

Re-Regulating Justice: Realizing Housing Stability Through Community Legal Advocacy

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Introduction

An estimated ninety-three percent of the civil legal problems that low-income Americans navigate receive inadequate or no legal help, with housing being one of the most prevalent issues nationwide.¹ This figure—and the access to justice crisis underlying it—is part of the growing body

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of empirical data and lived experiences that underscores eviction's devastating impact in this country. For tenants facing eviction, receiving legal services can be the difference between staying housed or suffering the long-lasting effects of housing instability on their well-being and community. The reality, however, is that the overwhelming majority of low-income community members do not receive the critical aid that they need.

Nascent efforts to reform unauthorized practice of law (UPL) restrictions, like Innovation for Justice's (i4J) Housing Stability Legal Advocate (HSLA) Initiative in Arizona and Utah, aim to address this linked crisis of housing and access to legal power by disrupting artificial barriers to the work of justice-making. In centering communities, we make the case that the HSLA Initiative is poised to reckon with and remedy the access to justice crisis by re-regulating the face and form of how justice works.

This article explores the ways that i4J has leveraged the reform of UPL restrictions to equip non-lawyer community advocates with the tools necessary to provide upstream, trauma-informed, limited-scope legal advice to the low-income community members that they already serve. In reflecting on our work as the nation's first and only cross-discipline, cross-institution, cross-jurisdiction, social-justice-oriented legal innovation lab, this piece discusses the imperative of realizing a future where critical human rights issues like housing stability are made our profession's priority. As part of the broader movement to rethink how and for whom justice works, this article underscores the urgency of centering those closest to the harms of our legal system in facilitating its reimagining.

Each of the authors to this piece has contributed to i4J's work at the intersection of UPL reform and community legal advocacy and join together in

Stability Legal Advocate Initiative. She is committed to bringing meaningful change to the justice system.

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1. LEGAL SERVS. CORP., *THE JUSTICE GAP: THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* 48 (2022), <https://justicegap.lsc.gov/the-report>.

identifying the potential of community-based legal advocacy. As a social justice innovation lab housed at both the University of Arizona James E. Rogers College of Law and the University of Utah David Eccles School of Business, we are uniquely positioned to engage in this work to reimagine the provision of legal services, given (1) our commitment to centering the voices and knowledge of those closest to the problem; and (2) our placement across the two states that are leading the nation in UPL reform. The work of i4J would not be possible without the support of the community, including our research teams, community collaborators, and contributors. We thank them for their many contributions to this work and for the chance to work in their service to realize housing stability for all.

This article proceeds as follows: Section I situates this discussion in i4J's prior action-based research and the community-centered design methodologies that drive our work in the UPL reform space. Section II identifies the crisis state of eviction risk in Utah and Arizona, the two states where i4J's housing research has focused, and the unique contours of housing instability that inform our advocacy in both jurisdictions. Section III explores the novel ways that some jurisdictions have sought to address historical barriers to legal services through reform of UPL restrictions. This analysis includes a discussion of state-level UPL restrictions and the opportunity to leverage UPL changes in the housing context to advance community-led housing stability. Last, Section IV outlines Innovation for Justice's work so far to develop and launch Housing Stability Legal Advocates, an initiative that grounds the future of housing stability in the transformative power of community legal advocacy.

As renters, families, and communities across the United States continue to sound the alarm on these interlocking crises of life, law, and home, the question remains whether the legal profession will at last listen. By looking to two places where housing stability reached a point of outright collapse across the pandemic—the counties of Maricopa County, Arizona, and Salt Lake County, Utah—this article examines the ways that i4J has been intentionally situated in each state's respective legal ecosystems to champion community legal advocacy as an upstream intervention.

I. Centering the Potential of Community Legal Power

Since 2019, i4J has been working at the intersection of UPL reform and access to justice. For us, this work includes processes of community-engaged research, data-driven design work, and stakeholder-driven evaluation.² i4J utilizes the window of opportunity presented by regulatory reforms in Arizona and Utah to embed access to justice models that take

2. For a discussion of i4J's community-engaged methodologies in the Service Impact Area, see *infra* footnotes 4–8 and accompanying text; see also Cayley Balser et al., *Leveraging Regulatory Reform to Advance Access to Justice*, ___ L.J. Soc. JUSTICE (forthcoming 2024) (manuscript at 27–28) (on file with authors) (outlining i4J's research and design approach).

into account the needs and goals of lower-income community members. To date, all of our initiatives aim to train and support community-based advocates in providing limited-scope legal services.³ For i4J, this is the potential of UPL reform in the civil legal justice space: community-vested legal knowledge and autonomy or *community legal power*.⁴

As Section II will explore in greater detail, reform of the civil legal system has sought to lower that barrier to entry, but to date has focused mostly on market-driven approaches. The following subsections, by contrast, explore the ways that i4J has worked to respond to community-identified needs for increased access to legal power through the development of community legal education initiatives—including our Housing Stability Legal Advocate Initiative.

A. i4J's Service Impact Area

i4J has dedicated the last four years of UPL reform work within the lab to designing civil justice problem-solving models that center and amplify the wants and needs of community members who need low- or no-cost legal help. i4J uses action-based and community-engaged *design* and *systems thinking* research methodologies, both approaches aimed at ensuring any proposed intervention is designed with the wants and needs of the community members experiencing the civil justice crisis as the driving force behind a given service model.⁵ i4J brings together (1) community-based organizations (CBOs); (2) regulatory reform decision-makers; and (3) community members who have been historically excluded from legal help under traditional service models and who would use regulatory-reform-based service models. This multifaceted approach positions i4J as a neutral Design Hub, working to locate *opportunity spaces*—or places where community needs, CBO capacity, and decision-maker approval might overlap. i4J then designs and implements a service model within the opportunity space. As the neutral Design Hub, i4J is able to facilitate these conversations

3. *Id.*; see *i4J's Service Impact Area Initiatives*, INNOVATION FOR JUST., <https://www.innovation4justice.org/work/service> (last visited Oct. 5, 2023).

4. i4J's work and scholarship in this area builds on the long tradition of community legal education efforts that aim to reposition communities as both the recipients and wielders of legal knowledge and power. See, e.g., Ingrid V. Eagly, *Community Education: Creating a New Vision of Legal Services Practice*, 4 CLINICAL L. REV. 433 (1998); Brandi M. Lupo, *Legal Rights, Real-World Consequences: The Ethics of Know Your Rights Efforts and Towards Improved Community Legal Education*, 17 NW. U. J. INT'L HUM. RTS. 1 (2019); see also Jhody Polk & Tyler Walton, *Legal Empowerment Is Abolition*, 98 N.Y.U. L. REV. ONLINE 282 (2023) (exploring the liberatory potential of community legal empowerment as a roadmap toward abolition in the criminal legal context).

5. "i4J's design and systems thinking framework engages in problem identification and problem-solving through a highly visual, five-part iterative design process: empathize, define, ideate, prototype, and test. This process is, then, layered with systems thinking strategies and practiced across our work." Balsler et al., *supra* note 2 (manuscript at 26–27).

between stakeholders and to center previously excluded voices from regulatory-reform conversations.⁶

Historically, regulatory-reform decisions have been made in rooms of attorneys, judges, and other court personnel from identity- and degree-privileged backgrounds. With few exceptions, these rooms centered traditional legal perspectives and brainstormed solutions without fully understanding the problem from the point of view of someone experiencing it.⁷ i4J works to end this status quo practice of exclusion through the deliberate inclusion of lived experience experts—or people experiencing the problem—in our design work, with the aim of centering historically excluded communities’ points of view in decision-making conversations.⁸ With these added perspectives and an expanded bench of future professionals who are trained by i4J to understand and prioritize the power of lived experience, i4J has now designed and launched three UPL reform initiatives in Arizona and Utah, each of which is in various stages of implementation and scaling.⁹

B. i4J’s Prior Research into Action

The first of i4J’s community-based legal advocate initiatives took shape in 2019 and launched in 2020, at the height of the COVID-19 pandemic; this work sought to develop a pilot for Domestic Violence Legal Advocates (DVLA, formerly “Licensed Legal Advocates”) in the domestic violence (DV) context.¹⁰ The DVLA Initiative functions by training and certifying trauma-informed non-lawyer lay legal advocates to give limited-scope legal advice in discrete areas of law to DV survivors. These limited-scope services are delivered in the course and scope of advocates’ existing work at CBOs. Based on intentional community-based research and design work,¹¹ the DVLA Initiative was presented to the Arizona Supreme Court Task Force on Delivery of Legal Services and was favorably recommended

6. *Id.* (manuscript at 21–22).

7. *Id.* (manuscript at 24–25).

8. For an example of how lived experience experts are involved in the HSLA Initiative, see INNOVATION FOR JUST., HOUSING STABILITY LEGAL ADVOCATE INITIATIVE: 2023 UPDATE 28–31 (2023) [hereinafter HSLA 2023 UPDATE], <https://docs.google.com/document/d/1j-K2L1FOm6lFkXKkSZ89MeEumuFeGtuBQJ2-8ocTx5w/edit>.

9. *i4J’s Service Impact Area Initiatives*, *supra* note 3.

10. *Id.*; see Balser et al., *supra* note 2 (manuscript at 6–7). Initially authorized as the “Licensed Legal Advocate” Initiative (LLA), LLA is currently in the process of undergoing a name change to the “Domestic Violence Legal Advocate” Initiative (DVLA). Accordingly, we use “DVLA” here to refer to our collection of work in the Arizona domestic violence advocacy space since LLA’s inception in 2021.

