



MEMORANDUM

Date: September 16, 2021

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry *CH*
County Administrator

Re: Emergency Rental Assistance Program and Emergency Eviction Legal Services Updates

I am enclosing an update and report from Dan Sullivan, Director of Community and Workforce Development (CWD). This update relates to both the items on the Agenda from District 2 as well as District 5 requesting information on this subject.

The best summary of the update is contained in an article in Arizona Public Media that touts the Pima County Eviction Program and emergency rental assistance as one of the best in the country. While we can always do better, this documents our program has been immensely successful.

Regarding the issue related to landlord applications on behalf of tenants who would qualify for emergency rental assistance, it is reported that as of September 10, 2021, 15 percent of the applications received were initiated by landlords or property managers on behalf of their tenant. This indicates the need for a separate program for landlords is unnecessary. What may be necessary is increased publicity and community awareness that landlords can also apply for tenants who qualify for emergency assistance. I have asked our Communications Office to develop an appropriate awareness program that can be advertised for landlords, particularly smaller landlords who may not be fully aware of all of the programs available. To date, a significant amount of our relief has gone to few large property managers of rental property.

Regarding Court eviction proceedings, the report indicates there has been no onslaught or great rush to push evictions with the expiration of the moratorium. Of note is that the present average of weekly evictions is 142, below the pre-pandemic average of approximately 250 per week.

Regarding Emergency Rental Assistance Program (ERAP) processing and timelines, they continue to decline. Since the portal has opened, the median time from application and referral was 58 days. For applications received since July 2021, that timeframe has been reduced to 31 days. To further increase capacity and speed referral, I have authorized the Community Assistance Division of CWD to convert 11 temporary employees to permanent employees and hire 5 additional staff as well as to offer the employees up to 10 hours of overtime each week, if they would like to work beyond the 40-hour work week. Based on employee response, all 11 employees have accepted an additional 10 hours of overtime, which will allow staff to increase hours of operation and expand into more weekend assistance to both landlords and tenants.

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In addition, CWD will contract directly with several outside agencies to increase pass through processing capacity. These include Compass Affordable Housing, Chicanos Por La Causa and Interfaith Community Services.

In my view, CWD and its Community Assistance Division has done an outstanding job in providing emergency rental assistance to both landlords and tenants and remain in compliance with program and grant requirements as well as guidelines.

Based on the Board of Supervisors' request for an update, both CWD Director Dan Sullivan and Deputy Director in charge of Emergency Eviction Legal Services Andrew Flagg will be available to discuss this report at the next Board meeting.


CHH/anc

Attachment

c: Jan Leshner, Chief Deputy County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services
Dan Sullivan, Director, Community and Workforce Development
Andrew Flagg, Deputy Director, Community and Workforce Development

Date: September 16, 2021

To: C.H. Huckelberry
County Administrator

From: Dan Sullivan 
Director, Community &
Workforce Development

RE: **Emergency Rental Assistance Program (ERAP) & Emergency Eviction Legal Services (EELS) Update**

Background

Pima County Community & Workforce Development (CWD) continues to see a growing need for its services and resources within Pima County. Throughout the COVID-19 health pandemic, the Community Assistance Division (CAD) of CWD has met the demand in services by implementing proven practices, developing strategic plans to meet growing challenges, and implementing procedures that produce a fast track to services. This innovative approach to the ever-changing landscape has resulted in high-quality service delivery to those most in need in our community.

CWD, the City of Tucson, and Community Investment Corporation (CIC) have received more than 20,000 COVID-19 related applications from individuals seeking rent and utility assistance since March. On average, these applications have resulted in awards of nearly \$350,000 each week in rent and utility payments.

As of the week of September 13, 2021, CAD has obligated nearly \$10 million of Pima County's \$15.18 million Emergency Rental Assistance Program (ERAP) 1 allocation (10 percent of total award is set aside for staff costs). At this rate, we project ERAP 1 funds will be fully expended in the very near future, and we will start to draw from ERAP 2.

Success

The collaboration between the Pima County, City of Tucson, and CIC offers a single point of entry for all Pima County residents to access COVID-19 related rent and utility assistance. This has led to over \$27 million in rent and utility assistance (approximately 80 percent of the total allocation to County and City) paid out and/or obligated to 4,325 eligible households across this County.

This compares favorably to the Arizona Department of Economic Security (DES), which has paid just \$16.8 million out of the State of Arizona's \$289 million ERAP 1 allocation. Similarly, the US Treasury Department shows only \$5.1 billion of the estimated \$46.5 billion in federal rental assistance has been distributed (11 percent) by states and local governments from March to July.

Our local efforts have been noted widely by the media. Most recently, the CWD/City effort was recognized by the National Low Income Housing Coalition (NLIHC) as one of the most innovative, efficient and effective programs providing rental assistance nationwide as well as the Arizona Multi-Housing Association (AMA) as the most "efficient and expedient program in the state."

