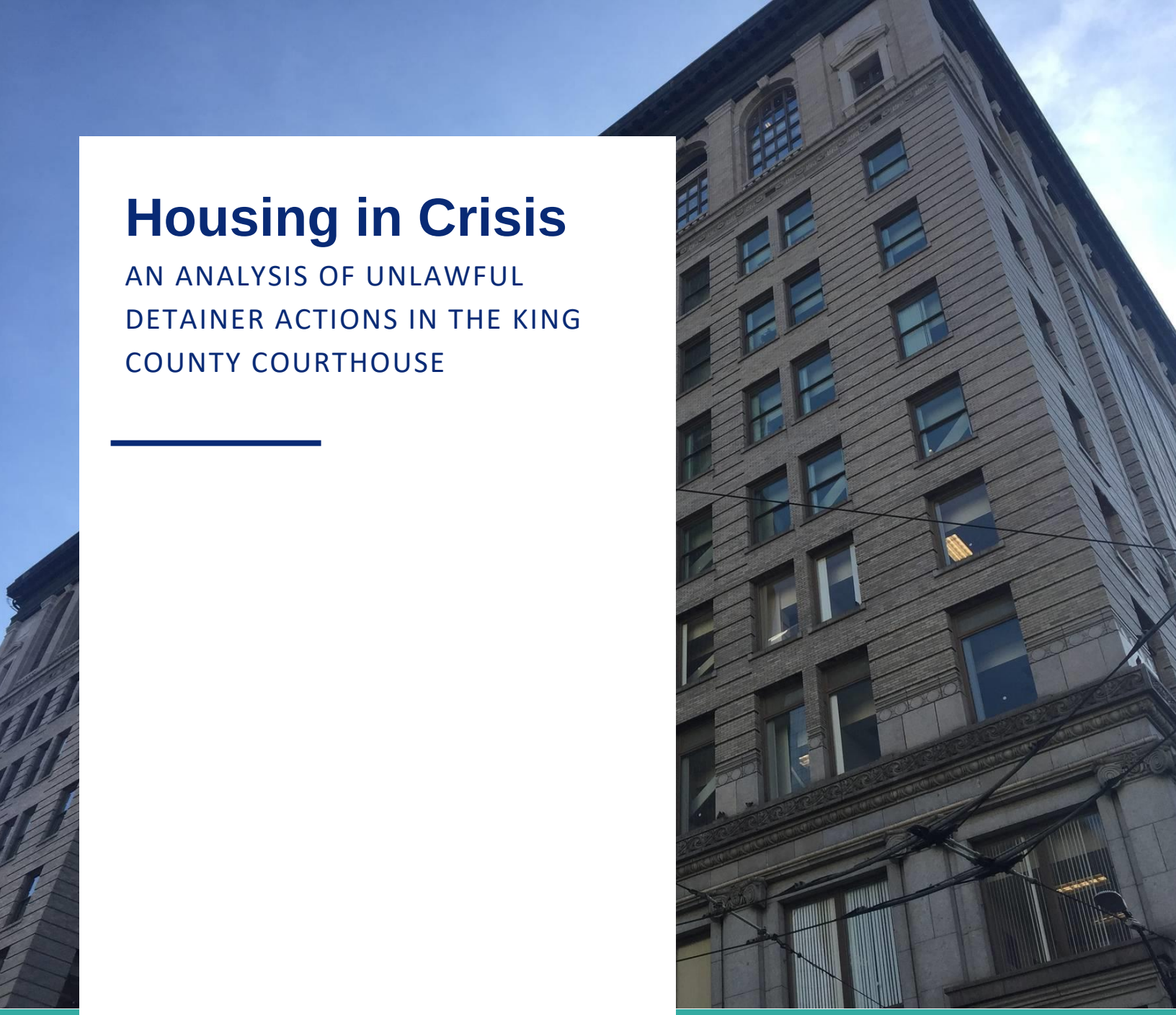

# Housing in Crisis

## AN ANALYSIS OF UNLAWFUL DETAINER ACTIONS IN THE KING COUNTY COURTHOUSE

**JUNE 2020**

**Law, Societies, and Justice Honors Report**
**Authored by: Andrew Choi**

# Housing in Crisis

AN ANALYSIS OF UNLAWFUL DETAINER ACTIONS IN THE KING COUNTY COURTHOUSE

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Honors Thesis
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# Introduction and Background

## The Problem with Evictions

Unlawful detainers actions, or eviction lawsuits (as they are more commonly known), are filed every day. In the United States alone, millions of eviction actions are filed every year.[1] However, the consequences of eviction range far beyond just removing a resident from their housing. Simply having a court judgment entered against a tenant can negatively impact their credit score, and many tenants are required to pay the court costs and attorney fees of their landlord.

Evictions also have consequences outside of the direct ramifications of the court judgment. Research suggests that evictions of workers (especially low-wage workers) make it much more likely that the evicted resident will subsequently lose their job.[2] Given that nonpayment of rent is the reason for the vast majority of evictions, the burden of evictions largely falls upon those who already struggle to make ends meet. As such, evictions have been shown to be a leading contributing factor to poverty.[3]

Furthermore, evictions have impacts upon the evicted past the financial realm. Being forced to move often forces renters to enter into substandard housing, which in turn can then lead them to have to move again.[4] With the aforementioned negative economic consequences of evictions, many tenants who have been evicted find themselves entering a cycle of residential instability, unable to secure housing for themselves long-term. A study of evictions in Seattle found that most evicted tenants became homeless, with only 12.5% of the surveyed tenants able to find another place of residence.[5]

Research suggests that renters who have been forced to relocate are more likely to move to poorer neighborhoods with higher-crime rates than those who relocate under normal circumstances.[6] Families who have been evicted deal with not only increased material hardship, but also increased stress and depression, as well as worse health compared to their counterparts.[7]

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**[1] Eviction Lab, *National Estimates: Eviction in America*, 2018, https://evictionlab.org/national-estimates/.**
**[2] Matthew Desmond and Carl Gershenson, "Housing and Employment Insecurity among the Working Poor," *Social Problems* 63, No. 1 (2016).**
**[3] Martha R. Burt, "Homeless Families, Singles, and Others: Findings from the 1996 National Survey of Homeless Assistance Providers and Clients," *Housing Policy Debate* 12, No. 4 (2001).**
**[4] Matthew Desmond and Carl Gershenson and Barbara Kiviat, "Forced Relocation and Residential Instability among Urban Renters," *Social Service Review* 89, No. 2 (2015).**
**[5] City of Seattle, Seattle Women's Commission, King County Bar Association, *Losing Home*, 2018.**
**[6] Matthew Desmond and Tracy Shollenberger, "Forced Displacement from Rental Housing: Prevalence and Neighborhood Consequences," *Demography* 52, No. 5 (2015).**
**[7] Matthew Desmond and Rachel Tolbert Kimbro, "Eviction's Fallout: Housing, Hardship, and Health," *Social Forces* 94, No. 1 (2015).**

Eviction is not distributed evenly among the populous, however. Research indicates that it is the most disadvantaged communities that are at the highest risk for eviction. In particular, female headed households with children have been found to be at especially high risk of eviction, especially among Black or Latinx communities. However, research on the direct effects of racial or gendered discrimination on eviction decisions is largely lacking. Furthermore, little to no research has been done on discrimination against the LGBTQ+ or immigrant communities with regards to evictions.

