

FILED
SUPREME COURT
STATE OF WASHINGTON
4/26/2024 12:11 PM
BY ERIN L. LENNON
CLERK

SUPREME COURT NO. 1029055
COURT OF APPEALS NO. 85031-8-I

SUPREME COURT
OF THE STATE OF WASHINGTON

THE HOUSING AUTHORITY OF THE COUNTY OF KING,
a Washington municipal corporation,

Respondent,

v.

ANDRE KNIGHT,

Petitioner.

ANSWER TO PETITION FOR REVIEW

Andrew R. Chisholm
WA State Bar No. 30673
Christopher M. Reed
WA State Bar No. 49716
Attorneys for Respondent

MONTGOMERY PURDUE PLLC
701 Fifth Avenue
Suite 5500
Seattle, WA 98104-7096
(206) 682-7090

TABLE OF CONTENTS

	<i>Page</i>
I. INTRODUCTION AND DECISION BELOW.....	1
II. ISSUE PRESENTED FOR REVIEW.....	3
III. COUNTERSTATEMENT OF THE CASE.....	4
A. BACKGROUND.....	4
B. MR. KNIGHT ENGAGES IN AN EXTRAORDINARY LEVEL OF CRIMINAL AND VIOLENT ACTIVITY	4
C. KCHA SERVES A 3-DAY NOTICE TO TERMINATE FOR CRIMINAL AND NUISANCE ACTIVITY	8
D. KCHA FILES AN UNLAWFUL DETAINER LAWSUIT; THE TRIAL COURT DISMISSES, HOLDING KCHA WAS REQUIRED TO SERVE A 30-DAY NOTICE UNDER THE CARES ACT	9
E. THE COURT OF APPEALS REVERSES AND HOLDS THE 30-DAY NOTICE REQUIREMENT APPLIES ONLY TO EVICTIONS BASED UPON THE NONPAYMENT OF RENT AND NOT TO CASES INVOLVING DANGEROUS CRIMINAL ACTIVITY.....	10
F. MR. KNIGHT CLAIMS TO HAVE LEARNED OF THE APPEAL AND FILES A PETITION FOR REVIEW	10
IV. REASONS WHY REVIEW SHOULD BE DENIED.....	12
A. THE SPLIT OF DIVISION AUTHORITY RESTS ON A FAULTY INTERPRETATION OF PRIOR DIVISION I PRECEDENT.....	12
B. MR. KNIGHT’S PUBLIC INTEREST ARGUMENT FOCUSES ON THE <i>WRONG</i> PUBLIC INTEREST AND IS NOT SUPPORTED BY RAP 13.4(B)(4).....	15

C.	THE APPEAL IS MOOT BECAUSE MR. KNIGHT CONFIRMS NEITHER HE NOR HIS FAMILY HAVE ANY INTEREST IN THE PROPERTY	20
V.	CONCLUSION	23

TABLE OF AUTHORITIES

	<i>Page</i>
Cases	
<i>Hous. Auth. of Cnty. of King v. Knight</i> , --- Wn. App. 2d ---, 543 P.3d 891 (Wash. Ct. App. 2024).....	1, 2, 14, 17
<i>Munden v. Hazelrigg</i> , 105 Wn.2d 39, 45, 711 P.2d 295 (1985)	21
<i>Orwick v. City of Seattle</i> , 103 Wn.2d 249, 253, 692 P.2d 793 (1984).....	20
<i>Pendleton Place, LLC v. Asentista</i> , --- Wn. App. 2d ---, 541 P.3d 397 (Wash. Ct. App. 2024).....	12, 13
<i>Sherwood Auburn v. Pinzon</i> , 24 Wn. App. 2d 664, 521 P.3d 212 (2022), <i>review denied</i> 1 Wn.3d 1005, 526 P.3d 848 (2023)	13
<i>State v. Yusuf</i> , 21 Wn. App. 2d 960, 969, 512 P.3d 915, 921–22, <i>review denied</i> , 200 Wn.2d 1011, 518 P.3d 206 (2022)	17
<i>Westerman v. Cary</i> , 125 Wn.2d 277, 286, 892 P.2d 1067 (1994)	20, 22, 23
Statutes	
15 U.S.C. § 9058	passim
RCW 59.18.650	8, 12
Other Authorities	
RAP 13.4.....	12, 15, 19

I. INTRODUCTION AND DECISION BELOW

The issue in this case is whether the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”),¹ which was enacted to provide *economic* relief to tenants in response to COVID-19, adds additional protections for renters alleged to have engaged in dangerous and life-threatening criminal activity. The Court of Appeals Division I correctly held the unequivocal answer to this question is ‘no.’