11. Balser et al., *supra* note 2 (manuscript at 6–7); see INNOVATION FOR JUST., DESIGNING A NEW TIER OF CIVIL LEGAL PROFESSIONAL FOR DOMESTIC VIOLENCE SURVIVORS (2021), <https://static1.squarespace.com/static/60dcbec3c8e7ab3e5de9acbe/t/62bce8d9c8ca5f2ad28fffc4/1656547546090/LLA+Project+Brief.pdf>.

to the Arizona Supreme Court.¹² In 2020, the Arizona Supreme Court authorized i4J's Domestic Violence Legal Advocates for limited launch by administrative order.¹³ Two years later, this order was amended to permit the statewide launch of the initiative.¹⁴ This first programmatic endeavor shaped i4J's model for changemaking in the service impact area and remains a trailblazing framework for using community-identified civil legal needs and problem-solving pathways to inform the design and launch of community legal education initiatives.¹⁵

The DVLA model was subsequently replicated in the medical-debt context, where i4J partnered with community-based organizations in Utah to provide limited-scope legal services at different points of a defendant's journey through medical-debt collections.¹⁶ Unlike in Arizona, i4J's work in Utah is made possible by authorization and admission of partner organizations to the state's regulatory "sandbox," an exploratory space that permits non-lawyer ownership and non-lawyer services by authorized entities.¹⁷ A range of entities have been authorized to practice law in several service models across many legal service categories; i4J's medical-debt initiatives are among a handful of not-for-profit innovations in the sandbox.¹⁸

The HSLA Initiative is i4J's third programmatic effort in this UPL reform space and is designed to upskill staff and volunteers at CBOs to provide legal advice about housing issues in both Arizona and Utah.¹⁹ At its conception, the HSLA Initiative was initially developed by i4J as an Allied Legal Professional (ALP) pathway in both states.²⁰ As Section III examines

12. *Id.*; ARIZ. SUP. CT. TASK FORCE ON THE DELIVERY OF LEGAL SERVS., REPORT AND RECOMMENDATIONS 44 (2019), <https://www.azcourts.gov/Portals/74/LSTF/Report/LSTFReportRecommendationsRED10042019.pdf?ver=2019-10-07-084849-750> (citing INNOVATION FOR JUST., REPORT TO THE ARIZONA SUPREME COURT TASK FORCE ON DELIVERY OF LEGAL SERVICES: DESIGNING A NEW TIER OF CIVIL LEGAL PROFESSIONAL FOR SURVIVORS OF DOMESTIC VIOLENCE (2019), <https://arizona.app.box.com/s/qkywph1ykhxr2p0cebbvivwph1q84dpw>).

13. Ariz. Sup. Ct. Admin. Ord. 2020-88.

14. Ariz. Sup. Ct. Admin. Ord. 2023-21.

15. Balser et al., *supra* note 2 (manuscript at 27–28); *i4J's Service Impact Area Initiatives*, *supra* note 3.

16. Balser et al., *supra* note 2 (manuscript at 7–8); *see* INNOVATION FOR JUST., ADVANCING LEGAL EMPOWERMENT FOR UTAHNS EXPERIENCING MEDICAL DEBT (2020), https://static1.squarespace.com/static/60dcbec3c8e7ab3e5de9acbe/t/64f75f4a51073663e821485d/1693933388037/i4j+Project+Briefs_MDLA.pdf.

17. The Office of Legal Services Innovation and Sandbox were created through revised Rule 5.4 and Utah Supreme Court Standing Order No. 15. *See* Utah Sup. Ct. Standing Order No. 15 (Aug. 14, 2020), <https://legacy.utcourts.gov/rules/urapdocs/15.pdf>.

18. *Authorized Entities*, OFF. LEGAL SERVS. INNOVATION, <https://utahinnovationoffice.org/authorized-entities> (last visited Oct. 5, 2023).

19. *i4J's Service Impact Area Initiatives*, *supra* note 3.

20. INNOVATION FOR JUST., REPORT TO ARIZONA AND UTAH SUPREME COURTS: EXPANDING ARIZONA'S LP AND UTAH'S LPP PROGRAM TO ADVANCE HOUSING STABILITY (2022) [hereinafter HSLA REPORT], <https://docs.google.com/document/d/>

in greater depth, this approach was adjusted to instead pursue independent state-level authorization pathways (i.e., an administrative order in Arizona and standing order in Utah) based on feedback in both states.

Finally, it is worth noting that i4J's positioning as a Design Hub has allowed our amplification of communities' lived-experience in the work of UPL reform and in the housing space. In the context of HSLA, this amplification has meant the intentional centering of individuals that have experienced housing instability in both Arizona and Utah as a participatory research-to-policy model. This model for changemaking defines and drives our work in service of communities.

The following Section outlines the dire housing landscape that informed the HSLA Initiative and emphasizes the unique contours of housing instability in the Initiative's service areas of Arizona and Utah.

II. The Broken Alarm on Housing Instability

The social and economic fallout of the COVID-19 pandemic brought attention to nationwide housing deficiencies and prompted many to sound the housing instability alarm.²¹ Since long before the start of the COVID-19 pandemic, communities across the country find themselves ensnared in a housing crisis of astronomical proportions.²² Records from 2018 indicate that approximately 20.8 million rental households were housing cost-burdened, with data demonstrating that communities of color—particularly Black and Latinx communities—made up eighty percent of all people facing eviction.²³ Stated plainly, “[M]any renters entered the pandemic already facing housing instability and vulnerable to eviction.”²⁴ At the pandemic's

/1j-K2L1FOM6lFkXKkSZ89MeEumuFeGtuBQJ2-8ocTx5w/edit. For an in-depth discussion of ALP efforts in Utah and Arizona, see *infra* Sections III.A and III.B.

21. See, e.g., Emily Benfer, David Bloom Robinson, Stacy Rupprecht Butler, Lavar Edmonds, Sam Gilman, Katherine Lucas McKay, Lisa Owens, Neil Steinkamp, Diane Yentel & Zach Neumann, *The COVID-19 Eviction Crisis: an Estimated 30-40 Million People in America Are at Risk*, ASPEN INST. (Aug. 7, 2020), <https://www.aspeninstitute.org/blog-posts/the-covid-19-eviction-crisis-an-estimated-30-40-million-people-in-america-are-at-risk>; INNOVATION FOR JUSTICE & THE NAT'L LOW INCOME HOUS. COAL., COSTS OF COVID-19 EVICTIONS (2020) [hereinafter COSTS OF COVID-19], <https://nlihc.org/sites/default/files/costs-of-covid19-evictions.pdf>; NAT'L LOW INCOME HOUS. COAL., THE GAP: A SHORTAGE OF AFFORDABLE HOMES (Mar. 2021), https://nlihc.org/sites/default/files/gap/Gap-Report_2023.pdf.

22. Shailly Gupta Barnes, *The Economic Impact of Housing Insecurity in the United States*, WASH. CTR. EQUITABLE GROWTH (Dec. 8, 2022), <https://equitablegrowth.org/the-economic-impact-of-housing-insecurity-in-the-united-states/> (citing POOR PEOPLE'S CAMPAIGN, HOUSING AND HOMELESSNESS (2020)) (estimating that eight to eleven million Americans were “unhoused or on the verge of becoming homeless” before the pandemic).

23. See Benfer et al., *supra* note 21 (“Rental cost burden is defined as households who pay over 30% of their income towards rent.”).

24. *Id.*

2021 peak, this figure skyrocketed to between thirty and forty million.²⁵ But, as the country continues to emerge from this era of systems-crashing harms, housing (in)stability persists as a core and vital concern for many.

In terms of defining this crisis, advocates and communities alike understand that housing instability encapsulates multiple problems, “such as having trouble paying rent, overcrowding, moving frequently, or spending the bulk of household income on housing.”²⁶ By 2021, housing instability and the life consequences that come with it had reached crisis levels in Arizona and Utah. According to the National Low Income Housing Coalition (NLIHC)’s 2021 Gap Report, there were only twenty-four affordable housing units for every hundred extremely low-income renters in Arizona.²⁷ An overwhelming majority of extremely low-income renters in Arizona paid more than fifty percent of their income on rent.²⁸ In Phoenix, the average rent for a two-bedroom apartment was \$1,160.²⁹ For Phoenix workers to afford this rent, they would need to earn \$24.06 an hour. However, minimum-wage workers in Arizona earned only \$12.15 an hour.³⁰ Thus, to afford an average, one-bedroom apartment in the Phoenix metro area, a minimum-wage worker would need to work sixty-five hours per week.

Similarly, at the pandemic’s 2021 peak in Utah, there were only thirty-three affordable housing units for every hundred extremely low-income renters, and seventy-three percent of extremely low-income renters paid more than fifty percent of their income in rent.³¹ In 2021, the average rent for a two-bedroom apartment in Salt Lake City was on average \$1,204,³² which would have been affordable at an hourly wage of \$23.15 per hour. Utah’s minimum wage was significantly less than this figure—only \$7.25

25. Barnes, *supra* note 22.

26. *Housing Instability*, U.S. DEP’T OF HEALTH & HUM. SERVS., <https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/housing-instability> (last visited Sept. 29, 2023); Shawn Bucholtz, *Measuring Housing Insecurity in the American Housing Survey*, PD&R EDGE (Nov. 19, 2018), <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-111918.html> (“Missing a rent or utility payment or receiving an eviction notice is an important sign that a household’s housing situation is unstable.”).

27. THE GAP 2021, *supra* note 21, at 29, 30. The Phoenix metropolitan area was the fifth lowest of the nation’s largest metropolitan area with affordable housing, with only 19 units per 100 extremely low-income renters. *Id.*

28. Eighty percent of households at or below the extremely low-income (ELI) threshold in Arizona, and eighty-two percent of those in the Phoenix metro area spent more than fifty percent of their incomes on housing. *Id.* at 10, 29, 30.

29. NAT’L LOW INCOME HOUS. COAL., *OUT OF REACH 2021: THE HIGH COST OF HOUSING* 32 (2021), https://nlihc.org/sites/default/files/oor/2021/Out-of-Reach_2021.pdf [hereinafter *OUT OF REACH 2021*].

30. *Id.* at 31.

31. THE GAP 2021, *supra* note 21, at 10, 29, 30.

32. See HSLA 2023 UPDATE, *supra* note 8, at 16 (citing *OUT OF REACH 2021*, *supra* note 29, at 246).

per hour—and therefore would have required a minimum-wage earner to work one hundred and twelve hours per week.³³

Relevant to this discussion and i4J's work in this space are the high rates of rental housing loss in both Arizona and Utah. According to the U.S. Census Housing Pulse Survey, 34.3% of Utah renter households and 34.8% of Arizona renter households were at risk of eviction as of December 2021.³⁴ Additionally, an estimated 25.1% of Arizona renters and 14.4% of Utah renters reported missing the previous month's rental payment and had little confidence in the ability to pay the following month's rent.³⁵ For severely rent-burdened households, renters in this situation have no financial capacity to save and "are just one financial emergency or unexpected expense away from facing eviction and, in worst cases, homelessness."³⁶

Housing instability often culminates in eviction, the most common type of housing-related legal problem experienced by low-income Americans.³⁷ In both Arizona and Utah, Black and Latinx households experience much higher rates of eviction than their white neighbors.³⁸ In Maricopa County, for instance, Black communities experience homelessness at rates nearly four times greater and Native American communities experience homelessness at rates two times greater than other populations.³⁹ Likewise, in Utah, racial and ethnic minority status has been shown to have greater influence on the likelihood of eviction than poverty alone, with one study finding that people of color in Salt Lake County are "65.9% more likely to have a threat of eviction than otherwise represented populations."⁴⁰ The

33. OUT OF REACH 2021, *supra* note 29, at 245.

34. U.S. Census Household Pulse Survey Interactive Dashboard: Likelihood of Eviction or Foreclosure: Arizona, Utah: Week 40, U.S. CENSUS BUREAU, https://www.census.gov/data-tools/demo/hhp/#/?s_state=00004,00049&measures=EVICTFOR&periodSelector=40 (last visited Oct. 5, 2023).

