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**FILED**  
KING COUNTY WASHINGTON

JUL 16 2021

SEA  
SUPERIOR COURT CLERK

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

IN THE MATTER OF THE RESPONSE BY  
KING COUNTY SUPERIOR COURT TO THE  
PUBLIC HEALTH EMERGENCY IN  
WASHINGTON STATE

No. 21-0-12050-3

**COURT'S STANDING ORDER**  
**For**  
**Eviction Resolution**  
**Pilot Program (ERPP)**

1. **Findings.**

- A. Since late February 2020, the COVID-19 public health and economic crisis have combined to cause great health, social and economic harm to the people of the state of Washington, rendering many thousands unable to meet basic living expenses, including but not limited to rent expenses.
- B. Responding to the public health and economic emergency, on March 18, 2020, Governor Inslee issued Proclamation No. 20-19 imposing a moratorium on most residential evictions in Washington State. This Proclamation was renewed and the eviction moratorium was extended on multiple occasions. The most recent extension (Proclamation 20-19.6) expires September 30, 2021.
- C. Anticipating significant numbers of unlawful detainer filings upon anticipated expiration of the Governor's eviction moratorium, the Superior Court Judges' Association asked its Unlawful Detainer Work Group to develop a means of diverting nonpayment of rent cases away from the courts and into a collaborative resolution process that brings together landlords and their attorneys, tenants, legal aid and housing justice projects, administrators of state and local rent assistance programs,

1 and trained eviction resolution specialists employed by community-based dispute  
2 resolution centers. The pre-5160 SCJA Pilot Eviction Resolution Programs (ERPs)  
3 and related operating protocols were established in King, Snohomish, Pierce,  
4 Thurston, Clark, and Spokane Counties, and conciliation/mediation services  
5 commenced in November 2020.

6 D. Current estimates indicate that more than 160,000 individual households are currently  
7 in rent arrears and face the prospect of potential eviction after the current moratorium  
8 expires.

9 E. On April 22, 2021, Governor Inslee signed Engrossed Second Substitute Senate  
10 Bill 5160 into law (ch.115, Laws of 2021, sec. 4(1)) which took effect that day.  
11 This legislation substantially changes the law governing landlord-tenant relations,  
12 generally prevents eviction for failure to pay unpaid rents accrued during the  
13 Governor's eviction moratorium, changes unlawful detainer practice and  
14 procedure, provides statewide authorization and support for court-established  
15 Eviction Resolution Pilot Programs (ERPPs) beyond the initial six pilot programs  
16 established pre-5160 by the SCJA and establishes a right to counsel for indigent  
17 tenants in unlawful detainer proceedings.

18 F. The final FY 2021-23 operating budget enacted by the Washington State Legislature  
19 provides funding to underwrite ERPP operations, implement the right to counsel  
20 program for indigent tenants, and includes \$658,000,000 for rent assistance payments  
21 to tenants and landlords, offering landlords and tenants significantly expanded  
22 opportunities to resolve rent related disputes that might otherwise lead to the filing of  
23 an unlawful detainer action following expiration of the eviction moratorium.

G. Court operations have been substantially curtailed since April 2020 due to the  
COVID-19 pandemic. Mandatory orders issued by the Washington Supreme Court  
and the need to comply with essential public health and safety protocols have caused  
this court to suspend a range of operations, delay criminal and civil trials, and  
establish other procedures that have had profound negative impact on this court's  
ability to provide timely consideration and render judgments in cases in virtually all  
dockets. This has resulted in a continuing substantial backlog of civil, criminal,  
juvenile, and child welfare matters. The COVID-19 challenges have been

1 compounded by the anticipated new demands on this court resulting from *State v.*  
2 *Blake*, 197 Wash.2d 170, 481 P.3d 521 (2021).