Based on this remarkable progress, Community & Workforce Development and the City of Tucson have jointly asked the state Department of Economic Security (DES) for an additional \$11 million for each entity from the State's ERAP 1 allocation in order to meet the need in our community.

ERAP Individual Tenant Process

Individuals may apply to the CIC central application portal. This platform allows tenants to apply and check the status of their application through the portal. Based on provided answers, the CIC system assigns each application a priority score from most urgent to non-urgent applications rather than based in order the application is received. For instance, an applicant who is on the cusp of being evicted due to non-payment score higher than those who state they are behind on rent payments. This prioritization system means that some individuals who apply may wait from one to several weeks before being assigned a case worker.

CIC's system deems initial eligibility within 24 hours. Since July, the median time from application to referral to a service agency reduced to 31 days. Applications from tenants in eviction proceedings are referred immediately. This timing of the assignment is based on the number of applications an agency can process at any given time. Since March, CWD has completed more than 2,400 applications and community-based agencies have completed more than 2,500.

High risk or urgent applications are pulled from the system weekly and assigned to case workers. Categorical eligibility determination implemented to fast track applications based on receipt of other low-income government qualified programs reduces additional income verification. The use of a "Fact Specific Proxy" Tenant Income Verification – allows Tenants to qualify for assistance without paperwork burdens if they live within a designated "vulnerable neighborhood". Furthermore tenants who are "coordinating with courts", those working with our court navigators and the Emergency Eviction Legal Assistance (EELS) program, and those referred by the Constables are also identified for prioritization. After the application is assigned to an agency, the individual is contacted via email or telephone with the documentation required to complete the application as well as the steps involved in the process.

These initial contact calls or attempts can go unanswered for weeks impacting the timeliness of our response. When contact is made, the case worker reviews the required documentation and schedules an initial interview. As soon as both the landlord and tenant agree, the case worker submits the application and supporting documentation to our Quality Assurance unit. The CAD Quality Assurance unit reviews the application and documentation to verify eligibility and approve the amount of assistance. The unit is also responsible for processing the payment through finance and obligating funds. Based on the accuracy of eligibility determinations made by our caseworkers, the unit has recently reduced the application review from 100 percent to 10 percent of applications, which will further increase the timeliness of service.

When landlords and tenants cannot agree on payment terms, case workers shift to coordinating other housing alternatives for the tenant and assist with the removal of personal belongings from the home or unit. County staff quickly coordinate rapid rehousing and homeless prevention services tapping into resources within CWD as well as outside agencies. In addition, CWD also makes every effort to pay the outstanding rent and utilities from other funding sources, to minimize the impact on the credit worthiness of the tenant and ensure landlords are made whole.

Payments to landlords and utility entities have been expedited and streamlined with new policy and procedures. Checks are cut twice weekly and sent via the United States Postal Service.

ERAP Landlord Process

The online application is available to both landlords and tenants to apply for rental assistance and to prevent eviction. As of September 10, 2021, 15 percent of the applications received were initiated by landlords or property managers on behalf of their tenant. The landlord or property manager supplies the contact information

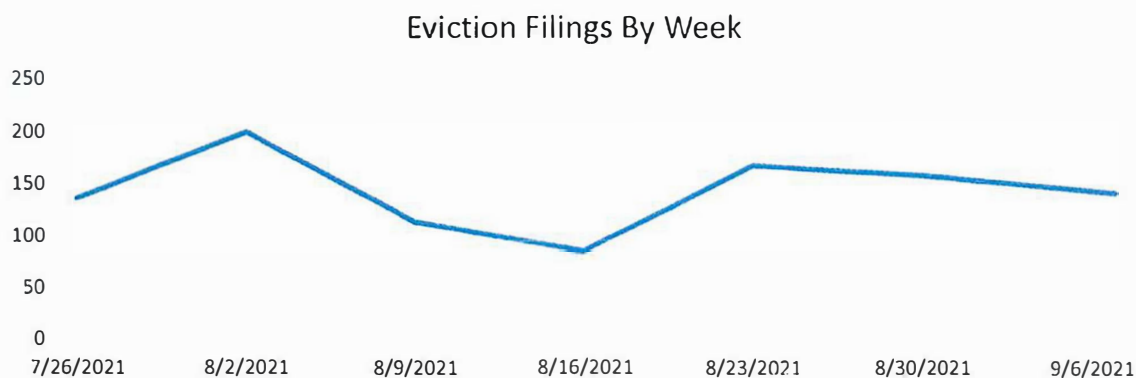
of their tenant who may potentially qualify for services at www.tucsonpimaep.com. In addition, the landlord and/or property manager completes their contact information. The landlord and/or property manager are then able to view the status of the tenant application by searching the site.

The case worker assigned to the application, following the same ERAP process as stated in the previous section, will contact the tenant to complete the application by determining eligibility for the program, and acquire the necessary documentation. Should the landlord or property manager agree to the terms of assistance through ERAP, then the CAD QA unit processes the payment and mails the check to the landlord.

