

ANN KIRKPATRICK  
2ND DISTRICT, ARIZONA

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July 10, 2020

Honorable Governor Ducey  
Office of the Governor, State of Arizona  
1700 West Washington Street  
Phoenix, Arizona 85007

Dear Governor Ducey,

I write today to urge you to consider extending Executive Order 2020-14 (E.O.), Postponement of Eviction Actions, until at least the end of the year and to consider special protections for Arizonans who may soon see their unemployment benefits reduced or who have not been able to access such benefits, even though they are eligible. I commend you for implementing this E.O. in March, as your decisive action helped ensure Arizonans would not lose their homes as a result of the pandemic. Now, as COVID-19 cases have risen sharply in Arizona, it is incumbent on you to extend these to protections to prevent what experts have predicted will be an unprecedented wave of evictions.

The potential for such a wave of evictions is supported by available data. In April 2020, eviction filings in Pima County were approximately 74% lower than in April 2019, suggesting landlords and property owners are generally aware of the eviction moratorium implemented by your E.O. and held off on making typical eviction filings.<sup>1</sup> As such, these landlords and property owners are also likely aware that the moratorium lifts on July 23<sup>rd</sup> and may be preparing to make eviction filings they withheld during the moratorium. This timing is particularly problematic as data provided by the U.S. Census Bureau indicates that an estimated 25% of Arizonans either missed last month's rent or mortgage payments or have little-to-no confidence their household can make this month's payment.<sup>2</sup> 25% represents the largest number of Arizonans facing housing insecurity since the Census Bureau began releasing such data during the pandemic.

Elevated levels of housing insecurity are understandable considering the severe economic consequences of the pandemic. As you are aware, unemployment levels are still staggeringly high in Arizona, and despite genuine efforts to disburse unemployment benefits in a timely fashion, thousands of Arizonans have faced difficulties actually receiving those benefits.<sup>3</sup> Given that the spike in COVID cases throughout Arizona has necessitated further closures of certain businesses, we may very well see a larger uptick in unemployment claims in the coming weeks.

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<sup>1</sup> COVID-19 Impact Study, Traffic and Eviction Filings, Arizona Supreme Court, April 20, 2020

<sup>2</sup> [United States Census Bureau, Household Pulse Survey](#)

<sup>3</sup> [Arizona Republic: "Are they ever going to pay this out?": Jobless benefits to thousands slowed by fraud-prevention efforts"](#)

Arizona's unemployment benefits are among the lowest in the nation. Individuals cannot be expected to make-up missed rent payments on those benefits alone, and the expanded benefits implemented by the CARES Act are set to expire soon if further Congressional action isn't taken. Expanding your E.O. to cover people who will no longer be able to receive CARES Act Unemployment Insurance funds and extending your E.O. to at least the end of the year will give individuals currently receiving unemployment benefits necessary time to try to find additional income. This potential for increased unemployment, combined with COVID running rampant throughout the state, leads me to believe that lifting the eviction moratorium is a recipe for disaster and mass homelessness.

Not only will expanding and extending your E.O. prevent countless Arizonans from being pushed onto the street, it will also allow agencies throughout the state more time to disburse rental assistance funds. These funds will benefit tenants and landlords alike. Plus, since eviction hearings resumed at the beginning of June, there has been significant confusion and inconsistencies in how courts are undertaking such proceedings. To address this problem, on July 7th the Arizona Supreme Court issued Administrative Order No. 2020-105, mandating formalized rules for processing evictions during the pandemic to ensure that tenants and landlords are fully informed about their rights and constraints on evictions.<sup>4</sup> Extending your E.O. will allow courts the necessary time to adopt these rules in a consistent manner and ensure that Arizonans are afforded the due process they are entitled to. There are hundreds of pending evictions in Pima County alone. It is imperative that cases are handled appropriately, taking into account both your E.O. and the CARES Act, and given this significant backlog, failing to extend your E.O. could only exacerbate the problem.

For all these reasons, among many others, I strongly urge you to consider expanding and extending your E.O. and to consider special protections for individuals who could see reduced unemployment benefits or have had issues receiving these benefits in the first place. We can no longer afford to wait-and-see. The time to take action is now.

Sincerely,

A handwritten signature in blue ink that reads "Ann Kirkpatrick". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Ann Kirkpatrick  
Member of Congress

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<sup>4</sup> [Arizona Supreme Court, Administrative Order No. 2020-105, Disposition of Residential Eviction Cases During the Public Health Emergency, July 7, 2020](#)