THE SYCAMORE INSTITUTE



Debt Collection Lawsuits in Davidson County, TN

January 18, 2024

Key Takeaways

- About 112,000 debt collection cases were filed in Davidson County civil courts between 2016 and March 2023 — two-thirds of which were by high-interest lenders and debt collectors.
- Plaintiffs in Davidson County debt collection lawsuits are almost always represented by an attorney, while defendants almost never have legal representation.
- The zip codes with the highest lawsuit rates had more black residents, single-parent families, lower incomes and education levels, poorer health, and greater reliance on food stamps.
- Court data provide a unique look into consumer creditors' collection practices and Nashvillians' financial security but elicit additional questions to understand more about both.

The ability for businesses to use the courts to collect debts helps ensure they remain financially solvent. Ensuring that people in debt meet their financial obligations can safeguard access to and mitigate increases in the costs of credit (or other services) for others. (1) However, the over- or misuse of lawsuits involves trade-offs for both courts and defendants.

In this report, we explore consumer debt collection lawsuits in Davidson County, Tennessee. Using Davidson County civil court data for January 2016 through March 2023, this study explores how creditors use Nashville courts to collect consumer debt, the kinds of debts most likely to end up in court, and who is most affected. A similar review focused on Shelby County is available <u>here</u>.

Summary of Our Methods and Limitations

Methods

We obtained data for over 158,000 civil cases filed in Davidson County Circuit and General Sessions Courts from January 2016 through March 2023 from the Legal Service Corporation, which scraped and cleaned the data from Tennessee Case Finder. In Davidson County, the state's 20th Judicial District Circuit Court and the county-level General Sessions courts share jurisdiction over debt collection lawsuits. Debt collections suits are most often brought in General Sessions court, which hears cases with claims of less than \$25,000. (14) (15) Data included filing dates, plaintiff names and addresses, deidentified defendant addresses, plaintiff and defendant legal representation, and outstanding garnishment balances — among other items. We used plaintiff names to identify debt collection cases and debt types. We extracted defendant zip codes and combined them with zip codelevel Census data to better understand the resident characteristics of neighborhoods most impacted by debt collection lawsuits. These methods are largely consistent with those used in a similar Michigan study. (5)

Limitations

Our analyses are subject to a number of limitations. For example:

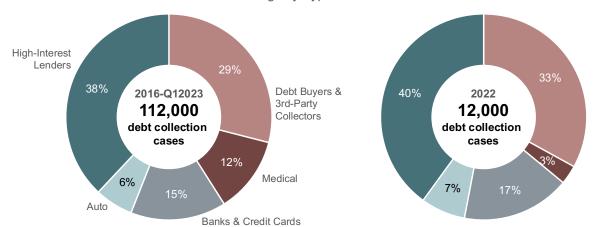
- Much of our coding and categorizing of plaintiffs was done manually and focused largely on plaintiffs filing at least 3 cases, which means we may have missed some relevant plaintiffs.
- We excluded plaintiffs where we could not readily identify their line of business using an internet search, which may have resulted in undercounts of debt collection suits.
- Our analyses assume all plaintiffs included filed lawsuits against customers/clients for unpaid debts, which may have resulted in overcounts of debt collection suits.
- While each case was assigned to a single debt type based on the information available, the debt type categories are not mutually exclusive. For example, we included a category for auto lenders, but some suits by banks may be for auto loans. Similarly, debt buyers and 3rd-party collectors are suing for and sometimes on behalf of other types of debt.
- We used several formulas to extract defendant zip codes, which may not have been fully accurate in instances where addresses included multiple zip codes or addresses and/or where zip codes were missing.
- Without specific information about each defendant, we relied on data about the characteristics
 of residents of each zip code as a proxy to understand the demographics, socioeconomic
 circumstances, etc., of defendants, which is imperfect. To do so, we ran bivariate analyses,
 which tell us about <u>correlation not causation</u>. While it can tell us, for example, that more
 cases are filed against residents of neighborhoods with higher proportions of black residents,
 it does not mean that one causes the other nor does it account for other factors that may
 be highly correlated with both (e.g., income).

See the Appendix for additional information about our methods and findings.

Key Findings

At least 112,000 debt collection cases were filed in Davidson County civil courts between January 2016 and March 2023 (Figure 1) — including about 12,000 in 2022. Between 2016 and 2018, the number of cases steadily climbed (Figure 2) — peaking at over 19,500 yearly cases. Filings declined precipitously during the pandemic as courts closed or restricted access to courtrooms. (2) As of 2022, the number of debt collection filings was almost 40% lower than the peak in 2018. (3)

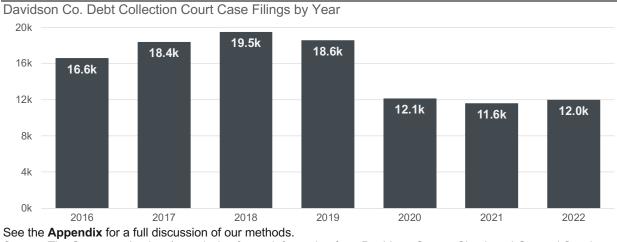
Figure 1. High-Interest Lenders and Debt Buyers File Over Two-Thirds of Davidson County's Debt Collection Lawsuits



Davidson Co. Debt Collection Court Case Filings by Type

See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Figure 2. Debt Collection Lawsuits in Davidson County Declined Significantly During and After the COVID-19 Pandemic

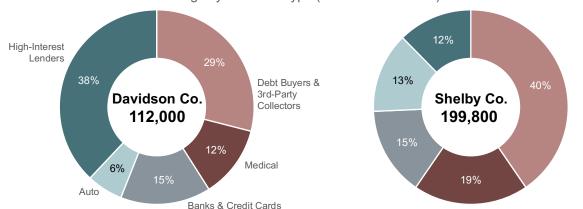


Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Debt Collector Types

High-interest lenders and debt buyers filed over two-thirds of debt collection lawsuits in Davidson County between January 2016 and March 2023 (Figure 1). Lawsuits by high-interest lenders alone made up 38% of all filings over this period — followed by debt buyers and 3rd-party collectors, which accounted for another almost 30%. By 2022, these made up even greater shares of total cases – 40% and 33%, respectively. (3) (See **Collector Types** text box for additional information on each type of collector.)

