

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
)  
DISPOSITION OF RESIDENTIAL ) Administrative Order  
EVICITION CASES RELATED TO THE ) No. 2020 - 119  
PUBLIC HEALTH EMERGENCY ) (Replacing Administrative  
) Order No. 2020-105)  
)  

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Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide public health emergency on March 11, 2020. Governor Ducey also signed Executive Order 2020-14, titled “Postponement of Eviction Actions,” which permitted a tenant to delay eviction enforcement by the constable or a law enforcement officer, beginning March 24, 2020, by providing the landlord written notice of a qualifying circumstance. Executive Order 2020-49 extends the effect of all provisions of Executive Order 2020-14 through August 21, 2020 and then requires a tenant to provide additional written notice and documents to qualify for additional delay of eviction enforcement through the October 31, 2020 expiration date of that order.

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) into law. The CARES Act requires a temporary moratorium on evictions from public housing, federally subsidized rental housing, and rental housing with federally-backed mortgages, as well as a moratorium on fees and penalties related to nonpayment of rent. The eviction moratorium ends on July 25, 2020 unless extended by the Congress and approved by the President.

In response to the COVID-19 public health threat, the Supreme Court of Arizona has issued several administrative orders that limit and modify court operations to ensure justice in Arizona is administered safely. The most recent such order, Administrative Order No. 2020-114 was issued on July 15, 2020.

Arizona courts remain open to serve the public. Nevertheless, given the ongoing threat to public safety, certain limitations and changes in court operations remain necessary. This includes effective management of a potentially high volume of eviction filings after the eviction moratorium required by the CARES Act expires on July 25, 2020, after qualifications for delay of evictions change on August 22, 2020, and after Executive Order 2020-105 expires on October 31, 2020. This administrative order provides direction to facilitate the orderly and safe disposition of eviction cases in Arizona courts in the context of the COVID-19 pandemic.

Therefore, pursuant to Article VI, Sections 3 and 5, of the Arizona Constitution,

IT IS ORDERED that the following are applicable to eviction actions filed into justice courts:

**I. PLEADINGS**

For any pleading in an eviction, civil or small claims action for non-payment of rent or for a judgment for rent for any part of the period of time from March 27, 2020 through July 25, 2020, the plaintiff shall attest in the initial pleading or by other writing provided to the court and the defendant with the initial pleading whether the property in which the defendant resides is or was covered under the CARES Act.

**II. CASE CALENDARING**

1. A court should not schedule more than 25 eviction cases in an hour on the court's calendar and shall allocate sufficient time for all parties appearing telephonically or in person to present their evidence.
2. Each case shall be scheduled to be heard during a specific one-hour time slot, e.g., 9:00 A.M. – 10:00 AM.
3. When feasible, courts should schedule residential eviction actions within the timeframes established by the Rules of Procedure for Eviction Actions and by applicable Arizona statutes.

**III. HEARINGS**

1. Parties, attorneys, and witnesses in an eviction proceeding shall be permitted to participate remotely by telephone or video conference, at their discretion.
2. Judges shall liberally grant continuances and make accommodations, if necessary and possible, for attorneys, parties, victims, witnesses, jurors, and others with business before the courts who are unable to participate in a proceeding due to the COVID-19 pandemic.
3. At the initial hearing, the plaintiff or the plaintiff's attorney shall attest on the record to their compliance with all requirements of applicable state and federal statutes and rules adopted by the supreme court concerning eviction.
4. With the agreement of the parties, the judge may continue a proceeding to afford the parties the opportunity to reach a consent agreement to resolve the case. Upon presentation of a consent agreement, the judge may enter a consent order for conditional dismissal of the case. A sample consent order is included with this administrative order as Attachment A. The Administrative Director is authorized to approve amendments to this form.

**IV. AMENDMENT OF JUDGMENTS AND ENFORCEMENT OF WRITS OF RESTITUTION**

1. On motion of the plaintiff, for good cause, the court may order amendment of an eviction judgment in a case in which enforcement of the writ of restitution was delayed due to Executive Order 2020-14 or Executive Order 2020-49 and the tenant remained in possession of the residence. If the judgment is amended, the existing writ shall be quashed, and a new writ of restitution shall not be issued until five calendar days after the amended judgment is signed.
2. Enforcement of a writ of restitution that has been delayed by Executive Order 2020-14 or Executive Order 2020-49 shall not proceed until the court grants a motion to compel enforcement of the writ filed by the plaintiff. The court shall determine whether to grant the motion using the procedure provided in Rule 14(b)(2) of the Rules of Procedure for Eviction Actions. An order granting the motion shall not permit enforcement of the writ until five days after the order is issued.

**V. EXCLUDED TIME CALCULATION**

The period of March 18, 2020 through December 15, 2020 is excluded from calculation of time under rule provisions and statutory procedures that require court proceedings to be held within a specific period of time, including the Rules of Procedure for Eviction Actions. This exclusion of time does not apply to issuance of the writ of restitution.