35. *Id.*

36. NLIHC Statement on Launch of the Biden-Harris Administration's ALL INSIDE Initiative, NAT'L LOW INCOME HOUS. COAL. (May 18, 2023), <https://nlihc.org/news/nlihc-statement-launch-biden-harris-administrations-all-inside-initiative>.

37. See Off. Pol'y Dev. & Rsch., *Affordable Housing, Eviction, and Health*, U.S. DEPT. OF HOUS. & URBAN DEV. (2021), <https://www.huduser.gov/portal/periodicals/em/Summer21/highlight1.html>.

38. See, e.g., MARICOPA REGIONAL CONTINUUM OF CARE & RACIAL EQUITY PARTNERS, RACE AND HOMELESSNESS IN MARICOPA COUNTY, ARIZONA: EXAMINING THE INTERSECTIONS 2 (2021), <https://azmag.gov/Portals/0/Documents/MagContent/Maricopa-Racial-Equity-Report.pdf>; Richard M. Medina, Kara Byrne, Simon Brewer & Emily A. Nicolosi, *Housing Inequalities: Eviction Patterns in Salt Lake County, Utah*, 104 CITIES 1 (2020).

39. MARICOPA REGIONAL CONTINUUM OF CARE & RACIAL EQUITY PARTNERS, *supra* note 38, at 3.

40. Medina et al., *supra* note 38 at 7.

devastating, long-lasting impact of evictions on every aspect of individuals' lives, and on their communities, is well-documented.⁴¹

Yet the adverse health effects, exacerbated housing instability, and structural harms caused by evictions do not have to be inevitable. Perhaps unsurprisingly, when tenants are represented, they experience more successful outcomes than those who receive no representation.⁴² Legal services can increase the likelihood that a renter remains housed, receives rent reductions and necessary repairs, and negotiates more favorable settlements such as more time to find replacement housing.⁴³ Empirically and structurally, legal services are a critical part of addressing social needs.

Distressingly, however, most tenants must navigate their housing instability and evictions alone.⁴⁴ Nationally, housing-related legal problems are one of the top three legal problems faced by Americans, with twenty-nine percent of all renters experiencing at least one legal problem related to their rental.⁴⁵ Likewise, sixty-three percent of renters report that their rental problem affected their lives "very much" or "severely."⁴⁶ Yet, only seventeen percent of renters who experience a legal problem related to their rental sought legal help,⁴⁷ and an estimated ninety-four percent of

41. Costs of COVID-19, *supra* note 21, at 2 (highlighting the "public cost" of failing to provide housing stability in the United States); *see also* Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, 118 AM. J. SOC'Y 88, 105 (2012) (most property owners will not rent to someone who is unemployed); Megan E. Hatch & Jinhee Yun, *Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults*, 31 HOUS. POL'Y DEBATE 469, 470 (2021) (noting that people who experience an eviction "are more likely to report being in poor general health or experiencing mental health concerns, even 8 years after an eviction"); Costs of COVID-19, *supra* note 21, at 5 (increased stress levels resulting from eviction lead to "depression, anxiety, suicide, high blood pressure, cardiovascular disease, and respiratory conditions"); Costs of COVID-19, *supra* note 21, at 2 (estimating that a quarter of renters evicted during the COVID-19 public health crisis likely needed services—including shelter and emergency medical care—that require extensive community financial resources).

42. Erika Petersen, *Building A House for Gideon: The Right to Counsel in Evictions*, 16 STAN. J. CIV. RTS. & CIV. LIBERTIES 63, 76–77 (2020); *cf.* INNOVATION FOR JUST., THE TUCSON RENT PROJECT 5 (2021), https://www.haury.arizona.edu/sites/default/files/Tucson_RENT_Project_Report.pdf (three-quarters of eviction actions in Pima County were found to result in judgments against the tenant); INNOVATION FOR JUST., EVICTION IN PIMA COUNTY 4 (2018), <https://law.arizona.edu/sites/default/files/i4j-eviction-report%20for%20digital%20distribution%20March%202020.pdf>; *see also infra* Section III.A.

43. Petersen, *supra* note 42, at 77.

44. *See infra* notes 62–67 and accompanying text.

45. LEGAL SERVS. CORP., THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS 7–8 (2017) [hereinafter THE JUSTICE GAP 2017], <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>. Forty-five percent of survivors of domestic violence or sexual assault experienced at least one civil legal problem related to their rental. *Id.* at 27.

46. *Id.* at 25–26.

47. *Id.* at 31.

low-income Americans' pandemic-related housing problems did not receive any or enough legal help.⁴⁸

UPL restrictions necessarily limit a tenant's legal options to lawyers only. Nationally—particularly in Arizona and Utah—the most common reason for eviction is the nonpayment of rent.⁴⁹ A tenant who cannot pay their rent, cannot pay an attorney. Thus, under the current UPL model, the majority of tenants must rely on free legal services: either legal aid or pro bono help. However, the nonprofit legal service sector is chronically under-resourced and consequently lacks the capacity to fully serve many who seek their services. The Legal Service Corporation—the largest funder of civil legal services nationwide⁵⁰—estimates that Americans receive inadequate or no civil legal assistance for ninety-three percent of their legal problems.⁵¹

As data continues to suggest, relying on pro bono services is likewise an unsustainable and impractical model for legal support. Both Arizona and Utah have adopted the ABA's Model Rule 6.1 that recommends attorneys provide at least fifty pro bono hours per year.⁵² However, only twenty percent of attorneys nationally meet this minimum standard, and approximately twenty percent of attorneys have never undertaken any pro bono service.⁵³ Even if every attorney in the country provided the recommended minimum pro bono hours, the need—especially that associated with housing legal problems—would eclipse the pro bono supply. A 2019 report from the Institute for the Advancement of the American Legal System underlines this and shows that it would take 180 pro bono hours from each licensed attorney in the United States to provide *just one hour* of legal assistance to every household experiencing a civil legal problem.⁵⁴ Complicating this matter is evidence that few attorneys delivering pro bono assistance are

48. LEGAL SERVS. CORP., *THE JUSTICE GAP: THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* 53 (2022), <https://justicegap.lsc.gov/the-report>.

49. *Affordable Housing, Eviction, and Health*, *supra* note 37 (“Nonpayment of rent is the primary reason for eviction.”).

50. *Who We Are*, LEGAL SERVS. CORP., <https://www.lsc.gov/about-lsc/who-we-are> (last visited Oct. 26, 2023).

51. *THE JUSTICE GAP* 2017, *supra* note 45, at 7–8.

52. *See* AZ Sup. Ct. Rule 42 RPC ER 6.1; UT R. Prof. Cond. 6.1; *see also* MODEL RULES OF PRO. CONDUCT r. 6.1 (AM. BAR ASS'N 2019), https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service.

53. AM. BAR ASSOC. *STANDING COMM. ON PRO BONO & PUB. SERV., SUPPORTING JUSTICE: A REPORT ON THE PRO BONO WORK OF AMERICA'S LAWYERS* 7 (2018), https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/lsc_pb_supporting_justice_iv_final.pdf. Statistics specific to Arizona and Utah are not publicly available.

54. *Pro Bono Work Should Be Encouraged and Celebrated, but Much, Much More Is Needed*, IAALS (Oct. 18, 2019), <https://iaals.du.edu/blog/pro-bono-work-should-be-encouraged-and-celebrated-much-much-more-needed>. This number is actually 189 hours,

serving people with housing problems. In a survey of over 47,000 attorneys engaging in pro bono services, it is estimated that only four percent of limited-scope pro bono representation and four percent of pro bono direct representation related to housing law.⁵⁵ Regardless, it is unlikely that a single hour of pro bono service will address most housing-related legal needs.

Other market solutions are equally untenable for promoting housing stability. Tenants in a non-payment eviction are very likely to be unable to afford *any* market-based legal services. As Section III explores, Allied Legal Professionals in Arizona and Utah provide a more affordable option than the dominant lawyers-only model, but they are nevertheless charging for their services. A tenant is, thus, as likely to be unable to pay their rent as they are to afford a “full-cost” lawyer or a “discounted” Allied Legal Professional.

Added to this calculus is the reality that, for tenants experiencing housing instability, seeking help from a lawyer or the court is simply not top of mind. According to data from 2014, one in three households experience a legal problem, but only nine percent of them are aware the problem is legal.⁵⁶ This difference, between people who know that they have a legal problem and those who do not recognize that their problem is legal, is known as the *justice awareness gap*.⁵⁷ Tenants in the justice awareness gap may not make the connection between housing instability and the civil legal system until they receive their eviction notice. Once an eviction notice is filed, a tenant has very little time to problem-solve, as strict landlord-tenant laws create a legal ecosystem in which one missed rental payment can translate into an eviction within a matter of weeks. In Arizona, a tenant can be evicted and removed from their house within twenty-one days of a

considering the LSC’s 2017 gap report. THE JUSTICE GAP 2017, *supra* note 45, at 30 (analysis on file with author).

55. In 2017, the American Bar Association Standing Committee on Pro Bono and Public Service and the Center for Pro Bono issued its report on the Pro Bono Work of America’s Lawyers. AM. BAR ASSOC. STANDING COMM. ON PRO BONO & PUB. SERV., *supra* note 53 at 7. Over 47,000 diverse attorneys in 24 states—including Arizona and Utah—answered questions about their pro bono work “including when, how, and why they either do or do not do pro bono.” Using findings from this report, we estimate that less than 340 full representation cases were in housing law (or four percent of the total 9,063 full representation pro bono cases) and that 1,200 limited scope representation cases were in housing law (or four percent of the total 26,842 limited scope representation cases) (analysis on file with author).

56. See REBECCA L. SANDEFUR, ACCESSING JUSTICE IN THE CONTEMPORARY USA: FINDINGS FROM THE COMMUNITY NEEDS AND SERVICES STUDY 13 (2014); Rebecca L. Sandefur, *Bridging the Gap: Rethinking Outreach for Greater Access to Justice*, 37 U. ARK. LITTLE ROCK L. REV. 721 (2015).

57. Balser et al., *supra* note 2 (manuscript at 19).

missed rent payment.⁵⁸ In Utah, the timeline is even tighter.⁵⁹ Yet, tenants experience life events that put them at risk of eviction long before an eviction notice or an eviction complaint prompts a tenant to make the connection between a stressful life event and the civil legal system. The civil legal system and our current offerings of legal aid services are not designed to provide the upstream early intervention that is vital to addressing this timeline and to achieving housing stability. Waiting for housing instability to become court-involved before providing tenants assistance is simply—tragically—too late.