More specifically, in *Hous. Auth. of Cnty. of King v. Knight*, --- Wn. App. 2d ---, 543 P.3d 891 (Wash. Ct. App. 2024), Division I held the “plain meaning” of 15 U.S.C. § 9058(c)(1)—the provision which created a 30-day notice requirement at issue—“is that it applies only to evictions stemming from the nonpayment of rent.” *Id.* at 895. Division I held such conclusion was further supported by the statutory context underlying the CARES Act, which demonstrates Congress was concerned with

¹ Pub. L. No. 116-136, 134 Stat. 281 (2020).

economic security and not broad eviction reform. This is evidenced by the short title of the CARES Act bill itself (the “Coronavirus Aid, Relief, and *Economic Security* Act) and the provisions surrounding the pertinent notice provision (Section 4024 of the Act), found in Title IV – *Economic Stabilization and Assistance to Severely Distressed Sectors of the United States Economy*. *Id.* at 896-97. Division I also found the broad interpretation advanced by Andre (“Maurice”) Knight (“Mr. Knight”)² in his petition for review was “unpersuasive” and would improperly render portions of 15 U.S.C. § 9058 “entirely superfluous.” *Id.* at 898.

Mr. Knight now appears in this appeal and seeks review by this Court, arguing review is proper due to a split of decisional authority amongst the Courts of Appeals and that the public interest will be served through review. As set forth below, the

² Mr. Knight did not participate in the appeal below. Instead, the Housing Justice Project filed an amicus curie brief in support of the positions advanced by Mr. Knight in his Petition. The HJP claims Mr. Knight ‘learned’ of the appeal and has since engaged the HJP’s services.

claimed division split rests upon a misapplication of prior precedent (and thus, is likely to be corrected by the Courts of Appeals themselves). Moreover, the position advanced by Mr. Knight is *contrary* to public interest. In fact, Mr. Knight argues landlords should be forced to provide an extraordinary notice to individuals engaging in life-threatening criminal activity, placing the safety of other residents of the community at risk—a result never intended by the CARES Act. This case is also moot, with Mr. Knight confirming he and his family have vacated the property at issue. As such, the Court need not accept review.

II. ISSUE PRESENTED FOR REVIEW

Does the CARES Act (specifically, 15 U.S.C. § 9058(c)(1)) require a landlord serve a 30-day notice for an eviction based on dangerous criminal conduct? (No).

III. COUNTERSTATEMENT OF THE CASE

A. Background

KCHA provides federally subsidized housing in King County. This is a critical service provided for persons in need of stable secure housing. KCHA leased an apartment at 23401 104th Ave SE. #78 Kent, WA 98031 (“Unit”), to Angela Knight pursuant to a written lease. CP 1. Mr. Knight, Angela Knight’s 24-year-old son, and petitioner in this matter and Ms. Knight’s 18-year-old daughter, Delaney Knight, are listed on the lease as part of the household. CP 88. The Unit is part of the Valli Kee project, a federally subsidized housing project which provides housing to low-income families and individuals. CP 1.

B. Mr. Knight Engages in an Extraordinary Level of Criminal and Violent Activity

This case arises out of an extraordinary amount of dangerous criminal activity allegedly permitted and committed by Mr. Knight. CP 5-8. Such activity included the following, which is just a sample of Mr. Knight’s numerous instances of

violence and illegal activity that threatened the safety and lives of the community and KCHA employees:

- On February 13, 2022, police responded to several gunshots at the Unit. CP 5. According to the written police report, Angela Knight admitted that a male with the street name of “Good,” and four other males, appeared at the Unit and were violently attempting to locate her son, Mr. Knight. CP 5. She informed the police that Good and Andre deal drugs together, and Good was angry because of a drug deal debt. CP 5. She admitted Good shattered the front bedroom window of the Unit, but denied the holes in the wall of the same bedroom were caused by the gunshots. CP 5-6. During the response, police discovered a stolen parked car with an extension cord running to it from the Unit. CP 6. The police noted in their written report that several stolen vehicles had been recovered in front of the Unit in the past. CP 6.