Figure 3. High-Interest Lenders Are a Much Larger Share of Debt Collection Cases in Davidson County Than in Shelby

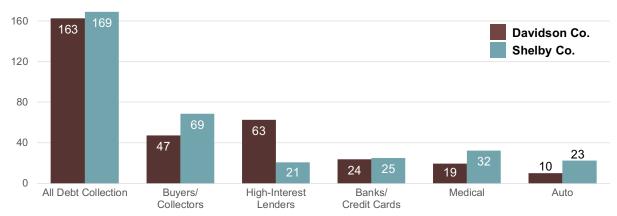


Debt Collection Court Case Filings by Collector Type (Jan 2016-Mar 2023)

See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson and Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

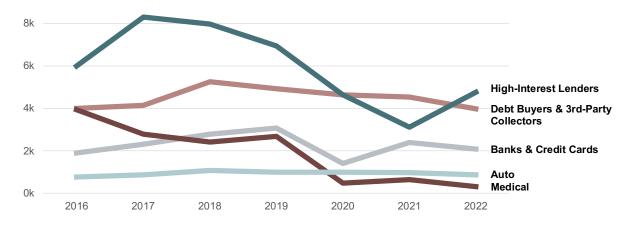
Figure 4. Debt Lawsuit Rates Are Similar in Davidson and Shelby Counties but Distribute Differently Across Collector Types

Debt Collection Court Case Filings per 1,000 Residents by Collector Type (Jan 2016-Mar 2023)



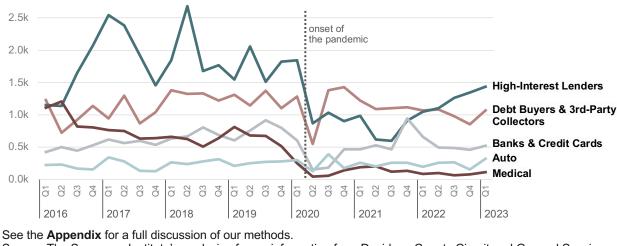
See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson and Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3) (4) Compared to Shelby County — the only other one for which we have data — Davidson County debt collection filing rates were similar but distributed quite differently across collector types (Figures 3 and 4). While high-interest lenders accounted for 38% of all debt collection cases in Davidson — or about 63 cases per 1,000 residents, they made up only 12% — or 21 cases per 1,000 residents — in Shelby County. Debt buyers/collectors, medical providers, and auto lenders made up larger shares with higher case filing rates in Shelby County than in Davidson. (3) (4)

Figure 5. Medical and High-Interest Lender Debt Collection Suits in Davidson County Were Still Below Pre-Pandemic Levels in 2022



Davidson Co. Debt Collection Court Case Filings by Collector Type and Year

Figure 6. After Early Pandemic Declines, Lawsuits by Debt Buyers and Auto Lenders Jumped Back to Pre-Pandemic Levels Within Months



Davidson Co. Debt Collection Court Case Filings by Collector Type and Quarter

See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

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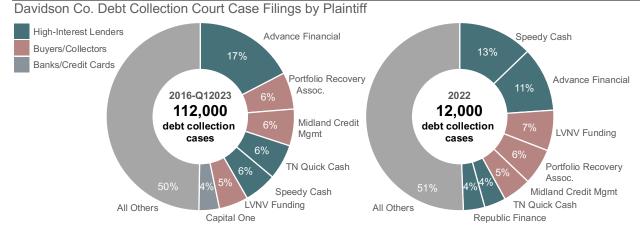
Medical and high-interest lender debt collection suits in Davidson County were still below prepandemic levels in 2022, while other types were about the same as before the pandemic (Figure 5). All types of cases declined significantly at the onset of the pandemic (Figure 6). Those by debt buyers/3rd-party collectors and auto lenders jumped back up to pre-pandemic levels within months. Others more steadily climbed back up, while medical debt suits remained low — consistent with other studies that show national declines in medical debt during the pandemic. (3)

Top Plaintiffs

A few companies file most debt collection cases in Davidson County – mostly high-interest lenders and debt buyers (Figure 7). Between January 2016 and March 2023, Advance Financial, a Tennessee-based high-interest lender, filed over 17% of cases. In 2022, Speedy Cash, another high-interest lender, overtook Advance Financial in filings — accounting for 13% of all debt collection lawsuits. In both time periods, just seven plaintiffs accounted for about half of all debt collection lawsuits. (3)

A few plaintiffs also account for most lawsuits within almost every debt type (Figures 8 and 9). For example, between January 2016 and March 2023, the top three plaintiffs in each category brought 76% of all high-interest lender cases, 61% of debt buyer cases, 48% of bank and credit card suits, and 38% of auto lender cases — with similar proportions in 2022. Medical debt cases tended to have a more even mix of plaintiffs over the entire period. Still, as medical debt cases declined (**Figure 5**), lawsuits became more concentrated among a few plaintiffs. By 2022, Middle Tennessee Imaging accounted for 53% of medical debt filings. (3)

Figure 7. Just a Few High-Interest Lenders and Debt Buyers File About Half of All Debt Collection Lawsuits in Davidson County

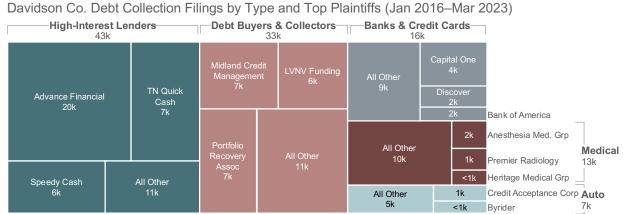


See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Collector Types

- **High-Interest Lenders** include creditors that offer short-term, high-cost loans often to consumers with poor credit. According to estimates, interest and fees on these types of loans can add up to a nearly 500% annual percentage rate in Tennessee, on average. (17) (18)
- Debt Buyers and 3rd-Party Collectors are companies that either purchase debts from or contract with creditors to collect unpaid debts. Buyers often purchase large portfolios of debt at a discount — sometimes pennies on the dollar. These debts can also be bought and sold by collectors multiple times. (16)
- Banks and Credit Cards include traditional banking institutions and credit card issuers.
- **Medical** includes medical providers like hospitals, physician groups, imaging companies, and individual health care providers. See all our past work on medical debt <u>here</u>.
- Auto includes car dealers and lenders that specialize in financing vehicle purchases.

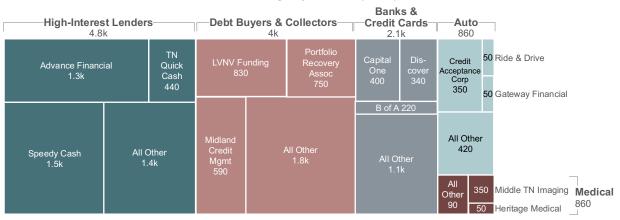
Figure 8. Between 2016-2023, A Few Plaintiffs Accounted for Most Debt Collection Lawsuits for Some Collector Types in Nashville



See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Figure 9. In 2022, A Few Plaintiffs Accounted for Most Debt Collection Lawsuits for Some Collector Types in Nashville

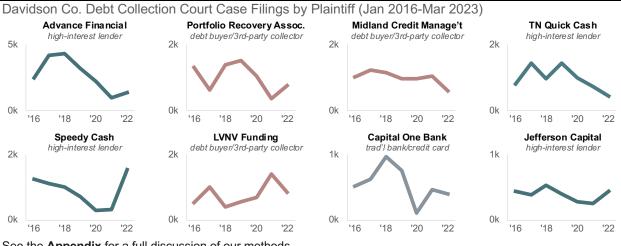


Davidson Co. Debt Collection Court Case Filings by Plaintiff (2022)

See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

The number of lawsuits filed by top plaintiffs has varied significantly over time (Figure 10). For example, after Advance Financial's filings peaked at over 4,300 in 2018 – or 22% of all debt collection lawsuits that year – they were down to less than 1,000 in 2021. Meanwhile, Speedy Cash filed less than 3% of all cases in 2020 but surged to 13% by 2022.

