

Tier 1 Pilot Grant Application: Laying the Foundation

Project Information

Project Title	A Qualitative Examination of Evictions Caused by Default Judgments in Washington State
Budget Request from Initiative	\$23,165.00
Budget Match (if applicable)	\$16,002.00 (see page 4)
Total Project Budget	\$39,167.00

Applicant Information:

Lead Co-Primary Investigator: Will von Geldern, MPA (wvgl@uw.edu), Ph.D. student, Evans School of Public Policy and Governance

Co-Primary Investigator: Karin Martin, Ph.D. (kdmartin@uw.edu), Associate Professor, Evans School of Public Policy and Governance

Co-Primary Investigator: Rachel Fyall, Ph.D. (fyall@uw.edu), Associate Professor, Evans School of Public Policy and Governance

Co-Primary Investigator: Will Beck (wbeck@tacomaprobono.org), Assistant Managing Attorney, Tacomaprobono Housing Justice Project

Abstract

In an era of scarce affordable housing, housing evictions pose a substantial risk to population health and the wellbeing of individuals in low-income households. Because of long-standing racial and socioeconomic inequities in American society – and rental housing markets specifically – this risk disproportionately affects low-income communities, female-led households, and people of color. Our pilot study aims to inform policies which could affect one salient aspect of evictions: default judgments. Default judgments occur when evicted tenants do not attend their court hearings and are thus unable to dispute or delay their eviction. When a tenant fails to appear at their hearing, the court sides with the plaintiff (generally the landlord in eviction cases), regardless of the facts of the case, in response to the defendant’s non-compliance with the process. While default judgment rates are not systematically measured in most places, recent measurements in King County have found that approximately half of all tenants do not appear at their court hearings. Through semi-structured interviews with approximately 30 tenants who have missed their court hearings, this study aims to elucidate tenants’ perceptions of the circumstances leading up to court absences. The study will generate novel evidence about the factors contributing to default judgments in Washington State. Through these interviews, we will also identify behavioral and policy interventions which could be implemented and tested through subsequent experimental research designs.

Tier 1 Project Research Plan

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 (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 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 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.

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.

Evaluation Plan

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. Our main indicators of success for this study will be the completion of approximately 30 interviews, completion of qualitative coding and data analysis, preparation for manuscript writing, and preliminary progress towards future experimental work. Data from this qualitative study will inform the subsequent development of behavioral and policy interventions aimed at reducing default rates. Together, this line of research will generate valuable evidence about the reasons for continually high default judgment rates, as well as interventions which might address this ongoing challenge.

Timeline

July 2023: Submit IRB protocol, finalize interview protocol and procedures

August 2023: Begin tenant outreach

September - December 2023: Conduct tenant interviews

October 2023 - January 2024: Transcribe interview data

November 2023 - January 2024: Create coding scheme, code interview data, identify salient themes

January 2024: Complete analysis of interview data, begin research on existing interventions

February 2024: Evaluate qualitative research findings, outline experimental research design

March - September 2024: Draft manuscript(s) and pursue grant funding for further research

Lead Co-Primary Investigator: Will von Geldern, MPA is a third-year Ph.D. student at the Evans School of Public Policy and Governance. His research at Evans focuses on housing insecurity, the criminal legal system, and the social determinants of health in low-income communities.

Co-Primary Investigator: Karin Martin, Ph.D. is an Associate Professor at the Evans School. Dr. Martin is a crime policy specialist whose areas of expertise are monetary sanctions, racial disparities in the criminal justice system, and decision-making in the criminal justice context. These issues come together in her current projects, which examine the use of money in punishment (e.g., fines, fees, restitution, etc.).

Co-Primary Investigator: Rachel Fyall, Ph.D. is an Associate Professor at the Evans School. Her research investigates the influence of nonprofit organizations on the formation of public policy and in the delivery of public services. Her primary research context is publicly subsidized low-income housing, including the Low-Income Housing Tax Credit program and various homelessness interventions.