- On February 18, 2022, police responded to the Unit because a person's items in a stolen vehicle contained a GPS tracker that led police to the Unit. CP 6. According to the written police report, police discovered the stolen vehicle with no license plates in front of the Unit. CP 6. Police arrested two individuals from the Unit on outstanding warrants and seized the stolen vehicle. CP 6. Police also recovered the stolen car victim's other personal property from inside the Unit. CP 6.
- On May 17 and May 19, 2022, according to written police reports, the police seized more stolen vehicles outside the Unit that were in the process of being repainted to disguise them. CP 6. The police listed Mr. Knight as the suspect, noting that mail addressed to Andre Knight was found inside the vehicle(s). CP 6.
- On December 23, 2022, according to the police and first responders, a person known as Crazy Thunder was beaten in the Unit by Mr. Knight and had to crawl to the KCHA

management office to get help. CP 7. The police also noted an unauthorized guest in the Unit, Joseph Fry, was a wanted fugitive. CP 7.

- On December 28, 2022, there was a shootout between individuals in the Unit and guests in the parking lot near the Unit. CP 7.
- On January 9, 2023, children, parents, and a KCHA employee had to take cover because of another shootout. CP 7. A vehicle shot a firearm into the Unit and Mr. Knight returned fire at the vehicle. CP 7. This shooting was captured on KCHA video, which was provided to police. CP 7. Mr. Knight threatened the KCHA employee who witnessed and took cover during the shooting with, “Don’t snitch or you’re done.” CP 7. The KCHA employee subsequently refused to work at the property in fear of his life. CP 7.
- On January 23, 2023, bounty hunters attempted to enter the Unit searching for Mr. Knight to apprehend him for

outstanding warrants. CP 7. Mr. Knight exclaimed he was ‘wanted for a murder in Auburn.’ CP 7. Mr. Knight shot a gun from inside the Unit, and when police responded, they observed Mr. Knight fleeing with a gun in his hand. CP 7. The police pursued Mr. Knight but were unable to apprehend him. CP 7.

Mr. Knight’s above-noted conduct posed an immediate life-threatening risk to neighbors and nearby community members, many of whom are low-income tenants receiving federal assistance.

C. KCHA Serves a 3-Day Notice to Terminate for Criminal and Nuisance Activity

On January 25, 2023, KCHA served a three-day notice terminating the tenancy for criminal/nuisance activity pursuant to RCW 59.18.650(2)(c) (“Notice”). CP 79. The Notice included an extensive list of the numerous instances of unlawful, nuisance, and criminal activity, including those listed above. CP 5.

D. KCHA Files an Unlawful Detainer Lawsuit; the Trial Court Dismisses, Holding KCHA Was Required to Serve a 30-Day Notice Under the CARES Act

The Knight family failed to terminate their tenancy.³ As such, on January 31, 2023, KCHA filed a Complaint for unlawful detainer. CP 1. The Knight family did not file an Answer to the Complaint, or otherwise appear in the proceeding. RP 3. At the February 15, 2023, show cause hearing, the Knight family did not appear. RP 3. Nevertheless, the trial court denied KCHA's unopposed request for a writ of restitution and dismissed the case. CP 193-195. Specifically, the trial court ruled that the language in 15 U.S.C. § 9058(c)(1) required KCHA serve a 30-day notice to terminate the tenancy, rather than the 3-day Notice KCHA served. CP 194.

³ As reflected by the record in this matter, and Mr. Knight's declaration submitted in support of his Petition, the Knight family did *not* vacate the Unit prior to the show cause hearing in this matter.