Figure 10. The Number of Debt Collection Lawsuits for Each of the Top Plaintiffs in Davidson County Has Varied Significantly Over Time



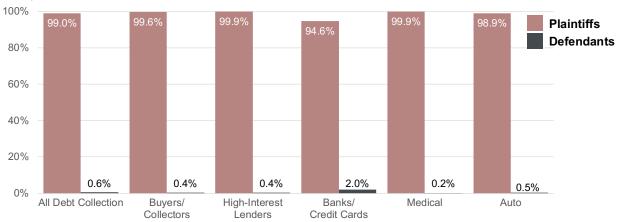
See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Representation

An attorney almost always represents plaintiffs in Davidson County debt collection lawsuits, while defendants rarely have legal representation (Figure 11). Across all collector types, plaintiffs had representation about 99% of the time and defendants about 0.6%. These rates varied little across collector types. (3)

Figure 11. Plaintiffs in Davidson County Debt Collection Lawsuits Almost Always Have an Attorney, Defendants Rarely Do

Davidson Co. Debt Collection Cases with Named Representation by Party/ Debt Type (2016-March 2023)



See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

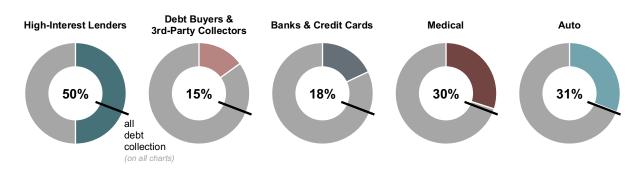
Garnishment

Settlements come in many ways — including garnishment, in which debts are deducted straight from a defendant's paycheck or bank account. For example, cases can be dismissed, delayed, or settled between the parties without court action. If a court rules in a plaintiff's favor, it determines a settlement that can include the debt, court costs, attorney's fees, and interest. With approval from the court, collectors can use wage garnishments and asset seizures to recoup these settlements.

About one-third of debt collection lawsuits in Davidson County between January 2016 and March 2023 involved a garnishment. These rates varied across debt types. High-interest lender cases were most likely to lead to a garnishment, and half of those lawsuits during this period did so (Figure 12). (3)

Figure 12. About One-Third of All Debt Collection Cases in Davidson County Involve a Garnishment — Varying Across Collector Type

% of Davidson Co. Debt Collection Cases Involving a Garnishment by Collector Type (Jan 2016-Mar 2023)



See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Affected Neighborhoods

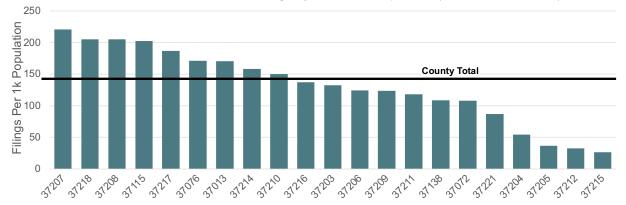
Defendants in a handful of Davidson County zip codes had debt collection lawsuit rates well above the county-wide average — including 37207, 37218, 37208, 37115, and 37076 (Figures 13 and 14). Residents of these five zip codes made up about 31% of all cases against Davidson County residents but only 22% of the county's population (Figure 15). The rate of debt collection lawsuits against defendants in 37207 (Northeast Nashville) — 220 cases per 1,000 residents — was about seven times higher than for 37215 (Green Hills and Forest Hills), where it was just 26 cases per 1,000. (3) (4)

Use the interactive dashboard at SycamoreTN.org to explore debt case burdens and neighborhood characteristics by zip code.

Debt collection lawsuit rates across zip codes varied more for some debt types than others

(**Figures 16-21**). For example, the rate of high-interest lender lawsuits varied from a high of 87 cases per 1,000 residents in 37208 (North Nashville) to a low of just 5 cases per 1,000 in 37215 (Green Hills/Forest Hills). However, the range was much tighter for bank and credit card lawsuits – 27 cases per 1,000 residents in 37214 (Donelson) compared to 7 cases per 1,000 in 37212 (Hillsboro Village/Vanderbilt). These variations likely reflect the extent to which different populations access different types of credit options — with banks and credit cards more universally accessed than high-interest lenders. (3) (4)

Figure 13. Residents of Some Davidson County Zip Codes Face Significantly More Debt Collection Lawsuits Than Others



Davidson Co. Debt Collection Court Case Filings by Defendant Zip Code (Jan 2016-Mar 2023)

Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 21 zip codes with populations over 10K and primarily located in Davidson County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

Figure 14. Debt Collection Lawsuit Rates Vary Between 220 per 1K Residents in Northeast Nashville to 26 per 1K in Green Hills

Davidson Co. Debt Collection Court Case Filings by Defendant Zip Code (Jan 2016-Mar 2023)

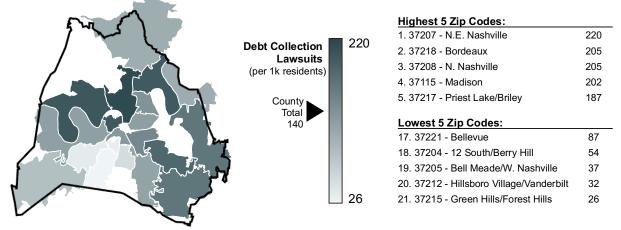


Figure 15. Defendants in Five Zip Codes Account for Over Half of All Debt Collection Lawsuits Against Davidson County Residents

37209 37072 37206 37218 4,661 3,355 3,352 37211 37115 37217 8,893 8,013 5,787 37216 2,484 37203 2,218 37208 37138 3,767 2,578 37205 37204 869 862 Other/ 37013 37207 37076 37214 37221 Unknown 37212 37215 16,856 4,780 8.628 6.602 3,611 2,516 2.172 663 600

Davidson Co. Debt Collection Court Case Filings by Defendant Zip Code (Jan 2016-Mar 2023)

Notes: Counts are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 21 zip codes with populations over 10K and primarily located in Davidson County. **See Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Figure 16. Debt Collection Lawsuit Rates Across Zip Codes in Davidson County Varied More for Some Debt Types Than Others

Davidson Co. Debt Collection Lawsuit Filings by Debt Type & Zip Code (per 1k residents) (Jan 2016-Mar 2023)