By the time housing instability becomes a civil legal problem (i.e., typically when a property owner engages the civil legal system to evict a tenant), devastating consequences for the tenant are almost inevitable. For low-income renters and tenants in Arizona and Utah, the life-impacting consequences of what we might call *legal vacuums*,⁶⁰ or landscapes without accessible pathways to legal power, are brought into sharp focus:

- **In Arizona**, 65,659 eviction cases were filed in Maricopa County between 2017 and 2019.⁶¹ Of these filings, sixty-nine percent resulted in a judgment against the tenant⁶² and thirty-five percent were the result of a default judgment.⁶³ Further, observations of eviction proceedings in Pima County in 2018 revealed that more than eighty percent of tenants did not appear for their eviction hearing, resulting in default judgments entered against them. In fact, three-quarters of

58. *Eviction Timeline*, INNOVATION FOR JUST., https://drive.google.com/file/d/1iuHnmnTiiEksPhF2Gg8W7FF83SPVQ_Ua/view (last visited Oct. 5, 2023).

59. *Eviction Roadmap*, UTAH COURTS (Jan. 2021), https://legacy.utcourts.gov/howto/landlord/docs/Eviction_Summary.pdf.

60. Here we are intentional to reimagine the language of “legal deserts” and of similar rhetoric (e.g., “food desert” or “resource desert”) to challenge the idea that the absence of lawyers, food, or resources is naturally occurring and to insist, instead, that the access to and exercise of legal knowledge was/is structurally removed from communities via UPL restrictions and the lawyers-only model to legal services.

61. Data on Maricopa County Evictions 2017–2019 (on file with author).

62. Tim Robustelli, Yuliya Panfil, Katie Oran, Chenab Navalkha & Emily Yelverton, *Displaced in America: Mapping Housing Loss Across the United States*, NEW AMERICA (Sept. 9, 2020), <https://www.newamerica.org/future-land-housing/reports/displaced-america/#authors> (“During this five year period, the county had 317,036 eviction filings, which resulted in over 218,000 evictions.”).

63. See *Justice Court Evictions Interactive Dashboard*, ARIZ. SUP. CT., <https://www.azcourts.gov/statistics/Interactive-Data-Dashboards/Justice-Court-Evictions> (last visited Jan. 9, 2022). Default judgment data is only available from 2019 onward. To calculate the percentage of evictions that result in default, compare the number of filings in Maricopa County per year for 2019 (page 7) with the number of dispositions ending in default judgment in 2019 (page 8). There were 69,621 eviction filings in Maricopa County in 2019 and 24,688 results in default judgment.

eviction actions in Pima County were found to result in judgments against the tenant.⁶⁴

- **In Utah's** Salt Lake County, 4,134 eviction cases were filed between 2017 and 2019.⁶⁵ Of these filings, approximately fifty percent resulted in a judgment against the tenant⁶⁶ and thirty-six percent were the result of a default judgment.⁶⁷

Once evictions happen, stable housing becomes further out of reach; record of an eviction judgment makes it more difficult for tenants to secure safe, affordable rental housing in the future.⁶⁸

Additionally, the risk of a tenant being forced to move, and therefore at risk of eviction, can occur "before an eviction is ever filed."⁶⁹ Studies have found that informal evictions occur anywhere from twice as often as formal evictions to five and a half times the rate of formal evictions.⁷⁰ According to

64. THE TUCSON RENT PROJECT, *supra* note 42, at 5.

65. Utah Eviction Data from 2013–2021 (on file with author) (filtered for data from 2017–2019); Governor's Office of Planning & Budget, FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #10 Eviction Court Facilitators (2021) (on file with author). Fifty-six percent of the state's 7,364 filings (or 4,134 instances) were filed in Salt Lake County from 2017 to 2019. *Id.*

66. Utah Eviction Data from 2013–2021 (on file with author) (filtered for data from 2017–2019).

67. *Id.*

68. Both Arizona and Utah have recently enacted legislation aimed at mitigating the difficulty in securing safe, affordable housing after eviction by offering some method of sealing or expunging eviction records. See ARIZ. REV. STAT. § 33-1379; UTAH CODE 78B-6-8. While these changes are welcome and encouraging, the relief they offer is limited. For example, Arizona's law requires courts to seal an eviction record (1) if the eviction was dismissed; (2) if a judgment was entered in the tenant's favor; or (3) when the tenant and landlord agree (in writing) to set aside the order of eviction and to seal the court's file. ARIZ. REV. STAT. § 33-1379(A)–(B). Importantly, sealing the court's record requires the tenant to either negotiate with the landlord or file a motion. Sealing a court's eviction record requires the tenant to know not only this statute exists, but also what steps would need to be taken (e.g., getting the landlord to agree *in writing* and/or what specific motion to file). Thus, for tenants to take advantage of the relief offered from this law, they would still need legal help. Also, significantly, sealing the court's record *does not* operate as an expungement: the sealed records are still accessible under certain circumstances. See ARIZ. REV. STAT. § 33-1379(C). Additionally, because these changes are recent (Utah's law became effective July 2022; Arizona's in September 2022), there is no data demonstrating what impact these statutes have in promoting housing stability for evicted tenants. Among other concerns are the accuracy and speed of administrative processes involved in sealing the records.

69. Petersen, *supra* note 42, at 100.

70. Ashley Gromis & Matthew Desmond, *Estimating the Prevalence of Eviction in the United States: New Data from the 2017 American Household Survey*, 23 CITYSCAPE 279, 279, 281 (2021); Matthew Desmond & Tracey Shollenberger, *Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences*, 52 DEMOGRAPHY 1751, 1761 (2015).

Emily Benfer, Wake Forest Professor and Senior White House Policy Advisory on the American Rescue Plan, “more than thirty percent of tenants move after the first sign of an impending eviction—usually notice from a landlord—without ever going to court.”⁷¹ Research further suggests that “[e]ven the receipt of a notice purporting to terminate a tenancy, regardless of whether it is legally sufficient, may cause tenants who do not understand their rights to move before an action is filed.”⁷² These realities were confirmed by i4J’s own research. During the community interviews that drove HSLA’s design phase, a tenant explained his choice between fighting an illegal eviction and finding replacement housing, saying: “I paid my rent. I knew it wasn’t right. But what could I do? I have kids. I have a wife. We need somewhere to sleep. We have to move our things. We had 3 days.” Similarly, another community member described moving out in response to an impending eviction, saying: “By the time I tried [to find legal help], I’m going to be evicted already. Yeah, it wouldn’t have been able to help me. That’s the time. Time is the element.”

For both formal and informal evictions, timing is everything. Tenants in both situations need legal assistance early—often before they are even aware their life situation could result in eviction. But the justice awareness gap means that a tenant experiencing a threat to their ability to pay their rent is more likely to interface with social services than legal services because their housing instability is not yet court-involved. Because the current legal and social services are siloed from one another,⁷³ low-income tenants are perpetually disadvantaged in receiving needed legal help.

Housing instability, and the downstream effects of evictions, create harms that perpetuate and exacerbate the poverty cycle. The current lawyers-only model of legal services further compounds housing instability by creating an ecosystem in which tenants with a justice awareness gap must navigate civil legal problems—not realizing that they are legal problems—and without enough, or without any, legal help. Further, siloed legal and social services prevent tenants from benefiting from early intervention in potential legal problems by the organizations that they are already reaching out to for social services. As i4J’s research and design work makes clear, tenants experiencing housing instability need legal help sooner and from the communities and organizations to which they are already turning

71. *Affordable Housing, Eviction, and Health*, *supra* note 37 (citing Miriam Axel-Lute & Brandon Duong, *Fixing the Harms of Our Eviction System: An Interview with Emily Benfer*, SHELTERFORCE (Mar. 4, 2021), <https://shelterforce.org/2021/03/04/fixing-the-harms-of-our-eviction-system-an-interview-with-emily-benfer>).

72. Petersen, *supra* note 42, at 100.

73. *See, e.g.*, ONEJUSTICE & THE LEGAL AID ASSOC. OF CAL., *SOCIAL WORK PRACTICES IN CALIFORNIA LEGAL AID ORGANIZATIONS* (2021), https://www.srln.org/system/files/attachments/Social%20Work%20Practices%20in%20California%20Legal%20Aid%20Organizations_LAAC%20and%20OneJustice_April%202021.pdf.

for help with their housing instability. Here enters the possibility of new and innovative service models.

III. Unlocking the Potential of UPL Reform for Housing Justice

In recent years, roughly a dozen U.S. jurisdictions have sought to expand access to legal services by rethinking long-standing UPL restrictions.⁷⁴ Across the country, whether to allow professionals with legal training but not a Juris Doctorate to give legal advice is an issue at the forefront of access to justice decision-making. Much of these early-stage regulatory reforms remain market-driven, a dynamic that creates space for new for-profit legal service ventures to offer legal services to those who want options other than the dominant lawyers-only model.⁷⁵ For low-income communities in the *justice awareness gap*,⁷⁶ UPL reform presents a non-market-driven opportunity to build the bench of community-based advocates who can know and use the law to prevent the devastating harms of eviction.

As prior efforts have demonstrated, when legal services are coupled with social services, tenants can experience successful outcomes that stabilize housing. The Brooklyn Housing Court Navigators in New York City, for instance, positioned resourced, non-lawyer professionals to “provide information, moral support and accompaniment to meetings with judges, attorneys and clerks”⁷⁷ and “work with tenant[s] to make connections to benefits and human and social services that can support the timely and full payment of rent.”⁷⁸ Of note, no tenants assisted by these navigators experienced a formal eviction from a marshal, compared to eleven percent of tenants who experienced eviction citywide.⁷⁹ As the Legal Aid Association of California maintains: “Having access to both social and legal services in the same place can be an empowering experience for clients, giving them the tools they need not only to resolve their legal issues, but also the mutually constitutive non-legal issues they face.”⁸⁰

As a result of current UPL restrictions, social service providers are generally barred from becoming more involved in legal problem-solving and are unable to meet the diverse needs of low-income tenants. In essence, the provision of care in housing is fractured; tenants are navigating social services for rental and resource assistance but are referred to legal services for advocacy. For a tenant facing multiple life stressors, that fracturing of resource access across legal and social service sectors is disruptive

74. Balser et al., *supra* note 2 (manuscript at 1–2).

75. *Id.* (manuscript at 14–16).

