

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
5/3/2019 11:49 AM  
BY SUSAN L. CARLSON  
CLERK

No. 96063-1

SUPREME COURT  
OF THE STATE OF WASHINGTON

WASHINGTON STATE  
HOUSING FINANCE  
COMMISSION, a public body  
corporate and politic of the State of  
Washington,

Petitioner,

v.

NATIONAL HOMEBUYERS  
FUND, INC., f/k/a Homebuyers  
Fund, Incorporated, a California  
nonprofit corporation; GOLDEN  
STATE FINANCE AUTHORITY,  
f/k/a California Home Finance  
Authority, f/k/a California Rural  
Home Mortgage Finance Authority,  
a California joint powers authority;  
RURAL COUNTY  
REPRESENTATIVES OF  
CALIFORNIA, f/k/a Regional  
Council of Rural Counties, f/k/a  
Mountain Counties Water  
Resources Association, a California  
nonprofit corporation,

Respondents.

**RESPONDENTS’  
RAP 10.8 STATEMENT OF  
ADDITIONAL AUTHORITIES**

On April 19, 2019, the Washington State Housing Finance Commission (the “Commission”) submitted a Statement of Additional Authority, citing Mortgagee Letter 19-06. The Court should be informed that the effective date of Mortgagee Letter 19-06 has been stayed for 90 days, as reflected in an order (the “U.S. District Court Order”) from the

United States District Court for the District of Utah, pending briefing and decision on a motion for a preliminary injunction seeking to enjoin implementation of Mortgagee Letter 19-06. The underlying action, brought by the Cedar Band of Paiutes, challenges Mortgagee Letter 19-06 as violating the National Housing Act, the Due Process and Takings Clauses of the Fifth Amendment, and the federal Administrative Procedures Act. *See* Complaint, Doc. 2, *Cedar Band of Paiutes et al. v. U.S. Dep't of Housing & Urban Dev.*, No. 4:19-cv-00030-DN-PK (Apr. 22, 2019), available at <https://turtletalk.files.wordpress.com/2019/04/2-complaint.pdf> (last visited on April 30, 2019). The U.S. District Court Order, which explains the stay in greater detail, is attached.

The stay is also reflected in the attached Mortgagee Letter 19-07 regarding “Extension of the Effective Date of Mortgagee Letter 2019-06, *Downpayment Assistance and Operating in a Governmental Capacity*” dated April 25, 2019, available at <https://www.hud.gov/sites/dfiles/OCHCO/documents/19-07ml.pdf> (last visited on April 30, 2019).

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RESPECTFULLY submitted this 3<sup>rd</sup> day of May, 2019.

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BUSCH & RADWICK LLP**

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*Attorneys for Respondents National Homebuyers  
Fund, Inc., Golden State Finance Authority, and  
Rural County Representatives of California*

**DECLARATION OF SERVICE**

The undersigned declares under penalty of perjury under the laws of the State of Washington that on May 3, 2019, I caused a copy of the foregoing **RESPONDENTS' RAP 10.8 STATEMENT OF**

**ADDITIONAL AUTHORITIES** to be served on the following via the Washington Courts E-Portal:

Paul J. Lawrence, WSBA No. 13557  
Taki V. Flevaris, WSBA No. 42555  
Alanna Peterson, WSBA No. 46502  
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*Special Assistant Attorneys General for  
Petitioner Washington State Housing Finance  
Commission*

DATED this 3<sup>rd</sup> day of May, 2019, at Seattle, Washington.

s/Thao Do  
Thao Do, *Legal Assistant*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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CEDAR BAND OF PAIUTES; CEDAR  
BAND CORP., & CBC MORTGAGE  
AGENCY,

Plaintiffs,

vs.

U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT; FEDERAL  
HOUSING ADMINISTRATION; DR.  
BENJAMIN CARSON, in his official  
capacity as Secretary of the U.S. Department  
of Housing and Urban development; &  
BRIAN MONTGOMERY, in his official  
capacity as Acting Deputy Secretary of  
Housing and Urban Development and  
Assistant Secretary of Housing and Urban  
Development for Housing—Federal  
Housing Commissioner;

Defendants.

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**ORDER GRANTING [32] JOINT  
MOTION TO STRIKE HEARING  
ON MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
MOTION FOR SCHEDULING  
ORDER ON MOTION FOR  
PRELIMINARY INJUNCTION**

Case No. 4:19-CV-30-DN-PK

District Judge David Nuffer  
Magistrate Judge Paul Kohler

Plaintiffs and Defendants, through their respective counsel, jointly moved to strike the hearing on the Temporary Restraining Order (“TRO”) currently set for Thursday, April 25, 2019 and to set a briefing schedule for the Plaintiff’s motion for preliminary injunction (the “Motion”).<sup>1</sup>

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<sup>1</sup> Joint Motion to Strike Hearing on Motion for Temporary Restraining Order and Motion for Scheduling Order on Motion for Preliminary Injunction, [docket no. 32](#), filed April 24, 2019.