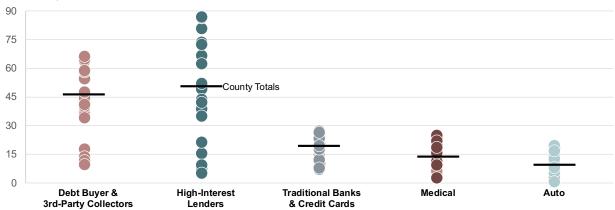
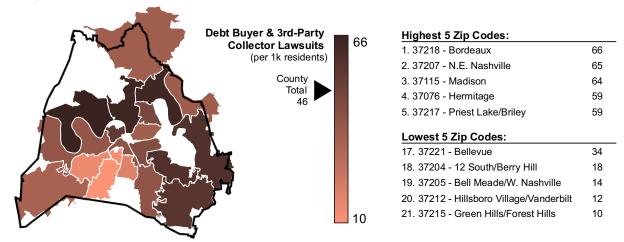


Figure 17. Debt Buyer Lawsuit Rates Vary from 66 per 1K Residents in Bordeaux to 10 per 1K in Green Hills

Davidson Co. Debt Buyer/3rd-Party Collector Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 21 zip codes with populations over 10K and primarily located in Davidson County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

Figure 18. High-Interest Lender Lawsuit Rates Vary from 87 per 1K Residents in North Nashville to 5 per 1K in Green Hills

Davidson Co. High-Interest Lender Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)

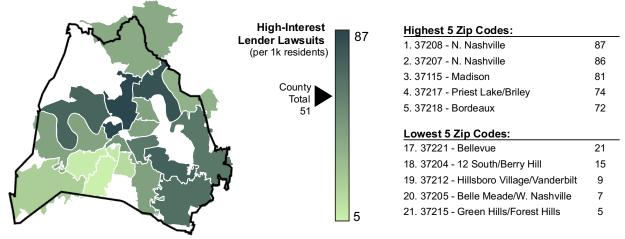
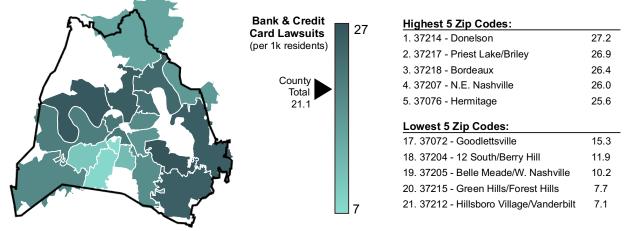


Figure 19. Bank Lawsuit Rates Vary from 27 per 1K Residents in Donelson to 7 per 1K in Hillsboro Village

Davidson Co. Bank/Credit Card Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 21 zip codes with populations over 10K and primarily located in Davidson County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

Figure 20 Medical Debt Lawsuit Rates Vary from 25 per 1K Residents in Northeast Nashville to 3 per 1K in Hillsboro Village

Davidson Co. Medical Debt Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)

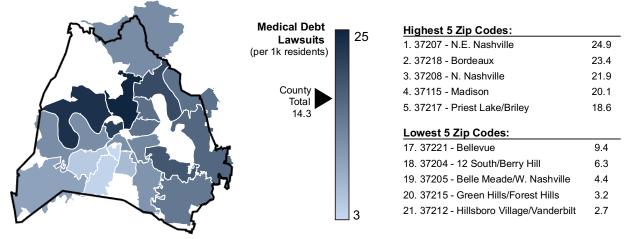
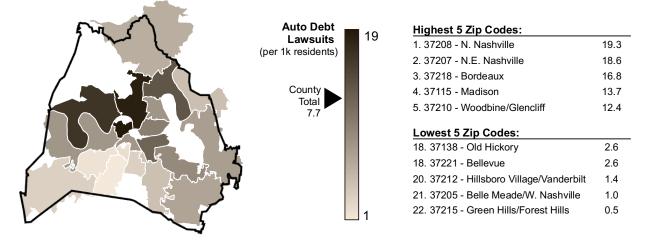


Figure 21 Auto Lender Lawsuit Rates Vary from 19 per 1K Germantown/TSU Residents to Under 1 per 1K Green Hills Residents

Davidson Co. Auto Lender Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 21 zip codes with populations over 10K and primarily located in Davidson County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Davidson County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

Among nearly 40 neighborhood characteristics we explored, just a handful emerged as having a meaningful association with debt collection case filing rates. We looked at 39 zip code-level metrics representing demographics, family structures, economic well-being, educational achievement, workforce and jobs, transportation, housing, use of services and supports, population changes, and health. Some – but not all – were associated with higher rates of debt collection lawsuits filed against defendants living in those zip codes. (3) (4) (6) (7) (8) See the **Appendix** for a full list of the metrics we explored, definitions, sources, and results.

The Nashville zip codes with the highest lawsuit rates had more black residents, single-parent families, lower incomes and education levels, poorer health, and greater reliance on food stamps (also known as the Supplemental Nutrition Assistance Program or SNAP) (Table 1). These findings are consistent with similar studies from other states. (4) (5) Meaningful associations with these characteristics, however, varied across debt types:

- High-interest lender, medical debt, and auto lender case rates shared many of the same associations as overall debt collection case rates. Notably, higher high-interest lender case rates were also associated with higher rates of poor mental health. Higher medical debt case rates were associated with higher rates of disability and adult diabetes, and higher auto loan case rates with higher child poverty and lower access to broadband.
- Higher debt buyer/collector case rates were only associated with lower education and income levels.
- Bank and credit card case rates had no meaningful associations with the characteristics we explored.

Table 1. A Handful of Davidson County Neighborhood Characteristics Were Meaningfully Associated with Debt Collection Lawsuit Rates Features of Davidson Co. Zip Codes w/ Most/Least* Debt Case Filings per 1K People (Jan 2016-Mar

2023)

		Zip (Code Aver	ages	_	
	Bivariate Results	All	w/ Most Lawsuits	w/ Least Lawsuits		
All Debt Collection Filings						
% white	-0.84	64%	37%	82%	Most Least	
% black	0.84	27%	54%	8%	Most Least	
% 25+ w/ bachelor's+	-0.87	45%	28%	71%	Most Least	
% single-parent families	0.83	9%	14%	4%	Most Least	
Median household income	-0.83	\$66,016	\$48,424	\$95,635	Most Least	
% w/ SNAP	0.83	10%	17%	2%	Most Least	
% poor physical health	0.84	14%	17%	10%	Most Least	
Buyers & 3rd-Party Collect	ors			1	ī	
% 25+ w/ bachelor's+	-0.88	45%	28%	71%	Most Least	
Median household income	-0.80	\$66,016	\$51,722	\$95,635	Most Least	
High-Interest Lenders						
% white	-0.87	64%	37%	82%	Most Least	
% black	0.85	27%	54%	8%	Most Least	
% 25+ w/ bachelor's+	-0.85	45%	28%	71%	Most Least	
% single-parent families	0.84	9%	14%	4%	Most Least	
Median household income	-0.84	\$66,016	\$48,424	\$95,635	Most Least	
% w/ SNAP	0.87	10%	17%	2%	Most Least	
% poor physical health	0.86	14%	17%	10%	Most Least	
% poor mental health	0.82	16%	18%	12%	Most Least	

