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HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH

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

STANDING ORDER – with Exhs. A & B

2021-7007-31-A

Eviction Resolution Pilot Program (ERPP)

Effective June 16, 2022 through June 30, 2023.

THIS ADMINISTRATIVE ORDER is being issued in response to the pandemic outbreak of the Coronavirus Disease 2019 (COVID-19). Incorporated by reference are all Snohomish County Superior Court Emergency Orders (**specifically including 2021-7007-31-A**), Supreme Court Orders related to public health emergency and court operations (**specifically including Order No. 25700B-639 authorizing the Eviction Resolution Pilot Program in Superior Courts, dated and filed on July 28, 2021**), Revised Code of Washington 59.18.660 Washington State Department of Health orders, Snohomish County Public Health District orders and directives that may impact Court operations.

WHEREAS, the Court has found:

- A. All findings from previous ERPP Standing Orders and RCW 59.18.660, which are incorporated by reference to the extent consistent with this amended Order. Evictions for non-payment of rent were permitted to resume as of November 1, 2021. As a result, the Snohomish County Superior Court has experienced a significant increase in eviction cases and hearings.
- B. Rental assistance programs are operational in Snohomish County and the Dispute Resolution Center providing ERPP services is operational.
- C. *Exhibit A* is the ERPP Notice required in Snohomish County.
- D. The necessity of an effective and meaningful ERPP is key to successful diversion of cases from court. The Court recognizes the local agencies providing volunteer legal

STANDING ORDER – *Eviction Resolution Pilot Program (ERPP)*

services, rental assistance and dispute resolution services do not have unlimited human and other resources to handle the continued influx of nonpayment of rent cases requiring ERPP services. The Court also recognizes that an effective ERPP requires the local DRC to develop and implement ERPP intake and processing protocols to meet scheduling requirements and expedite processing.

- E. This Court has determined it appropriate to issue this Standing Order pursuant to the Supreme Court General Order and RCW 59.18.660 to establish an Eviction Resolution Pilot Program (ERPP) to divert unlawful detainer cases where the principal issue in controversy is non-payment of rent.

NOW THEREFORE it is hereby ORDERED:

- A. **ERPP administration.** Snohomish County Superior Court Commissioner Susan Harness is designated to serve as the procedural point person to work with relevant stakeholders on the implementation and ongoing administration of the ERPP and such designation has been provided the Administrative Office of the Courts.
- B. **DRC Notification of ERPP Filing.** If Snohomish County Legal Services (SCLS) is not named as a recipient, as required below, the DRC may (but is not required to) electronically forward copies of all ERPP Notice or Resource forms and/or provide notice of any updated tenant contact information to SCLS upon request.
- C. **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:
- (1) ***Strictly comply*** with the notice, service, and certification requirements of RCW 59.18.620-.660;
 - (2) Offer the tenant a reasonable schedule of repayment of the unpaid rent 14 days prior to submitting ERPP notice and 14-day pay or vacate notice required by RCW 59.18.660(3);
 - (3) Provide a legible and complete Snohomish County ERPP Notice and Information form and explain any omissions of tenant contact information in the initial submission to DRC;

- (4) Forward a copy of the Snohomish County ERPP Notice to SCLS when submitting notices to the DRC;
- (5) Promptly notify the DRC if payment is received, an agreed repayment plan is entered, and/or the tenant vacates;
- (6) Participate in a collaborative resolution process that brings together landlord and counsel, tenants and counsel, rent assistance programs, and the DRC to facilitate the resolution of the issue of nonpayment of rent, e.g. accessing rental assistance as well as entering reasonable payment plans, if the tenant chooses to participate; and,
- (7) At the time of filing a summons and complaint, the landlord or landlord's counsel shall file a complete DRC Certificate of ERPP Participation as a separate document with the Court.

