

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. 2022 - <u>14</u>
PUBLIC HEALTH EMERGENCY AND	)	(Replacing Administrative
TRANSITION TO REGULAR	)	Order No. 2021-129)
CASE PROCESSING	)	
	)	

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This administrative order returns to regular processing of residential eviction actions while addressing the continuing application of federal law and claims for rent while an eviction moratorium was in place.

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. Since March 2020, several federal executive, congressional, and federal court actions impacted tenant and landlord rights and the processing of eviction cases in Arizona’s courts. In response to these federal actions, several administrative orders concerning the disposition of residential eviction actions have been issued in response to the COVID-19 public health threat that modified court operations to ensure justice in Arizona is administered safely and in accordance with applicable state and federal law. The most recent such order, Administrative Order No. 2021-129 (corrected), was issued on August 11, 2021, and provided alternate procedures applicable when a federal moratorium on evictions was in effect in a county and when it was not.

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

IT IS ORDERED that the following procedures are applicable to eviction actions governed by Arizona Revised Statutes, Title 33, filed on or before March 31, 2022, in the superior court or a justice court, and delayed by any eviction moratorium or seeking judgment for unpaid rent accrued during an eviction moratorium.

**I. PLEADINGS**

The plaintiff in a residential eviction action for non-payment of rent shall attest in the initial pleading or by other writing filed with the court and served on the defendant along with the initial pleading whether:

1. The rental property is in a building with five or more units that had or has a mortgage backed by Fannie Mae or Freddie Mac (FHFA), the Federal Housing Administration (FHA), the U.S. Department of Agriculture (USDA), or the Veterans Administration

- (VA) for which the borrower had received mortgage forbearance relief.
2. The plaintiff has applied for or has received rental assistance from any source based on defendant's rental obligation. If so, plaintiff shall state in the pleading and in the accounting of payments the amount received and how it has been applied toward the obligation and whether the plaintiff entered into any agreement releasing plaintiff's claims against the defendant. The plaintiff shall further attest to compliance with any agreement concerning the receipt of rental assistance to pay the defendant's rental obligation, and that plaintiff is not seeking a judgment for a claim that was waived.
  3. During an eviction moratorium, the plaintiff obtained a prior judgment against the defendant that has not been vacated. If so, the plaintiff shall attest that the current amounts claimed exclude amounts awarded in the prior judgment.
  4. Whether the rental property is a multifamily property with a FHFA mortgage (Fannie Mae or Freddie Mac).

## **II. JUDGMENTS AND WRITS OF RESTITUTION**

1. The order issuing a writ may be executed by the constable or sheriff no earlier than five calendar days after the date of the order or 30 days from the notice of breach if required by federal law. The order shall state the earliest date on which execution may occur.
2. If the defendant(s) vacated the premises after the entry of judgment, on written motion of a party, and after a reasonable opportunity for response, for good cause, the court shall vacate the judgment if plaintiff has waived all claims due to receipt of rental assistance, or amend the eviction judgment to reflect adjustments for rental assistance received from any source based on the defendant's rental obligation.

IT IS FURTHER ORDERED that the provisions of Administrative Order No. 2021-187 and any successor orders concerning matters not addressed in this order also apply to the processing of eviction cases.

IT IS FURTHER ORDERED that this order replaces Administrative Order No. 2021-129 (corrected).

Dated this 19th day of January, 2022.

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ROBERT BRUTINEL  
Chief Justice