		Zip(_			
	Bivariate Results	All	w/ Most Lawsuits	w/ Least Lawsuits		
Medical						
% white	-0.82	64%	37%	82%	Most Least	
% black	0.85	27%	54%	8%	Most Least	
% 25+ w/ bachelor's+	-0.84	45%	28%	71%	Most Least	
% single-parent families	0.85	9%	14%	4%	Most Least	
% with a disability	-0.81	12%	15%	8%	Most Least	
% w/ SNAP	0.81	10%	17%	2%	Most Least	
% adult diabetes	0.82	11%	15%	7%	Most Least	
% poor physical health	0.85	14%	17%	10%	Most Least	
Auto						
% white	-0.93	64%	38%	82%	Most Least	
% black	0.94	27%	53%	8%	Most Least	
% single-parent families	0.83	9%	14%	4%	Most Least	
Child poverty	-0.80	14%	38%	4%	Most Least	
% w/ SNAP	0.93	10%	19%	2%	Most Least	
% with broadband	-0.87	75%	62%	83%	Most Least	
% adult diabetes	0.92	11%	16%	7%	Most Least	
% poor physical health	0.91	14%	18%	10%	Most Least	
% poor mental health	0.82	16%	19%	12%	Most Least	

Note: All correlation coefficients were statistically significant with p-values <0.001 analyzing data across 22 zip codes with populations over 10K and primarily located in Davidson County. Of 39 neighborhood characteristics analyzed, those shown had the strongest statistically significant associations (i.e., with coefficients above 0.80 or below -0.80). See the **Appendix** for additional information. For each bar chart, the minimum value is 0 and the maximum is the highest of the two values shown. *Most/Least lawsuit categories represent the 5 zip codes with the highest rates and the 5 with the lowest in case filings per 1k total population.

Source: The Sycamore Institute's analysis of case information from Davidson County Circuit and General Sessions Courts (obtained from the Legal Services Corporation), the U.S. Census Bureau, and the U.S. Centers for Disease Control and Prevention (3) (4) (6) (7) (8)

What It Could Mean

These findings give us imperfect insights into debt collection practices and financial security.

Financial Security

Our analyses give us some insights about who in Nashville may be most affected by different types of debt, variations in access to credit, and overall financial security. The following are some potential explanations, but all would require further investigation to confirm:

Possible Explanations for Our Findings

- Residents of lower-income neighborhoods need access to small loans but have difficulty paying them back at least as the options are structured today.
- Predictably, those with lower incomes may be more likely to have delinquent debt. The absence of meaningful associations with poverty rates, however, may mean that certain types of debt are a greater challenge for those with lower incomes but above poverty thresholds. It may be that impoverished individuals have less access to the types of credit represented by these lawsuits, or access to public programs may protect them from specific types of debt (e.g., medical debt and TennCare coverage).
- The auto lender associations suggest that people with the lowest incomes and those less able to afford other services like broadband may be the most likely to take out loans they ultimately cannot afford to access a vehicle.
- Lawsuits by banks/credit cards and debt buyers/collectors seem to have a comparatively more widespread impact across neighborhood characteristics — likely reflecting the latter as a traditional credit option that could be for any number of expenses (including those covered by other debt types) and the former as encompassing all debt types.
- The results suggest that medical debt lawsuits and, by extension, medical debt in Davidson County may be associated with having more medical needs.

A similar review of Shelby County cases did not find all the same correlations.

Debt Collection Practices

Debt collection lawsuits may tell as much about business models and debt collection practices as they do about delinquent debt and financial security. There are no uniform standards for when a creditor may file a lawsuit and no requirements for what types of efforts most creditors must exhaust before suing someone (except <u>certain hospitals</u>). As a result, these findings may partially reflect the degree to which different kinds of collectors rely on courts as a routine collection mechanism that allows them to garnish wages and assets directly. Prior studies show that certain collector types are more likely to take debtors to court than others. (11) (9)

Regardless of what may be driving the lawsuits, they can create challenges for both courts and the people sued. While the window covered by our data shows a decline in cases, reports at a national and state level indicate an increasing reliance on courts for debt collection. (5) (4) This can overwhelm courts and divert resources from other civil cases. (7) National studies also highlight several aspects of debt collection lawsuits that adversely impact those sued, including:

- Notification Individuals may never receive clear or proper notification of a lawsuit. As debts
 can be sold or contracted out to collectors, plaintiff names may not be familiar and get
 disregarded.
- Unchallenged Lawsuits Nationally, most debt lawsuits go unchallenged. In a 2015 Consumer Financial Protection Bureau survey, about 15% of Americans contacted by a debt collector in the past year reported being sued. Of those, only about 26% attended the court proceeding. (7) Some reasons people may not attend include lack of notice or legal representation, receiving incorrect or misleading information, confusion about the alleged debt, resignation to an adverse outcome, and income, job, or travel constraints. (13) (14) When people don't show up, courts often issue default judgments ruling in favor of the plaintiff without any substantive review of the facts or defendant circumstances. (13) (7)
- Legal Representation There is no guaranteed right to legal representation in civil suits, and — as our data show — many people who do challenge them are unrepresented. (14) (13) This often gives debt collectors an advantage, as non-lawyers may not have the expertise to challenge the plaintiff's allegations. (14) (7) Plaintiffs often drop cases when defendants have representation. (13)
- Inaccuracies Some studies have reported that suits are brought based on inaccurate or incomplete information about the debt. (13) (14) For example, suits may be brought to collect on debts against the wrong individual or on amounts that have already been paid off. A 2009 review by the Federal Trade Commission found that only about 6% of purchased debt nationally came with any documentation. (13)
- Added Costs On top of the original debt and any fees and interest that accrue pre-lawsuit, court settlements often add attorney's fees, court costs, other reimbursable expenses, and post-judgment interest. Any settlement in Tennessee is subject to a pre-determined post-judgment interest rate set by state law currently at 10.25%. (10) In default judgments, interest can significantly inflate this new total without the defendant's awareness. (7) These settlements can drag on for years as Tennessee has no time limit for enforcing civil judgments, but they must be renewed by a judge every 10 years. (11)

Parting Words

Debt collection lawsuits are a legitimate business practice that helps ensure people meet their financial obligations and businesses stay afloat. However, when lawsuits are over- or misused, it can create tradeoffs for the court system and people facing lawsuits. Court data provide a unique look into consumer creditors' collection practices and Nashvillians' financial security. These insights conjure additional questions to understand more about both.

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THE SYCAMORE INSTITUTE

The Sycamore Institute is an independent, nonpartisan public policy research center for Tennessee. Sign up for email alerts at **SycamoreTN.org**.