D. DRC Scheduling and Certification of ERPP.

- (1) The DRC has 14 days after receipt of the correct Snohomish County ERPP Notice to engage the tenant in the eviction resolution program. Unless otherwise agreed, if the tenant responds, DRC shall, at the request of the landlord, within 7 calendar days, begin to schedule the meet and confer and/or mediation session for the landlord and the tenant (and their respective counsel). This session shall be set to occur at the next available mediation date within 14 days. However, if all parties agree, the mediation may be set to occur within 21 calendar days consistent with DR scheduling capacity.
- (2) If landlord has not complied with section C of this Order, DRC shall reject and request resubmission for any deficient ERPP notice.
- (3) The parties may agree to extend the timeframe for scheduling the facilitated negotiation session (meet and confer/mediation).
- (4) The local DRC shall implement necessary processes to meet all anticipated scheduling.
- (5) Should a tenant not engage in the Eviction Resolution Program within 14 business days after the landlord has issued/served the ERPP notice and the 14-day notice to pay or vacate to the tenant(s), to DRC, and to SCLS, the DRC shall grant a landlord's request for certification that the landlord has satisfied the requirements under RCW

59.18.620-.660 and this Standing Order notwithstanding the failure of the tenant to participate.

- (6) If a landlord files a nonpayment of rent unlawful detainer case without DRC certification, this Court may address whether the landlord complied with the ERPP and all conditions precedent to filing. Should the Court find that the landlord was entitled to DRC certification notwithstanding DRC's failure to certify, the Court may proceed with the show cause hearing or trial. The Court will not hear any nonpayment of rent landlord/tenant unlawful detainer cases where the tenant has engaged with the DRC, any sooner than 28 days from the date on which the parties are provided confirmation of the entry into the ERPP.
- (7) The DRC may (but is not required to) add any relevant language to the certificate to assist the Court in evaluating the matter including but not limited to deviations from requirements of this Standing Order, incorrect or missing contact information, the availability of rent assistance, parties declined assistance, tenant engagement, representation, a protest, and if dispute resolution services were conducted. The Certification shall be in the Form attached as Exhibit B.

E. **Initial Hearing Procedures for Unlawful Detainer Cases.**

- (1) The Right to Counsel Program has been implemented in Snohomish County. At the first hearing, the Court will advise the tenant of the right to appointed counsel if indigent and inquire whether they wish to assert that right (if Counsel has not already appeared). If so, the Court shall refer the tenant to SCLS and/or the Eviction Defense Hotline for eligibility screening unless counsel has previously been appointed for the tenant. If a tenant is referred for screening, the Court will continue the initial hearing as determined by the Court to allow the litigant to receive assistance from assigned counsel within appropriate timeframes as allowed by law and/or court rule.
- (2) At the first hearing, the Court shall determine:
 - a. Whether the landlord has complied with the notice, service, participation, and certification filing requirements of RCW 59.18.660; and

- b. Whether the DRC Certificate of ERRP Participation complies with this Standing Order and RCW 59.18.620-.660 and/or RCW 59.20; and
- c. Whether a show cause hearing will proceed.
- d. If the tenant fails to appear at the first hearing, and the Court finds the landlord has demonstrated compliance with the applicable law, the Court may issue an order of default at the request of the landlord;
- e. Sanctions available for the landlord's noncompliance with notice, service, or certification filing requirements include but are not limited to: awarding attorney's fees and costs, granting a continuance, and any other relief as allowed by law and/or court rule;

(3) In non-payment of rent cases where a DRC Certification of ERPP Participation was issued along with an agreement between the parties, the Court reserves its ability to enforce such agreements, including those that reached agreement on matters addressed by the rental agreement beyond nonpayment of rent, provided such agreements comply with RCW 59.18 and/or 59.20. The Court further reserves any lawful discretion to require the parties to return to the DRC to seek further resolution attempts.

- F. **Reservation.** Nothing with this order shall be construed to restrain the Court's ability to exercise lawful discretion. All parties, litigants, attorneys, and agencies reference within this order shall comply with all requirements as expressed within this standing order.
- G. **Superseding Effect.** This order supersedes all prior standing orders issued with respect to the practice and procedure relating to the Eviction Resolution Pilot Program.

DONE this 15th day of June, 2022



George F. B. Appel, Presiding Judge

ERPP Notice and Resource InformationUse 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. You must provide a copy of this notice to the tenant and 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.)

- **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.