E. The Court of Appeals Reverses and Holds the 30-day Notice Requirement Applies Only to Evictions Based Upon the Nonpayment of Rent and not to Cases Involving Dangerous Criminal Activity

KCHA timely appealed. As set forth herein, Division I of the Court of Appeals reversed the trial court, holding the “plain language” of 15 U.S.C. § 9058(c)(1) demonstrated the 30-day notice requirement applied only to evictions based upon the nonpayment of rent (and not to evictions for dangerous criminal activity, such as this).

F. Mr. Knight Claims to Have Learned of the Appeal and Files a Petition for Review

It is KCHA’s understanding that Mr. Knight is currently incarcerated. He is facing multiple charges for, among other things, allegedly committing Robbery in the First Degree (King County Superior Court Cause Nos. 23-1-07691-1 KNT, 23-1-07687-3 KNT), Attempting to Elude Police (King County Superior Court Cause No. 23-1-07687-3 KNT), Vehicular Assault (King County Superior Court Cause No. 23-1-03632-4

KNT), and Theft in the First Degree (King County Superior Court Cause No. 22-1-04743-3 KNT).

Mr. Knight claims he “was unaware that KCHA had filed this eviction with court [sic] . . . or that KCHA appealed.” Petition, A29-30. Nevertheless, Mr. Knight admits he remained in possession of the Unit when this unlawful detainer proceeding was filed (on January 31, 2023) and indeed until at least after the appeal was filed on February 24, 2023. *See* Petition, A29 (noting the Knight family allegedly vacated the Unit in the “Spring of 2023).⁴ Mr. Knight did not participate in the appeal below.

Mr. Knight alleges he has now learned of the appeal and “retained the Housing Justice Project in this matter.” Petition, A29. Despite Mr. Knight’s claim that he and the Knight family

⁴ KCHA denies the Knight family informed KCHA they were leaving and/or that the Knight family returned keys to the Unit to the office.

vacated the Unit, Mr. Knight—through the Housing Justice Project (“HJP”)⁵—now seeks review by this Court.

IV. REASONS WHY REVIEW SHOULD BE DENIED

A. The Split of Division Authority Rests on a Faulty Interpretation of Prior Division I Precedent

Mr. Knight argues review is proper because the decision in this case conflicts with Division II’s decision in *Pendleton Place, LLC v. Asentista*, --- Wn. App. 2d ---, 541 P.3d 397 (Wash. Ct. App. 2024). RAP 13.4(b)(2). Respectfully, Division II’s ruling relies upon a misinterpretation of authority which has since been clarified by Division I’s ruling in this case, meaning no further review is necessary.

In *Asentista*, the landlord served a 10-day notice to comply or vacate pursuant to RCW 59.18.650(2)(b). Like here, the tenant lived in federally subsidized housing, making the property subject to the provisions of the CARES Act. On appeal, the

⁵ The HJP submitted an amicus brief in the appeal below. Division I noted that, as an amicus party, the HJP lacked standing to pursue a petition for review. *Knight*, 543 P.3d at 903, fn. 16.

tenant argued the landlord was required to serve a 30-day notice to comply or vacate, pursuant to 15 U.S.C. § 9058(c)(1). Division II of the Court of Appeals agreed.

In reaching this conclusion, Division II relied heavily upon a misinterpretation of Division I’s decision in *Sherwood Auburn v. Pinzon*, 24 Wn. App. 2d 664, 521 P.3d 212 (2022), *review denied* 1 Wn.3d 1005, 526 P.3d 848 (2023). In fact, Division II indicated Division I “agreed” the notice requirement in the CARES Act applied to all eviction notices, and not just notices for the failure to pay rent. *See Asentista*, 541 P.3d at 401 (“The plain language of this statute requires a landlord to provide the tenant with a 30-day notice to vacate before requiring the tenant to vacate the premises. Division One of this court agreed.”).

Division II was mistaken. In fact, Judge Dwyer—author of Division I’s decision in *Pinzon* and the opinion in this matter—noted during oral argument below:

I’ll be frank, when I authored *Pinzon*, the idea that it could benefit people engaging in criminal

behaviors was not presented, discussed, or really contemplated. (Underline added).