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Appendix

Our Data

We obtained civil court filing data for Davidson and Shelby Counties from the Legal Services Corporation (LSC) under a March 2023 data use agreement. All information was scraped from Tennessee Case Finder, which includes information on civil cases filed in Circuit and General Sessions Courts. LSC verified total county-level case counts using separate data sources and/or information requests and standardized a limited number of fields for our analysis, including:

- A unique case I.D.
- Court record system case number
- The dates on which the case was filed, closed, and disposed
- Plaintiff names and addresses
- Defendant addresses
- Names of plaintiff and defendant attorneys

Cleaning and Analyzing the Data

Our methods largely mirror those of a similar study conducted using Michigan court data:

Michigan Justice for All Commission. Advancing Justice for All in Debt Collection Lawsuits. <u>https://www.courts.michigan.gov/4ac33d/siteassets/reports/special-initiatives/justice-for-all/jfa_advancing_justice_for_all_in_debt_collection_lawsuits.pdf</u>

The data included nearly 200,000 unique case filings for Shelby County and over 158,000 for Davidson. We identified nearly 159,000 and over 112,000 debt collection cases, respectively, by identifying institutional plaintiffs (i.e., not individuals) with at least three case filings over the analyzed period and determining if they fit into one of the following categories:

- Bank or credit card carrier
- Debt buyer or third-party collector
- High-interest consumer lender
- Auto dealer or lender
- Medical service provider

To ready the data for analysis, we had to standardize plaintiff names so that a single plaintiff 's name was spelled and formatted the same across all filings. The data is based on manually entered information that could, for example, include typos or the same plaintiff's name entered dozens of ways. For example, Advance Financial (a high-interest lender) was entered at least 115 different ways, including:

- harpeth financial services IIc dba advance financial
- harpeth financial services, llc dba advance financial
- harpeth financial services, llc d/b/a advance financial
- harpeth financial srvcs llc dba advance financial
- harpeth financial services llc
- harpeth financial services

We then assigned each plaintiff identified as relevant to one of the categories above. Some plaintiff names were self-explanatory (e.g., Bank of America), while others required internet research to determine their category. Additionally, we identified and coded additional medical providers with fewer than three filings using key search terms like medical, hospital, anesthesia, radiology, imaging, dds, health, healthcare, emergency, etc.

We extracted zip codes from the defendant address field to analyze information about defendants. To calculate lawsuit rates, we divided the total number of cases for each category that included a defendant with an address in each zip code by a 2016-2020 5-year estimate of the zip code's population obtained from the American Community Survey.

All cleaning was checked several times by examining various data summaries and anomaly checks. **Table A1** includes summary statistics about our cleaned/analyzed data set.

Comparing Data with Neighborhood Characteristics

We supplemented the court data with other sources to examine neighborhood (i.e., zip code) characteristics. **Table A2** identifies all characteristics we explored, their definitions, and data sources. **Table A3** includes the results of our bivariate analyses between these neighborhood characteristics and lawsuit filing rates.

Limitations

The following represents some identified limitations of our methods and/or findings. We believe that each of these may create minor distortions or inaccuracies mitigated by the sheer number of data points in the data set

- Much of our coding and categorizing plaintiffs was done manually and focused largely on plaintiffs filing at least 3 cases, which means we may have missed some relevant plaintiffs.
- We excluded plaintiffs where we could not readily identify their line of business using an internet search, which may have resulted in undercounts of debt collection suits.
- Our analyses assume all plaintiffs included filed lawsuits against customers/clients for unpaid debts, which may have resulted in overcounts of debt collection suits.
- While each case was assigned to a single debt type based on the information available, the debt type categories are not mutually exclusive. For example, we included a category for auto lenders, but some suits by banks may be for auto loans. Similarly, debt buyers and 3rd-party collectors are suing for and sometimes on behalf of all the other types of debt.
- We used several formulas to extract defendant zip codes, which may not have been fully accurate in instances where addresses included multiple zip codes, addresses, and/or missing zip codes.
- We assigned all cases against defendants in a zip code to Davidson County when any part of the zip code crossed into Davidson. However, in our neighborhood analysis, we excluded any of these zip codes predominantly in other counties.
- Without specific information about each defendant, we relied on data about the characteristics of residents of each zip code as a proxy for understanding the defendants' demographics, socioeconomic circumstances, etc., which is imperfect. To do so, we ran bivariate analyses,

which tell us about <u>correlation — not causation</u>. While it can tell us, for example, that more cases are filed against residents of neighborhoods with higher proportions of black residents, it does not mean that one causes the other — nor does it account for other factors that may highly correlate with both (e.g., income).

- Most of the data for neighborhood characteristics are estimated for the Census Bureau's Zip Code Tabulation Areas (ZCTAs), which are very similar to but not precisely the same as zip codes.
- Any zip code representative of P.O. Boxes may not accurately represent where a defendant lives. The Census Bureau also does not provide data on zip codes associated with P.O. Boxes.
- We excluded analysis of zip codes with population estimates of fewer than 10,000 due to the large margins of error associated with these zip code-level estimates.
- Rates are based on the number of court filing rows in the data set with a defendant address that includes each zip code. This may include duplicate resident counts if they are defendants in multiple filings. A single case may also include multiple defendants. For example, there were about 3,800 cases that involved multiple defendants.
- Total judgments for cases were not consistently available in an easy-to-extract format.
- Our estimates of legal representation may underestimate the extent to which defendants have legal counsel. Cases in the data set that have not yet been heard or are still open may not include defendant representation if the defendant has not yet responded to the filing to record representation with the court.

	Davidson Co.	Shelby Co.
Total Cases	158,487	199,826
Total Defendant Observations	170,228	219,009
Total Plaintiff Observations	159,753	201,537
Total Cases with Garnishments	44,135	47,040**
Total Debt Collection Cases	112,337	158,573
Total Debt Collection Defendant Observations	116,129	165,239
w/ Tennessee addresses	113,440	159,719
w/ Davidson Co. addresses*	96,463	n/a
w/ Shelby Co. addresses*	n/a	149,038
w/ out-of-state addresses	2,275	4,729
w/ missing addresses	414	791
Total Debt Collection Plaintiff Observations	112,388	158,837
Total Debt Collection Cases w/ Garnishment Judgments	35,651	39,869**

Table A1. Summary of Data

Source: The Sycamore Institute's analysis of case information from Davidson and Shelby County Circuit and General Sessions Courts (obtained from the Legal Services Corporation) for Jan 2016-Mar 2023 *included any zip code predominantly in each county. **Shelby County's garnishment data only covered Jan 2016-Sept 2019. Note: Defendant and plaintiff counts are not unduplicated counts.