However, the available literature currently suggests that dynamics of race and gender do have an impact on evictions. A study done in Milwaukee found that while female renters in Black or Latinx communities were more likely to be evicted than their male counterparts, female renters in White communities did not suffer from the same discrepancy.[8] While the study could not make causational claims regarding the association between race, gender, and eviction decisions, it did suggest that women of color are at higher risk of eviction as a result of many structural factors. The lower stagnant income they typically earn compared to their male counterparts, coupled with rising housing costs, was noted as a particular structural barrier that women of color face.

In King County, a 2017 study found that evictions were least likely in neighborhoods that were gentrified, less-affordable, whiter, and low-poverty.[9] The study's findings suggested that evictions are primarily a concern for those who already face poverty and material deprivation. A 2018 study of evictions in Seattle found that Black tenants experienced eviction at a rate 4.5 times higher than what would be expected based off of their demographic proportions in the city.[10] The same study also found that a majority of evictions in Seattle had people of color as the defendants listed on the eviction filing.

Having children in a household has also been shown to be a major risk factor in being evicted. Neighborhoods with higher percentages of children have a greater number of evictions, and eviction judgments are more likely if tenants live with children.[11] The study that first determined this noted that there were likely to be negative consequences from the eviction on the children themselves, suggesting that children who have been evicted may suffer from poorer school performance or increased rates of adolescent violence.[12] As such, the negative consequences of eviction disproportionately impact people who are more vulnerable, such as women and children.

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**[8] Matthew Desmond, "Eviction and the Reproduction of Urban Poverty," *American Journal of Sociology* 118, No. 1 (2012).**
**[9] Timothy A. Thomas, "Forced Out: Race, Market, and Neighborhood Dynamics of Evictions," *University of Washington Department of Sociology*, (2017).**
**[10] Seattle Women's Commission, King County Bar Association, *Losing Home.***
**[11] Matthew Desmond et al., "Evicting Children," *Social Forces* 92, No. 1 (2013).**
**[12] Ibid.**

As noted above, the most common reason for an unlawful detainer is nonpayment of rent. In the Seattle study, 86.5% of eviction filings were for nonpayment of rent. Of those, 52.3% were for one month or less in rent.[13] The average rent in Seattle during the time of the study was $1,906, compared to the median $1,075 in rent owed in the eviction filings. The study found that 8% of eviction actions were for lease violations, and that 1% of evictions were for no-cause, despite Seattle's Just Cause Eviction Ordinance.[14] The study suggested that the 12 cases of no-cause eviction were mostly caused by a tenant remaining in residence even after expiration of their lease agreement, which is not protected by the Just Cause Eviction Ordinance. Other causes of unlawful detainer included mutual termination (2.3%), non-rent charges (1.3%), and other reasons such as demolition (0.9%).[15]

## Research Goals

The results of the 2018 study "Losing Home" were instrumental in helping to pass amendments to the Residential Landlord-Tenant Act of Washington State, leading to expanded rights for tenants. However, since the completion of the 2018 study, little to no research has been done on unlawful detainers in Washington State. This report seeks to fill in a small portion of that gap in research.

At its most basic, this report seeks to understand how unlawful detainer actions play out in the King County Courthouse. However, this report also seeks to understand the efficacy of laws which increase tenant protections. The research questions explored by this report are as follows:

- **How effective is the Just Cause Eviction Ordinance and the 2019 changes to the RLTA in protecting renters facing eviction?**
- **Are there significant differences between how eviction proceedings occur in the City of Seattle and elsewhere in King County as a result of the renters' protections available therein?**
- **What unintended consequences might arise from Seattle ordinances that affect eviction proceedings?**

Ultimately, this report is very limited in its scope and scale. However, the author hopes that its findings still allow for discussion as to the need for a greater body of research in this area in order to better understand an area of law that is at times largely overlooked in public discourse.

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**[13] Seattle Women's Commission, King County Bar Association, *Losing Home.***
**[14] Ibid.**
**[15] Ibid.**

# An Overview of Landlord-Tenant Law in Washington State

## Introduction

This section outlines the basics of landlord-tenant law in Washington State. Most residential tenancies in Washington State are governed by RCW 59.18, the Residential Landlord-Tenant Act (RLTA. The provisions of this statute were recently amended in summer of 2019 to expand the right of reinstatement (to be discussed later), as well as in spring of 2020 to provide greater clarification to the previous amendment. Please note that the research conducted in this report occurred prior to the passage of 6378-S.SL in April of 2020, and thus, the changes made to RCW 59.18 in 2020 are not applicable to this research.

Some other types of tenancies are covered in other statutes, such as RCW 59.12, and RCW 59.20. Of these, RCW 59.20 is largely irrelevant to this report, as it covers tenancies of manufactured/mobile homes. RCW 59.12 does have intersections with RCW 59.18 with regards to evictions, as the two statutes largely govern the process of unlawful detainers in Washington.

## Giving Proper Notice

Nearly every unlawful detainer action begins with the service of a notice to the tenant.[16] The type and content of these notices changes depending on the basis of the eviction that the landlord is using. There are four notices which are the most common notices to vacate: the 14-day notice to pay or vacate, the 10-day notice to comply with the terms of the rental agreement or vacate, the 3-day notice for waste or nuisance, and the 20-day notice to terminate tenancy (a “no cause” notice).

### 14-day notice to pay or vacate[17]

This type of notice makes up the vast majority of notices served to tenants for an eviction proceeding. This notice can be served to a tenant upon failure to pay rent pursuant to a rental agreement between the tenant and the landlord. During the fourteen-day period, a tenant can pay the full amount of rent in order to avoid the eviction. If they fail to do so, the landlord may then bring an eviction filing against the tenant.

[16] **RCW 59.12.030.**
[17] **RCW 59.12.030.**

### 10-day notice to comply with the terms of the rental agreement or vacate[18]

This notice is used by landlords who claim that the tenants have engaged in a violation of the lease agreement. Such violations can include having unauthorized pets or guests upon the premises, making excessive noise, etc. This notice can be served to a tenant upon the landlord discovering any alleged violation of the lease agreement, and the tenant must bring their behavior into compliance of the lease agreement within the ten-day period. If the tenant has not done so, the landlord may then file an unlawful detainer action against the tenant.

### 3-day notice for waste or nuisance[19]

This notice is different from the prior two notices because it does not allow for a tenant to bring their behavior into compliance. Also known as a 3-day notice to quit, this notice demands that the tenant remove themselves from the premises within three days or be subject to an unlawful detainer suit. "Waste or nuisance" in this case describes some egregious behavior by the tenant, such as major damage to the property or being arrested on the property. The notice also covers being engaged in "unlawful business" which includes behaviors such as being engaged in gang-related activities.