76. Namely, this includes those who navigate issues like eviction with no ability to pay for civil legal help.

77. REBECCA L. SANDEFUR & THOMAS CLARKE, AM. BAR FOUND., ROLES BEYOND LAWYERS: SUMMARY, RECOMMENDATIONS AND RESEARCH REPORT OF AN EVALUATION OF THE NEW YORK CITY COURT NAVIGATORS PROGRAM AND ITS THREE PILOT PROJECTS 5–6 (2016).

78. *Id.* at 56.

79. *Id.* at 5.

80. ONEJUSTICE & THE LEGAL AID ASSOC. OF CAL., *supra* note 73.

and problematic, particularly given the imbalance between the volume of tenants with legal needs and the legal services available to low-income communities. Many tenants drop out of problem-solving because of this overwhelmingly common “revolving door” problem.⁸¹ Moreover, tenants are then at risk of re-traumatization as they attempt to navigate multiple service organizations for the same problem.⁸²

The work of i4J’s community-based initiatives aims to remedy this fracturing of critical and necessary aid by re-siting the work of legal advocacy to the community-facing and community-engaged services of CBOs.⁸³ As the following subsection explores, UPL restrictions on the whole continue to present barriers to the access and exercise of legal knowledge by lower-income communities.

A. UPL as a Barrier to Housing Stability

As this section emphasizes, the U.S. justice ecosystem prioritizes legal help from barred attorneys through UPL restrictions, limiting the provision of legal advice to those who have completed a four-year degree, a Juris Doctorate, passed a bar exam, and passed a character and fitness evaluation.⁸⁴ But the U.S. legal profession’s traditional approach is dismally failing tenants, particularly given the catastrophic under-resourcing of current legal aid efforts.⁸⁵

Our current lawyers-only model to legal aid has devastating implications for lower-income communities in need of legal services in the U.S. Southwest:

81. COALITION ON HOMELESSNESS, STOP THE REVOLVING DOOR: A STREET LEVEL FRAMEWORK FOR A NEW SYSTEM 1 (2020), <https://drive.google.com/file/d/1thWoiG4PXe36QoInR-QiOwEKi4RIccer/view>.

82. Balsler et al., *supra* note 2 (manuscript at 27) (“i4J’s two-pronged design and systems thinking approach seeks to position community at the center of the design process as solution co-creators. This aim is reinforced with trauma-informed practices that are responsive to the needs of low-income populations experiencing civil justice problems. i4J recognizes that interactions with legal service providers and the justice system can be traumatizing and utilizes trauma-informed practices when engaging with all community members. i4J’s trauma-responsive work includes mitigating re-traumatization to the extent possible. Re-traumatization occurs when someone experiences the symptoms of the traumatic event after the event has concluded. Re-traumatization can create or worsen trauma symptoms.”) (on file with authors).

83. For more information about i4J’s community-based advocate work in regulatory reform, see Balsler et al., *supra* note 51 (manuscript at Section I) (on file with authors).

84. *Id.* (manuscript at 1–2).

85. See LEGAL SERV. CORP., THE JUSTICE GAP: THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2022), <https://lsc-live.app.box.com/s/xl2v2uraiotfbbzrhutwtjlgioemp3myz1>. Forty-five percent of survivors of domestic violence or sexual assault experienced at least one civil legal problem related to their rental. THE JUSTICE GAP 2017, *supra* note 45, at 7–8, 27.

- **In Arizona**, the state's Access to Justice Commission reports that "[l]egal aid agencies remain overwhelmed with demand for civil legal assistance."⁸⁶ This finding is complemented by data from the American Bar Association, indicating that "two-thirds of all [Arizona] counties (ten out of fifteen) have less than one lawyer per 1,000 residents" as of 2021.⁸⁷ Accordingly, Arizona ranks near the bottom of states' lawyers per capita at fourth-lowest in the nation.⁸⁸
- **In Utah**, a recent report by the Utah Foundation found that only half of surveyed low-income Utahns that sought help for any legal problem received some kind of assistance.⁸⁹ Of those who received help, "about one-in-five found assistance from a social or human service agency, one-in-five found help online, and another one-in-five hired a paid attorney. Only about one third used free legal help."⁹⁰ Similarly, only nine percent of legal aid services in Utah involve legal matters related to housing, compared to twenty-six percent and thirty-one percent of matters related to immigration and family law, respectively.⁹¹ Adding to this is data from the American Bar Association, finding two-point-six lawyers in Utah per one thousand residents, the thirteenth-lowest in the country.⁹²

In the housing context, the unmet legal need of low-income renters is only magnified:

- **Among eviction filings in Maricopa County, Arizona**, approximately seventy-one percent of property owners⁹³ were represented by counsel from 2017 to 2019, compared with only four percent of tenants in the same period.⁹⁴ Additionally, ninety percent of tenants who appeared during this period were self-represented.⁹⁵

86. ARIZ. COMM'N ON ACCESS TO JUST., ARIZONA ACCESS TO JUSTICE COMMISSION ANNUAL REPORT 3 (2020), <https://www.azcourts.gov/Portals/74/ACAJ/Annual%20Reports/2020%20Annual%20Report%20ACAJ.pdf?ver=2021-03-11-181150-897>.

87. AM. BAR. ASSOC., PROFILE OF THE LEGAL PROFESSION 24 (2021), <https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf>.

88. *Id.*

89. UTAH FOUND., THE JUSTICE GAP: ADDRESSING THE UNMET LEGAL NEEDS OF LOWER-INCOME UTAHNS 1 (2020), <https://www.utahfoundation.org/wp-content/uploads/rr776.pdf>.

90. *Id.*

91. *Id.* at 9.

92. AM. BAR. ASSOC., *supra* note 87, at 25.

93. Data on Maricopa Evictions from 2017 to 2019 (on file with author).

94. *Id.*; see also THE JUSTICE GAP, *supra* note 89, at 4.

95. EVICTION IN PIMA COUNTY, *supra* note 42, at 4.

- **Among eviction filings in Salt Lake County, Utah**, approximately eighty-six percent of property owners⁹⁶ were represented by counsel from 2017 to 2019, compared with only three percent of tenants in the same period.⁹⁷

Empirical scholarship in this area continues to validate what directly impacted communities already know: legal advocacy can help mitigate the harms of eviction.⁹⁸ A recent article evaluating New York's Universal Access to Counsel program makes this point clear, finding that "tenants who gain lawyers are less likely to be subject to possessory judgments, face smaller monetary judgments, are less likely to have eviction warrants issued against them, and are less likely to be evicted."⁹⁹ Regardless of whether an eviction action ends in a judgment, however, evidence suggests that even the filing of an eviction action causes long-term harm to tenants.¹⁰⁰

In short, for tenants facing eviction, lawyers have declared a monopoly over a service that they are not providing. Increased access to and the exercise of legal knowledge, we believe, is the key to advancing housing justice and stability for our communities. The following subsection explores some of the existing pathways through which fellow legal workers have sought to advance these aims, along with the opportunity presented by gaps in Arizona's and Utah's civil legal ecosystems.

B. Opportunity Spaces in the Civil Legal Ecosystem

In addressing the real and recorded barriers to accessing legal help that are embedded in the law's regulatory scheme and restrictions, Arizona and Utah are at the forefront of UPL reform. This reform has included the

96. Utah Eviction Data from 2013 to 2021 (on file with author) (filtered for data from 2017–2019). The Utah Foundation found that as many as ninety percent of property owners have representation. THE JUSTICE GAP, *supra* note 89 at 4 (noting that "90% of petitioners had legal representation, but only 5% of respondents had attorneys").

97. Utah Eviction Data from 2013 to 2021 (on file with author) (filtered for data from 2017–2019); *see also* JUSTICE LAB & UNIVERSITY OF UTAH, ON THE SAME PAGE: REINFORCING RIGHTS & PROTECTIONS FOR UTAH RENTERS (2020), https://uploads-ssl.webflow.com/5ec6f4304c27e2b15352763/603527cd1157c3aae53380e2_Justice_Lab_Report_On_the_Same_Page.pdf ("Utah renters have lawyers in only 5% of eviction cases.").

98. Mike Cassidy & Janet Currie, *The Effects of Legal Representation on Tenant Outcomes in Housing Court: Evidence from New York City's Universal Access Program*, 222 J. PUB. ECON. 1, 1 (2023), <https://www.sciencedirect.com/science/article/pii/S0047272723000269>; Jamila Michener & Mallory SoRelle, *Politics, Power, and Precarity: How Tenant Organizations Transform Local Political Life* 11 INT. GRPS. & ADVOC. 209 (2022).

99. *Id.*

100. *See generally* Lilian Leung, Peter Hepburn & Matthew Desmond, *Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement*, 100 SOC. FORCES 316 (2021) (describing the role evictions play in extracting monetary sanctions from tenants, even when displacement does not occur, that exacerbate housing instability for a broad segment of tenants).

establishment of licensure options for paraprofessionals without a Juris Doctorate, or “Allied Legal Professionals” (e.g., Legal Paraprofessionals in Arizona and Licensed Paralegal Practitioners in Utah).¹⁰¹

In both states, these licensure programs identify set scopes of services within which licensed advocates may work:

- **In Arizona**—Legal Paraprofessionals (LPs) may become licensed to practice in four areas: (1) family law, (2) limited jurisdiction civil cases, (3) criminal cases where no jail time will apply, and (4) some state administrative law.¹⁰² There are two paths to licensure in Arizona: (1) an education-based pathway and (2) an experience-based pathway.¹⁰³
- **In Utah**—Like Arizona, Utah’s Licensed Paralegal Practitioners (LPPs) are authorized to assist clients in the specific practice areas in which they are licensed.¹⁰⁴ LPPs can be licensed to assist clients in (1) certain family law matters; (2) forcible entry and detainer; and (3) debt collection matters, as long as the debt amount at issue is not greater than that allowed to be processed in small claims court.¹⁰⁵ While LPPs in Utah may engage in several actions on behalf of their clients, they may not appear in court for their clients.¹⁰⁶

In terms of democratizing legal power,¹⁰⁷ both the Arizona LP and the Utah LPP programs present barriers to entry for some applicants:

- **In Arizona**—To obtain LP certification, an applicant must have either (1) an associate’s degree in paralegal studies, (2) any associate’s degree plus a paralegal studies certificate, (3) a bachelor’s degree in law, or (4) a Master of Legal Studies degree.¹⁰⁸ Additionally, applicants must

101. See HSLA REPORT, *supra* note 20, at 35 (“Arizona and Utah are leading the nation in reforming unauthorized practice of law restrictions to permit new types of legal service models, and both states already have established vehicles to license paraprofessionals without a Juris Doctorate (J.D.) to provide limited-scope legal advice.”); *Licensed Paralegal Practitioner*, UTAH STATE CRTS., <https://www.utcourts.gov/en/about/miscellaneous/legal-community/lpp.html> (last visited Oct. 5, 2023).