**VI. JUDICIAL OFFICER TRAINING**

The Administrative Office of the Courts (AOC) shall provide judicial officer training on scheduling, diversion, adjudication and disposition of eviction cases in the context of the COVID-19 public health emergency, addressing executive orders 2020-14 and 2020-49, this Court's Administrative Order No. 2020-105, the CARES Act and best practices. All judicial officers, including judges pro tempore, who hear eviction cases shall complete such training offered to them by the AOC.

IT IS FURTHER ORDERED that the provisions of Administrative Order No. 2020-105 and any successor orders concerning matters not addressed in this order also apply to the processing of eviction cases.

Dated this 22nd day of July, 2020.

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ROBERT BRUTINEL  
Chief Justice

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
( ) \_\_\_\_\_  
\_\_\_\_\_

Attorney for Plaintiff / Address / Phone /  
Email / Fax / Bar Number

For Clerk's Use Only

**JUSTICE COURTS, ARIZONA**

Case Number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
( ) \_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) Name / Address / Phone

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
( ) \_\_\_\_\_  
\_\_\_\_\_

Defendant(s) Name / Address / Phone

**CONSENT ORDER FOR CONDITIONAL DISMISSAL (*Eviction Action*)**

**THE COURT FINDS:**

1. The parties agree to the conditional dismissal of the case under the terms below.
2. Defendant must pay the following to Plaintiff on or before \_\_\_\_\_.

- |      |          |   |  |
|------|----------|---|--|
| a.1. | \$ _____ | Unpaid rent (non-subsidized rent)                                       | due through the<br>time period ending<br>_____ |
|      | - OR -   |   |  |
| a.2. | \$ _____ | Unpaid rent (subsidized rent- tenant's portion only)                    |  |
| b.   | \$ _____ | Late fees   |  |
| c.   | \$ _____ | Utilities   |  |
| d.   | \$ _____ | Other fees or charges (Add more lines for specific<br>fees and charges) |  |
| e.   | \$ _____ | Rental concessions  |  |
| f.   | \$ _____ | Court cost  |  |
| g.   | \$ _____ | Other damages   |  |
| h.   | \$ _____ | Attorney fees   |  |
| i.   | \$ _____ | <b>TOTAL</b>  |  |

3. If Defendant fails to pay the rent and other costs as set forth above, this action will be reinstated upon the Plaintiff's submission of an Affidavit of Default, a Judgment for money (if eligible and requested in the complaint), and a Writ of Restitution, which will enter simultaneously without notice or further process.\*

*\* For a defendant on active military duty, default judgment will not be entered except as provided by the Servicemembers Civil Relief Act.*

4. Defendant remains responsible for paying the entire amount as stated in the order below that is not paid by any other third party within the time period provided by this order.

5. The Defendant may be liable for money damages if additional rent is owed or if there is damage to the property.

6.  Partial payment by Defendant of the amount due in item 2i above will not prevent issuance of a Writ of Restitution should a Judgment enter after default on this conditional dismissal.

7. A Writ of Restitution may not be submitted for entry more than \_\_\_\_\_ days after the last payment is due under this conditional dismissal.

8.  Further conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IT IS ORDERED:**

1. The case is dismissed without prejudice subject to the conditions below.

2. Defendant must pay the following to Plaintiff on or before \_\_\_\_\_.

a.1.	\$ _____	Unpaid rent (non-subsidized rent)	due through the time period ending _____
	- OR -		
a.2.	\$ _____	Unpaid rent (subsidized rent- tenant's portion only)	
b.	\$ _____	Late fees	
c.	\$ _____	Utilities	
d.	\$ _____	Other fees or charges (Add more lines for specific fees and charges)	
e.	\$ _____	Rental concessions	
f.	\$ _____	Court cost	
g.	\$ _____	Other damages	
h.	\$ _____	Attorney fees	
i.	\$ _____	<b>TOTAL</b>	

Case Number: \_\_\_\_\_

3. In the event Defendant fails to pay the rent and other costs as set forth above, then Plaintiff will submit an Affidavit of Default, a Judgment for money (if eligible and requested in the complaint), and a Writ of Restitution, which will enter simultaneously without notice or further process.
4. Defendant remains responsible for paying the entire amount as stated in the order below that is not paid by any other third party within the time period provided by this order.
5. The Defendant may be liable for money damages if additional rent is owed or if there is damage to the property.
6.  Partial payment by Defendant of the amount due in item 2i above will not prevent issuance of a Writ of Restitution should a Judgment enter after default on this conditional dismissal.
7. A Writ of Restitution may not be submitted for entry more than \_\_\_\_\_ days after the last payment is due under this order.
8.  Further conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge's Signature

Approved as to form and content.

\_\_\_\_\_  
Plaintiff Signature and Date

\_\_\_\_\_  
Defendant Signature and Date

\_\_\_\_\_  
Plaintiff's Attorney Signature and Date

\_\_\_\_\_  
Defendant's Attorney Signature and Date