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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Plaintiff,
vs.
SEATTLE HOUSING AUTHORITY and
ANDREW LOFTON, Executive Director of
Seattle Housing Authority, in his Official
Capacity,
Defendants.

No. 14-2-08728-4 SEA

WRIT OF PROHIBITION
(Peremptory) – RCW 7.16.290

~~Proposed~~

STATE OF WASHINGTON

TO: Seattle Housing Authority;

AND TO: Andrew Lofton, Executive Director (of Seattle Housing Authority)

This matter coming before the Court on Plaintiff's Application for Writ of Prohibition, hearing held and with the Court fully advised,

THE COURT HEREBY FINDS:

1. That the plaintiff, _____ lives in a public housing facility owned and operated by Defendant Seattle Housing Authority (SHA);

2. That in January 2014, SHA initiated lease termination proceedings against _____ ;

1 3. That _____, as a public housing tenant, had the right to contest the lease
2 termination decision at an administrative "grievance hearing." See 24 CFR 966.52(a).

3 4. That _____ duly requested a grievance hearing, and SHA convened the hearing at
4 its offices on February 24, 2014. David Hiscock, a local attorney, served as the hearing officer;

5 5. That on February 28, 2014, Mr. Hiscock issued a written decision overturning the
6 termination of _____ tenancy.

7 ~~6. _____~~
8 ~~_____~~
9 ~~_____~~
10 ~~_____~~
11 ~~_____~~
12 ~~_____~~

13 8. SHA's grievance policy does not provide any procedure for reconsideration by the
14 hearing officer, and explicitly states that "[t]he decision of the hearing officer shall not be subject
15 to any administrative appeal." See SHA Grievance Procedure, p. 9. Nonetheless, on March 19,
16 2014, an SHA attorney sent a letter to Mr. Hiscock asking him to "reconsider" his February 28
17 decision. The letter included legal arguments and a new declaration from an SHA witness

18 supporting the request for "reconsideration." *Reconsideration based on new facts would not be*
19 *consistent with 24 CFR § 966.56, which requires a decision based on facts presented at the hearing.*

20 9. SHA's attempt to have the hearing officer "reconsider" his February 28 decision is
unlawful and seeks to have the hearing officer act in excess of his jurisdiction.

21 10. _____ would have no plain, speedy, or adequate remedy in the ordinary course
22 of law if his favorable grievance decision were reconsidered and modified in any way adverse to
23 him.

1 THEREFORE, THIS COURT FINDS AND HEREBY DECLARES:

2 11. That Mr. Hiscock's February 28, 2014, decision in grievance is [REDACTED]

3 [REDACTED] not subject to reconsideration by the hearing officer. SHA is hereby
4 prohibited from allowing any ^{such} reconsideration or other modification of the decision. This relief is
5 entered under RCW 7.16.290 ("The writ of prohibition is the counterpart of the writ of mandate.
6 It arrests the proceedings of any tribunal, corporation, board or person, when such proceedings
7 are without or in excess of the jurisdiction of such tribunal, corporation, board or person.").

8 12. This Writ of Prohibition is peremptory in nature and is effective immediately and is
9 binding on the defendants and all their agents.

10 13. This order does not affect SHA's right, or lack thereof, to seek a determination
11 by its Board of Commissioners that the Feb. 28 grievance decision is contrary to law.

12 Dated this 4th day of April, 2014, at _____ (am / pm).

13
14 
15 _____
SUPERIOR COURT JUDGE

Mariane C. Spearman

16 Presented by:
17 NORTHWEST JUSTICE PROJECT

18 _____
19 Eric Dunn, WSBA #36622
20 Attorney for Plaintiff