Co-Primary Investigator: Will Beck, J.D. is the Assistant Managing Attorney at TacomaProbono's Housing Justice Project. Among other responsibilities, Will supervises the appointed counsel program, which was established in April 2021 following the enactment of Washington State Senate Bill 5160 recognizing a "right to counsel" for indigent tenants in unlawful detainer (eviction) proceedings.

Tier 1 Project Budget

	Requested from Initiative	Funding Match (requested from CSDE, see justification below)
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 (PHI-requested funding cannot exceed \$25K)	\$23,165.00	\$16,002.00

Budget 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.

We have had a preliminary discussion with the CSDE Director (Sara Curran) and Development Core director (Steven Goodreau) who are both supportive of the application. If matching support from CSDE is not provided, Drs. Martin and Fyall will contribute one week of in-kind research support for this project, and interview transcription will be completed using the free (lower quality) transcription service available from Rev.com.

Appendix A: References

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Appendix B: Letter of Support from Tacomaprobono Housing Justice Project (following page)



April 14, 2023

Population Health Initiative
University of Washington – Hans Rosling Center
3980 15th Ave NE
Seattle, WA 98105

RE: Will von Geldern's Application Tier 1 Pilot Grant Application

To Whom It May Concern,

My name is Will Beck, and I am the Assistant Managing Attorney of Tacomaprobono's Housing Justice Project (HJP). I am writing to express our organization's support of Will von Geldern's research proposal to the Population Health Initiative.

Tacomaprobono Community Lawyers is a 501(c)(3) non-profit organization based in Tacoma, Washington. The mission of our organization is to combat systemic racism and other forms of discrimination by expanding access to civil legal justice. We provide free holistic legal services, including representation, advice, and education to those persons who by reason of poverty are unable to effectively access the legal system.

To further this mission, our organization offers several housing and family law related programs, including HJP's Appointed Counsel Team. The Appointed Counsel Team was established in late-Spring 2021 after the enactment of RCW 59.18.640, which provided court appointed counsel for indigent tenants facing eviction in Washington. Our office is the sole entity providing appointed counsel to tenants in Pierce County, and we frequently undertake representation of tenants facing evictions in counties outside of Pierce.

Our Appointed Counsel Team initially connected with Will von Geldern and his colleagues through their collaborative research with the Office of Civil Legal Aid on the effectiveness of appointed counsel in eviction proceedings. As part of this research, we worked with Mr. von Geldern and his colleagues to collect subjective observations regarding the effectiveness of appointed counsel through interviews of former HJP clients.

From our past collaboration, we gained valuable understanding regarding the difficulty of interviewing former tenants facing eviction and the incentives necessary to coordinate such interviews. I believe that the tenant incentives proposed by Mr. von Geldern in his Grant Application will be an effective means of achieving the desired participation rate. In addition, our office has agreed to assist Mr. von Geldern by connecting him with former clients who were represented in court after an initial failure to appear.

Although the statutorily recognized right to counsel in eviction proceedings has positively impacted the success rate of tenants facing eviction, our anecdotal evidence suggests that the default rate remains relatively high. As such, many tenants who may have improved odds at a successful outcome in their eviction cases end up being evicted based on failure to appear.

We value and support Mr. von Geldern's research proposal as an effort to explore the reasons behind the default rate and collect information that can be used to formulate strategies aimed at decreasing the default rate. The information sought to be collected through this study and the potential strategies that can be derived therefrom would be beneficial not only to our office, but also to appointed counsel providers throughout Washington and the greater United States.

If you have any questions, please feel free to contact me via email at wbeck@tacomaprobono.org, or by phone at (253)572-5134 ext. 117. Thank you.

Sincerely,

William K. Beck

Will Beck
Assistant Managing Attorney
Tacoma-Pierce County Housing Justice Project