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Timothy W. Fitzgerald
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**STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
Plaintiff,

NO. **20 20227 1-32**

COMPLAINT

v.

WHITEWATER CREEK, INC.;
WINTER HEIGHTS ASSOCIATES
LLC dba WINTER HEIGHTS
APARTMENTS; BASALT
ASSOCIATES LLC dba BASALT
RIDGE APARTMENTS,

Defendants.

I. INTRODUCTION

1.1 Whitewater Creek, Inc. (Whitewater Creek), Winter Heights Associates LLC dba Winter Heights Apartments (Winter Heights Associates), and Basalt Associates LLC dba Basalt Ridge Apartments (Basalt Associates) (collectively, "Defendants") threatened to evict low-income residents from their Spokane County homes for non-payment of rent.

1.2 Defendants' actions violated the Governor's Emergency Proclamation 20-19.1, the Moratorium on Evictions, which was issued as a necessary measure to help preserve and maintain life, health, property, or the public peace during the coronavirus disease 2019 (COVID-19) pandemic. Defendants have further engaged in unfair or deceptive business practices in violation of the Consumer Protection Act, RCW 19.86.

1 **IV. FACTUAL ALLEGATIONS**

2 **A. COVID-19 Emergency Proclamations.**

3 4.1 On February 29, 2020, Governor Inslee issued Emergency Proclamation 20-05,
4 proclaiming a State of Emergency for all counties throughout Washington State as a result of the
5 COVID-19 outbreak in the United States and confirmed person-to-person spread of COVID-19
6 in Washington State. A copy of Emergency Proclamation 20-05 is attached as Exhibit 1.

7 4.2 On March 18, 2020, Governor Inslee issued Emergency Proclamation 20-19,
8 titled “Evictions,” to help preserve and maintain life, health, property or the public peace by
9 prohibiting certain residential evictions and related actions statewide until April 17, 2020. A
10 copy of Emergency Proclamation 20-19 is attached as Exhibit 2.

11 4.3 On March 23, 2020, Governor Inslee issued Emergency Proclamation 20-25,
12 titled “Stay Home - Stay Healthy,” to help preserve and maintain life, health, property or the
13 public peace by, inter alia, prohibiting all people in Washington State from leaving their homes
14 except to conduct or participate in essential activities or engage in employment in essential
15 services until April 6, 2020. A copy of Emergency Proclamation 20-25 is attached as Exhibit 3.

16 4.4 On April 2, 2020, Governor Inslee issued Emergency Proclamation 20-25.1, titled
17 “Extending Stay Home - Stay Healthy,” amending Emergency Proclamation 20-25 to extend all
18 of its provisions and the expiration date therein through May 4, 2020. A copy of Emergency
19 Proclamation 20-25.1 is attached as Exhibit 4.

20 4.5 On April 16, 2020, Governor Inslee issued Emergency Proclamation 20-19.1,
21 titled “Evictions,” to extend Proclamation 20-19 and continue to preserve and maintain life,
22 health, property or the public peace by prohibiting certain residential evictions and related
23 actions statewide until June 4, 2020. Actions prohibited under Emergency Proclamation 20-19.1
24 include threatening to evict residents of a dwelling for non-payment of rent. A copy of
25 Emergency Proclamation 20-19.1 is attached as Exhibit 5.

1 4.6 At all times relevant to this complaint, Emergency Proclamations 20-05, 20-19,
2 20-19.1, 20-25, and 20-25.1 were in effect, and had each received a significant level of news
3 coverage in every county in Washington, including Spokane County where Defendants do
4 business.

5 **B. Defendants' Conduct.**

6 4.7 Defendant Whitewater Creek is an Idaho-based for-profit corporation with its
7 corporate office located in Hayden, Idaho. Whitewater Creek manages approximately 1,000 low-
8 income housing units across 12 properties in Spokane County. Whitewater Creek is closely-held
9 by Maryann Prescott, who has a 90% ownership share, and Todd Prescott, who owns the
10 remaining 10%. Through a variety of related entities, the Prescotts own and manage
11 approximately 4,000 low-income housing units in Washington and Idaho.

