

Eviction Prevention Support Packet

This packet seeks to provide tools and resources for tenants that may need help navigating the options that are available to them. You will find useful information in the case of risk of eviction or home loss. Please refer to this packet should you experience a loss of income, are unable to pay your rent, or are at risk of eviction for any other reason.

In this packet, you will find information on:

- [Rental assistance resources](#) (page 2)
- [Eviction rights under the Arizona Landlord and Tenant Acts](#) (page 3)
- [Legal assistance resources](#) (page 5)
- [Helpful tips](#) (page 6)
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Please note:

Some of the information in this packet describes legal rights related to eviction for nonpayment of rent. If you have received a notice from your landlord that states another reason for eviction, or does not state a reason, *you may still have legal rights related to eviction* based on other federal, state, and local laws. It is recommended that you contact a lawyer as soon as possible to find out what rules apply to your specific situation. Resources for legal assistance are listed on page 5 of this packet.

Rental Assistance

Can I apply for rental assistance?

Yes, you can! If you are facing a COVID-19 related financial hardship, you may qualify for emergency rental assistance provided by the federal government. A list of programs by area is provided below.

Rental Assistance Program	County or City Served
Maricopa County Emergency Rental Assistance Program	Maricopa County (Residents who do not reside in Phoenix, Mesa, or Glendale)
Mesa Emergency Rental and Utility Assistance Program	Mesa
Department of Economic Security (DES) Emergency Rental Assistance Program	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa (City of Phoenix residents ONLY) Mohave, Navajo, Pinal, Santa Cruz, Yavapai, and Yuma County

Are there any other programs that can assist me with rent?

Call 211 or visit 211Arizona.org to see if organizations in your community have rent assistance available. 211 operators are available 24/7 to answer your questions about rental assistance resources and how to access them.

You can also access a list of additional rental assistance programs [here](#).

I applied for rental assistance, now what?

Applications for rental assistance must be reviewed and processed and it will take time for the funds to be distributed. Some rental assistance programs require landlords to participate by verifying and submitting documentation. Encourage your landlord to complete any action items as soon as possible. In the meantime, consider working with your landlord to create a payment plan in order to pay down rental arrearages and/or rent payments.

Eviction Rights under the Arizona Landlord and Tenant Acts

Do I have legal rights if my landlord wants to evict me?

Yes, you have certain rights under the Arizona Landlord and Tenant Act if you are renting an apartment, condo, townhouse, or house from a landlord. These rights also apply if you are renting a lot space in a mobile home park from the same landlord.

- You can find a link to the Arizona Landlord and Tenant Act [here](#).
- You can read an article about your tenant rights [here](#).
- You can find videos that explain your rights as a residential tenant [here](#).

A summary of your rights if your landlord wants to evict you for unpaid rent:

If your landlord wants to evict you, they must follow the correct process as outlined in the Arizona Landlord and Tenant Act:

1. Your landlord must serve you a 5-day notice, explaining that if the rent is not paid within the 5 days they will proceed to court.
2. At the end of the 5 days, your landlord can apply to the court for an eviction - this is called "filing a complaint".
3. You will receive a court summons, asking you to attend court on a specific date and time. This is called a "trial". The trial is normally 3-6 days after the landlord files the complaint.
4. At the trial, the judge will make an order to evict you if there is any outstanding amount. If you have any defense or counterclaim, it is recommended that you seek legal assistance to support you.
5. If you don't attend the trial, a default judgment will be made, meaning the judge will order you to be evicted.
6. An eviction order made by a judge will require you to leave the home 5 days after the trial date.
7. If you do not, the landlord will have to go back to the court to apply for the eviction to be enforced. This is legally termed a "writ of restitution". The courts can issue a writ of restitution immediately.
8. Once the writ of restitution is granted by the court, it is put on the constable's docket, and they will come and enforce the eviction.

Can my lease be reinstated?

Yes, under certain circumstances:

- If you pay your rent (plus legal fees, court costs and reasonable late fees) by the court trial, the case should be dismissed, and your lease reinstated. If your landlord does not provide written confirmation that your lease will be reinstated, it is recommended that you still attend your court hearing and provide proof of payment to the judge.
- Once an eviction order is made by the court, the lease can only be reinstated if the landlord agrees. For example, if you find the funds to pay outstanding balances, the landlord may allow you to stay. If you can negotiate this, ask the landlord for written confirmation that your lease will continue.

You can find more detailed guidance on your eviction rights [here](#).

If you are being evicted for reasons other than unpaid rent, it is suggested you seek legal assistance. You can find resources for legal aid and assistance below.

Your rights if you own a mobile home or manufactured home:

If you own a mobile home or manufactured home and are renting a lot space in a mobile home park from the landlord, your rights come from the Arizona Mobile Home Parks Residential Landlord and Tenant Act.