### 20-day notice to terminate tenancy[20]

Finally, there is the 20-day notice, which is given by landlords to month-to-month renters to terminate their tenancy. Also known as a "no-cause" notice, this notice does not need any reason for termination of the tenancy to be given by the landlord. Unfortunately for tenants who have received this notice, there is generally little to no legal defense to maintain tenancy. Even if the termination of tenancy is based on discriminatory reasons, it is difficult to prove given that landlords do not need to provide a reason for the termination. This type of eviction is the one that is primarily affected by Seattle's Just Cause Eviction Ordinance.

## Beginning an Unlawful Detainer Action

In order to begin an unlawful detainer suit, a landlord typically needs to have served one of the above notices to the tenant and waited until the period of time stated in the notice has expired. Upon expiration of the notice's time frame and failure by the tenant to comply, the landlord may begin an eviction filing. Landlords must first serve a summons and complaint to the tenant, whether by personal service or alternative service. The landlord must also schedule a show cause hearing in their county's Superior Court.

[18] **RCW 59.12.030.**
[19] **RCW 59.12.030.**
[20] **RCW 59.12.030.**

Proper service of the summons and complaint is crucial for an unlawful detainer action to move forward. In the case of unlawful detainers, service is required similar to service of summons in other types of actions.[21] This means that in order to achieve personal service, the landlord or their agent must personally deliver a "copy of the summons at the house of his or her usual abode with some person of suitable age and discretion then resident therein".[22] If a landlord is unable to achieve personal service, they may alternatively serve the tenant by posting the summons and complaint conspicuously on the premises and sending copies in the mail after the submission of an affidavit to the court stating that the tenant cannot be found.[23] If alternative service is the method by which service is achieved, the court cannot rule on monetary judgment against the defendants, but can still restore the premises to the landlord.

## Order to Show Cause Hearing

After service has been achieved, the tenant is then required to appear for an Order to Show Cause Hearing in the County Superior Court.[24] During this hearing, defendants are given the opportunity to raise any available defenses that they may have to combat the eviction. If the court determines that there are issues of material fact, they can mandate that the case be taken to trial.[25] However, this rarely happens, as the court can also determine that the landlord is entitled to the right to be restored to the possession of the property. If the court makes this determination in the hearing, they can issue an Order of Writ of Restitution, essentially evicting the tenant.[26] Additionally, if the tenant fails to appear at the hearing, the court may rule in default judgment against the defendant; thus granting an Order of Writ of Restitution regardless of any possible defenses the tenant might have.[27]

Due to the extremely quick turnaround for hearings in unlawful detainer actions relative to other types of actions, some tenants who are unable to gain legal assistance (whether through the Housing Justice Project or other means), will request an Order of Continuance to postpone the hearing to gain a greater chance of securing legal aid. In these cases, the court will often require that the tenant pay the rent due into the court registry as outlined in RCW 59.18.375 in order to grant the continuance. Additionally, the court will likely require a substantive reason from the tenant as to why the hearing should be continued, given the lack of a right to representation in civil matters. Even if the tenant is

[21] **RCW 59.12.080.**
[22] **RCW 4.28.080 (16).**
[23] **RCW 59.12.085.**
[24] **RCW 59.18.370.**
[25] **RCW 59.18.380.**
[26] **RCW 59.18.380.**
[27] **RCW 59.12.120.**

able to get a continuance, if they fail to pay the rent due into the court registry, an Order for Writ of Restitution is immediately issued without notice to the tenant.[28]

In King County, these hearings occur within the ex parte courtroom, and officially take place on the calendar from 9:00 to 10:30. However, due to the volume of cases and length of time it takes to bring the parties in front of the court, the unlawful detainer calendar will often bleed into the probate and guardianship calendar from 10:30 to 12:00.

## Post-Hearing Processes

Upon issuance of an Order of Writ of Restitution, the legal remedies available to a tenant become much sparser. If the action was brought based on a 14-day notice, the tenant still has access to the right of reinstatement for a short time. Generally, a tenant who has had a Writ of Restitution entered against them will also be liable for rent, late fees up to $75, court costs, and possibly attorney's fees. If the tenant is able to pay that amount to the landlord within five court days of the judgment, then the tenant is able to be reinstated to their tenancy.[29] If a tenant is unable to pay the amount to invoke the right of reinstatement, they may also move to stay the Writ of Restitution through a Motion and Order to Stay/Vacate if they have a valid defense as to their eviction.[30]

After the period for reinstatement has passed, the Sheriff in the county in which the property is located may then execute the Writ of Restitution, returning possession of the premises to the landlord. At this point, the eviction is completed, and the tenant has practically no legal remedies available to them.

Even if a tenant has a judgment in their favor during the Show Cause hearing or manages to be reinstated to their tenancy, they still will have the unlawful detainer action on their record, which can be viewed by tenant screening companies. In order to prevent this, a tenant may file for an Order of Limited Dissemination, which prevents tenant screening companies from revealing the action to possible landlords.[31]

## Recent Changes to Landlord-Tenant Law

As noted earlier, The Residential Landlord-Tenant Act (RLTA) underwent some statutory changes in 2019 and 2020. As the 2020 changes to the RLTA were not applicable during the time of research, it

**[28] RCW 59.18.375.**
**[29] RCW 59.18.410.**
**[30] RCW 59.18.410.**
**[31] RCW 59.18.367.**

will not be largely discussed. However, certain changes to the RLTA in 2019 did have significant impacts to the course of unlawful detainer actions as observed during research.

Prior to the 2019 changes to the RLTA, the period under which a tenant could address a notice for nonpayment of rent to avoid an unlawful detainer was three days. After the 2019 changes were made, the notice was changed to fourteen days for any tenancy covered by RCW 59.18. However, tenancies which fall solely under RCW 59.12 can still be served with a 3-day notice to pay or vacate (though this type of notice is rare to the point of inconsequentiality).

Additionally, the right of reinstatement was grossly expanded under the 2019 changes to the RLTA. Before the RLTA was amended, the Right to Reinstatement was only available to tenants who did not have an expired lease. This meant that month-to-month tenants had no legal right to reinstate the tenancy, even if they had the money to pay the judgment (whether on their own or through a rental assistance program). Landlords were free to refuse any monetary payment and reclaim possession of the property. However, with the changes to the right of reinstatement, any tenancy covered under RCW 59.18 has the ability to be reinstated. This, combined with the Home Base Program (a rental assistance program), has helped to reduce the amount of evictions in Washington State.

## Seattle Just Cause Eviction Ordinance (JCEO)

Although these legal changes surrounding unlawful detainers apply to all of Washington State, municipalities such as Seattle are permitted to create their own provisions regulating tenancies (provided that those provisions do not contradict a statutory requirement). Seattle is well known for having a Just Cause Eviction Ordinance since 1980, which was designed to offer greater protections to month-to-month renters or renters with a verbal agreement.