Based on the parties' Joint Motion and Defendants' agreement to stay the effective date of Mortgagee Letter 19-06<sup>2</sup> for 90 days from the entry of the order adopting this schedule, IT IS HEREBY ORDERED that the Motion<sup>3</sup> is GRANTED. The hearing scheduled for Thursday, April 25, 2019 is STRICKEN.

As to Plaintiffs' motion for preliminary injunction,<sup>4</sup> IT IS FURTHER ORDERED as follows:

1. Plaintiffs shall produce the materials required by the April 23, 2019 order<sup>5</sup> on or before Wednesday, May 8, 2019.
2. Defendants shall file their short and plain statement required under DUCivR 7-4 and their response brief to Plaintiffs' motion for preliminary injunction on or before Wednesday, May 22, 2019.
3. Plaintiffs shall file their reply brief in support of their motion for preliminary injunction on or before 14 days after the Defendants file their response brief.<sup>6</sup>

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<sup>2</sup> Motion for Ex Parte TRO/TRO/ And Preliminary Injunction, Exhibit A, Mortgagee Letter 19-06, [docket no. 6-2](#), filed April 22, 2019.

<sup>3</sup> Joint Motion to Strike Hearing on Motion for Temporary Restraining Order and Motion for Scheduling Order on Motion for Preliminary Injunction, [docket no. 32](#), filed April 24, 2019.

<sup>4</sup> Motion for Ex Parte TRO/TRO/ And Preliminary Injunction, [docket no. 6](#), filed April 22, 2019.

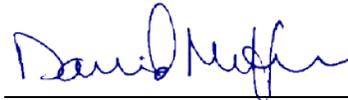
<sup>5</sup> Order Re: Upcoming Status Conference and Motion Hearing, [docket no. 23](#), filed April 23, 2019,

<sup>6</sup> In the event that due date for the reply falls on a weekend or a holiday, the reply shall be filed on the next court business day.

4. Oral argument on Plaintiffs' motion for preliminary injunction<sup>7</sup> is now scheduled for Wednesday, June 19, 2019 at 9:00 am in Courtroom 2B in St. George, Utah.

Signed April 24, 2019.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written above a horizontal line.

David Nuffer  
United States District Judge

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<sup>7</sup> Motion for Ex Parte TRO/TRO/ And Preliminary Injunction, [docket no. 6](#), filed April 22, 2019.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-  
FEDERAL HOUSING COMMISSIONER

**Date:** April 25, 2019

**Mortgagee Letter 2019-07**

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**To** All FHA-approved Mortgagees  
All Direct Endorsement Underwriters  
All FHA Roster Appraisers  
All FHA Roster Inspectors  
All FHA-approved 203(k) Consultants  
All HUD-approved Housing Counselors  
All HUD-approved Nonprofit Organizations  
All Governmental Entity Participants  
All Real Estate Brokers  
All Closing Agents

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**Subject** Extension of the Effective Date of Mortgagee Letter 2019-06, *Downpayment Assistance and Operating in a Governmental Capacity*

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**Purpose** This Mortgagee Letter announces an extension of the effective date of Mortgagee Letter 2019-06. This extension will allow time for Governmental Entities to prepare the documentation described in Mortgagee Letter 2019-06.

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**Effective Date** The extension described in this Mortgagee Letter is effective as of April 18, 2019, the original publication date of ML 2019-06.

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**Description of Changes** This Mortgagee Letter extends the effective date for ML 2019-06. The guidance provided in ML 2019-06 will be effective for case numbers assigned on or after July 23, 2019, rather than the originally published effective date of April 18, 2019.

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**Information Collection Requirements** The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2502-0059. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

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**Questions**

For additional information, please visit [www.hud.gov/answers](http://www.hud.gov/answers) or call FHA's Resource Center at 1-800-CALLFHA (1-800-225-5342). Persons with hearing or speech impairments may reach this number via TTY by calling the Federal Relay Service at 1-800-877-8339.

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**Signature**

John L. Garvin  
General Deputy Assistant Secretary for Housing

**MCNAUL EBEL NAWROT AND HELGREN PLLC**

**May 03, 2019 - 11:49 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 96063-1  
**Appellate Court Case Title:** Washington State Housing Finance Commission v. National Homebuyers Fund, Inc., et al.  
**Superior Court Case Number:** 15-2-12454-4

**The following documents have been uploaded:**

- 960631\_State\_of\_Add\_Authorities\_20190503114806SC339884\_2225.pdf

This File Contains:

Statement of Additional Authorities

*The Original File Name was 19-0503 Respondents Statement of Additional Authority Pursuant RAP 10.8.pdf*

**A copy of the uploaded files will be sent to:**

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