- You can find a summary of your rights under the Arizona Mobile Home Parks Residential Landlord and Tenant Act [here](#).
- You can find an article about your mobile home rights [here](#).
- You can find videos that explain your rights as a mobile home owner [here](#).

Your rights if you own a recreational vehicle:

If you own your own recreational vehicle (motorhome, camping trailer, travel trailer, or portable truck camper), park trailer, or park model and are renting a lot space in a recreational vehicle park or mobile home park under a rental agreement of at least 180 days (six months), your rights come from the Recreational Vehicle Long-Term Rental Space Act.

- You can find a summary of your rights as a recreational vehicle owner [here](#).
- You can find videos that explain your rights as an RV owner [here](#).

More Information

For information on landlord and tenant relations, contact the [City of Phoenix Landlord and Tenant Program](#) at (602) 262-7210. This program provides educational services and information to tenants and landlords on their rights under the Arizona Residential Landlord and Tenant Act.

Legal Assistance

This packet does not provide legal advice. You should not act or refrain from acting on the basis of information in this packet without first seeking legal advice from a lawyer. All liability with respect to actions taken or not taken based on the information in this packet are hereby expressly disclaimed.

If you have received a notice from your landlord related to nonpayment of rent:

You still need to pay rent.

Unless your landlord has indicated otherwise, you will still owe your full rent, including any past-due rent. Consider working with your landlord to create a payment plan in order to pay down rental arrearages and/or rent payments. Apply for rental assistance as soon as possible. You can find rental assistance resources on page 2 of this packet.

Your landlord can take you to court.

Your landlord can take you to court for eviction for nonpayment of rent. You may receive a summons to court and a judge may grant an eviction order. It is recommended you attend the court hearing and seek legal representation if needed.

There are other types of evictions that are not related to nonpayment of rent.

You can be evicted for conducting criminal activity on the property, threatening the health or safety of other residents, damaging or posing an immediate and significant risk of damage to the property; violating applicable building codes, health ordinances, or other regulations related to health and safety; or violating any contractual obligation.

You need to appear in court if you receive an eviction notice.

Do not miss any court hearings. Bring copies of correspondence with your landlord and any proof that you've applied or attempted to apply for rental assistance. In addition, it is recommended that you contact a lawyer or legal aid organization as soon as possible. You can find legal assistance resources below.

Legal Assistance Resources

Before contacting a lawyer or legal aid organization, it is strongly recommended that you gather important documents prior to your call such as your lease/rental agreement, any notices from your landlord, copies of payment receipts, and any communications between you and the property owner or management staff.

You can find a no-cost lawyer or legal aid provider through AZLawHelp. To determine your eligibility for free or low-cost legal help, you can complete a 5 minute screening online or via phone through AZLawHelp. You will then be referred to a free or low-cost legal agency near you.

- Complete an over the phone screening to check your eligibility for free or reduced fee legal help by calling 866-637-5341.
- Complete an online screening by visiting [AZLawHelp.org](https://www.azlawhelp.org).

Helpful Tips

Communication

We encourage you to talk with your landlord. Tenants are struggling to pay their rent and landlords are struggling to meet their own financial obligations. Tenants and landlords need each other to be successful, and the relationship you have with your landlord is important, now more than ever.

Keeping Records

Remember to keep all records related to rent payments. These records might include:

- A copy of your lease/rental agreement
- Written/email/text communications with your landlord
- Bank statements
- Proof of rental payments

It is recommended that you also keep documentation of any attempts you have made to secure rental assistance, including screenshots from your mobile device or computer. These types of records may be helpful if you're negotiating a solution with your landlord, are served with an eviction notice, or meeting with a legal aid representative.

Mediation

What is mediation?

- Mediation is a voluntary and confidential way for people to resolve their disagreements. During mediation, people meet at a safe and neutral place to discuss their options for effectively resolving their problem. One or two mediators guide the process to help keep communication respectful.

Why should I try mediation?

- Mediation can be an effective first step in trying to resolve a conflict. It saves time, money, and energy that might otherwise be spent tangled in a frustrating legal process. In mediation, people in conflict decide for themselves the solution that is right for them. Mediation helps people clear the air so they can preserve their relationship, which otherwise might be damaged if they went to court.

Find more information and frequently asked questions about mediation at [AZLawHelp.org](https://www.azlawhelp.org).

Fair Housing

What is Fair Housing?

The Fair Housing Act protects individuals' right to have a place to live and makes it unlawful for any person to discriminate or harass in connection with housing because of an individual's race, color, religion, sex, national origin, familial status, or physical or mental disability.

What is prohibited under the Fair Housing Act?

