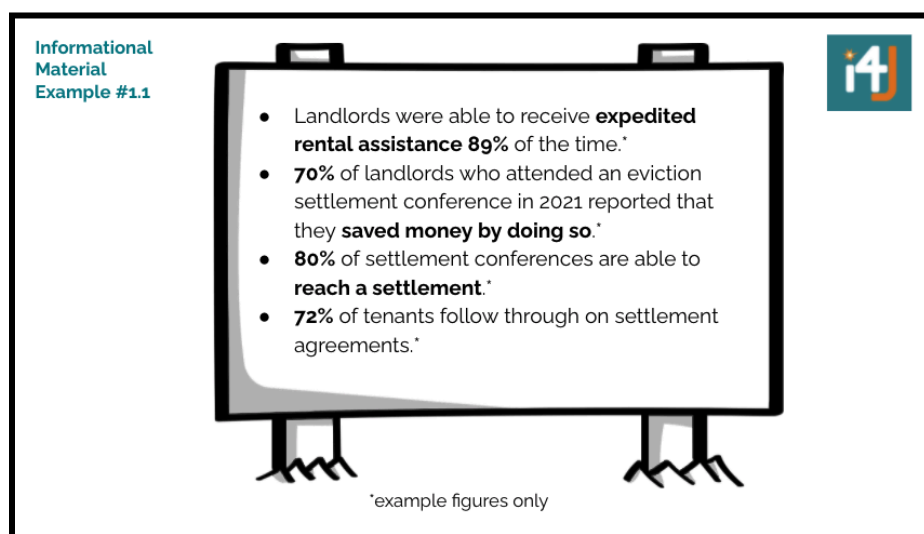


Figure 14: Revised Empirical Data Approach #1

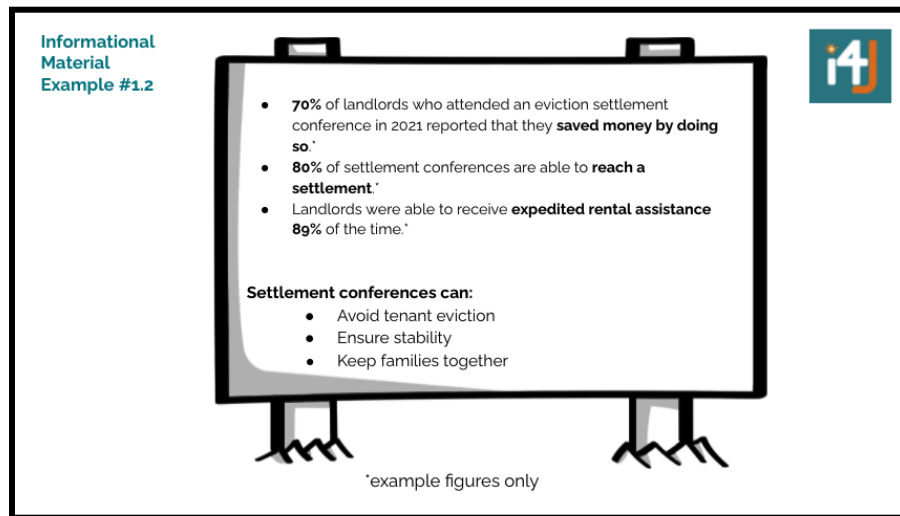


Figure 15: Revised Empirical Data Approach #2

The graphic on the informational example emphasizing the emotional appeal was changed at the suggestion of a landlord. One landlord reported that the clipart of the family was unrealistic due to background color and perceived gender. The research team changed this graphic to one that contains the silhouette of three people under the roof of a house, with no indication of race, gender, or familial status.



Figure 16: Revised Emotional Appeal Example

The slide testing information communication preference was changed to omit the two communication options that all six landlords said they would not like— flyers and text messages.