102. HSLA REPORT, *supra* note 20, at 38–39.

103. *Id.* at 36.

104. *Licensed Paralegal Practitioner*, *supra* note 101.

105. HSLA REPORT, *supra* note 20, at 38–39.

106. *Licensed Paralegal Practitioner*, *supra* note 101.

107. A growing field of practice-oriented scholarship seeks to identify the ways that the access to justice gap might be bridged through the democratization of legal knowledge and power. See, e.g., Renee Newman Knake, *Democratizing Legal Education*, 45 CONN. L. REV. 1281 (2013); Renee Newman Knake, *Democratizing the Delivery of Legal Services*, 73 OHIO ST. L.J. 1 (2012).

108. HSLA REPORT, *supra* note 20, at 37.

have 120 hours of experiential learning in each endorsement.¹⁰⁹ If the applicant has an associate degree in paralegal studies or an associate degree in any subject plus a paralegal studies certificate, they must also have one year of substantive, lawyer-supervised, law-related experience in the area that they are applying for endorsement. LP applicants must also take and pass an exam. The cost for an applicant to obtain LP certification in Arizona can be up to \$26,010 if the applicant does not already have the foundational education.¹¹⁰ Licensing fees after endorsement are about \$345 annually.¹¹¹

- **In Utah**—An applicant for LPP certification must have either (1) an associate’s degree in paralegal studies, (2) a bachelor’s degree in paralegal studies, or (3) a Master of Legal Studies degree. If an applicant does not have any of these educational backgrounds, they may apply if they are a Certified Paralegal, Professional Paralegal, or Registered Paralegal with a credential from authorized agencies. In addition to an educational or professional background, applicants must also have 1,500 hours of law-related experience within the three years prior to application. If they are seeking the family law endorsement, they must complete five hundred of those hours in family-law-related matters. If they are seeking debt collection or landlord-tenant endorsement, they must have one hundred hours in debt collection or forcible entry experience.¹¹² Applicants must also take and pass an exam. Depending on existing educational background, the cost of LPP certification can be between \$600 and \$10,000.¹¹³ After applicants are endorsed, active licensing fees are about \$220 per year.¹¹⁴

When asked about the benefits and limitations of these programs, i4J’s community-engaged interviews underscored the need for this work to better align with the needs and capacity of CBOs.¹¹⁵ Community interviews revealed several limiting factors to existing LP and LPP pathways:

109. The endorsement areas are family law and civil practice, criminal law, and administrative law. Each of these requires specific course credit completion within the applicant’s foundational education. INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYSTEM, THE LANDSCAPE OF ALLIED LEGAL PROFESSIONAL PROGRAMS IN THE UNITED STATES 57 (2022), https://iaals.du.edu/sites/default/files/documents/publications/landscape_allied_legal_professionals.pdf. For more information about the specific requirements by endorsement, see *id.* at 57–59.

110. *Id.* at 50.

111. *Id.*

112. *Id.* at 74–75.

113. *Id.* at 50.

114. *Id.*

115. HSLA 2023 UPDATE, *supra* note 8, at 42 (interview data on file with author).

- **Education and Experiential Requirements**¹¹⁶—When informed about the current training and licensure processes for the paraprofessional programs in their state, prospective HSLAs (i.e., advocates at existing CBOs) felt that the program would be prohibitively burdensome to complete. Education and experience requirements were the greatest concern for staff employed at CBOs. Data from the Center for Economic and Policy Research show that social service providers have a range of education experience: 21.7% have a high school diploma or equivalent, 34.7% have some college experience, 22.9% have a college degree, and 12.8% have an advanced degree.¹¹⁷ While many CBO staff interviewed had at least an associate's degree, no CBO staff had substantive legal experience.
- **Time Commitment and Cost**¹¹⁸—The training time commitment and cost were the next greatest concerns of interviewees. CBO staff could not dedicate a full semester of work while also working a full-time job in the public sector. The costs of the programs were also seen as large barriers: between twenty-five percent and twenty-seven percent of

116. *Id.* Key highlights from these interviews included:

"There are not a lot of folks in the human services arena that are going to have the 7-years full-time law experience necessary. It just does not translate very well to someone who is serving clients outside of the law."

"People should understand what happens in eviction court. Experience should be a requirement, but this could be done through one-on-one role play offered during the training." *Id.*

117. Hye Jin Rho, Hayley Brown & Shawn Fremstad, *A Basic Demographic Profile of Workers in Frontline Industries*, CTR. FOR ECON. & POL'Y RSCH. 7 (2020), <https://cepr.net/wp-content/uploads/2020/04/2020-04-Frontline-Workers.pdf>.

118. HSLA 2023 UPDATE, *supra* note 8, at 42. Key highlights from these interviews included:

"Staff time and current stress levels just don't leave room to take on too many additional things."

"The programs are intimidating. Time commitment and costs would for sure be a barrier."

"The amount of time and the cost would be huge barriers."

"Our staff don't make a lot of money. They want to help people. They often take free trainings or join free webinars so they can better assist."

"If the training were free, both staff and volunteers would take it. Volunteers always are looking to do more help, And this would be a nice thing to offer to staff." *Id.* at 42–43.

social service providers earn an income below two-hundred percent of the federal poverty guidelines.¹¹⁹

- **Scope of Services**¹²⁰—CBO interviewees who served tenants were interested in learning about housing law to help the tenants with whom they already interact. They wanted the scope of any prospective legal training to be tailored to meet their clients' needs, both legal and nonlegal.

While both Arizona's LP and Utah's LPP programs provide a valuable market-driven solution to expand access to justice, community-engaged interviews evidenced the ways that the nonprofit social service sectors are unable to benefit from this present form of licensure. This takeaway is further underscored by the current rates of uptake and scope of both ALP Programs:

- **In Arizona**, fifty-three LP applicants "have passed both the core and subject-matter state examinations and forty-six have been admitted to the state bar."¹²¹ As of Fall 2023, this includes the approval of forty-two LPs for service in the family law context, seven in civil law, four in criminal law, and none in administrative law.¹²²
- **In Utah**, available data as of Fall 2023 indicates that eleven of the state's twenty-six LPPs provide aid in family law.¹²³

119. This range is based on data regarding social service providers that engage in the provision of (1) individual and family services; and (2) those in the "community food and housing, and emergency services" sector of work. Rho, Brown & Fremstad, *supra* note 117, at 8.

120. HSLA 2023 UPDATE, *supra* note 8, at 43. Key highlights from these interviews included:

"Rights and responsibilities would be huge. Negotiation and [alternative dispute resolution] would also be really important."

"Review of the forms required in court and notices that go to the tenants are complicated, and can be difficult to understand. Part of the training curriculum could be looking at that."

"Financial issues larger than just inability to pay rent is common with those experiencing housing instability, so being able to provide other resources is important."

"Tenants need to be given resources, like rental assistance. The training needs to be tailored to the locality, so that advocates can really plug people into the resources available in that area. They need to be made aware of what other programs can assist, like specialty courts, diversion programs, etc."

121. Balsler et al., *supra* note 2 (manuscript at 5) (data provided by Arizona Supreme Court Administrative Office of the Courts, on file with author).

122. Calculations were derived from data as of August 2023. *Id.*

123. *Id.* (manuscript at 4) (citing INSTITUTE FOR THE ADVANCEMENT OF THE AMERICAN LEGAL SYSTEM, THE LANDSCAPE OF ALLIED LEGAL PROFESSIONAL PROGRAMS IN THE

These initial snapshots underscore one shared throughline: There is potential for the nonprofit social service sectors in Arizona and Utah to deliver upstream legal advocacy services to tenants experiencing housing instability if they could use staff-trained, certified advocates like LPs or LPPs.

i4J's community interviews demonstrate a core finding that the current structures of the LP and LPP programs present challenges of eligibility, capacity, cost, and scope of services for CBOs in meeting the housing needs of lower-income communities. As our colleagues have noted before: "In the current justice needs ecosystem, more than market-driven innovation is needed."¹²⁴ New service models, like the HSLA Initiative, build on the inherent regulatory limitations of some ALP programs by relocating the site of our profession's legal power from the professional degree to the community. As the following subsection demonstrates, the liberatory potential of community-led legal advocacy continues to serve as the North Star in i4J's work in service of communities.

C. i4J's Work to Reform UPL Regulations

In recognition of the aforementioned challenges to licensure identified in both the LP and LPP programs in Arizona and Utah, i4J has worked to develop pathways for expanding access to and the exercise of legal knowledge in the housing context. In both Arizona and Utah, i4J was well-positioned in each state's respective legal ecosystems to hold space for the lived-experience of tenants while learning more about CBO capacity and desire to help in legal problem-solving. Based on i4J's robust community-engaged interviews, the lived experience of communities served as the baseline for designing the HSLA service model. After subsequent rounds of community-based feedback and revisions, i4J brought the HSLA Initiative to each state's highest court in the form of a proposal to expand their respective ALP Programs.

Through discussion and collaboration with the Supreme Courts of Arizona and Utah, it was determined that the burden on court resources to rewrite the Rules authorizing each state's ALP programs would be too great. Both states affirmed their commitment to collaboration with i4J and to the implementation of the HSLA Initiative in their jurisdiction.

Based on the distinct regulatory landscapes of each state, this initiative has since been authorized in two differing ways:

- **In Arizona**, i4J collaborated with the Administrative Office of the Court (AOC) to propose an administrative order, authorizing the HSLA Initiative for Court approval.¹²⁵ This Administrative Order was

UNITED STATES 4 (Nov. 2022), https://iaals.du.edu/sites/default/files/documents/publications/landscape_allied_legal_professionals.pdf.

124. Balser et al., *supra* note 2 (manuscript at 16).

125. This UPL reform pathway is the same mechanism used to authorize i4J's DVLA Initiative.

published by the Supreme Court in January 2023, authorizing the statewide creation of the HSLA Initiative, its training curriculum, and the corresponding eligibility requirements.

- **In Utah**, i4J worked with the state Office of Legal Services Innovation to determine the best path forward. While i4J initially submitted a Sandbox application to authorize the HSLA Initiative, the Office of Legal Services Innovation recommended that the Supreme Court of Utah publish a Standing Order that would grant i4J safe harbor to create the training and certification materials in connection with the HSLA Initiative.¹²⁶ This Standing Order requires organizations who wish to train HSLAs in Utah to still apply for authorization through the Sandbox.¹²⁷

As this Article explores, the HSLA Initiative and corresponding state-level authorizations are the result of i4J's community-engaged, action-based design and research methodologies. Across these efforts, our work continues to reimagine the regulation of how and for whom justice services.