12 4.8 Defendant Whitewater Creek manages all 12 of the Prescotts' properties in
13 Washington, which are all located in Spokane County and consist of approximately 1,000
14 residential units: Arrowleaf Village (380 S. Aspen Street, Airway Heights, WA 99001); Airway
15 Pointe Apartments (13513 W. 6th Avenue, Airway Heights, WA 99001); Basalt Ridge
16 Apartments (13660 W. 6th Avenue, Airway Heights, WA 99001); Galena Apartments (13663
17 W. 6th Avenue, Airway Heights, WA 99001); Airway Pointe Senior (13520 W. 6th Avenue,
18 Airway Heights, WA 99001); Winter Heights Apartments (2721 N. Cherry Street, Spokane
19 Valley, WA 99216 and 2720 N. Cherry Street, Spokane Valley, WA 99216); Broadwing
20 Apartments (24900 E. Spotted Owl Lane, Liberty Lake, WA 99019); First Liberty Apartments
21 (25000 E. Hawkstone Loop, Liberty Lake, WA 99019); Talon Hills Senior (24950 E. Hawkstone
22 Loop, Liberty Lake, WA 99019); Palouse Trails Apartments (5000 S. Palouse Highway,
23 Spokane, WA 99223); Pine Rock Apartments (3211 E. 55th Avenue, Spokane, WA 99223);
24 Summit Ridge Apartments (3307 E. 55th Avenue, Spokane, WA 99223).

25 4.9 Winter Heights Apartments is a low-income, multi-building apartment complex
26 with approximately 120 one, two, and three bedroom units in Spokane Valley, Washington. The

1 property was developed with \$6.6 million in tax-credit equity and \$13 million in a tax-exempt
2 note authorized by the Washington State Housing Finance Commission. Income-qualified
3 residents pay rent based on a percentage of the Area Median Income.

4 4.10 Basalt Ridge Apartments is a low-income 12-building apartment complex with
5 approximately 240 one, two, and three bedroom units in Airway Heights, Washington. The
6 property was developed with up to \$26 million in a combination of low-income tax credits and
7 tax-exempt financing authorized by the Washington State Housing Finance Commission.
8 Income-qualified residents pay rent based on a percentage of the Area Median Income.

9 4.11 On or about the week of April 20, 2020—despite Emergency Proclamation 20-
10 19.1’s prohibition against doing so—Defendants threatened to evict low-income tenants who
11 allegedly owed unpaid rent or fees, including residents at Winter Heights Apartments and Basalt
12 Ridge Apartments. For example, at the express direction of Ms. Prescott, Whitewater Creek
13 personnel verbally threatened at least four residents at Winter Heights Apartments with eviction
14 for unpaid rent and/or fees as soon as courts reopened for eviction proceedings. Whitewater
15 Creek also informed the residents that they would be responsible for unspecified legal fees
16 associated with their evictions. *See* Exhibit 6. In another instance, on or about April 24, 2020,
17 Whitewater Creek threatened to evict an unemployed Basalt Ridge resident and single mother
18 of two young children, for being one month behind on the balance she owed. After the resident
19 informed Whitewater Creek staff that she had just been approved for unemployment three days
20 earlier and hoped to be caught up on payments by the end of the month, Whitewater Creek
21 instructed her in writing: “Please turn in any monies you have to help avoid eviction.”

22 4.12 In addition to violating the express terms of Emergency Proclamation 20-19.1 by
23 threatening to evict residents, Whitewater Creek, Winter Heights Associates, and Basalt
24 Associates also engaged in unfair and deceptive conduct by threatening eviction as a means to
25 pressure residents to submit unpaid rent, without disclosing that Emergency Proclamation 20-
26

1 19.1 protected residents unable to pay rent during this time of crisis, pandemic, and economic
2 difficulty from eviction or threats to evict.