- 3 H. Given the administrative backlog this court is facing, the anticipated deluge of  
4 unlawful detainer filings following expiration of the eviction moratorium presents a  
5 continuing threat to the ability of this court to timely hear and fairly decide such cases  
6 consistent with statutory deadlines, due process and mandated procedures.
- 7 I. State and local rent-assistance programs offer the opportunity for immediate  
8 assistance in addressing rent arrearages (or portions thereof) and avoiding the need to  
9 seek recourse through the unlawful detainer process. Even in unlawful detainer cases  
10 that are filed, it is in this court's interest in managing its docket, facilitating just  
11 outcomes, and wisely utilizing scarce judicial resources and capacity to divert cases  
12 away from the contested unlawful detainer process where there is a reasonable  
13 likelihood of a just resolution.
- 14 J. Sec. 7(2) of ch. 115, Laws of 2021 requires that, where an ERPP is established under  
15 authority of a standing judicial order, landlords use that program before filing an  
16 unlawful detainer action. Section 7(3) requires that the landlord provide an ERPP-  
17 approved notice to the tenant of the eviction resolution program prior to filing an  
18 unlawful detainer action. The Court adopts and requires the Landlord to use the form  
19 Notice developed by AOC in collaboration with the Office of the Attorney General.  
20 See *Exhibit A* hereto.
- 21 K. It is understood that the local Dispute Resolution Center (DRC) and local Housing  
22 Justice Project (HJP) or legal aid program are prepared to assist tenants facing the  
23 threat of eviction and help tenants resolve that threat through non-judicial processes  
24 including the Eviction Resolution Program (ERPP).
- 25 L. This court has determined it appropriate to issue this standing order to establish an  
26 eviction resolution program to divert unlawful detainer cases from the docket and  
27 facilitate both resolution of cases where the principal issue in context is non-payment  
28 of rent.

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2. **Order**

A. **Landlord/Landlord counsel's Obligations regarding Eviction Resolution.** Prior to serving and/or filing a summons and complaint for nonpayment of rent the landlord or landlord's counsel shall:

- (i) strictly comply with the notice, service, and certification requirements of Sec. 7(3), (4), and (5) of Chapter 115, Laws of 2021;
- (ii) meet and confer with the local DRC and the tenant and tenant's attorney to facilitate the resolution of the issue of nonpayment of rent; and
- (iii) file the ERPP DRC Certification Form attached as Exhibit B at the time of filing a summons and complaint with the court.

B. **DRC Certification of ERPP.** When issuing a certificate of ERPP participation to a landlord, the DRC may consider whether to detail the following factors to assist the court determine whether the matter is ripe for adjudication:

- (i) whether rent assistance was available at the time of the engagement;
- (ii) the date the DRC received the notice and the date on the notice;
- (iii) whether the tenant participated in ERPP efforts;
- (iv) whether the tenant had counsel during ERPP;
- (v) whether the DRC was able to conduct conciliation efforts.

C. **DRC Reporting Obligations.** On a quarterly basis, the local DRC shall provide to the Court Administrator the ERPP data/information required by Sec. 7 (b)-(f) in a useable and readable format.

D. **Initial Hearing Procedures for Unlawful Detainer Cases; explanation of effectiveness of laws and procedures to be followed upon implementation of right to counsel; for DRC certifications filed pre- and post- moratorium.**

- i. Upon implementation of the right to counsel plan for this court by OCLA pursuant to Secs. 8 and 9 of Chapter 115, Laws of 2021, the following provision will take effect: At the first hearing, the court will advise the tenant of their right to appointed counsel if indigent and inquire whether they wish to assert that right. If so, the court shall refer the tenant to the county-specific entity designated by the Office of Civil Legal Aid (OCLA) for eligibility screening and/or appointment of counsel

1 (e.g. Eviction Defense Hotline or legal aid program) by sharing the name and contact  
2 number for said entity, unless counsel has previously been appointed for the tenant  
3 prior to filing of the case with the court. If a tenant is referred for appointment of  
4 counsel, the Court may continue the initial hearing or grant other relief as appropriate  
5 to allow the litigant to receive assistance from assigned counsel within appropriate  
6 timeframes as allowed by law and/or court rule.