Under the JCEO, landlords are not able to terminate the tenancy or evict tenants with month-to-month or other short-term rental agreements without a just cause to do so. This protection is largely aimed at preventing 20-day no-cause terminations of tenancy. The JCEO limits the reasons for eviction to 18 different reasons for terminating a tenancy, which includes unpaid rent and violations of the lease agreement to allow for evictions on the basis of 14-day and 10-day notices.[32] If a landlord violates the JCEO, a tenant may report the problem to SDCI Code Compliance as provided in SMC 22.206.160.C.4.

[32] **SMC 22.206.160 (C).**

# Data, Methods and Limitations

## Data and Method

The primary body of this research came through observations taken at the King County Superior Court. Taken over the course of five weeks, I observed unlawful detainer hearings as they happened in the ex parte courtroom. The bulk of these observations were specifically observing Order to Show Cause Hearings, one of the key steps in the unlawful detainer process.

The observational fieldnotes taken during these hearings focused on gathering qualitative information about the facts of the case and the nature of the hearings' proceedings. The data gathered were then subjected to ethnographic coding. The coding protocol that was created identified the legal facts and reasoning used in the case, such as eviction reason, defenses used by defendants, and basis of the commissioner's ruling. The codes also were used to determine the presence of repeat actors, date and time of the hearing, location of the property, usage of witnesses, and the name of the presiding commissioner. Upon completion of coding, the data was then analyzed to ascertain patterns relevant to the research questions of this report. Specifically, analysis of the codes helped to determine patterns of behavior in eviction proceedings as they related to the municipality of the action's origin, allowing for a comprehensive analysis comparing municipalities.

Additionally, the data was supplemented with interviews taken with attorneys who practice in the field of unlawful detainers. These interviews were taken remotely over video call, as the interviews occurred after the onset of social distancing as caused by the COVID-19 pandemic. The interviewee's answers were recorded and then transcribed as necessary to provide additional context for the observational data gathered previously. Interview questions were curated to help determine the impact of Seattle specific ordinances, as well as to shed light on the changes to unlawful detainers actions as caused by the 2019 amendments to the RLTA.

## Limitations

It is critical to acknowledge the limitations of this research. In particular, the observational and interview data were limited in scope and time frame. With regards to the observational data, the limited time frame in which the research was conducted means that it is highly unlikely that the observations achieved saturation. Additionally, the observations were confined to the hearings themselves, which were conducted in the ex parte courtroom. The data collected cannot speak directly any processes that occur outside of the courtroom, such as settlement negotiations.

Another limitation is the geographic limitations of the data collected. Due to the unfeasibility of conducting observational research in the Kent Maleng Regional Justice Center, the data are limited to

cases that were filed in the King County Superior Courthouse in Seattle. Although interviewees were able to speak to some of the nuances between the various courthouses, the observational data cannot directly make conclusions about any differences between the two. Additionally, comparisons could not really be attempted between King County and other counties in Washington State, due to the entirety of this research being conducted in King County. However, since the goal of this research is to compare the municipality of Seattle to others nearby, as well as understand unlawful detainers as a whole, this limitation does not affect the validity of the findings.

Furthermore, it must be acknowledged that attorneys interviewed disclosed information as they saw fit, limited by their restrictions as it relates to attorney-client privilege. Additionally, the interviews were conducted within the context of the COVID-19 pandemic, meaning that their answers may have been influenced by more recent experiences that the pandemic may have impacted. Although the questions asked were specifically designed to try to capture the respondents' experiences holistically with unlawful detainers, it is important to acknowledge that these limitations may have had an impact.

# Key Findings and Discussion

As noted by the research questions, this report seeks to determine the efficacy of the increased renters' protections created by laws such as the JCEO and the 2019 RLTA amendments. The findings of this report provide support for prior studies that indicate that tenants are systematically disadvantaged compared to their landlords in unlawful detainers. Given Washington's complicated landlord-tenant statutes, parties in an eviction matter without legal representation (which tend to be tenants) find themselves largely unable to contest in Order to Show Cause Hearings. This dynamic means that even with greater legal protections, systematic factors make it still very difficult for tenants to utilize these protections effectively. Additionally, although municipal ordinances and recent changes to the RLTA give tenants more legal rights, experienced landlords and attorneys are able to navigate them in such a way that greatly reduces the efficacy of those protections. The power that come with being a repeat player more often than not allows landlords to twist these laws to their advantage. Coupled with the unintended consequences of these rights, the actual protections provided by these laws are far less than what was originally intended. These findings suggest that although these increased legal protections do have some weight, the difference in systematic power—especially as it relates to legal representation—mean that tenants still have little recourse in most eviction cases.

## Unlawful detainer actions typically go overwhelmingly in the favor of the landlord

Although past research has already illustrated the systematic advantage of landlords in unlawful detainer actions, the observations made in this body of research finds that this finding continues to hold true in the cases observed, despite recent changes to WA tenant-landlord law. In Washington State, unlawful detainer actions are known to be especially expedient, largely due to the ability of landlords to obtain a Writ of Restitution merely during an Order to Show Cause hearing instead of through a full trial. Because of this fact, unlawful detainer actions in Washington can be started and completed within 30 or so days, a far shorter process than states which require trials in order to evict tenants.

Given that Washington eviction law also allows for defaults against tenants who fail to appear at trials, Order to Show Cause hearings often become simple checkboxes that landlords must complete to evict a tenant. In the King County Courthouse, commissioners typically give 30 minutes for the defendant to check in with the court. If the defendant has failed to appear or check in with either the court clerk or HJP by 9:30 AM, commissioners are typically willing to rule in favor of the landlord. Attorneys with experience at the King County Courthouse know this, and will often walk into the courtroom with their witnesses immediately after 9:30 AM in hopes of quickly securing a default.

The following is a transcription of a default hearing observed at the King County Courthouse (names changed) that occurred starting at 9:43 AM on 2/25/2020.

Plaintiff's Attorney: "Mr. Smith, your honor, representing the plaintiff in this matter."
Commissioner: "Mr. Smith, have you checked in with HJP to see if the defendant is present here today?"
Plaintiff's Attorney: "I have, your honor."
Commissioner: "The defendant has not checked in with the court." (raises voice) "Is John Doe, or anyone intending to represent him present in the courtroom?"
Commissioner: "No response. It is currently 9:43 AM, the matter was originally noted for 9:00 AM. I've seen also your declaration of mailing to the defendant."

The commissioner then turns to the witness, a Ms. Jane Poe, that Mr. Smith has brought with him.
Commissioner: "Raise your hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?"
Witness: "I do."
Plaintiff's Attorney: "Could you please state your name?"
Witness: "Jane Poe."
Plaintiff's Attorney: "And what is your role at Property X?"
Witness: "I am a manager."
Plaintiff's Attorney: "Did you give the defendant a 14-day notice to vacate?"
Witness: "We did."
Plaintiff's Attorney: "Has the defendant paid rent since?"
Witness: "No, they have not."
Plaintiff's Attorney: "Is the defendant still on the property?"
Witness: "They are."