In its decision in this matter, Division I confirmed its decision in *Pinzon* “did not resolve the matter presented herein” and that, as a result, “such reliance was misplaced.” *Knight*, 543 P.3d at 893. Thus, the ‘division split’ alleged is one which rests upon a misinterpretation of prior precedent from Division I itself. The ‘division split’ is likely to be resolved now that Division I has clarified its holding in *Pinzon* by confirming that 15 U.S.C. § 9058(c)’s 30-day notice requirement applies *only* to notices for the nonpayment of rent.

Even if this was not the case, it is difficult to imagine the reasoning of the Court’s holding in *Asentista* is “more persuasive than that of the Court of Appeals opinion below,” as argued by Mr. Knight. Petition, p. 4. In fact, the *Asentista* decision is the only decision identified by either party or the Court holding the 30-day notice requirement in the CARES Act broadly applies beyond its plain language to *all* eviction notices (including notices for dangerous criminal activity). *Knight*, 543 P.3d at 899

(collecting cases and noting KCHA “asserts that decisional authority from jurisdictions outside of Washington that have addressed this issue have uniformly adopted the interpretation herein. [KCHA] is correct.”). Thus, decisional authority on this issue already exists and is in line with Division I’s holding in the instant case.

Division II’s ruling in *Asentista* rests upon a misinterpretation of prior Division I authority (and is an outlier ruling). Thus, the Court need not accept review pursuant to RAP 13.4(b)(2).

B. Mr. Knight’s Public Interest Argument Focuses on the *Wrong* Public Interest and is Not Supported by RAP 13.4(b)(4)

Mr. Knight argues Division I’s ruling in this case “curtails” a vital protection for tenants in federally subsidized properties and is thus against the public interest. Petition, p. 12. Mr. Knight is mistaken.

As an initial matter, no vital protections are being ‘curtailed.’ This is because the express language of

15 U.S.C. § 9058(c)(1) (which establishes the 30-day notice requirement) makes clear the notice requirement does not apply to evictions other than those for the nonpayment of rent. More specifically, the CARES Act established a 120-day moratorium on filing or initiating “a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges.” 15 U.S.C. § 9058(b)(1) (emphasis added). After the expiration of the moratorium, 15 U.S.C. § 9058(c)(1) established a 30-day notice requirement, stating a landlord: “may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate.” 15 U.S.C. § 9058(c)(1). That the 30-day notice requirement is directly linked to the moratorium on nonpayment of rent evictions is made express by 15 U.S.C. § 9058(c)(2), which provides that a 30-day notice to vacate cannot be issued until after the expiration of the moratorium on nonpayment of rent evictions described in subsection (b). *Id.* Subsections (c)(1) and (c)(2) are linked by

the word “and,” thus must be read together. *State v. Yusuf*, 21 Wn. App. 2d 960, 969, 512 P.3d 915, 921–22, *review denied*, 200 Wn.2d 1011, 518 P.3d 206 (2022) (explaining that Washington courts presume “the legislature uses ‘and’ as a conjunction,” not disjunctively). Subsections (b) and (c) of 15 U.S.C. § 9058 are likewise linked by direct reference. As a result, it is clear—based on the plain and unambiguous language in the statute—that the 30-day notice to vacate requirement applies only to evictions based on the non-payment of rent. Nothing is being ‘curtailed.’ The protection argued by Mr. Knight does not exist. Indeed, Mr. Knight is arguing for a broad interpretation of Section 9058, which impermissibly renders language superfluous. *Knight*, 543 P.3d at 898.

Even if this was not the case, Mr. Knight is focusing on the *wrong* public interest. More specifically, Mr. Knight is attempting to put the interests of *the individual* above the interests of *all other tenants and the public*. In this case, Mr. Knight is alleged to have engaged in multiple shootouts at

the property, engaged in drug dealing, and participated in the theft of vehicles.⁶ Mr. Knight's alleged criminal activity was so dangerous that children, other residents, and KCHA staff were forced to take cover during shootouts at the property to avoid gunfire. CP 5-8.