7 ii. *In non-payment of rent cases in which a DRC Certification was issued **after***  
8 *expiration of the Governor's eviction moratorium:* At the first hearing, the court  
9 shall determine: (a) whether the landlord has complied with the notice, service,  
10 participation, and certification filing requirements of Sec. 7 of Chapter 115, laws of  
11 2021, and (b) whether the landlord and tenant met and conferred with the local DRC  
12 for purposes of resolving the issue of nonpayment of rent. Failure of any party to  
13 comply with notice, service, or certification filing requirements, or failure to  
14 participate in pre-filing mediation may result in an award of attorney's fees and costs,  
15 granting a continuance, redirecting the parties back to the DRC for attempted  
16 resolution, or any other relief as allowed by law and/or court rule;

17 iii. *In non-payment of rent cases in which a DRC Certification was issued **during the***  
18 *Governor's eviction moratorium:* At the first hearing, the court will inquire as to the  
19 circumstances surrounding the issuance of the DRC certification (E.g. whether rent  
20 assistance was available at the time of the engagement, the date the DRC received the  
21 notice and the date on the notice, whether tenant participated in ERPP efforts,  
22 whether tenant had counsel during ERPP, whether DRC was able to conduct  
23 conciliation efforts and any other relevant information to help the court determine  
24 whether the matter is ripe for adjudication).

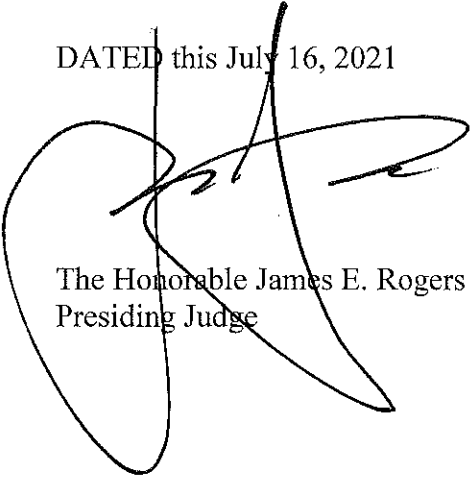
25 iv. In non-payment of rent cases where a DRC Certification was issued along with an  
26 agreement between the parties, the court reserves its ability to enforce such  
27 agreements, including those that reached agreement on matters addressed by the  
28 rental agreement beyond payment of rent.

1 v. *Plaintiff's Certificate of Compliance*: This form must be filled out and filed and  
2 provided as a working copy to the Court at least 2 days before the return hearing is  
3 scheduled for the order to show cause on any unlawful detainer action. See  
4 Attachment C.

5 vi. *Rental Assistance*: For pending cases, courts may postpone any pending eviction  
6 cases for a period of time up to 60 days to allow litigants time to apply for rental  
7 assistance.

8 E. **Superseding Effect**. This order supersedes all prior standing orders issued with  
9 respect to the practice and procedure relating to the pilot Eviction Resolution  
10 Program, if any.

11 DATED this July 16, 2021

12   
13 The Honorable James E. Rogers  
14 Presiding Judge  
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**ERPP Notice and Resource Information** Use this form *after* the eviction moratorium ends.

*Important!* Landlords: Fill out page 1 completely and correctly with all the information that you know. Your information and your attorney's information, if you have one, must be included. At the time of service or mailing of the pay or vacate notice and this form to the tenant, you must also send a copy to the local dispute resolution center serving the area where the property is located (see page 2). You should retain proof of service.



# Behind on rent? Here is a chance to resolve the dispute with your landlord.

Superior Court Eviction Resolution Pilot Program (ERPP)

Tenants: To participate see below and respond by (date): \_\_\_\_\_!  
(14 days after this notice is given to tenant)

*Important! Tenants: Failure to respond to this notice within 14 days may result in the filing of a summons and complaint for an unlawful detainer action with the court (eviction).*

To:

Tenant Name:	
Property Address:	
Tenant's Phone:	Tenant's Email:

From:

Landlord's Name:	
Landlord's Service Address:	
Landlord's Phone:	Landlord's Email:
Landlord's Lawyer (if any) Name:	
Lawyer's Address:	
Lawyer's Phone:	Lawyer's Email:



## Your landlord is asking you to take part in the Eviction Resolution Pilot Program. ⚠ Do not wait. You can get help.

### What is the Eviction Resolution Program (ERPP)?

Your county's Superior Court uses this program. ERPP requires landlords to try to reach agreements with tenants about unpaid rent before they can ask for eviction in court. You may be eligible for rent assistance and legal help through the ERPP.