Mr. Smith then turns to the commissioner.
Plaintiff's Attorney: "The defendant was served via alternative service."
Commissioner: "So we are reserving money judgment."
Plaintiff's Attorney: "Yes."
Commissioner: "Alright, I've signed the Order for Writ of Restitution."

The next hearing begins at 9:44, meaning the entirety of the Order to Show Cause hearing took less than two minutes. Most defaults in the King County Courthouse follow a very similar process and take a similar amount of time.

As showcased by the transcription above, default hearings are quick processes that immediately rule in favor of the landlord.

Even if the defendant does appear in the case, the range of legal defenses they may give are limited, especially if the action was brought on the basis of a 14-day notice. In one case, the defendant informed the commissioner that they were having difficulties paying the rent as a result of living off of a fixed income. However, due to the fact that the defendant would not be able to pay rent into the court register, the commissioner denied their request for a continuance and ruled against the defendant.

## Legal representation is practically a prerequisite for tenants to mount any sort of successful defense

The observations gathered also illustrated that legal representation is an absolute necessity for defendants attempting to contest an eviction at an Order to Show Cause hearing. Tenants who attempt to contest pro se at a hearing are largely unsuccessful, with the one of the most successful outcomes being the granting of a continuance in order to have time to secure legal representation. In one case, a mother with two kids who had been behind on rent had defenses related to nonpayment of rent, specifically that of her car breaking down and issues with the dwelling. The commissioner, upon hearing that there were substantive defenses in the case, asked the mother to pay a month's worth of rent into the court register in order to grant a continuance *just* so that she could attempt to get legal representation from the Housing Justice Project (HJP), a free legal assistance clinic run by the King County Bar Association.

The data indicate that defendants who attempted to contest *pro se* for the purpose of dismissing the case always failed to do so. Although at times defendants could later go to trial after securing legal representation, a defendant was never observed successfully dismissing a case in their favor while representing themselves over the course of the research. Observations suggest that this is largely due to defendants' lack of knowledge about tenant-landlord law. Defendants who represented themselves were regularly corrected by the commissioner with regards to court procedures and unlawful detainer law. Commissioners were also observed getting frustrated with pro se defendants, especially if they spoke out of turn within the norms of a typical Order to Show Cause Hearing.

Of the few cases observed in which the defendant received a dismissal in favor of the defendant, every single one had some form of legal representation. These dismissals were almost always for a procedural matter, a defense that defendants were never observed utilizing when representing themselves pro se.

The bulk of defendants who were represented were represented by the Housing Justice Project. However, getting represented by the Housing Justice Project comes with its own limitations. One Housing Justice Project (HJP) Staff Attorney stated:

"What we provide is limited representation. I think that's an important thing to understand. We're a walk-in clinic where essentially folks come in, they sign a retainer every time they come in, and we provide them limited representation.... Our clinic has just such a high volume and so many clients to deal with always, that, we can represent when somebody comes in and then help them with whatever issues the client and whatever attorney they're working with agrees to. And then they're kind of on their own again until they come back in to see us. So they can come back in the next day, and we can agree to represent them the next day, but part of our retainer is, we provide only limited representation, unless there is an agreement sort of separately."

Here, the attorney's statements point out one of the key issues for tenants seeking legal representation. Without funds to afford a private attorney, tenants are forced to turn to publicly available resources such as HJP, which are limited. As noted above, tenants' defenses generally at most produce a continuance to seek legal counsel. If they are able to achieve a continuance, they are reliant on their ability to secure representation from HJP or other sources. Given that continuances typically are granted for five court days (one week) from the date of the original hearing, tenants who receive a continuance have to hope that HJP will have capacity to represent them on that day. As such, even securing a continuance is not a panacea for a tenant's woes, but in many ways, rather a stay of execution.

## Repeat players in the unlawful detainer game have a systematic advantage

While conducting observations within the King County Courthouse, it was noted that many of the landlords present in unlawful detainer actions were represented by a small number of attorneys. These attorneys were observed as having strategies engineered to grant a higher chance of success, navigating the intricacies of eviction laws with ease. These findings parallel the remarks of Marc Galanter's influential 1974 essay, "Why The "Haves" Come Out Ahead: Speculations on the Limits of Legal Change." In the essay, Galanter identifies two groups of players within the legal system, the "repeat players" and the "one-shotters". Galanter suggests in his essay that the repeat players have a systematic advantage over one-shotters as a result of their experience navigating the legal system.

Notably, Galanter identifies Landlords and Tenants as an example of repeat players against one-shotters in the courts.[33]

Specifically as it relates to the King County Courthouse, these "repeat players" can be identified as a small number of law firms and landlords who continually bring unlawful detainer actions against tenants. In particular, the law firm Puckett and Redford has the largest share of these cases. The 2018 Seattle study by the Seattle Women's Commission and the King County Bar Association found that 50% of the eviction cases surveyed had Puckett and Redford representing the plaintiff. When discussing further the findings related to repeat players in this section, discussion will be largely limited to Puckett and Redford, as its behaviors were the ones most observed by the author.

Repeat players such as Puckett and Redford have curated methodologies to allow them to advocate for their clients (oftentimes large corporate landlords) efficiently and effectively. As noted earlier, plaintiff's attorneys with knowledge of the court's procedures will often attempt to secure defaults as soon as commissioners are prepared to issue them. Puckett and Redford specifically take advantage of this strategy with regularity, oftentimes walking in with multiple witnesses for different cases as soon as 9:30 AM passes. The commissioners are well aware of Puckett and Redford's usage of this strategy and will subsequently call up all of their hearings one after the other to expediently process the defaults. This results in Mr. Ryan Weatherstone of Puckett and Redford standing up at the bench, calling up witnesses one after the other to testify against an absent defendant.

Another strategy observed being utilized by Puckett and Redford is the purposeful scheduling of their hearings on the same day in order to process them all at once. As a result, the ex parte courtroom was observed to be drastically different in how busy it is depending on the day. A commissioner was observe stating that "Tuesdays are the busiest because that's when Puckett and Redford schedules all of its hearings." This statement was confirmed by another Housing Justice Project Staff Attorney, who noted that:

> *Puckett and Redford, because they have such a large fraction of the landlord business out here, they have designated days on each court. So, they're going to Seattle on Tuesday. Well the volume in Kent is so high, they've got two days. And they had to start that this year. It used to be just Thursday was their day down in Kent. Now we got Mondays and Thursdays, and we've been doing that since January…. They're making a calculation on their end too. Right? So, they say, alright, we've got X number of cases right? We're going to serve X number of summons and complaints. Kind of like a grocery store or a restaurant,*

**[33] Marc Galanter, "Why the "Haves" Come out Ahead: Speculations on the Limits of Legal Change," *Law & Society Review* 9, No. 1 (1974): 107.**

*they have it on the menu, right? But they're only going to order the amount of steak that people will actually buy in any given week. Well, they're serving the amounts of summons and complaints assuming there's that similar response rate from tenants. Like, oh yeah, 50% of these will be responded to, the others will just get defaulted.*

Considering that Housing Justice Project only has a limited number of clients that they are able to represent in any given day, the strategy of scheduling all of their hearings on a single day is a very effective one for Puckett and Redford. Defendants that were contesting an unlawful detainer action by Puckett and Redford were observed having to proceed with an Order to Show Cause hearing without representation because HJP had reached their capacity for the day. It was often in these hearings that defendants requested a continuance in order to receive legal representation. As mentioned before, continuances typically reschedule the hearing after 5 court days. Given that Puckett and Redford concentrates their hearings on a single day, any defendant that is granted a continuance has to contend with trying to get representation despite the large number of hearings the next week.