3 4.13 After receiving several complaints regarding Whitewater Creek's conduct, the
4 Attorney General of Washington sent the company a letter on May 11, 2020, requesting, among
5 other things, that it immediately notify all residents that the Emergency Proclamations prohibit
6 the threat of eviction while they are in effect, and that Whitewater Creek would comply; and
7 provide the Attorney General's office with copies of all such notices.

8 4.14 Instead of issuing such notices, Whitewater Creek has consistently denied that it
9 threatened to evict anyone, contrary to internal email communications confirming that it
10 threatened residents with eviction at the express direction of Ms. Prescott. *See* Exhibit 6.

11 4.15 Whitewater Creek's conduct immediately impacted Washington residents in
12 ways that Emergency Proclamation 20-19.1 was explicitly meant to prevent. Despite the dire
13 public health and economic impacts of the COVID-19 pandemic in Washington, Whitewater
14 Creek threatened one resident with eviction who had pleaded to make a partial payment or be
15 put on a repayment plan based on the federal stimulus payment she was expecting but had not
16 yet received. Whitewater Creek informed the resident, who is a single mother of young children,
17 that she would be evicted the day courts reopened for eviction proceedings if she did not pay the
18 full balance owed before then. When she attempted to contact Whitewater Creek's corporate
19 office to dispute the eviction threat and find out how much the legal fees would be, she was
20 informed that she would be "charged with harassment" if she did not stop calling. This resident
21 expressed fear of retaliation for attempting to contest the eviction threat and suffered significant
22 mental distress, particularly because she believed she would lose custody of her children if she
23 were evicted.

24 4.16 Whitewater Creek's conduct caused another resident such distress that she
25 became severely physically ill because she did not know what she would do if she was evicted
26 in the midst of a global pandemic.

1 DATED this 20th day of August, 2020.

2 Respectfully Submitted,

3 ROBERT W. FERGUSON
4 Attorney General

5 

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Exhibit 1



PROCLAMATION BY THE GOVERNOR

20-05

WHEREAS, On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since that time worked to identify, contact, and test others in Washington State potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, The CDC currently indicates there are 85,688 confirmed cases of COVID-19 worldwide with 66 of those cases in the United States, and the Washington State Department of Health has now confirmed localized person-to-person spread of COVID-19 in Washington State, significantly increasing the risk of exposure and infection to Washington State’s general public and creating an extreme public health risk that may spread quickly; and

WHEREAS, The Washington State Department of Health has instituted a Public Health Incident Management Team to manage the public health aspects of the incident; and

WHEREAS, The Washington State Military Department, State Emergency Operations Center, is coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Washington State Department of Health; and

WHEREAS, The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 29th day of February, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

Exhibit 2



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

**20-19
Evictions**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, and 20-18, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is expected to cause a sustained global economic slowdown, which is anticipated to cause an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many in our workforce expect to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health, and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer) and RCW 59.18 (Residential Landlord Tenant Act) tenants seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, the Washington State Legislature has established a housing assistance program in Chapter 43.185 RCW pursuant to its findings in RCW 43.185.010 "that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs"; and

WHEREAS, a temporary moratorium on evictions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to temporarily prohibit residential evictions statewide until April 17, 2020, as provide herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until April 17, 2020, I hereby prohibit the following activities related to residential evictions by all residential landlords operating residential rental property in Washington State:

1. Residential landlords are prohibited from serving a notice of unlawful detainer for default payment of rent related to such property under RCW 59.12.030(3).
2. Residential landlords are prohibited from issuing a 20-day notice for unlawful detainer related to such property under RCW 59.12.030(2), unless the landlord attaches an affidavit attesting that the action is believed necessary to ensure the health and safety of the tenant or other individuals.