If you participate in the ERPP, your landlord must work with you and a specialist from your local **Dispute Resolution Center** (DRC). If that solves the problem, great! If not, the DRC will offer free mediation. Mediation is voluntary – it only happens if both sides agree to do it.

You have a right to negotiate a **payment plan** that works for you.





### Why should I participate?

If you get this notice and do **not** respond or try to reach an agreement, your landlord may file for eviction in court. You can get help from a free lawyer if you are not sure what to do. (See page 2.)

Ex A

- **Rent assistance** *What is mediation?* It is when a trained person (a mediator) helps you solve a problem or reach an agreement with someone else.
- **Free mediation** You can ask for mediation at your local **Dispute Resolution Center**. Mediators are impartial and help all participants reach resolution.
- **Free legal help**

## Get help now! Contact these free resources in your county.

 <p><b>Rent Assistance</b></p>	Clark	<a href="http://councilforthehomeless.org/rent-assistance/">councilforthehomeless.org/rent-assistance/</a>
	King	<a href="http://kingcounty.gov/depts/community-human-services/COVID/eviction-prevention-rent-assistance.aspx">kingcounty.gov/depts/community-human-services/COVID/eviction-prevention-rent-assistance.aspx</a>
	Pierce	<a href="http://piercecountywa.gov/7142/Rental-Assistance">piercecountywa.gov/7142/Rental-Assistance</a>
	Snohomish	Call 211
	Spokane	<a href="http://snapwa.org">snapwa.org</a> , Call 509-456-7627
	Thurston	<a href="http://caclmt.org">caclmt.org</a> <a href="http://hatc.org/community-resources/eviction-rent-assistance-program/">hatc.org/community-resources/eviction-rent-assistance-program/</a>
 <p><b>Dispute Resolution Centers</b></p>	Clark	(360) 334-5862 ext. 1, <a href="mailto:info@mediationclarkcounty.org">info@mediationclarkcounty.org</a>
	King	(206) 443-9603 ext. 111, <a href="mailto:housing@kcdrc.org">housing@kcdrc.org</a>
	Pierce	(253) 572-3657, <a href="mailto:solveit@centerforresolution.org">solveit@centerforresolution.org</a>
	Snohomish	(425) 339-1335 ext. 3, <a href="mailto:earlyresolution@voaww.org">earlyresolution@voaww.org</a>
	Spokane	(509) 456-0103 ext. 3, <a href="mailto:info@nwmediationcenter.com">info@nwmediationcenter.com</a> , NW Mediation (509) 838-2799, <a href="mailto:housing@fulcrumdispute.com">housing@fulcrumdispute.com</a> , Fulcrum DRC
	Thurston	(360) 956-1155 ext. 113, <a href="mailto:erpinfo@mediatethurston.org">erpinfo@mediatethurston.org</a>
 <p><b>Lawyers</b></p>	<b>Housing Justice Projects (HJP)</b>	
	Clark	(360) 334-4007, Clark County Volunteer Lawyers Program HJP
	King	(206) 267-7069, King County Housing Justice Project
	Pierce	(253) 572-5134, Tacoma Pro Bono Housing Justice Project
	Snohomish	(425) 258-9283 ext. 5, Snohomish County Legal Services HJP
	Spokane	(509) 477-2674, Spokane Bar Association VLP, HJP
Thurston	(360) 705-8194, Thurston Mason Volunteer Legal Clinic HJP	
	<p><b>Free interpreter services are available at all these programs</b></p> <p>The Washington State Office of the Attorney General has this notice in multiple languages on its website: <a href="http://www.atg.wa.gov/landlord-tenant">www.atg.wa.gov/landlord-tenant</a>. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, you may find additional information to help you at <a href="http://www.washingtonlawhelp.org">www.washingtonlawhelp.org</a> and <a href="http://www.courts.wa.gov">www.courts.wa.gov</a>.</p>	

## I want to take part in the Eviction Resolution Pilot Program. What do I do now?

You can start the process by doing one of these things:

- Contact the Dispute Resolution Center in your county.
- Fill out and return this form to your landlord at the address on page 1. Keep a copy.