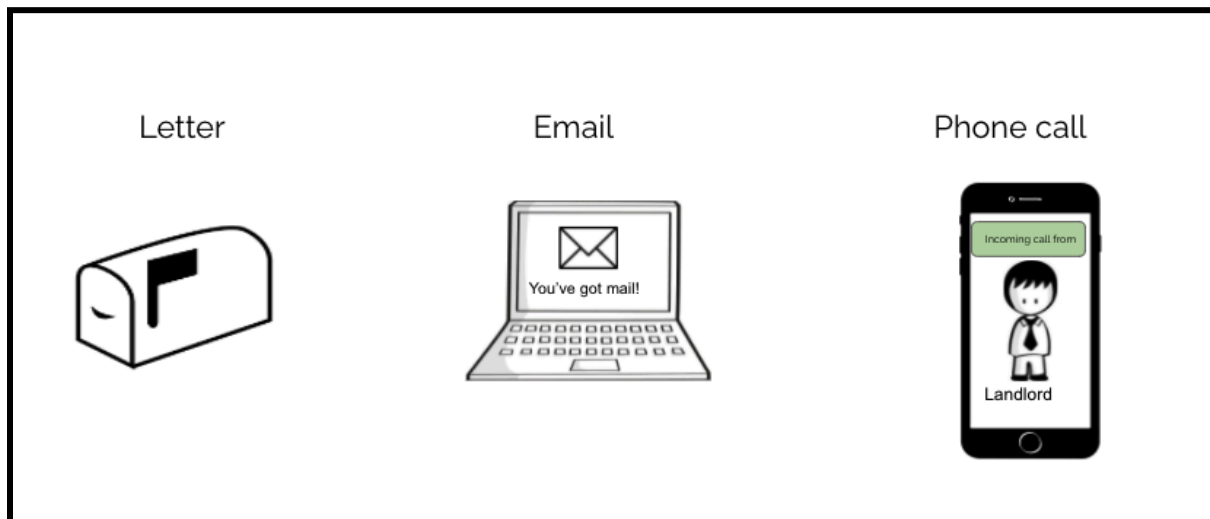


Figure 17: Revised Communication Preference

6. Recommendations

Language about court-facilitated eviction settlement conferences should be standardized to avoid confusion.

The research team recommends being explicit when referring to court-facilitated settlement conferences. Throughout this research, many interview and prototype test participants displayed confusion about the difference between informal problem-solving with tenants, formal mediation, settlement conferences that are not part of the court process, and the Pima County Justice Court's eviction settlement conference option. In prototype testing and interviewing, landlords used the terms settlement conferences and mediation to mean both formal and informal processes. Additionally, one landlord indicated that the term "settlement" may be misleading because it leads them to believe that a tenant does not have to fulfill their legal obligations. In any informational material distributed to landlords, it should be explicit and clear that it is a formal eviction settlement conference offered through Pima County Justice Court.

Engagement materials should focus on how settlement conferences are smart business decisions that save time and money.

Four out of six landlords confirmed that the engagement material with an emphasis on empirical data about settlement conferences focused on saving time and money would

make them interested in participating in a settlement conference. Because this message has a strong motivating effect, the research team recommends that future testing explore whether informational material that combines the empirical data argument with emotional appeal information on how settlement conferences can keep people housed and have positive societal impacts. As indicative of support for this change, one landlord specified that while she liked that the emotional appeal showed the benefits to families, combining this information with numbers and percentages would be more effective. Similarly, another landlord said that the emotional appeal about avoiding eviction and keeping families together appealed to her, but “most landlords are concerned about the bottom line.” Another landlord said that while she liked the positivity structure of the emotional appeal and that it shows that a settlement conference is a win for everyone, that example would not make her as interested in participating as the empirical data because those figures were “really appealing.”

Engagement materials should avoid emphasis on the landlord-tenant relationship.

Five out of six landlords reported that the informational material emphasizing repairing the landlord-tenant relationship either would not make them interested in participating in a settlement conference or would actively discourage participation. One landlord said this content would move her away from wanting to participate, and another said it would “totally turn me off to a settlement conference.” A different landlord explained that from a business perspective, landlords do not care about relationships unless it is somebody that has been there a while. Due to landlords’ negative response, the research team recommends EELS avoid any emphasis on repairing the landlord-tenant relationship in any materials distributed to landlords..

Collaborate with Pima County Justice Court to prepare and send letters and/or emails to landlords with educational materials about eviction settlement conferences.

The research team recommends that EELS work with the court to provide a template for settlement conference emails and letters that the court can send to parties in eviction cases. Several landlords noted that the court was the source of information from whom they would like to receive educational materials informing them about eviction settlement conferences. Several landlords noted that it is better to hear information from the court directly and that receiving information from the court makes them more likely to pay attention to the information. In addition, landlords expressed a preference for receiving communications about settlement conferences as emails and letters, versus texts or calls.

Send letters and/or emails to landlords from EELS with information about EELS and eviction settlement conferences.

The research team recommends EELS contact landlords directly with more information about EELS, as well as information about settlement conferences. Four out of six landlords had not heard of EELS, and there seems to be confusion on the part of landlords about the role that EELS plays. One landlord said that they have “heard the name but have no idea”

about the services EELS offers. Additionally, two landlords indicated that they prefer to receive information about settlement conferences from a county program such as EELS. One landlord said that “county programs are best,” and another said that they “want to hear from the government,” including county programs. All landlords indicated that they prefer contact by letter or email. Contacting landlords directly may meet the dual purpose of increasing landlord eviction settlement conference participation, and also building relationships between EELS and landlords.

Collaborate with landlord organizations such as AMA to get eviction settlement conference information to landlords by email or letter.

The research team recommends that EELS work with AMA to provide a template for settlement conference emails and letters that AMA can send to their members. Two out of six landlords said that the AMA is a trusted source of information for landlords. One landlord said that the AMA is “a great resource for all things,” and the other said it “would be good for the AMA to also endorse and promote these options.” All landlords indicated that they prefer contact about settlement conferences by letter or email.