The following actions by housing providers or professionals are prohibited under the Fair Housing Act:

- Refusing to show, rent or sell
- Refusing to negotiate
- Charging more to buy, rent or asking for a larger security deposit
- Advising that the property is no longer for sale or rent when it really is
- Advertising that they want a certain type of person to buy or rent
- Denying access or use of the facility or service that is normally available with occupancy
- Telling owners or renters to move because the neighborhood is being integrated
- Suggesting a tenant move to an area where they don't want to live
- Allowing unlawful bias to affect the appraisal of a property
- Refusing to allow disability accommodations for an assistive aide, assistive animal, parking or physical modifications

If I've been a victim of housing discrimination, how do I file a complaint?

If you are a victim of housing discrimination, you can file a complaint by contacting the Arizona Attorney General's Office at:

Phoenix

Arizona Attorney General's Office
Civil Rights Division
2005 N Central Ave
Phoenix, Arizona 85004
(602) 542-5263
(602) 542-5002 (TDD)
(877) 491-5742 (toll free)

Tucson

Arizona Attorney General's Office
Civil Rights Division
400 W Congress, Suite S-215
Tucson, Arizona 85701-1367
(520) 628-6500
(520) 628-6872 (TDD)
(877) 491-5740 (toll free)

You can also submit a [Civil Rights Intake Questionnaire](#) to the Arizona Attorney General's Office. After you complete the questionnaire, you will be contacted within approximately 24 hours to schedule an intake interview. If you prefer to submit your complaint by mail, you can download and print [this form](#) for submission.

You may also report housing discrimination to the Southwest Fair Housing Council (SWFHC). SWFHC offers full service fair housing services assisting clients with allegations of illegal housing discrimination by providing investigative assistance, counseling, mitigation of complaints, and referrals to resources.

If you feel as though you have been the victim of housing discrimination, are not sure, or have a question:

- Fill out an online form on the SWFHC website [here](#) or contact their office at 1-888-624-4611 to get assistance with your complaint.

Support Lines

211 Arizona

211 Arizona is a free and confidential phone line that connects individuals and families in Arizona to local community resources including housing, health, food, employment services, and more. Operators are available 24 hours a day to help in English or Spanish. Assistance in other languages is available through real-time interpretation services.

- Statewide: 211

24/7 Crisis Line

When life gets overwhelming, it's easy to think nobody cares. Solari's Crisis Line provides immediate and confidential support to anyone facing a personal crisis. Trained crisis intervention specialists are available around the clock, every day of the year, to provide assistance in English or your preferred language. If your crisis can't be solved over the phone, Solari will connect you to local agencies that can help.

- Statewide: 844-534-HOPE (4673) or dial 988
- Statewide SMS: Text "HOPE" to 4HOPE (44673)

24/7 Peer Support Warm Line

Trained Peer Support Specialists are available 24/7 to provide friendly, anonymous support. Whether it's feelings of loneliness or struggles with substance use, these specialists have been there. They can help you steer clear of a crisis before it happens, and also celebrate joyful moments. Solari's Warm Line is open to anyone 18 years of age or older and is not limited to people with a diagnosis or mental health concern.

- Maricopa County: (602) 347-1100

Additional Assistance

Azcourts.gov

For information on landlord and tenant disputes and eviction actions, visit [Azcourts.gov](https://www.azcourts.gov).

AZEvictionHelp.org

To better understand the eviction process in Arizona and learn what you can do, visit [AZEvictionHelp.org](https://www.azevictionhelp.org).

AZLawHelp.org

To find a free or low-cost legal service provider, you can fill out an online application at [AZLawHelp.org](https://www.azlawhelp.org) or call (866) 637-5341 and you will be contacted by a legal agency.

For information on housing, including: evictions, foreclosure, public housing, housing discrimination, landlord and tenant rights and responsibilities, landlord and tenant rights related to mobile home parks, and more, or to ask a question related to any of these issues, visit [AZLawHelp.org](https://www.azlawhelp.org).

HUD Approved Housing Counseling Agencies

HUD sponsors housing counseling agencies throughout the country that can provide free or low-cost advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

To find your local housing counseling agency, call the Arizona Mortgage Foreclosure Help Line at (877) 448-1211 or visit the [HUD Approved Housing Counseling Agencies list](#).

Utility Assistance

If you need help paying your utility bill, it is recommended that you contact your utility company as soon as possible. Your utility company will walk you through available assistance options such as setting up a payment plan, applying to one of their programs, or applying for aid through a local agency.

If your utility company is unable to provide an option that works for you, you can contact a nonprofit agency or city program that offers utility assistance. Visit [211Arizona.org](https://www.211arizona.org) for a list of utility assistance programs, or call 211 to get connected with your local utility assistance program.