You can also get a lawyer, whether or not you participate in the ERPP.

<input type="checkbox"/> <b>Yes, I want help resolving my unpaid rent. Contact me at:</b>	
Tenant's Name:	
Tenant's Address:	
Tenant's Phone:	Tenant's Email:



IN THE SUPERIOR COURT OF STATE OF WASHINGTON, IN THE COUNTY OF \_\_\_\_\_

_____ Plaintiff
vs.
_____ Defendant(s)

NO.

DISPUTE RESOLUTION CERTIFICATE (CR)

**EVICTION RESOLUTION PROGRAM (ERP)**

**DRC CERTIFICATION:** I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct.

<b>DRC Certification Approved by</b> Print name:	Sign name: Signed at (city/state): Date:		
<b>Date of DRC Certification</b>	<b>DRC Case #</b>		
<b>Certification Delivery Type</b>	Tenant: <input type="checkbox"/> Email <input type="checkbox"/> Postal mail	Landlord: <input type="checkbox"/> Email <input type="checkbox"/> Postal mail	
<b>City &amp; County of Property/Dwelling:</b>			
Landlord/Landlord Representative Name & Role (e.g. owner, property manager)			
Property Name (if applicable)			
Tenant Name			
<b>Did Landlord have counsel?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Counsel Name:	<b>Did Tenant have counsel?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO Counsel Name:		
<b>Counsel Referred?</b> <input type="checkbox"/> Tenant <input type="checkbox"/> Landlord	<b>Date DRC received notice:</b>		
<b>DRC Tried to Contact Tenant on:</b>	Date:	Date:	Date:
<b>Conciliation Occurred</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	Date:		
<b>Meet &amp; Confer Occurred</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	Date:		
<b>Mediation Occurred</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	Date:		

**Resolution Achieved**  Full Agreement  Partial Agreement  No Agreement

**Additional Information:**

**NOTICE:** By certifying herein, the Dispute Resolution Center is not making any certification as to whether the parties acted in good faith.

*Exhibit B*

IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

	)	
	)	No.
	)	
_____	)	
Plaintiff	)	
and	)	PLAINTIFF'S CERTIFICATE
	)	OF COMPLIANCE
	)	
_____	)	
Defendant	)	
_____	)	

***This form must be filled out and filed at least 2 days before the return hearing is scheduled for the order to show cause on any unlawful detainer action. Working copies shall be sent to SCExparteUD@kingcounty.gov***

The undersigned is the Plaintiff (*pro se*) or is an attorney of record for a party in this proceeding, and offers this document for the court to rely upon in the entry of the final papers. I certify that the following is true and correct upon penalty of perjury according to the laws of the State of Washington, at King County.

***I have reviewed the court file in this case or have personal knowledge that each relevant requirement has been checked and complied with:***

\_\_\_\_\_ 1. The ( ) Day Notice to Terminate Tenancy was served on \_\_\_\_\_, and proof of service has been filed. See docket number \_\_\_\_\_.

\_\_\_\_\_ 2. The Notice to Terminate Tenancy complies with the statutory requirements.

*Exhibit C*

- \_\_\_\_\_ 3. The Notice to Terminate Tenancy is attached to the Complaint.
- \_\_\_\_\_ 4. The Complaint has been verified by the plaintiff.
- \_\_\_\_\_ 5. Summons and Complaint was served on \_\_\_\_\_, and the proof of service has been filed. See docket number \_\_\_\_\_.
- \_\_\_\_\_ 6. The Summons Complies with the statutory requirements.
- \_\_\_\_\_ 7. The ADR certificate of compliance is filed. See docket number \_\_\_\_\_.
- \_\_\_\_\_ 8. The Order to Show Cause was served on \_\_\_\_\_, and proof of service has been filed. See docket number \_\_\_\_\_.
- \_\_\_\_\_ 9. The proposed order has been uploaded to the OFR.
- \_\_\_\_\_ 10. The Plaintiff certifies that Washington State, King County, and local "Just Cause and Notice" for the City of \_\_\_\_\_ have been reviewed and Plaintiff certifies that those requirements have been satisfied.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Bar Association No. \_\_\_\_\_