Exhibit 3



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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-25

STAY HOME – STAY HEALTHY

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

WHEREAS, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

WHEREAS, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout

Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. **All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.** This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

- a. **Essential activities** permitted under this Proclamation are limited to the following:
 - 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
 - 2) **Engaging in activities essential for the health and safety** of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
 - 3) **Caring for** a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
 - 4) **Engaging in outdoor exercise activities**, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.
- b. **Employment in essential business services** means an essential employee performing work for an essential business as identified in the "[Essential Critical Infrastructure Workers](#)" list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.
- c. **This prohibition shall not apply to** individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.
- d. **This prohibition also shall not apply to** individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.

- e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
2. **All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply to** activities and gatherings solely including those people who are part of a single household or residential living unit.

3. **Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.** This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

- a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
- b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- c. **This prohibition does not apply to** businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

Exhibit 4

JAY INSLEE
Governor



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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-25**

**20-25.1
EXTENDING STAY HOME – STAY HEALTHY
TO MAY 4, 2020**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, and 20-39, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, Stay Home – Stay Healthy, prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, since Proclamation 20-25 was issued on March 23, the number of confirmed cases and deaths in Washington State has more than doubled, and there are currently at least 5,984 cases of COVID-19 in Washington State with 247 associated deaths; and, furthermore, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the state; and

WHEREAS, hospitalizations for COVID-like illnesses have been sharply increasing for the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, these conditions necessitate that to protect the health and safety of all Washingtonians, the stringent restrictions imposed on the people of Washington State in Proclamation 20-25 must be continued until May 4, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25 (Stay Home – Stay Healthy) is amended to extend all of its provisions and each expiration date therein to 11:59 PM on May 4, 2020. All other provisions of Proclamation 20-25 shall remain in full force and effect.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Exhibit 5



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-19**

**20-19.1
Evictions**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-50 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of our workforce due to substantial reductions in business activity impacting our commercial sectors that support our state's economic vitality, including severe impacts to the large number of small businesses that make Washington State's economy thrive; and

WHEREAS, many of our workforce expected to be impacted by these layoffs and substantially reduced work hours are anticipated to suffer economic hardship that will disproportionately affect low and moderate income workers resulting in lost wages and potentially the inability to pay for basic household expenses, including rent; and

WHEREAS, the inability to pay rent by these members of our workforce increases the likelihood of eviction from their homes, increasing the life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, tenants, residents, and renters who are not materially affected by COVID-19 should and must continue to pay rent, to avoid unnecessary and avoidable economic hardship to landlords, property owners, and property managers who are economically impacted by the COVID-19 pandemic; and

WHEREAS, under RCW 59.12 (Unlawful Detainer), RCW 59.18 (Residential Landlord Tenant Act), and RCW 59.20 (Manufactured/Mobile Home Landlord-Tenant Act) residents seeking to avoid default judgment in eviction hearings need to appear in court in order to avoid losing substantial rights to assert defenses or access legal and economic assistance; and

WHEREAS, on March 20, 2020, in response to the COVID-19 pandemic, the Washington Supreme Court issued Amended Order No. 25700-B-607, and ordered that all non-emergency civil matters shall be continued until after April 24, 2020, except such motions, actions on agreed orders, conferences or other proceedings as can appropriately be conducted without requiring in-person attendance; and

WHEREAS, the Washington State Legislature has established a housing assistance program in RCW 43.185 pursuant to its findings in RCW 43.185.010 “that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs;” and

WHEREAS, it is critical to protect tenants and residents of traditional dwellings from homelessness, as well as those who lawfully occupy or reside in less traditional dwelling situations that may or may not be documented in a lease, including, but not limited to, roommates who share a home; transient housing in hotels and motels; “Airbnbs”; motor homes; RVs; and camping areas; and

WHEREAS, a temporary moratorium on evictions and related actions throughout Washington State at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay rent as a result of the COVID-19 pandemic; and

WHEREAS, a temporary moratorium on evictions and related actions will reduce housing instability, enable residents to stay in their homes unless conducting essential activities or employment in essential business services, and promote public health and safety by reducing the progression of COVID-19 in Washington State; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Washington State Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamations 20-05 and 20-19 are amended to temporarily prohibit residential evictions and temporarily impose other related prohibitions statewide until June 4, 2020, as provided herein.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ACCORDINGLY, based on the above noted situation and under the provisions of RCW 43.06.220(1)(h), and to help preserve and maintain life, health, property or the public peace, effective immediately and until June 4, 2020, I hereby prohibit the following activities related to residential dwellings and commercial rental properties in Washington State:

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition applies unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.

- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders or agreements to vacate involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.
- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that the individual(s) named in the eviction order is creating a significant and immediate risk to the health or safety of others.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.
- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after February 29, 2020, the date when a State of Emergency was proclaimed in all counties in Washington State. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. **This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident.**
- Landlords, property owners, and property managers are prohibited from increasing, or threatening to increase, the rate of rent or the amount of any deposit for any dwelling or parcel of land occupied as a dwelling. This prohibition also applies to commercial rental property if the commercial tenant has been materially impacted by the COVID-19, whether personally impacted and is unable to work or whether the business itself was not deemed essential pursuant to Proclamation 20-25 or otherwise lost staff or customers due to the COVID-19 outbreak.

Terminology used in these prohibitions shall be understood by reference to Washington law, including but not limited to RCW 49.60, RCW 59.12, RCW 59.18, and RCW 59.20. For purposes of this Proclamation, a “significant and immediate risk to the health or safety of others created by the resident” (a) is one that is described with particularity, and cannot be established on the basis of the resident’s own health condition or disability; and (b) excludes residents who may have been exposed to, or may have contracted, the COVID-19, or who are following Department of Health guidelines regarding isolation or quarantine.

FURTHERMORE, it is the intent of this order to prevent a potential new devastating impact of the COVID-19 outbreak – that is, a wave of statewide homelessness that will impact every community in our state. To that end, this order further acknowledges, applauds, and reflects gratitude for the immeasurable contribution to the health and well-being of our communities and families made by the landlords, property owners, and property managers subject to this order.

ADDITIONALLY, I strongly encourage every tenant to pay what they can, as soon as they can, to help support the landlords, property owners, and property managers who are supporting them through this crisis.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 16th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

_____/s/_____
Jay Inslee, Governor

BY THE GOVERNOR:

_____/s/_____
Secretary of State

Exhibit 6

From: [WH Management](#)
To: [Maryann Prescott](#); [REDACTED]; [REDACTED]@gmail.com
Cc: [Todd Prescott](#); [REDACTED]; [Accounting Clerk](#); [Receivables](#)
Subject: RE: [REDACTED] 4/20/2020 daily log IMPORTANT FOLLOW UP NEEDED
Date: Tuesday, April 21, 2020 12:09:00 PM

Should I assume that #2 "next steps" pertains to #4 below, as there are no #2's highlighted?

Thank you!

[REDACTED]
~Office is operating, but we are not accepting any walk-in traffic~

Winter Heights Apartments

2721 N. Cherry St.

Spokane Valley, WA 99216

509-993-0254 phone

509-443-4741 fax

[REDACTED]@[whitewatercreek.com](#)

From: Maryann Prescott [REDACTED]@whitewatercreek.com>
Sent: Tuesday, April 21, 2020 8:43 AM
To: [REDACTED]@whitewatercreek.com>; WH Management
[REDACTED]@whitewatercreek.com>; [REDACTED]@gmail.com
Cc: Todd Prescott [REDACTED]@whitewatercreek.com>; [REDACTED]@whitewatercreek.com>;
Accounting Clerk [REDACTED]@whitewatercreek.com>; Receivables
[REDACTED]@whitewatercreek.com>
Subject: RE: [REDACTED] 4/20/2020 daily log IMPORTANT FOLLOW UP NEEDED

See below on next steps.

#1 – call and e-mail, KJ or Jenna mails statement, post notice on door with Stamp Past DUE

#2 – Tell tenant we are turning over to legal and they are now responsible for legal fees.