Table A2. Neighborhood Characteristic Metrics, Definitions, and Data Sources

Neighborhood Characteristics	Definition	Source
Demographics		
% white	% of population that is white alone (2016-2020)	1
% black	% of population that is black or African-American alone (2016-2020)	1
% Hispanic	% of population that is Hispanic (2016-2020)	1
Median age	Median age of population (2016-2020)	1
% under 18	% of population ages >18 (2016-2020)	1
% over 65	% of population ages 65+ (2016-2020)	1
% working age	% of population ages 18-64 (2016-2020)	1
% civilian veterans	% of population that are civilian veterans (2016-2020)	1
% of households w/ minors	% of all households that include an individual 18 or under (2016-2020)	1
% speak a language other than English at home	% of population that lives in a household where a language other than English is spoken at home (2016-2020)	1
% foreign-born	% of population that was born in a foreign country (2016-2020)	1
Families		
% of households w/ minors	% of all households with one or more people under 18	1
% families w/ children	% of all households that are families with children (2016-2020)	1
% single-parent families	% of all households that are families headed by an unmarried parent (2016-2020)	1
Educational Achievement		
% 25+ w/ bachelor's+	% of residents 25+ with at least a bachelor's degree (2016-2020)	1
Economic Well-Being		
Median household income	Median household income (2016-2020)	1
% child poverty	% of children under 18 in households with incomes under the federal poverty level (2016-2020)	1
% poverty	% of population in households with incomes under the federal poverty level (2016-2020)	1
Workforce/Job Market		
Labor force participation	% of population ages 16+ working or looking for work (2016-2020)	1
% full-time, year-round workers	% of population ages 16-64 working 35+ hours per week for 48+ weeks per year (2016-2020)	1
2016-to-2019 change in employment	% change in the number of employees from 2016 to 2019 (2016-2020)	2
2016-to-2019 change in establishments	% change in the number of business establishments from 2016 to 2019	2

Neighborhood Characteristics	Definition	Source
Housing		
% renters	% of housing units that are rented (2016-2020)	1
Housing costs as a % of income	Median monthly housing costs annualized as a % of annual median household income (2016-2020)	1
Owner housing costs as a % of income	Same as above among owned housing units (2016-2020)	1
Renter housing costs as a % of income	Same as above among rented housing units (2016-2020)	1
Supports/Services		
% uninsured	% of population without health insurance (2016-2020)	1
% w/ cash assistance	% of population that received public assistance at some point during the prior year (2016-2020)	1
% w/ SNAP	% of population that received supplemental nutrition assistance benefits (SNAP) at some point during the prior year (2016-2020)	1
% w/ broadband	% of all households with broadband access that includes cable, fiber optic, or DSL (excludes cell plans, satellite service, and those with no internet) (2016-2020)	1
Transportation		
Mean travel time to work	Average travel time to work among workers ages 16+ in minutes (2016-2020)	1
% driving alone to work	% of workers ages 16+ driving alone to work (2016-2020)	1
Population Changes		
10-year population trend	% change in total population from 2010 to 2020	3
% moved in the last year	% of population ages 1+ who moved into zip code in the prior year (from another county, state, or country) (2016-2020)	1
Health		
% w/ a disability	% of civilian noninstitutionalized population that has a disability (2016-2020)	1
Crude cancer prevalence	Model-based estimate for crude prevalence of cancer (excluding skin cancer) among adults ages 18+ (2019)	4
% adult annual check-up	Model-based estimate for crude prevalence of visits to a doctor for routine check-ups within the past year among adults ages 18+ (2019)	4
% adult diabetes	Model-based estimate for crude prevalence of diagnosed diabetes among adults ages 18+ (2019)	4
% poor physical health	Model-based estimate for crude prevalence of physical health not good for 14+ days among adults ages 18+ (2019)	4
% poor mental health	Model-based estimate for crude prevalence of mental health not good for 14+ days among adults ages 18+ (2019)	4

Sources:

U.S. Census Bureau's American Community Survey 5-Year Estimates for 2016-2020 (12)
 U.S. Census Bureau's County Business Patterns Economic Survey data for 2016 and 2019 (13)
 U.S. Census Bureau's Decennial Census for 2010 and 2020 (14)
 U.S. Centers for Disease Control and Prevention's PLACES data for 2019 (15)

Table A3. Bivariate Associations Between Frequency of Debt Collection Lawsuits and Neighborhood Characteristics Debt Collection Filings Per 1,000 Residents by Debt Type (Jan 2016-Mar 2023)

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strong		moderal	е		Tair			
	Total	Buyers & 3rd-Party Collectors	High- Interest Lenders	Banks & Credit Cards	Medical	Auto		
Demographics								
% white	-0.84*	-0.75*	-0.87*	-0.63*	-0.82*	-0.93*		
	P<0.001	P<0.001	P<0.001	P=0.002	P<0.001	P<0.001		
% black	0.84*	0.75*	0.85*	0.64*	0.85*	0.94*		
	P<0.001	P<0.001	P<0.001	<i>P=0.002</i>	P<0.001	P<0.001		
% Hispanic	0.40	0.42	0.46*	0.34	0.22	0.16		
	<i>P</i> =0.074	P=0.057	P=0.038	P=0.137	P=0.333	<i>P=0.483</i>		
Median age	-0.17	-0.11	-0.23	-0.14	-0.03	-0.18		
	<i>P=0.469</i>	<i>P=0.633</i>	P=0.320	P=0.552	P=0.891	P=0.435		
% under 18	0.48*	0.49*	0.47*	0.39	0.51*	0.32		
	<i>P</i> =0.029	<i>P</i> =0.026	P=0.031	<i>P=0.076</i>	P=0.019	P=0.163		
% over 65	-0.34	-0.30	-0.38	-0.36	-0.23	-0.28		
	P=0.126	P=0.186	P=0.087	P=0.107	P=0.314	P=0.225		
% working age	-0.05	-0.09	-0.02	0.01	-0.16	<-0.01		
	P=0.815	P=0.684	P=0.918	<i>P=0.963</i>	P=0.493	P=0.996		
% civilian veterans	0.43*	0.48*	0.39	0.41	0.49*	0.26		
	<i>P=0.049</i>	<i>P</i> =0.027	<i>P=0.077</i>	<i>P=0.067</i>	<i>P=0.025</i>	P=0.250		
% speak a language other	0.18	0.22	0.24	0.21	-0.01	-0.19		
than English at home	P=0.422	P=0.329	P=0.291	P=0.358	P=0.959	P=0.704		
% foreign-born	0.10	0.14	0.16	0.15	-0.10	-0.16		
	<i>P</i> =0.667	<i>P=0.557</i>	<i>P=0.495</i>	<i>P=0.526</i>	<i>P=0.670</i>	P=0.502		
Families								
% of households w/ minors	0.32	0.36	0.30	0.27	0.40	0.17		
	P=0.151	P=0.106	P=0.192	P=0.231	P=0.069	P=0.463		
% families w/ children	0.19	0.25	0.17	0.17	0.24	0.02		
	<i>P=0.399</i>	P=0.268	P=0.462	<i>P=0.474</i>	P=0.294	P=0.942		
% single-parent families	0.83*	0.78*	0.84*	0.63*	0.85*	0.83*		
	P<0.001	P<0.001	P<0.001	<i>P</i> =0.002	P<0.001	P<0.001		
Educational Attainment								
% 25+ w/ bachelor's+	-0.87*	-0.88*	-0.85*	-0.75*	-0.84*	-0.89*		
	P<0.001	P<0.001	P<0.001	P<0.001	P<0.001	P=0.001		