It is clear Mr. Knight and the HJP are entirely disregarding the fact that the protection being requested—an extraordinary notice period for individuals engaging in criminal activity—is in fact *against* public policy and instead benefits *only* the individual engaging in criminal activity. This issue was squarely addressed by Judge Dwyer during oral argument in this matter, where Judge Dwyer asked:

Is it reasonable to assume, that Congress would only be considering the welfare of the individual litigant? In other words . . . was Congress's intent [] to condemn the people living [at the property] to an extra-usual period of time, in which they are in the enforced company of criminals because they don't

⁶ It is notable that Mr. Knight is currently facing criminal charges in multiple matters for these alleged crimes. *See* King County Superior Court Cause Nos. 22-1-04743-3 KNT, 23-1-03632-4 KNT, 23-1-07687-3 KNT, and 23-1-07691-1 KNT.

have the resources to move away and Congress is denying the landlords the ability to keep them safe? Because that's the other side to this coin. That's tails. **Is it endangers people who can't afford to go elsewhere.** (Emphasis added).

The public interest is *not* served by forcing landlords to issue a notice providing individuals engaging in dangerous criminal activity an “extra-usual” period of time to vacate. Other residents, the public, and the landlord's staff should not be forced to live next to potentially life-threatening criminal activity for any amount of time, let alone 30-days as argued by Mr. Knight and the HJP.⁷ Any argument to the contrary places other residents and the community at risk and is *against* public policy. As such, review is not necessary under RAP 13.4(b)(4).

⁷ The amicus party below (the HJP) argued it would be within the purview of law enforcement to address situations in which criminal activity was occurring at a property. The HJP ignored the fact that, in this case, Mr. Knight evaded law enforcement for months. The HJP also failed to explain why the landlord should be restricted from taking action to address serious criminal activity simultaneously with law enforcement response.

C. The Appeal is Moot because Mr. Knight Confirms Neither he nor his Family have any Interest in the Property

It is also notable that this case is moot. “It is a general rule that, where only moot questions or abstract propositions are involved, or where the substantial questions involved in the trial court no longer exist, the appeal . . . should be dismissed. *Westerman v. Cary*, 125 Wn.2d 277, 286, 892 P.2d 1067 (1994). “A case is moot if a court can no longer provide effective relief.” *Id.* (citing *Orwick v. City of Seattle*, 103 Wn.2d 249, 253, 692 P.2d 793 (1984)).

Here, it is not subject to dispute the case is moot. Although KCHA adamantly disputes Mr. Knight’s representations that the family informed KCHA the family was leaving and returned their keys to the building’s office, Mr. Knight has now testified under the penalty of perjury that he and his family fully vacated the Property at issue in the spring of 2023.⁸ Petition, p. 7. The

⁸ KCHA notes that, even assuming Mr. Knight’s representations are accurate, Mr. Knight claims to have vacated the Property well after KCHA filed an appeal in this matter on February 24, 2023.

Court thus cannot afford effective relief (i.e., resolve the issue of possession), as all parties now agree the Knight family has no interest in the Property. *Munden v. Hazelrigg*, 105 Wn.2d 39, 45, 711 P.2d 295 (1985). The Court need not accept review because the case is moot.

Mr. Knight argues this Court should nevertheless accept review—despite the fact that the case is moot—because the case presents issues of continuing and substantial public interest. Petition, pp. 17-21.

In evaluating whether the Court should make an exception to the general rule that a moot appeal should be dismissed, “three factors in particular are determinative:

- (1) whether the issue is of a public or private nature;
 - (2) whether an authoritative determination is desirable to provide future guidance to public officers; and
 - (3) whether the issue is likely to recur.
- A fourth factor may also play a role: the level of genuine adverseness and the quality of advocacy of the issues. Lastly, the court may consider the “likelihood that the issue will escape review because the facts of the controversy are short-lived”. *Seattle v. State*, 100 Wn.2d 232, 250, 668 P.2d 1266 (1983) (Rosellini, J., dissenting).

Westerman, 125 Wn.2d at 286.

Here, several factors considered are not met. For example, although the issue is of a public nature, an authoritative determination is not necessary. As set forth above, with the exception of Division II in *Asentista*, all courts analyzing this issue have concluded that the 30-day CARES Act notice requirement applies only to evictions based on the nonpayment of rent. Division II's ruling is an outlier ruling and one which rested upon a misapplication of prior Division I authority, which Division I has since clarified.