Additionally, with their expertise in the area of unlawful detainers, Puckett and Redford are able to translate their experience to the landlords they serve. Galanter specifically notes that lawyers are generally repeat players, but that their services can help to augment the advantages of clients who are also repeat players (in this case, landlords).[34] In his interview, Mr. Weatherstone of Puckett and Redford revealed how they are able to translate their services to help their clients succeed in unlawful detainer actions.

*Our clients are mainly corporate clients, larger corporate clients.... We work very well with them. We train them. We provide free trainings for all our clients. And so I would say a lot of my work kind of during the week, well not a lot of it, but you know a couple of times a month, I may go give a training down to a particular group of landlords, or to a particular community. Telling them, these are the new notices, these are the laws, this is what you need to do, this is what you need to look out for reasonable accommodations, you know. And we give them advice to really keep them out of trouble. We try to say, this is what the law is, you're gonna want to avoid any type of trouble.... But what we focus on, and you know, the review process on these notices, we definitely look and make sure that everything is done right. There's probably about a three-step review process before even sending any kind of notices out. The paralegals take a look over it first, and they send it back to us, and we look for specific things in it and it goes back. And then there's another review process a little bit later down the road so. We train our clients, how to go through*

**[34] Galanter, "Why the "Haves" Come out Ahead: Speculations on the Limits of Legal Change," 119.**

*a, you know, on the procedures that we need and we tell them exactly what we need to happen, so.*

Being a regular within the courtroom also allows firms like Puckett and Redford to pick up on the nuances as to the normative procedures of different commissioners. Landlord attorneys who were not regularly seen within the ex parte courtroom were observed improperly submitting working copies, speaking out of turn, or even failing to properly serve documents in accordance with court rules. All of these behaviors had to be verbally corrected by either the commissioner or their clerks, and would at times result in visible frustration from the commissioners. On the other hand, a firm with experience is able to go beyond simply adhering to the norms of the courtroom. Mr. Weatherstone noted that:

*Different commissioners rule in different ways. And so we do take a bit of a different approach based on different personalities. You know, there are some commissioners that are more interested in hearing about the financial aspects of it. There are some that are more interested in hearing about some of the goings on that happen on the property. And so with experience, you start to learn a little bit more about what the commissioner is looking for, and in some counties, you kind of adjust your arguments to that. Ultimately, it comes down to our cases all follow a basic script, and that is, there's an underlying notice, and that notice isn't complied with and we move forward with the eviction. It's just dealing with the individual judges and trying to understand their personalities and you know, our jobs as attorneys is to present the best argument to them in a way they can understand…. I have won cases on the basis of being able to, understanding how a commissioner works.*

Mr. Weatherstone's comments illustrate once again how being a regular participant in the field of unlawful detainers can contribute to higher levels of success. However, in his interview, Mr. Weatherstone demonstrated knowledge of Marc Galanter's essay and even commented on the dynamic of repeat players between Puckett and Redford and the Housing Justice Project.

*So the good thing that we kind of have here in Washington, is we do have two repeat players. We have the Housing Justice Project out there, who are professionals and they deal specifically in this area and they kind of balance this out. I have never dealt with an eviction in Washington where the Housing Justice Project wasn't there. I've heard of times before, where before the Housing Justice Project how that kind of ran. My experience when I was volunteering there is that it was a good check just to make sure the landlords followed the rules.… They do understand how the commissioners rule, and you know, they understand their personalities as well. So, I think it is important.*

When discussing the dynamic, a Housing Justice Project attorney revealed similar experiences, but also noted that the phenomenon of repeat players might not always favor the tenants.

> *I think that for the most part, commissioners are also, they're very aware of the players. And so, you know, I'm talking about my perspective, but I've also seen commissioners I think react very differently to, lets say, Puckett and Redford's style of firm, who, you know, have a lot of cases in front of them. And so the commissioner sees them very frequently. They know what they're going to do well, what they're going to need to make sure they press those attorneys on…. And I think once a commissioner kind of expects that, they do sometimes give a little bit more leeway to some of the workarounds that these big firms find to make procedural arguments. You know, I'm not going to say that Puckett and Redford is the only one, I think there are several firms who do that, that it does sometimes shape the commissioner's opinion of what they're saying. To me, sometimes it feels like both from us and them that there can be times that commissioners are like: oh yeah I know where this attorney's going with this, I'm gonna actually interrupt them even, what do you think other side? Like what are you going to say to this argument I already know what's going to. So I think that it is a little bit like that, and so that can be good, that can be bad, but often for tenants it can be not so great if a commissioner is used to seeing the rule always applied not in the tenant's favor and then you're trying to really get a nuanced subsection of the law and there's a reason issue.*

The comments from both attorneys highlight the dynamic of repeat players within unlawful detainers, reifying Galanter's argument that while having specialized legal assistance for one-shotters can help to bridge the gap in expertise, it ultimately falls short of the other strategic advantages of repeat players such as landlords.[35]

## Seattle's Just Cause Eviction Ordinance has some legal weight, but is applied rarely

Over the course of the observational period in the King County Courthouse, there were few substantive differences in hearings located in Seattle as opposed to other municipalities. This mainly reflects the use of a very formulaic process of Order to Show Cause hearings, many of which do not even discuss the address of the property in question, but rather term it by the name of the housing complex or the LLC who claims ownership. In order to determine the locations of many of the properties, the author of this report had to process the original summons and complaints for the

**[35] Galanter, "Why the "Haves" Come out Ahead: Speculations on the Limits of Legal Change," 118.**

cases, which list the property's address. This lack of observable difference in the hearings was exemplified by a commissioner's passing comment, in which he said that "most of the time, I don't know where the property is located".

