

ADMINISTRATIVE ORDER 2020-02

RE: DISTRICT COURT EVICTION CALENDAR

Pursuant to the Supreme Court Executive Order 2020-12, the District Court will recommence the adjudication of Eviction matters on June 2, 2020.

In response to the COVID-19 health crisis and in furtherance of the most recent Rhode Island Supreme Court Executive Order, the Rhode Island District Court is temporarily implementing the following practices and protocols for Eviction matters. This Standing Order will continue to be updated. New forms will be posted upon final approval. Please note that these procedures have resulted in numerous changes of language required in various notices and pleadings. Please confirm that you have included the new language in your documents prior to sending any notices or filing any documents with the Court.

Electronic Hearings –

The District Court is authorized and encouraged to conduct hearings, where feasible, by remote access. We recognize however, that this directive presents unique challenges for the District Court because a substantial number of our litigants are self-represented and may not have access to the technology needed. Nonetheless, the Court is available to schedule any such remote hearing when requested and these requests should be directed to amedina@courts.ri.gov AND soliver@courts.ri.gov (Prov); jnoonan@courts.ri.gov (Kent).

All remote hearings will be held by WebEx Video Conferencing, will be recorded by the Courts digital recording system and the audio of the hearing will be made available to the public through YouTube streaming. WebEx allows the Court

to set up the video call without any cost to the participants. All that is required is a camera and microphone on the participant's computer, an iPhone or an Android device. The WebEx application will then need to be downloaded to the device. WebEx participation is required for any attorney who will be addressing the Court. A 15-minute video explaining how to use the WebEx system has been prepared by Superior Court Associate Justice Stern and can be found on the Judiciary's website.

Mediation –

The Court encourages parties to utilize mediation services. Mediation provides parties the opportunity to define and understand their different perspectives, explore possible solutions, and work toward reaching a mutually satisfactory agreement without having to appear in court. Any stipulations executed with the help of court mediators will be given priority. If a matter remains contested despite mediation, the matter will be given a priority court date. In order to receive priority assignment, parties should note that the matter has proceeded through mediation and indicate whether there is a written agreement or whether the matter remains contested.

Deadlines –

In consideration of the Supreme Court Executive Order which extended all deadlines to May 29, 2020, no matters will be defaulted or ruled upon prior to June 2, 2020. All requests for defaults will be based upon the date set forth in a new notice, with a copy attached thereto.

COURT PHASE 1 - CASES FILED PRIOR TO MARCH 17, 2020

Requests for Executions –

Requests for Execution which were granted but not issued prior to March 17, 2020, may be issued as of June 2, 2020 *provided* that the Request for Execution is

accompanied by an affidavit, signed by the Landlord indicating the amount of rent due and that the Landlord has not accepted any rent in the interim. (Form affidavit to be posted online)

Hearings – Priority of Assignment – Court Phase 1

Cases filed prior to March 17, 2020 for Non-payment of Rent or for Termination of Tenancy based upon a public safety violation will be given priority for assignment. The Court will update this order and provide the definitions of public safety to be utilized under this section. No matters other than the above-mentioned Non-payment and Termination cases will be assigned for hearing in Court Phase 1. All other cases for Eviction filed prior to March 17, 2020 will be addressed at a later date.

All assignments for hearings, whether residential or commercial, will be made only by Court order. The service of process will not provide a date certain but must include language indicating “if an agreement is not reached within 5 days, the Court will assign this matter for an Eviction hearing and notice of said date will be provided by the Court”. Dates of assignment will be subject to capacity and safety considerations.

As the above referenced cases will be prioritized for hearing, we are asking attorneys, who previously filed said cases, to provide an updated status to the Court by May 31, 2020. (Address status to lwilliams@courts.ri.gov)

This status must provide:

- 1. Case number.**
- 2. Name of case.**
- 3. Whether a matter remains contested or has been otherwise resolved.**

If the Court does not receive an update by May 31, 2020, the case will not receive priority status.

Stipulations –

Stipulations filed under new protocol, will be accepted by the Court. Stipulation form to be posted online. The Court strongly encourages the parties to enter into Stipulations, including agreements for payment plans and indicate whether or not a hearing is waived. If a hearing is waived by all parties, stipulations will be entered online after Judicial Review. If a hearing is not waived by all parties, a stipulation will be assigned for review in Court. All stipulations will receive priority.

COURT PHASE 2 – CASES FILED ON OR AFTER JUNE 2, 2020

Hearings –

Court Phase 2 will address the scheduling of new Evictions filed in accordance with the CARES Act and will require a certification that property in question is exempt. Affidavit form to be posted online.

- New cases may be filed with the Court on June 2, 2020 subject to the prohibitions and restrictions covered by the CARES Act. Certification of compliance with the CARES Act must be included with the complaint. Cases which fall under the CARES Act cannot be accepted until after July 28, 2020.
- The scheduling of new filings will be addressed hereafter in this Order.
- These cases will be assigned based upon length of arrearage, so the Landlord/Attorney must indicate the length of arrearage in the 5 Day Notice attached to the Complaint.

Priority of Assignment –

- New claims involving arrearage of 90 days or more.
- New claims involving arrearage of 60 days or more.

- New claims involving arrearage of less than 60 days, and other Evictions filed prior to March 17, 2020, which were not heard in Phase 1. These cases will be scheduled when the calendars allow, based upon backlog and capacity.
- All court dates will be assigned by the Court. No dates shall be provided in any summons.
- New cases involving terminations for reasons of public safety will be given first priority with Non-payment cases. The Court will update this Order and will provide a definition of public safety for purposes of these cases.

All assignments will be subject to capacity and safety considerations.

Stipulations –

Stipulations filed under new protocol, will be accepted by the Court. Stipulation form to be posted online. The Court strongly encourages the parties to enter into Stipulations, including agreements for payment plans and indicate whether or not a hearing is waived. If a hearing is waived by all parties, stipulations will be entered online after Judicial Review. If a hearing is not waived by all parties, a stipulation will be assigned for review in Court. All stipulations will receive priority.

All Other Cases –

All other Eviction matters may be filed subject to limitations set by the Court but will be assigned only by Court Order with a showing of special circumstances.

Entered as an Order of this Court on this 20th day of May 2020.

Enter:

By Order:

/s/
Jeanne E. LaFazia

/s/
Stephen Waluk

Chief Judge

Administrator