KJ received 2 – 3 screenshots that showed they are paying on the 24th. This does not constitute a valid reason for the deferral. We need documentation why. We really need to hold these accountable and let them know only one deferral is allowed and only if documented and previous rent was paid in full.

From: [REDACTED]@[whitewatercreek.com](#)>
Sent: Monday, April 20, 2020 4:43 PM
To: Maryann Prescott [REDACTED]@[whitewatercreek.com](#)>; WH Management
[REDACTED]@[whitewatercreek.com](#)>; [REDACTED]@[gmail.com](#)
Cc: Todd Prescott [REDACTED]@[whitewatercreek.com](#)>; [REDACTED]@[whitewatercreek.com](#)>;
[REDACTED]@[whitewatercreek.com](#)>; [REDACTED]@[whitewatercreek.com](#)>
Subject: Re: [REDACTED] 4/20/2020 daily log IMPORTANT FOLLOW UP NEEDED

Please see below in red.

██████████
2721 N Cherry St
Spokane Valley, WA 99216
208-446-7442 Phone

██████████@whitewatercreek.com

CONFIDENTIALITY NOTICE:

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Maryann Prescott ██████████@whitewatercreek.com>
Sent: Monday, April 20, 2020 4:37 PM
To: WH Management ██████████@whitewatercreek.com>; ██████████@whitewatercreek.com>; ██████████@gmail.com <██████████@gmail.com>
Cc: Todd Prescott ██████████@whitewatercreek.com>; ██████████@whitewatercreek.com>; ██████████@whitewatercreek.com>; ██████████@whitewatercreek.com>
Subject: RE: ██████████ 4/20/2020 daily log IMPORTANT FOLLOW UP NEEDED

Hi ██████████ did the rents we anticipated come in today from
██████████ ██████████ Got the intent to pay form caseworker today for the 511.00
██████████ ██████████ paid
██████████ ██████████ #1

Confirm you explained that they will be evicted for past due rent when courts reopen May 4 as they had rent due for March and you can proceed on evictions prior to March 27 Yes she did tell them all about the eviction. ██████████ ██████████ is supposed to be in today I will check the drop one more time before I leave.

██████████ ██████████ - #4
██████████ ██████████ #4
██████████ ██████████ #4
██████████ ██████████ #4

ITP – Agency

■■■■ - SLP
■■■■ - Catholic Charities
■■■■ ?? Paid 500.00 today
■■■■ waiting on CA ITP Paid in full today

Looking for follow on an acceptable written proof for a deferral consideration:

■■■■, ■■■■ - #1
■■■■ I talked to her mother today she though she had paid up 3 months, Informed her not the case and she said she would send her daughter down today to pay but still a no show.
■■■■ - #1
■■■■ #1
■■■■ #1
■■■■ #1
■■■■ - No contact Post on door paid April and May today.

Questions

■■■■, ■■■■ - SHA? ■■■■ is SHA as well.

From: WH Management ■■■■ @whitewatercreek.com>
Sent: Monday, April 20, 2020 4:23 PM
To: ■■■■ @whitewatercreek.com>; ■■■■ @gmail.com
Cc: Maryann Prescott ■■■■ @whitewatercreek.com>; Todd Prescott ■■■■ @whitewatercreek.com>; ■■■■ @whitewatercreek.com>; ■■■■ @whitewatercreek.com>; ■■■■ @whitewatercreek.com>
Subject: ■■■■ 4/20/2020 daily log

Checked in 12:00
Weather: beautiful
Traffic: office closed
Temp: 36.5C
Checked email, VM, mailbox, dropbox
Answered phone
Emailed several new apps for MBC
■■■■ app from PR
■■■■ app
■■■■ app
deposit
Checked out 4:15

Thank you!

■■■■

~Office is operating, but we are not accepting any walk-in traffic~

Winter Heights Apartments

2721 N. Cherry St.

Spokane Valley, WA 99216

509-993-0254 phone

509-443-4741 fax

 [\[redacted\]@whitewatercreek.com](mailto: [redacted]@whitewatercreek.com)