Eviction Court and Emergency Eviction Legal Services

EELS has increased the efficiency of connecting litigants to counsel for eviction proceedings as well as communicating directly with landlords and property managers regarding ERAP availability. The collaboration with Consolidated Justice Courts has been instrumental in meeting the most urgent need of those facing eviction proceedings has enabled EELS to implement proactive strategies to reach tenants facing eviction but also to engage the landlord or property manager to facilitate amicable resolution when possible. This approach, which is closely integrated with rent and utility assistance, is having a positive impact on evictions in Pima County. Although still nascent, through September 3, 2021, 198 tenants have already been referred to counsel and 137 rent assistance applications were initiated and assigned to a caseworker for processing.

Since the most-recent moratorium was abruptly halted by the US Supreme Court on August 26, 2021, data analysis of daily court filings in Pima County does not yet identify substantial increase in eviction filings. There is however a gradual return to pre-pandemic filing levels from levels during the moratoria which hovered at 50 percent of normal. The graphic below depicts the number of eviction filings set for hearing each week from July 26, 2021 through September 10, 2021. The numbers largely reflect new filings, but also include any hearing that has been continued as well as any hearing set on a request by a landlord or property manager to restart an eviction case delayed by the various moratoria.¹ Even if these numbers reflected only new case filings, the weekly average of 142 would be well below the pre-pandemic average of approximately 250 per week. Although there is great variation from day to day, recent days may be showing a sustained increase to number close to, but still below, pre-pandemic levels.



¹ It is possible, in some cases, for a landlord to restart a case by obtaining a writ of restitution by court order without a hearing, and such requests would not be reflected in the data provided by the Court. But given that the Judge has discretion to set those cases for hearing, it would be expected at least a substantial portion of those requests to be reflected in the report we receive, and we have not. Moreover, anecdotal reports from the field suggest there have been very few, if any, of these writs issued.

Both the Court and EELS staff have been prepared for a return to normal filing levels, or an increase, and currently EELS has adequate capacity to provide services to all who are eligible. CWD will continue to monitor filings closely and are able to make the appropriate adjustments should the need arise to increase capacity.

Challenges

The U.S. Department of Treasury has issued inconsistent guidance with over five FAQ revisions, rather than a clear set of guidelines and procedures. This has led to CWD staff to develop procedures at a rapid pace in order to maintain faithful stewardship of federal funds while at the same time not interrupting the current rapid pace of service delivery.

Although having a single application system for the City of Tucson and the County has proven fruitful to organize and streamline the application process, it is not in itself without challenges. The risk assessment model used to prioritize applications (from urgent to non-urgent) has meant that individuals applying for services can have inconsistent times from application to payment depending on the level of need.

County staffing has also been challenging in this competitive labor market. This impacts the recruitment of quality candidates, but it also means that our temporary employees who are most productive and efficient are highly sought after. These high caliber employees are finding employment in other county departments and external agencies. This has led to low staff retention levels with the ongoing need to fill vacant positions.

Finally, applicants and landlords have competing priorities and varying abilities to follow through on the application process. Case workers are often faced with the challenge of being unable to contact the applicant to start the process to pay their rent or utilities. Case managers currently make several attempts to contact the applicant during regular business hours to no avail, so flexible schedules outside of the regular business hours have been implemented with the goal of increasing the probability of making initial and ongoing contact to prevent eviction or utility shut off.

Strategies Implemented to Address Challenges

1. The County Administrator has authorized CWD to develop flexible work schedules to effectively be available to conduct landlord and tenant interviews, and to finalize the application for assistance including during evenings and weekends. ERAP staff have been authorized to work up to 10 hours of overtime each week to maximize productivity.
2. CWD has activated and re-directed existing staff from other divisions to supplement the ERAP team. These staff members were previously trained in preparation for this eventuality to ensure a smooth transition.
3. The Administrator has approved 5 additional staff positions (1 program coordinator and 4 program specialists) to supplement this work. In addition, he has approved the conversion of 11 ERAP temporary positions to permanent status, in order to increase retention and enhance morale.

C.H. Huckelberry, County Administrator

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4. CWD has begun the process of contracting directly with outside partner agencies to process applications and awards. These include Compass Affordable Housing, Chicanos Por La Causa, and Interfaith Community Services. All these agencies have a proven track record in eviction prevention.

Conclusion


In total, the above interventions will lead to more tenants and landlords served and fewer individuals experiencing eviction and its downstream consequences. Regardless, Community & Workforce Development will continue to monitor the daily eviction filings, review customer feedback from tenants and landlords, and make appropriate adjustments as needed to meet the needs of Pima County residents.

Initials: DS/cl

Concur:



Francisco García, Deputy County Administrator &
Chief Medical Officer



Date

CC: Jan Leshner, Chief Deputy County Administrator