The following Section outlines the stakeholder feedback, curriculum, and mechanics of the HSLA Initiative, along with the current state of this work in both states.

IV. The Promise of Housing Stability Legal Advocates

At its core, the HSLA Initiative upskills CBO staff who already interface with people experiencing housing instability by providing a free training course, followed by certification through Arizona and Utah state courts to provide free trauma-informed, limited-scope legal advice about legal issues related to housing.¹²⁸ The HSLA Initiative is designed to be responsive to the social service sector's interest in providing limited-scope legal advice to better assist the community members with whom they work, while aligning with the real-world time and capacity constraints that CBOs are managing. A key component of the HSLA model is that it lowers the barriers to entry for CBOs to deliver legal advice, while recognizing (1) that CBO staff each have different educational and experiential backgrounds and (2) that enrolled HSLAs would complete any legal training while working a full-time social service job.

126. The decision to not admit i4J to the Utah Sandbox was based on a recognition that i4J would not be the entity that would be providing direct services to Utahns; individual CBOs would enroll their advocates in i4J's training and would continue to operate independent of i4J upon their launch into limited-scope service.

127. The key benefit of an enrollment model in Utah (wherein organizations "enroll" their advocates in a virtual i4J course) rests in CBOs' ability to use i4J's existing, community-developed curriculum for HSLA (as opposed to reinventing trainings and seeking state authorization) and the streamlining of their application process.

128. The HSLA Initiative was authorized in Arizona through Ariz. Admin. Order No. 2023-19 (Jan. 18, 2023), and in Utah through Utah Sup. Ct. Standing Order No. 16 (Mar. 9, 2023).

The proposed scope of HSLA service is designed to address high-need areas in the current housing instability landscape while still being manageable for CBO staff and volunteers to complete while continuing their existing work. i4J interviewed twenty-three CBOs across both Arizona and Utah serving individuals across the spectrum of housing issues. Despite some variance in populations and small differences in the substantive eviction laws of each state, common themes were present: Tenants in both states sought assistance from CBOs when (1) communicating with property owners, (2) understanding and applying for rental assistance, (3) knowing what to do when they receive a notice of nonpayment and an eviction notice, and (4) trying to secure housing after being evicted. The central findings of HSLA's cross-state design revealed that tenants' legal needs do not vary significantly by jurisdiction¹²⁹ and that there is potential for legal service innovations for tenants to replicate and scale. The HSLA curriculum is designed to encapsulate these broad themes across jurisdictions while still being responsive to each state's specific needs.

In both states, trained and certified HSLAs will work across four key service areas, each designed to address tenants' most urgent legal needs. These include:

1. **Issue spotting** for housing instability at intake, thereby providing upstream, early intervention;
2. **Helping tenants problem-solve** *before* a housing issue goes to court, widening the available solutions available to tenants;
3. **Providing legal advice** about engaging with the civil legal system, including eviction timelines, procedures, defenses, and courtroom presentation;¹³⁰ and
4. **Assisting tenants after an eviction** by helping tenants navigate post-eviction legal implications, such as providing advice about potential appeals or expungements.

As discussed in the subsections that follow, the HSLA training curriculum underwent extensive community engagement and integrated concerns from all stakeholders, creating a course that balances adequacy and accessibility.

129. HSLA REPORT, *supra* note 20, at 46–48.

130. Although both Arizona and Utah have authorized the HSLA Initiative, differences in decision-maker approvals exist. Under Arizona's administrative order, HSLAs are authorized to attend court with tenants. Tenants remain self-represented, but HSLAs are permitted to quietly provide advice and guidance during hearings, and to respond to requests for information from the presiding judicial officer. Ariz. Admin. Order No. 2023-19 ¶15(b)–(c) (Jan. 18, 2023). Utah's standing order does not contain a similar provision.

A. Converging Interests in Community Legal Advocacy

The following subsections explore the ways that disparately positioned members of the civil justice ecosystem share converging interests¹³¹ in the adoption of the HSLA model and the upskilling of non-lawyer housing advocates.

1. Tenant Perspectives¹³²

Community interviews conducted during the design and testing of the HSLA Initiative actively centered the perspectives of tenants as a critical voice in re-thinking housing justice. Findings from these interviews document the prevailing perspective that tenants would prefer to navigate a housing crisis with help from someone with legal training than navigating on their own. In a world with options other than lawyers, tenants prioritized receiving help from community-based advocates such as social workers, people from places of worship, and workers at a community center. As one interviewee framed it, “If you know who they are, they are easily accessible. They are people in my community.”¹³³ Tenant interviewees expressed a belief that engaging with the justice system was pointless and that lawyers are “scary.”¹³⁴ When presented with the option of speaking with a lawyer or a non-lawyer trained to give legal advice, all tenants interviewed responded that they would prefer to speak with a non-lawyer. One lived experience expert said, “I like to solve these issues by myself. Because, you know, you seek legal help. That’s like more money, you know, you’re spending more money for someone to help you.”¹³⁵ Another explained that “it will probably just be a waste of time and money. I know lawyers are expensive, and I wouldn’t even know where to go.”¹³⁶

131. Here, we intentionally center a discussion of the potentially diverging interests of key community stakeholders in proposing novel processes of justice-making. Such a practice in our UPL reform efforts serves several purposes, including our honoring of communities’ lived and embodied knowledge. This discussion, equally, speaks to the lineage of legal innovators before us and the work of Critical Race scholar Derrick Bell, and their analysis of “interest convergence,” or point at which both historically minoritized and privileged racial ideals converge in policy. See Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980); Raymond H. Brescia, *When Interests Converge: An Access-to-Justice Mission for Law Schools*, 24 GEO. J. ON POVERTY L. & POL’Y 205 (2017).

132. Tenant perspectives were obtained from survey responses. The survey was distributed to people in Arizona and Utah who have experienced housing instability within the previous two years. The survey included an explanation of the proposed service model (HSLAs) and contained questions designed for community members to share their opinions and concerns.

133. HSLA 2023 UPDATE, *supra* note 8, at 39 (interview data on file with author).

134. *Id.* at 39 (interview data on file with author).

135. *Id.* (interview data on file with author).

136. *Id.* (interview data on file with author).

Tenants indicated their desire for help at the first sign of a problem and felt that continuity of service is critical. When asked to rank what was most important to them when seeking help, lived-experience experts overwhelmingly chose “working with the same person until the problem is solved ([i.e.,] not having to work with multiple people).”¹³⁷ Tenants wanted assurance that their community-based advocate is properly trained and certified, and the tenants valued assistance with negotiations and completion of forms. All interviewed lived experience experts preferred to receive assistance from an HSLA, rather than negotiating with property owners or completing forms on their own.

2. CBO Perspectives¹³⁸

When presented with the idea of embedding legal services for tenants in their service model, CBOs expressed interest for several reasons. First, CBOs are already assisting clients who are experiencing housing instability. They provide assistance related to leases and eviction, and some negotiate with property owners and managers on tenants’ behalf. CBOs viewed the HSLA Initiative as a vehicle for ensuring that the assistance they are offering is legally accurate. Importantly, these concerns reflect the same goals and considerations of consumer protection that are often raised by the legal community as a reason to be cautious of (or antagonistic to) lay legal advocacy. CBOs are aware of the importance of providing accurate legal help and saw training as a way to ensure they are providing the most reliable help possible.

Second, when CBOs interact with a client who needs legal advice and representation in the current ecosystem, they refer clients out to legal aid, pro bono assistance, and online self-help without any assurances that the client is receiving that assistance or successfully navigating the civil legal system. CBO staff know that many clients “drop out” of problem-solving their housing instability once they are referred out for legal help. CBOs emphasized how HSLA training could enable them to follow a continuum-of-care model by having legal help within their services—a prospect which would reduce problem-solving disengagement.

Third, CBOs believed they could successfully upskill staff and volunteers with legal training and saw the potential for HSLAs to provide opportunities for empowerment. Knowledge from the HSLA training was seen as fitting seamlessly into the services that community-based organizations already provide. CBO interviewees shared.¹³⁹

137. *Id.* at 40 (interview data on file with author).

138. In developing the HSLA initiative, i4J engaged over 160 community-based organizations and lived experience experts. These organizations included housing coalitions, organizations providing homeless/houseless services, city and county government services, nonprofit legal services, shelters, religiously-affiliated outreach, community action agencies, disability outreach and services, food banks, and community services.

139. HSLA 2023 UPDATE, *supra* note 8, at 45 (interview data on file with author).

“It would be a great added resource for agency staff that are faced with these situations all the time who are not comfortable with providing that advice or have to refer them out to legal aid.”

“Covid has increased the sensitivity to the necessity to provide a legal component to the services we provide.”

“The exciting part [about being trained as an HSLA] would be to help people get out of a bad situation. Maricopa County leads the nation in evictions. Would love to help people avoid that.”

“Tenants who have to go to court and have never experienced that[,] . . . they experience fear while everyone around them is very comfortable. This can be very scary, so anyone who can give them some guidance about what will happen; this can go a long way to keeping people calm to think through their options, maybe talk to their landlord.”

“We need to be alongside the person because they are traumatized and they can’t really do it alone, so you need to be with them going through this. What do you give an 84-year-old experiencing homelessness for the first time? They need an advocate.”

“Tenants . . . feeling empowered to make decisions, even if it doesn’t work out, is better than trying to figure it out on their own. It is important to have the conversations. They need someone who can counsel them—not necessarily a lawyer—on what to do, or support them and give them their options. . . . Anyone dealing with tenants needs to be able to have those conversations, and talk about implications of what happens after an eviction.”

Additionally, CBOs emphasized the imbalance of power between tenants and property owners, especially when housing problems become legal problems. They appreciated the potential of having HSLAs on their staff to level the playing field and empower people experiencing housing instability to engage the justice system for a fair resolution.

3. Decision-Maker Perspectives

Institutional leadership of the legal profession¹⁴⁰ in both Arizona and Utah expressed support for new opportunities to train and certify HSLAs. Echoing desires of both tenants and CBOs, decision-makers emphasized the need for new service models to include appropriate training, education, and experience. They also expressed the need for new service models to have appropriate guardrails for scope of service and monitoring for consumer harm. They recognized that early regulatory reform efforts such as the LP and LPP programs may have established requirements that present barriers to entry for nonprofit social services.¹⁴¹

140. This includes both the Arizona Supreme Court and Utah Supreme Court, and the access to justice committees in each state.