 Rent Assistance	Clark	councilforthehomeless.org/rent-assistance/
	King	kingcounty.gov/depts/community-human-services/COVID/eviction-prevention-rent-assistance.aspx
	Pierce	piercecounywa.gov/7142/Rental-Assistance
	Snohomish	Call 211
	Spokane	snapwa.org , Call 509-456-7627
	Thurston	caclmt.org hatc.org/community-resources/eviction-rent-assistance-program/
 Dispute Resolution Centers	Clark	(360) 334-5862 ext. 1, info@mediationclarkcounty.org
	King	(206) 443-9603 ext. 111, housing@kcdrc.org Bellevue/Kirkland (425)452-4091
	Pierce	(253) 572-3657, solveit@centerforresolution.org
	Snohomish	(425) 339-1335 ext. 3, earlyresolution@voaww.org
	Spokane	(509) 456-0103 ext. 3, info@nwmediationcenter.com , NW Mediation (509) 838-2799, housing@fulcrumdispute.com , Fulcrum DRC
	Thurston	(360) 956-1155 ext. 113, erpinfo@mediatethurston.org
 Lawyers	Housing Justice Projects (HJP) /Statewide Eviction Defense Hotline: 1-855-657-8387	
	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	
	Free interpreter services are available at all these programs The Washington State Office of the Attorney General has this notice in multiple languages on its website: www.atg.wa.gov/landlord-tenant . 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 www.washingtonlawhelp.org and www.courts.wa.gov .	

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

SUPERIOR COURT OF THE STATE OF WASHINGTON, IN THE COUNTY OF _____

 Plaintiff/Landlord,
 vs.

 Defendant(s)/Tenant(s).

CASE NO. _____

DISPUTE RESOLUTION CERTIFICATE (CR)

EVICITION RESOLUTION PILOT PROGRAM (ERPP)
 (DRC Case #: _____)

Certification Delivery Type:	Landlord: <input type="checkbox"/> Email <input type="checkbox"/> Postal mail <input type="checkbox"/> In Person
	Tenant: <input type="checkbox"/> Email <input type="checkbox"/> Postal mail <input type="checkbox"/> In Person
City & County of Property/Dwelling:	
Landlord/Landlord Representative Name & Role (e.g., owner, property manager):	
Property Name, Address, or Legal Description (if applicable):	
Tenant Name(s):	
Did Landlord have counsel? <input type="checkbox"/> YES <input type="checkbox"/> NO	Did Tenant have counsel? <input type="checkbox"/> YES <input type="checkbox"/> NO
Counsel Name:	Counsel Name:
Counsel Referred? <input type="checkbox"/> Landlord <input type="checkbox"/> Tenant	Date DRC received notice:
DRC Tried to Contact Tenant on:	Date: _____ Date: _____ Date: _____
Conciliation Occurred <input type="checkbox"/> YES <input type="checkbox"/> NO	Date: _____
Meet & Confer Occurred <input type="checkbox"/> YES <input type="checkbox"/> NO	Date: _____
Mediation Occurred <input type="checkbox"/> YES <input type="checkbox"/> NO	Date: _____

Resolution Achieved NO **Check if Additional Information Attached** (Page 2 is optional. If this box is not checked, there is no second page.)

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true and correct. By certifying herein, the Dispute Resolution Center (DRC) is not making any certification as to whether the parties acted in good faith.

Signed at _____, Washington.

Date: _____

 Signature of DRC Representative

 Printed name

Exhibit B

Additional Information:

Rental Assistance

- Rental assistance was not available in the county at the time of the engagement
- Tenant did not qualify for rental assistance
- Rental assistance application remained pending throughout the engagement
- Landlord declined to accept available rental assistance

ERPP Process - Notice & Intake

- DRC received the ERPP Notice on _____ (date) while the Tenant response date on the ERPP notice was _____ (date)
- ERPP Notice did not include a valid ____ phone or ____ email address for Tenant; signed certified USPS mail attempt to contact Tenant ____ was ____ was not received by the DRC
- Tenant did not respond to DRC's attempts to contact
- Tenant declined to participate in ERPP services or withdrew from further participation
- Upon conversation with the Tenant, the DRC determined the case is infeasible for ERPP services

ERPP Process - Conciliation

- DRC did not receive necessary information from the parties to facilitate conciliation (e.g., rental assistance availability, lease, ledger, or repayment plan offer) during conciliation stage

ERPP Process - Meet-and-Confer/Mediation

- Tenant did not appear at the meet-and-confer/mediation
- Landlord appeared only through counsel at the meet-and-confer/mediation
- DRC did not receive necessary information to facilitate negotiation (e.g., rental assistance availability, lease, ledger, or repayment offer) at the meet-and-confer/mediation

Other: _____