Additional Testing

The research team recommends additional testing before choosing and implementing landlord engagement strategies.

First, additional testing about the labeling and framing of settlement conferences may be beneficial. Landlords reported confusion about formal settlement conferences, and one landlord said that the word “settlement” made it seem as though the tenant is excused from their existing legal obligation. Further testing about labeling and framing may be beneficial, if it is determined that re-labeling eviction settlement conferences is feasible in Pima County.⁴⁹

Second, the research team recommends additional testing to explore what kinds of statistics landlords want to see in educational materials about settlement conferences. Many landlords were receptive to a statistical approach showing why settlement conferences might be a rational, cost-saving approach. However, this was only tested with three example statistics. While the research team was able to determine that landlords were most attracted to data about saving money from a business-perspective, the statistics were example statistics. Additional testing should test different percentages to determine thresholds for landlord motivation with each statistic. Further, engagement materials that leverage landlord cost-savings would need to be grounded in reported, not example, data supporting the asserted cost savings—collecting that data was outside the scope of this project.

⁴⁹ This may be more feasible if EELS decides to create their own settlement conferences, instead of trying to change the labeling of Pima County's existing eviction settlement conferences.

Third, the research team recommends additional testing to determine if there is a meaningful difference between landlords receiving materials about settlement conferences via a letter or an email. Data shows that these two methods were the most preferred choices, but it is unclear which method is most effective or if both methods together would be the most effective.

Last, because it takes both parties to agree to participate in a settlement conference, the perspective of the tenant needs to be tested. This includes testing about tenant motivation to participate as well as preference of time and location of an eviction settlement conference.

Other Considerations

The research team was not able to interview any lawyers, landlords, or tenants who have first-hand experience in a Pima County Justice Court eviction settlement conference. Thus, while there is information on what might incentivize landlords to participate in these settlement conferences in the future, the research team was unable to collect data about what motivated stakeholders who have previously taken advantage of these settlement conferences. The research team interviewed one landlord attorney and one tenant attorney, neither of whom had direct experience with these eviction settlement conferences. The landlord attorney did have experience in settlement conferences for different legal issues, such as employment, and noted that, in general, settlement will only be sought if parties think they are already close to a deal and that negotiation could be fruitful. The research team also spoke with one Pima County Justice Court Judge who has experience with the eviction settlement conferences. While this judge provided helpful insight that settlements occur one or two times a week and that it is usually the landlord's attorney who initiates the settlement conference, the factors or circumstances that motivate parties to seek a settlement conference were not present in this judge's perspective.

Another consideration is that testing the feasibility of operationalizing recommendations was outside the scope of this project. Many recommendations made by the research team suggest collaborating with other stakeholders such as AMA and Pima County Justice Court. It is unknown whether these entities are willing or able to collaborate to provide information about settlement conferences and encourage landlords to participate.

Last, gathering specific data about settlement conference outcomes was outside the scope of this research. Ready access to that data may be necessary to include in informational materials, especially if the statistics are favorable to landlords.

7. Conclusion

As part of this project, the research team explored five research questions: (1) what messaging in settlement conference materials would resonate with landlords; (2) what timing in the landlord-tenant relationship do landlords want information about settlement conferences; (3) who do landlords want information from / trust; (4) what do landlords think of settlement conferences; and (5) is the landlord familiar with EELS.

The research team found that the current EELS process has many opportunity spaces to engage with landlords with the purpose of encouraging them to participate in settlement conferences:

- When parties are in problem-solving mode at the time of lease disruption.
- When EELS sends mailers to tenants against whom eviction complaints have been filed.
- When landlords request proof that a tenant is working to catch up on late rent.
- When EELS is triaging a tenant and determining what support a tenant needs.
- If EELS creates, staffs, and houses a rental assistance team.
- Leveraging navigators' interactions with landlords throughout the process to build relationships.
- Any time EELS can speak to a landlord about a settlement conference option before the eviction court hearing.
- Discussing settlement conferences with tenant and tenant attorney at the time of referral.
- Post-judgment, when Spencer is helping folks with transitional services.

Based on a single round of testing, the research team suggests the following strategies may help encourage landlords to participate in eviction settlement conferences:

- Language about court-facilitated eviction settlement conferences should be standardized to avoid confusion.
- Engagement materials should focus on how settlement conferences are smart business decisions that save time and money.
- Engagement materials should avoid emphasis on the landlord-tenant relationship.
- Collaborate with Pima County Justice Court to prepare and send letters and/or emails with educational materials about eviction settlement conferences.
- Send letters and/or emails to landlords from EELS with information about EELS and the eviction settlement conferences.
- Collaborate with landlord organizations such as AMA to get eviction settlement conference information to landlords by email or letter.

User experience research and design is most successful when applied in an iterative manner. The research team's findings can provide general direction for where to invest

future research efforts, but should not be taken as definitive directions. Additional rounds of prototype design and testing using the suggestions above are recommended to address uncovered challenges and refine messaging to landlords about eviction settlement conferences.