With respect to the genuine adverseness and quality of advocacy, Mr. Knight claims he “was unaware of the appeal” and did not appear or defend against it. Petition, p. 5. Mr. Knight now admits he no longer occupies the Property (Petition, p. 3) and thus, has no interest in prevailing on appeal. Instead, the interest pursued appears to be that of the Housing Justice Project (the HJP), which desires to expand application of the CARES Act beyond its plain language to provide protections to

individuals engaging in criminal activity, at the expense of other residents and the public. The HJP’s policy desire to expand the scope of the CARES Act to provide protections for individuals engaging in dangerous criminal activity does not support genuine adverseness between the actual parties to this matter.

Finally, the issue presented in this matter is unlikely to escape future review. Indeed, this issue has already been appealed twice in the last two years. *Cf. Westerman*, 125 Wn.2d at 287 (noting issue presented was “one which will escape review because the facts of the controversy are short-lived.”).

The Court need not accept review because this case is moot and several of the factors for accepting a moot appeal support denying Mr. Knight’s petition for review.

V. CONCLUSION

The plain language of 15 U.S.C. § 9058 makes clear the 30-day notice requirement applies only to evictions based upon the nonpayment of rent. The only decision holding to the contrary (*Asentista*) is an outlier ruling which relied upon a

misapplication of prior Division I authority, since clarified by Division I itself. Thus, the split of authority amongst the Courts of Appeals is likely to be corrected at the Court of Appeals level. Moreover, the public interest is not served by the position advocated by Mr. Knight. To the contrary, “extra-usual” notice protections for individual litigants engaging in criminal activity places the safety of other residents and the public *at risk*, to their detriment. Finally, this case is moot, with Mr. Knight testifying that the Knight family has in fact vacated the Property.

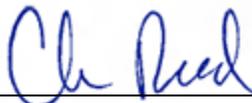
For these reasons, the Court need not accept review in this matter.

CERTIFICATION OF COMPLIANCE

I certify that this document contains 4,034 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 26th day of April, 2024.

MONTGOMERY PURDUE PLLC

By  _____

Andrew R. Chisholm

WA State Bar No. 30673

achisholm@montgomerypurdue.com

Christopher M. Reed

WA State Bar No. 49716

creed@montgomerypurdue.com

701 Fifth Avenue

Suite 5500

Seattle, WA 98104-7096

(206) 682-7090

Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on April 26, 2024, I served a true and correct copy of the foregoing Answer to Petition for Review via e-service and email to:

Edmund Witter
WSBA No. 52339
1200 5th Ave Suite 700
Seattle, WA 98101
edmundw@kcba.org

Yuan Ting
WSBA No. 52897
1200 5th Ave Suite 700
Seattle, WA 98101
yuant@kcba.org

Christina Jaccard
WSBA No. 55592
1200 5th Ave Suite 700
Seattle, WA 98101
christinaj@kcba.com

Ashleen O'Brien
WSBA No. 58429
1200 5th Ave Suite 700
Seattle, WA 98101
ashleeno@kcba.org

DATED this 26th day of April, 2024, at Seattle,
Washington.



Gary W. Burnopp

MONTGOMERY PURDUE PLLC

April 26, 2024 - 12:11 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 102,905-5
Appellate Court Case Title: The Housing Authority of the County of King v. Andre Knight

The following documents have been uploaded:

- 1029055_Answer_Reply_20240426120717SC796304_6106.pdf
This File Contains:
Answer/Reply - Answer to Petition for Review
The Original File Name was AnswerToPetitionForReviewFINAL.pdf

A copy of the uploaded files will be sent to:

- achisholm@montgomerypurdue.com
- ashleeno@kcba.org
- christinaj@kcba.org
- edmundw@kcba.org
- henry.ross@klgates.com
- mbrantley@montgomerypurdue.com
- yuant@kcba.org

Comments:

Sender Name: Gary Burnopp - Email: gburnopp@montgomerypurdue.com

Filing on Behalf of: Christopher Michael Reed - Email: creed@montgomerypurdue.com (Alternate Email: gburnopp@montgomerypurdue.com)

Address:
701 Fifth Avenue
Suite 5500
Seattle, WA, 98104
Phone: (206) 682-7090

Note: The Filing Id is 20240426120717SC796304