141. For additional research into decision-makers perspectives on regulatory reform, see Balser et al., *supra* note 2.

Recognizing the promise of this work, the HSLA Initiative has been authorized in both Arizona and Utah. The Arizona Supreme Court authorized the Housing Stability Legal Advocate Initiative statewide through administrative order in January 2023.¹⁴² Eligibility requirements to become an HSLA in Arizona include: (1) a high school diploma or GED, (2) employment by or volunteer service with a non-profit social service organization, (3) successful completion of HSLA training, and (4) a passing grade on the HSLA Pilot Program exam administered by the Administrative Office of the Courts. Of great importance to this work is a requirement that trained and certified HSLAs provide their services for free. As discussed in Section III, the HSLA Initiative has been authorized in Utah by Standing Order and allows for Sandbox CBOs to enroll and upskill participating advocates through i4J's HSLA curriculum.¹⁴³

The following subsection outlines HSLA's curriculum and the ways that i4J is working to ensure the initiative's training modules are responsive to each state's legal needs.

B. Developing a Curriculum of Care in Housing Work

i4J's community-engaged research extends to every part of its initiative design, including the development of the HSLA curriculum. i4J's HSLA research team heard and centered the key conclusion that emerged across all stakeholders (i.e., CBOs, tenants, the legal community, and the courts): HSLAs have the knowledge necessary to provide competent legal advice. It was important to these stakeholders that the curriculum be targeted to serve two key aims: (1) that services address the most urgent legal needs of people experiencing housing instability in their state; and (2) that services address these needs early, with the goal of preventing a housing issue from escalating to an eviction filing.

The prototype curriculum was designed based on legal research and community-engaged research with tenants, property owners, legal service providers, judges, and CBOs. This research revealed common legal problems facing tenants and knowledge gaps that CBOs have regarding how to assist tenants with those problems. The learning format of HSLA was tested with CBOs and revised in response to community feedback. The curriculum was subsequently reviewed by legal subject matter experts and underwent modifications based on subject matter expert feedback. i4J intentionally used a holistic approach to the HSLA curriculum development by seeking out perspectives from housing system subject matter experts, rather than focusing only on traditional legal perspectives.

Parallel to i4J's prior legal advocate initiatives, the HSLA curriculum will be offered for free and will be delivered in a modular, asynchronous, online format that is self-paced. This design provides participants maximum flexibility in incorporating legal training into their schedules and is

142. Ariz. Admin. Order No. 2023-19 (Jan. 18, 2023).

143. Utah Sup. Ct. Standing Order No. 16 (Mar. 9, 2023).

a direct response to CBOs' capacity concerns.¹⁴⁴ The curriculum consists of nine training modules and is estimated to take sixty hours to complete. A preview of the HSLA curriculum currently under development¹⁴⁵ in Arizona is provided in the following chart:¹⁴⁶

Module:	Module Description: ¹⁴⁷
<i>Scope of Service & Ethics</i>	HSLAs will be expected to operate under the Code of Conduct for Housing Stability Legal Advocates, ethical rules similar to those governing attorneys. HSLAs will also be expected to understand how to provide limited-scope legal advice. By the end of this module, HSLAs will understand how to conduct themselves ethically and within a limited scope of service.
<i>Trauma-Informed Advocacy</i>	Effective advocacy requires being able to understand trauma. Trauma can disrupt many areas of life and may inhibit problem-solving. Advocates are also at risk of vicarious trauma. By the end of this module, the HSLA will know what trauma is, the signs of it, how to best serve a participant that is experiencing trauma, and how to reduce their risk of and address their own vicarious trauma.
<i>Law & Leases</i>	Tenants experiencing housing instability often encounter issues with their rental because they do not know (or understand) what their lease says before they sign it or what their rights and responsibilities are when issues come up after a lease is signed. By the end of this module, the HSLA will know the rights specific to landlords and tenants, what each of them may be required to do or refrain from doing, and be able to identify legal issues a client-tenant may be facing.
<i>Early Intervention, Negotiation, & Out-of-Court Solutions</i>	Tenants experiencing housing instability may be unaware of how to address problems to avoid eviction. Additionally, tenants may struggle with power imbalances between tenants and landlords, communication barriers with landlords, and a lack of awareness of problem-solving strategies. By the end of this module, the HSLA will be able to apply early intervention strategies, navigate non-court resolutions to eviction, and provide guidance to tenants on what options may be available to them to diffuse housing issues before they go to court.

144. See *supra* Section III.B. and note 127.

145. i4J is actively building out the HSLA curriculum in Arizona, including ongoing recruitment for content creators. In alignment with i4J's commitment to honoring the time, labor, and lived experiences of communities in reimagining the civil legal system, all subject-matter experts who assist with curriculum buildout will be compensated on a per-module basis.

146. HSLA 2023 UPDATE, *supra* note 8, at 51, 55 app. A.

147. For module learning objectives, estimated hours, and sample content, see HSLA 2023 UPDATE, *supra* note 8, at 55 app. A.

Module:	Module Description: ¹⁴⁷
<i>Eviction Procedure: Timeline & First Steps</i>	When tenants experiencing housing instability receive an eviction notice, they may be overwhelmed and unaware that the eviction process is rapid and rigid, or that early action is vital. By the end of this module, the HSLA will know what a correctly-executed notice of eviction looks like, relevant eviction timelines, and what initial steps tenants need to take at the notice stage to avoid eviction.
<i>Eviction Procedure: After an Eviction Is Filed</i>	The legal process is often confusing and people experiencing housing instability struggle to navigate the legal system’s procedural requirements on their own. By the end of this module, the HSLA will be able to walk a client-tenant through next steps after an eviction action is filed, such as how and when to file responses, when and where to appear, and all other procedural matters.
<i>Courtroom Presentation</i>	Most tenants have no legal background, and many will represent themselves in court. Because of this, tenants are often unaware of what issues they can raise in court or even how to do so. By the end of this module, the HSLA will understand how to apply relevant landlord-tenant law and relevant rules of evidence for self-representation, so as to equip tenants with the knowledge and understanding of how to present their arguments in court. The HSLA will also understand what assistance they are permitted to provide to self-represented tenants in court.
<i>Judgment & Writs of Restitution: Legal Implications</i>	Tenants who receive a judgment from the court often do not understand what the judgment means for them legally and practically. By the end of this module, the HSLA will be able to assist a client-tenant with post-judgment procedures, help them reduce damages, and provide next steps.
<i>After Eviction: Next Steps</i>	People who experience housing instability face a host of downstream consequences after eviction, such as difficulty finding new housing, getting a job, separation from family members, poor health outcomes, etc. By the end of this module, the HSLA will be able to assist a client-tenant in navigating these related issues and will be able to provide their client-tenant with community resources.

Utah’s curriculum will largely follow the anticipated format of the Arizona curriculum, but the substance of the modules will be adjusted to account for differences in the two states’ laws and authorizing mechanisms.

C. Visualizing a New Model for Housing Stability

Currently, i4J is recruiting in Arizona for the first cohort of HSLAs, with a cohort goal of twenty individuals and a training start date of January 2024. Participating organizations include those providing general community support and outreach; housing resources and support; health care;

services for specific populations like domestic violence survivors, women, families, Native communities, Black communities, and the elderly; as well as government service organizations. Recruitment was initiated through i4J's existing community connections from the HSLA design phase and has included presentations to housing coalitions and word-of-mouth outreach.

Following training, prospective HSLAs in Arizona will be required to receive a passing score on the HSLA certification exam administered by Arizona's Administrative Office of the Courts. The \$300 certification fee will be covered by i4J for the first HSLA cohort. i4J is also providing a \$500 incentive to organizations that host HSLAs.¹⁴⁸ Under Arizona's Administrative Order (AO), HSLAs will be authorized to provide legal services until the order expires or is extended. While there are no state recertification or continuing education requirements, i4J will connect participants upon their launch to regular webinars, professional development, and continuing education opportunities in their jurisdiction. To ensure HSLAs have the necessary support and guidance needed, each certified HSLA will be paired with an attorney mentor who will guide the certified HSLAs as they provide legal services to their communities.¹⁴⁹

In Utah, i4J has secured funding to launch the HSLA Initiative and similarly expects to train a twenty-member cohort in 2024.

Conclusion

The HSLA Initiative invites each of us to reimagine the limitations and purpose of traditional legal service models. HSLA, like its counterpart initiatives,¹⁵⁰ leverages Arizona's and Utah's novel regulatory reform spaces to challenge the normative assumption of UPL restrictions, namely that legal knowledge and power must be reserved to the closely regulated practice of lawyering. But as communities continue to identify, it is people—not professionalized power—that must guide us in this work.

In all of i4J's UPL reform initiatives, a central throughline across these disparate systems, siloes, and practice areas of work has been the promise of advancing community legal power through community-based access to and exercise of legal knowledge. In seeking to relocate the site of legal knowledge and power from the law school classroom to the existing work-sites of CBOs, i4J and our initiatives have been intentional to uplift and center the transformative potential of community-driven legal advocacy. Communities must lead the work to reimagine the new and many faces of justice if we are to build a more equitable and inclusive legal profession.

In alignment with this vision, the HSLA Initiative aims to advance a model for legal services that is grounded in community autonomy, that builds upon existing ecosystems of care, and that reimagines how

148. The incentive is provided in alignment with i4J's commitment to honoring the time, labor, and lived experiences of communities in reimagining the civil legal system.

149. i4J's recruitment efforts are also underway for attorney mentors.

150. *i4J's Service Impact Area Initiatives*, *supra* note 103.

socio-legal networks might respond to peoples' needs. Consonant with the work of fellow legal innovators across the country,¹⁵¹ i4J continues to work in service of communities to imagine a legal profession where directly-impacted individuals—and not exclusively lawyers—dictate the form and delivery of legal services in this country. By grounding our work in a future of community legal power, we join the work of those before us in building the bench of justice-makers, system disruptors, and legal innovators who share our commitment to building a legal profession predicated on community care.

151. See, e.g., Amanda Alexander, *Nurturing Freedom Dreams: An Approach to Movement Lawyering in the Black Lives Matter Era*, 5 HOW. HUM. & CIV. RTS. L. REV. 101 (2021); Christina John, Russell G. Pearce, Aundray Jermaine Archer, Sarah Medina Camiscoli, Aron Pines, Maryam Salmanova & Vira Tarnavska, *Subversive Legal Education: Reformist Steps Toward Abolitionist Visions*, 90 FORDHAM L. REV. 2089 (2022) (developing a definition of “community legal advocates” from Amanda Alexander and the work of the Detroit Justice Center, writing that “[c]ommunity legal advocates are ‘trained community members who will help [impacted community members] understand, use, and shape the laws . . . [i]nstead of turning [only] to traditional lawyers . . . to empower them to solve justice problems on their own’”).