All statistically significant correlations are highlighted based on the strength of the associations:

	Total	Buyers & 3rd-Party Collectors	High- Interest Lenders	Banks & Credit Cards	Medical	Auto
Economic Well-Being						
Median household income	-0.83*	-0.80*	-0.84*	-0.72*	-0.75*	-0.75*
	P<0.001	P<0.001	P<0.001	P<0.001	P<0.001	P<0.001
% poverty	0.60*	0.46*	0.69*	0.37	0.53*	0.77*
	P=0.004	P=0.035	P=0.001	<i>P=0.096</i>	P=0.014	P<0.001
% child poverty	0.66*	0.51*	0.73*	0.43	0.61*	0.80*
	P=0.001	P=0.017	P<0.001	<i>P=0.050</i>	<i>P=0.004</i>	P<0.001
Workforce/Job Market						
Labor force participation	0.05	0.06	0.05	0.25	-0.04	-0.16
	P=0.841	<i>P=0.793</i>	P=0.837	<i>P</i> =0.266	P=0.878	P=0.475
% full-time, year-round workers	-0.10	-0.03	-0.14	0.12	-0.07	-0.33
	P=0.679	P=0.881	P=0.556	<i>P=0.606</i>	P=0.758	P=0.140
2016-to-2019 change in	0.13	0.14	0.12	0.12	0.11	0.15
employment	<i>P=0.567</i>	P=0.554	P=0.598	P=0.604	<i>P=0.629</i>	P=0.521
2016-to-2019 change in establishments	0.43	0.38	0.41	0.40	0.44*	0.52*
	P=0.053	<i>P=0.093</i>	P=0.068	P=0.071	P=0.043	P=0.016
Housing						
% renters	0.29	0.19	0.39	0.16	0.12	0.39
	P=0.195	<i>P=0.413</i>	P=0.078	<i>P=0.476</i>	P=0.596	P=0.078
Housing costs as a % of income	0.58*	0.50*	0.63*	0.48*	0.44*	0.63*
	P=0.006	P=0.021	P=0.002	P=0.027	P=0.047	P=0.002
Owner housing costs as a % of income	0.56*	0.57*	0.53*	0.62*	0.48*	0.42
	P=0.008	P=0.007	P=0.013	<i>P=0.003</i>	<i>P=0.0029</i>	P=0.056
Renter housing costs as a % of income	0.26	0.20	0.27	0.12	0.26	0.47*
	P=0.252	<i>P</i> =0.375	P=0.241	P=0.604	P=0.256	P=0.031
Services/Supports						
% uninsured	0.40	0.40	0.46*	0.38	0.24	0.20
	P=0.070	<i>P=0.073</i>	P=0.036	P=0.091	P=0.304	P=0.393
% w/ cash assistance	0.76*	0.70*	0.74*	0.66*	0.79*	0.77*
	P<0.001	P<0.001	P<0.001	P<0.001	P<0.001	P<0.001
% w/ SNAP	0.83*	0.72*	0.87*	0.58*	0.81*	0.93*
	P<0.001	P<0.001	P<0.001	P=0.006	P<0.001	P<0.001
% w/ broadband	-0.74*	-0.66*	-0.77*	-0.47*	-0.74*	-0.87*
	P<0.001	P<0.001	P<0.001	P<0.001	P<0.001	P<0.001

	Total	Buyers & 3rd-Party Collectors	High- Interest Lenders	Banks & Credit Cards	Medical	Auto
Transportation						
Mean travel time to work	0.50*	0.61*	0.43	0.60*	0.51*	0.11
	P=0.001	<i>P=0.003</i>	P=0.052	P=0.001	P=0.019	<i>P=0.629</i>
% driving alone to work	0.15	0.26	0.07	0.27	0.21	-0.08
	P=0.510	P=0.255	P=0.763	P=0.232	P=0.355	P=0.732
Population Changes						
10-year population trend	>-0.01	-0.07	0.05	0.03	-0.10	0.04
	P=0.994	P=0.779	P=0.831	<i>P=0.898</i>	<i>P=0.679</i>	<i>P=0.876</i>
% moved in the last year	-0.20	-0.25	-0.14	-0.17	-0.34	-0.11
	P=0.390	P=0.273	P=0.554	P=0.471	P=0.136	<i>P=0.646</i>
Health						
% w/ a disability	0.74*	0.71*	0.73*	0.57*	0.81*	0.74
	P<0.001	P<0.001	P<0.001	P=0.007	P<0.001	P<0.001
Crude cancer prevalence	-0.21	-0.17	-0.27	-0.20	-0.08	-0.17
	P=0.994	<i>P=0.779</i>	P=0.831	P=0.898	P=0.679	<i>P=0.876</i>
% adult annual check-up	0.36	0.29	0.33	0.19	0.50*	0.58*
	P=0.112	<i>P=0.210</i>	<i>P=0.139</i>	<i>P=0.413</i>	P=0.021	<i>P</i> =0.006
% adult diabetes	0.77*	0.67*	0.77*	0.53*	0.82*	0.92*
	P<0.001	<i>P=0.001</i>	P<0.001	P=0.014	P<0.001	P<0.001
% poor physical health	0.84*	0.76*	0.86*	0.60*	0.85*	0.91*
	P<0.001	P<0.001	P<0.001	<i>P=0.004</i>	P<0.001	P<0.001
% poor mental health	0.77*	0.67*	0.82*	0.54*	0.70*	0.82*
	P<0.001	P=0.001	P<0.001	P=0.012	P<0.001	P<0.001

Note: Statistically significant associations* are those with a p-value of 0.05 or less. Correlation coefficients range from -1.0 to + 1.0. Association strengths are based on the following categorizations of correlation coefficients (13):

Per	Perfect Nor								Per	fect
	Negative						Positive			
	Strong	rong <mark>Moderate</mark> Fair Poor		Poor		Poor	Fair	Moderate	Strong	
-	1 -0.9 -0).8 -0.7 -0	.6 -0.5 -0	.4 -0.3 -0.2 -0.1	0.1	0.2 0.3	0.4 0.5 0	.6 0.7 0.	.8 0.9 1	

Source: The Sycamore Institute's analysis of data from the Davidson County Circuit and General Sessions Court, obtained from the Legal Services Corporation, the U.S. Census Bureau, and the U.S. Centers for Disease Control and Prevention (3) (4) (7) (6) (8)