Given that Seattle has greater protections for tenants compared to some other municipalities in King County, it was originally expected that differences would be observed between municipalities; the Just Cause Eviction Ordinance being one of the reasons differences were expected. However, those protections did not come into play during any of the Order to Show Cause Hearings observed. The reason for this phenomenon became clearer upon speaking with attorneys about the frequency of 20-day notices in unlawful detainers. As put by Puckett and Redford Attorney Ryan Weatherstone:

> *Really, our 20-day notices, I deal with maybe one to two a month. And that's me dealing with, you know, a caseload that is much, much larger than that. I'm not quite sure how many (20-day) cases we do, but one to two a month. It is probably my smallest notice that I move forward on, and that's inside the City (of Seattle) and that's outside of the city. 20-day notices just aren't used.*

A Housing Justice Project attorney noted similarly that 20-day notices were rare, but noted that she saw a small difference as it came to region, which she ascribed to the increased legal standard created by just cause.

> *At least down in Kent (Courthouse), I would say that I see more 20-day terminations than I do 10-days. And I think that's because, again, it's that evidentiary standard. If a landlord doesn't want to go through all the hassle of backing up whatever behavioral issue is going on, or a lease violation is going on, just terminate the tenancy. Done. Don't have to deal with it, right? So I do see more 10-days in Seattle.*

Given that 14-day pay or vacate notices make up the vast majority of notices used as the basis of unlawful detainers, it is not terribly surprising that the 20-day notices to terminate that the JCEO is supposed to prevent are not regularly seen within Show Cause Hearings. However, statements from the attorneys interviewed seemed to indicate that while not regularly applied, the JCEO has some legal weight when applicable to a case. Mr. Weatherstone noted that from the landlord's side:

> *In the City of Seattle sometimes it does kind of get in our way, that Just Cause ordinance. There are, you know, we've run into serious issues, where we've had to issue a 20-day notice where a man has beaten an elderly lady on video camera the entire time, and we couldn't get him arrested. So we had to go ahead and go through with a 20-day notice and we had to go ahead and prove that we had an actual just cause. It created an additional danger for that tenant who remained in the property, not the one who was*

*being evicted, but the one who was the victim of assault, so. We don't use 20-day notices unless they're usually pretty necessary…. having the Just Cause Ordinance does create a couple more hurdles for us in order to get these tenants out who are not following the writ of the agreement.*

From the side of the tenant, another HJP attorney stated that:

*If somebody gives a 20-day notice, if there's no local or municipal ordinance that will protect them, they're really, their options are limited. If they're a month-to-month tenant and everything was procedurally served correctly, they have very few options…. It's a Just Cause Ordinance. That means there are no more no-cause evictions. One of the things that really irks me about no-cause evictions is a landlord can have any pretext if they don't have to say why they're evicting somebody. That can be discrimination, that can be even renovation, or some other thing that they would have to utilize a different notice for under any of the other Residential Landlord Tenant Act provisions. And I think that's very unfair to give a landlord a sort of way around having to say something about the legitimacy of why they're evicting somebody. I hear a lot of narratives from tenants who I think are probably somewhat accurate. They can show me texts or email evidence that the landlord is acting very discriminatory towards them. And they get a 20-day, that's not something I can very easily show in court, because really the court doesn't look too deeply at these things, at least from my perspective…. But I do think that it provides a defense that just doesn't exist elsewhere. And that can be invaluable for a tenant.*

The statements from the attorneys indicate that when applicable, the Just Cause Eviction Ordinance does create a higher legal standard to be met by the landlord, which can be beneficial to tenants. However, the statements also revealed that opposing counsels have very different opinions as to the impact of that higher standard, with the landlord's attorney viewing it as an obstacle to removing dangerous tenants and the tenant's attorney viewing it as a bulwark against discrimination.

Despite the finding that the JCEO does provide a modicum of legal protection, interviews also revealed that for the most part, the Just Cause Eviction Ordinance is mostly used against smaller landlords for procedural matters, as larger, more-experienced repeat players are able to avoid such procedural pitfalls. One attorney who had worked for the City of Seattle enforcing the JCEO noted:

*I worked for the City of Seattle for a while, and that was my job, was to enforce the Just Cause Eviction Ordinance. So I worked there for about three-and-a-half years, I think? I worked there for three-and-a-half years, I would handle about a hundred cases a year. And it was pretty, there wasn't a whole lot of cases coming through with the 20-day notices, but they were all with pro se landlords. They didn't know about Just Cause*

*Ordinance…. So, most of the notices were not, most of the notices that I saw in the City of Seattle contained more of a technical error, rather than an underlying significant error. So, maybe they forgot to put on there the word "or vacate", it just says three day pay notice. Or maybe it's a three day vacate, or, it was three days back at the time, or three day vacate notice. And so it would be a technicality that we would identify, go ahead call the landlord and tell them: your notice isn't good, go ahead and put a new notice out there. We didn't see a lot of 20-day notices. You know, that's really the main thrust of the Seattle Just Cause Ordinance, was to protect against these 20-day notices. But that, I would maybe see maybe ten of those a year.*

The attorney's statements here illustrate that for the most part, the JCEO is largely used as a procedural defense against smaller landlords, rather than the substantive defense it was created to be. Statements from an HJP attorney also seemed to indicate that landlords try to turn the JCEO to their own benefit in their legal arguments.

*The times I have been in Seattle, I've seen, I haven't seen the Just Cause Eviction Ordinance used, so much as, how do I want to say this? I don't want to say manipulated, that's not the right word. I feel like the cases I've had, I've picked up where a lease expires. And when a lease expires, just cause doesn't apply. And so, I feel like the times I've touched just cause, it's dependent on lease expiration. So it doesn't apply, it's not being used, it's not an active component of the case. But, the landlord's got that argument in their back pocket, to say: well no, you can't throw just cause at me, because the lease expired, right?*

This phenomenon was echoed by another HJP attorney, who stated:

*I think landlord's attorneys try and make it just a sort of a checkmark box, right? The 20-day that it needs to be based on, has let's say three 10-day notices or 14-day notices. They want the court to see that as: oh look, here are the three 10-day notices, box is checked, let's do the eviction. I think what the court should be doing is: okay, so that is a checkbox, but each of those notices needs to be sufficient, both in substance and procedure.*

As such, the Just Cause Eviction Ordinance seems to be applied rarely, due to the scarcity of 20-day notices to terminate relative to other eviction notices. Although the JCEO seems to provide some legal protections, its mainly appears to provide a procedural defense against less-experienced landlords while more-experienced landlords are able to navigate it easily.

An unexpected consequence of the JCEO that does provide a significant boon to the tenants however, is how it interacts with the 2019 expansion of the right of reinstatement. As noted by an HJP attorney:

> *If you get a 20-day notice, and if your landlord's attorney bases the unlawful detainer action on that notice, all of those great provisions for reinstatement, not available.*

Preventing landlords from evicting a tenant on the basis of a 20-day notice of termination, rather than a 14-day notice to pay or vacate, allows tenants whose only issue is nonpayment of rent to reinstate their tenancy. This interaction between these two legal protections is certainly an unforeseen windfall for tenants, but is largely unused given the aforementioned rarity of 20-day notices compared to 14-day notices. The way these two renters' protections interact is a powerful example of the unintended consequences that arise from laws; but it also seems to illustrate how law's protections can be merely symbolic, due to how they are applied.

