

A Qualitative Examination of Evictions Caused by Default Judgments in Washington State

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Project Narrative

Increasing housing costs and stagnant wages have contributed to a crisis of housing affordability in recent years (Hermann 2018). As affordable housing has become less accessible, rates of housing eviction have risen dramatically. Prior to the COVID-19 pandemic, more than one million households were evicted from their homes in a typical year (Desmond et al. 2018). After a dramatic reduction during the moratorium implemented by the Centers for Disease Control and Prevention (Hepburn et al. 2021), eviction rates in many areas have reached pre-pandemic levels (Beheraj and Fitzpatrick 2023).

Public health research has identified eviction as a substantial threat to population health and the wellbeing of low-income individuals (Benfer et al. 2021, Choi and Oishi 2020, Hatch and Yun 2021). Eviction and residential mobility can contribute to difficulties in accessing healthcare and contribute to worse health outcomes in numerous ways (Ma et al. 2008, Vasquez-Vera et al. 2017). Stress attributable to residential mobility is also positively associated with depression, psychological impairment, and mental strain (Singh et al. 2019), and eviction has been connected to unhealthy behaviors which could cause adverse health outcomes (Bernal-Solano et al. 2019).

In 2021, Washington became the first state to authorize a policy to provide legal representation for tenants facing eviction with incomes below 200 percent of the federal poverty line (Senate Bill 5160 2021). As of this writing, 15 cities and two other states have implemented similar programs, commonly referred to as “right-to-counsel” laws, while an additional ten states

have proposed legislation to do so (NCCRC 2023). Legal representation has been theorized to reduce eviction rates, and preliminary empirical evidence from city-based programs supports this expectation (e.g., Ellen et al. 2021).

Despite some positive results, however, the Washington State program has achieved minimal progress in reducing one major predictor of evictions: default judgments. Default judgments, which have been found to represent approximately half of all eviction cases in Seattle and King County, occur when tenants facing eviction cases do not appear at their court hearings, resulting in immediate eviction judgments against them (Cookson et al. 2018). While past research has theorized that providing legal representation could improve rates of tenant court appearances, anecdotal evidence from legal aid providers in Washington State suggests that default rates remain stubbornly high since the implementation of right-to-counsel.¹

With the support of the Population Health Initiative (PHI) and the Center for Studies in Demography and Ecology (CSDE), we propose to initiate a 2-3 year research project aimed at investigating and reducing default judgment rates. The first phase of our study will use a semi-structured interview protocol to engage tenants who missed their court hearing but contacted legal aid providers after receiving an eviction notice. We propose interviews with approximately 30 tenants from 5-10² counties in Washington State through a partnership with Tacomaprobono's Housing Justice Project (TPB) developed through collaborative discussions in the last 18 months stemming from our partnership on another research project.

TPB and their partners provide emergency support for legal aid providers across the state who cannot manage their caseloads. When a tenant misses their court date, TPB often requests a

¹ Based on meetings with attorneys at Tacomaprobono and the King County Bar Association.

² Although our goal is to attain some geographic diversity in our sample to capture how local factors such as court outreach requirements may influence defaults, the initial focus will be to recruit tenants who have had a default judgment issued against them regardless of location.

stay of the tenant's court-ordered eviction and pursues a motion to vacate the judgment. By interviewing "stay/vacate" tenants who missed their hearing and subsequently engaged with TPB, we aim to uplift the perspectives of tenants who may be responsive to interventions such as text messages or other outreach strategies. After completing approximately ten interviews, we will begin coding data in Atlas.ti and subsequently use a collaborative and iterative process in order to generate salient codes and themes. The goal of this analysis will be to elaborate the reasons for tenant absences in eviction court – and we will also survey extant research to identify the possible benefits and limitations of previously tested interventions in housing and criminal courts which could reduce the rate of tenant court absences.

As court-appointed counsel programs for tenants facing eviction continue to proliferate across the U.S. (NCCRC 2023), tenants, legal aid providers, and scholars are likely to benefit from a better understanding of the reasons for court absences among defendants. Data from this unique qualitative study will inform the subsequent development of behavioral and policy interventions aimed at reducing default rates. This project is an important initial step in support of broadening research by co-PI and CSDE Affiliate Dr. Martin. Her work investigates the dual system involvement of people in the civil and criminal legal systems, with particular focus on the role of criminal legal debt in reducing access to justice. Understanding the factors driving defaults will help illuminate the pathways through which people deepen their entanglement in the legal systems and the roles of impoverishment and indebtedness therein. We aim to expand this project over the course of the next 2-3 years to explore patterns in default rates across different geographies, as well as experimental research such as a randomized controlled trial which tests the effect of potential interventions. Our ultimate goal is to help disentangle the interconnections between poverty, housing insecurity, and access to justice in the U.S.

Project Budget

| | PHI Tier 1 Request | CSDE Matching Support Request |
|---|--|--------------------------------------|
| Salaries | | |
| Faculty | | \$10,719.00 |
| Staff | | |
| Student | \$9,316.00 | |
| Benefits Based on Payroll Load Rate in Effect | \$1,686.00 | \$2,583.00 |
| Other | Fall tuition - \$5,663.00 Community partner costs - \$5,000.00 Participant incentives - \$1,500.00 | Transcription - \$2,700.00 |
| Total Direct Costs | \$23,165.00 | \$16,002.00 |

Justification

Thirty (30) study participants will be compensated for their time (approximately one hour) with \$50 prepaid Tango cards, for a total of \$1,500. Transcription costs are based on Rev (www.rev.com) pricing of \$1.50 per minute for thirty (30) interviews of one hour each for a total of \$2,700.

Tacomaprobono’s Housing Justice Project will be compensated for their support with recruitment and client outreach, as well as subsequent collaboration with reviewing qualitative data and identifying potentially promising default-focused interventions. Our budget includes approximately \$5,000 for TPB staff time associated with email, phone, and in-person client recruitment, as well as ongoing meetings.

Compensation costs for co-PI Dr. Martin will cover two weeks during the summer quarter of 2023, for a cost of \$8,816, while compensation for Dr. Fyall will cover one week during the summer quarter of 2023 for a cost of \$4,486. Compensation costs for Ph.D. student Will von Geldern will cover .5 FTE research capacity during the fall of 2023, at \$40.72/hr x three (3) months, plus 18.1% in benefits and one quarter tuition for a total of \$16,665.

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