## The new right of reinstatement may be robbing tenants of legal defenses

During the course of the observations conducted in the King County Courthouse, landlords' attorneys were observed using the right of reinstatement to the advantage of their clients, despite the intention to help protect tenants behind the expansion of the right of reinstatement to month-to-month tenants. In the case of Order to Show Cause hearings, the right of reinstatement was used as a reason for why continuances should not be granted to pro se tenants seeking legal representation. In one case, a plaintiff's attorney argued the following to the commissioner regarding the defendant's request to a continuance:

> *The tenant was too late to be represented by HJP, so they are not advising her beyond suggesting that she gets a continuance. We are objecting to the continuance, given that this is a civil matter and there is no automatic right to representation. Even if a writ is issued today, there is always the right to reinstatement and Ms. Doe should go back to HJP during that time period.* (Name changed for privacy)

In the above example, the continuance was denied and the tenant was evicted, as she was unable to mount a substantive defense without legal aid, continually stating that she did not understand what was happening. Given that organizations such as HJP have limited remedies they can offer after a Writ of Restitution has been issued, this pattern is concerning for tenants. Similar patterns of landlord attorneys using the right of reinstatement to their advantage was also noted by interview respondents, specifically in the settlement/negotiation process when the tenant qualifies for financial assistance, typically through the Home Base Program. One HJP attorney noted that:

> *Puckett and Redford, they want their judgments. They want a judgment entered against that tenant, and then we can reinstate in the five days after, in a very classic way. And it*

*keeps the parties happy, because landlords gets paid, tenant stays housed. Any other peripheral issues that are complicating the tenancy may not necessarily be addressed like they would in say, a settlement agreement; where if you're going to have all the parties come to the table, you might as well deal with everything, right? And so, it's good and bad. It's efficient, it's streamlined. But on some level, because we're not litigating as often as we are, we're agreeing to these judgments, we're agreeing that our client doesn't have a reason for not paying, they don't have a defense for not paying, we don't dispute that they didn't pay, so we're just going to exercise the reinstatement right. The problem is now that's kind of a protection for landlords, in a way. We're not bringing them into court to get them to deal with the mold problem in this tenant's unit. We're just dealing with the money problem to get through people. And so, it's efficient, it's effective, it keeps people happy, it keeps conflict between the parties to a minimum. But, there is some sacrificing of those other tenant rights that really should be acted on.... And if the landlord's attorney and landlord are willing, that's great if we don't have to agree to a judgment, because whenever a judgment is entered against you, your credit score takes a hit. It takes a huge hit. Now, because they're approved for financial assistance, that $5,000 judgment is going to get paid off, and it's like paying off a long overdue medical bill all at once. So you get some of that hit on your credit score back, but satisfying a judgment isn't the same as vacating a judgment. So if we can avoid agreeing to judgments to reinstate, we will. Unfortunately, that depends on the attorney the landlord hires, it seems.*

These comments highlight that although the right of reinstatement is allowing more tenants to stay housed through financial assistance, the application of the right is not without unintended consequences. As noted earlier, having a judgment entered a tenant can make future applications for housing extremely difficult, especially with the negative impact to their credit scores as well. Although tenants can try to obtain an Order for Limited Dissemination, the HJP attorney noted that there have been issues with that order being followed by tenant screening companies. While the right of reinstatement may help to keep the tenant housed, the implementation of that right comes at a cost of other legal defenses and rights. This dynamic was explained further by Puckett and Redford attorney Ryan Weatherstone, who stated:

*How we dealt with the Housing Justice Project on this, because they have that Home Base funding where they can pay off tenant's debts. We used to try to put tenants on a stipulation that required them to pay in increments. If they failed to make that increment, then we would be entitled to our judgment. That has kind of gone away at this point because of the Home Base funding. And so now how the negotiations work is, basically they look to determine whether or not Home Base will pay that entire amount for them, and if they do, they just take the default judgment right then and there and don't have to be bound by a stipulation agreement. And so the question comes down to the tenant: do*

*you want a judgment against your record and be able to reinstate and have this charity pay it off for you, or can you avoid the judgment on your record and comply with the stipulation. We used to do no judgment on the record, it's not a negative credit mark and the tenant has to obey the stipulation. The Housing Justice Project now is recommending that people just take that default, get that mark on their record, and then just reinstate the tenancy.*

Given that the right of reinstatement is oftentimes the most beneficial avenue for struggling tenants if they are able to qualify for financial assistance, it is understandable that that is the route that most of them take. However, it is critical to recognize the right of reinstatement has had unintended consequences on tenants' capacity for legal defense and possibly their future housing prospects. Although it has been continuing to help tenants remain housed, more research is necessary to determine the long-term effects of using the right of reinstatement has had on vulnerable tenants.

# Conclusion

Housing insecurity remains one of the biggest policy issues prevalent in today's society. Given research that indicates that losing one's home can lead to a host of other consequences, it is clear that adopting a "housing first" model is necessary to solve this crisis. The prevalence of evictions, especially evictions of economically vulnerable tenants, is thus a problem that needs to be addressed. Understanding how unlawful detainers play out is a critical step towards understanding how to reduce evictions.

The findings of this report illustrate that eviction proceedings in Seattle still remain largely disadvantageous for tenants, similar to evictions across Washington State. Although protections such as the JCEO and the 2019 amendments to the RLTA help provide legal options for tenants, the findings presented here indicate that those options are limited in their impact and scope. Washington State's eviction process is an unusual one, in large part because it is handled within the ex parte courtroom. Unfortunately, like many legal processes, evictions in Washington seems to prioritize efficiency over the people themselves. Understanding how to navigate the intricacies of unlawful detainer law is critical to succeeding, something that gives landlords and their attorneys an edge throughout the entirety of the process, from the pleading to the negotiations. While the law now provides more options for tenants, it still remains difficult for tenants to access them without legal representation. Additionally, the unintended consequences of these laws have also impacted the nature of eviction filings. The expansion of the right of reinstatement has led to reduced evictions but has also caused many tenants to forfeit their legal defenses and accept judgments against them. The long-term effects of these dynamics need to be explored, but they suggest that perhaps shifting focus from increased renters' protections to increased access to legal representation to utilize already existing protections would be potentially more effective in protecting tenants.

Ultimately, this report is but a small addition to a growing body of literature that is critically important to future public policy. More in-depth research is necessary to truly understand the full impact of things like the 2019 changes to the RLTA and the Home Base Program. Additionally, little-to-no research has been done to understand the impact of discrimination in evictions with regards to things such as sexual orientation, gender identity, and immigration status. All of these questions and more should be answered rigorously by the academic community.

Besides its obvious implications as a public policy issue, it should also be considered if the prevalence of evictions presents a problem for human rights as well. With a growing viewpoint that socioeconomic rights should be considered human rights, the right to housing and what it represents should be more closely examined. It is this author's hope that reports like these will continue to stoke this conversation, allowing for a greater public discourse around housing's challenges.

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