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HEIDI PERCY  
COUNTY CLERK  
SNOHOMISH CO. WASH

SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

2020-7013-31-A

**EMERGENCY STANDING ORDER**

**Eviction Resolution Program (ERP)**

This standing order shall be deemed part of the most recent version of the Emergency Order of Snohomish County Superior Court. The specific findings made in that order are made part of this order and are adopted herein by reference. This order shall remain in effect from February 8, 2021 through March 31, 2021 unless otherwise extended or terminated by the Court.

1. **Additional Findings. It is recognized that:**

- A. Nearly one million people in Washington state have lost their jobs or have had employment hours severely curtailed because of the COVID-19 emergency;
- B. The mass loss of income has made it impossible for many families and individuals (tenants) to keep current in residential rental payments.
- C. Various federal, state, and local orders have prohibited most evictions during the COVID-19 emergency, but such orders will be lifted at some point;
- D. Many landlords face hardship and significant loss of income due to the inability of tenants to keep current in their rent and the prohibition on evictions established by federal, state, and local eviction moratoria, as applicable;
- E. Many tenants currently face substantial arrearages and threat of eviction upon termination of state and local eviction moratoria;
- F. Court operations have been substantially curtailed since April 2020 due to COVID-19 and this court continues to face a substantial hearing backlog related to hearings and trials for civil, criminal, juvenile, and child welfare matters;

- G. Given the administrative backlog this court is facing, the anticipated deluge of unlawful detainer filings presents a threat to the ability of this Court to timely hear and fairly decide such cases consistent with statutory deadlines, due process and mandated procedures;
- H. State and local rent-assistance programs offer the opportunity for immediate assistance in addressing rent arrearages (or portions thereof);
- I. It is understood that the local Dispute Resolution Center (DRC) and local Housing Justice Project (HJP) are prepared to assist tenants facing the threat of eviction and help tenants resolve that threat through non-judicial processes including the Eviction Resolution Program (ERP);
- J. This court is one of six (6) counties that has agreed to participate in a pilot ERP;
- K. It is anticipated that the number of unlawful detainer cases will be greatest in the six (6) pilot counties;
- L. The court designates that Commissioner Tracy Waggoner will serve as the procedural point person to work with relevant stakeholders on the implementation and ongoing administration of the ERP and certifies such designation has been provided to AOC;
- M. The goal of the ERP is to divert residential unlawful detainer cases based on nonpayment of rent through effective and fair conflict resolution and alternative dispute resolution processes with the assistance of an impartial Eviction Resolution Specialist (ERS) trained and provided by the local DRC while ensuring tenants have access to community resources, including attorney representation through the local Housing Justice Project (HJP), to reach a solution that stabilizes households through relationship building;
- N. ERP during the moratoria – Generally: That *prior to* the expiration of any state and/or local eviction moratoria, the ERP will encourage landlords and tenants to voluntarily participate in a structured resolution process that offers a real prospect of resolving cases before they are filed in court with such resolution to include: connecting tenants with rent assistance resources, providing counsel for tenants through the local HJP and providing conciliation services with a DRC Early Resolution Specialist (ERS) trained to facilitate resolution of these cases;

- O. ERP during the moratoria – Specifically: This Standing Order is issued, in part, to mandate compliance by the landlord with specific ERP protocols once the landlord prepares and serves the tenant, the local DRC and the local HJP with the voluntary Notice.
- P. ERP after the moratoria – Specifically: This Standing Order is issued, in part, to specifically mandate use of the ERP **after** expiration of any state and/or local eviction moratorium;
- Q. The court recognizes that substantial questions of fact and law may be present in unlawful detainer actions filed *during* the period eviction moratoria (including, but not limited to, whether the grounds alleged are allowable bases for eviction while the moratoria are in lace); and that chances remain in effect (including, but not limited to, whether the grounds alleged are allowable bases for eviction while the moratoria are in place); and that chances for effective resolution of these cases are enhanced by early notification to and involvement of Eviction Resolution Specialists and attorneys for tenants.
- R. The successfulness of the ERP depends on mandating its use in order to divert unlawful detainer cases from the court thereby ensuring all court dockets are managed effectively;
- S. The local DRC has been contractually engaged by the Administrative Office of the Courts (AOC) on behalf of the Superior Court and is an integral component of the pilot ERP.

*NOW, THEREFORE,*

IT IS ORDERED THAT:

2. **ORDER – ERP voluntarily initiated during the moratoria by the Landlord or Landlord’s counsel.** Prior to filing a summons and complaint for nonpayment of rent, the landlord or landlord’s counsel who, *during the moratoria*, **voluntarily prepares and sends out the Voluntary Notice: Rent Dispute Resolution Opportunity Through the Superior Court Eviction Resolution Program (ERP), for purposes of undertaking the ERP is: :**

A. **Mandated to (i)** not modify the *Voluntarily Notice: Rent Dispute Resolution Opportunity Through the Superior Court Eviction Resolution Program (ERP)* form except to add the date, the tenant’s information and the landlord’s information; **(ii)** shall fully and accurately complete the *Voluntary Notice: Rent Dispute Resolution Opportunity Through the Superior Court Eviction Resolution Program (ERP)*; **(iii)** shall, *no less than 14 days prior to filing an unlawful detainer summons and/or complaint with the court*, notify the tenant, the local DRC and the local JHP by sending the *Voluntary Notice: Rent Dispute Resolution Opportunity Through the Superior Court Eviction Resolution Program (ERP)* by email, first class mail – postage prepaid, or personal service, and prepare a certification of notification (under penalty of perjury) related thereto (for filing with the summons and complaint if and as needed); and **(iv)** make good faith efforts to engage in the ERP Tier One Process if the tenant timely responds to the notice whether that response is received from the tenant directly or via the local DRC or local HJP acting on behalf of the tenant;

B. Any unlawful detainer summons and/or complaint filed with the court during *the Governor’s Eviction Moratorium shall be* accompanied by the landlord/plaintiff’s *Certificate of Notification as follows:*

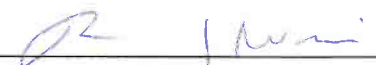
i. If the Voluntary Notice was sent by e-mail: *“I certify and declare under penalty of perjury under the laws of the state of Washington that on \_\_\_\_\_ (i.e. the date) I provided the Voluntary Notice with the Tenant’s complete and accurate last known contact information (i.e. address(es), telephone number(s), and email(s)) to the tenant and the local HJP and local DRC for this county by e-mail and a true and correct copy of the email(s) are attached hereto.”*

- ii. If the Voluntary Notice was sent by mail: use the *Return of Service* attached as Exhibit B;
- iii. If the Voluntary Notice was sent by personal service: use the *Return of Service* attached as Exhibit B;

C. **Mandated to file** the ERP DRC Certification Form (attached hereto as Exhibit C) at the time of filing a summons and complaint with the court if the case is not resolved through the ERP.

3. **ORDER – ERP voluntarily initiated during the moratoria by the Tenant or Tenant’s counsel.** A tenant who owes rent may request ERP with their landlord. The tenant is strongly encouraged to make the request for ERP in writing. Alternatively, a tenant who owes rent may use a local DRC or a local HJP to request ERP with his/her landlord. It is recommended that DRC utilize the Tier One process for ERP voluntarily initiated by the tenant. A DRC Certification Form may issue to the landlord for use at the time of filing a summons and complaint with the court *post moratoria* if the case is not resolved provided the landlord has engaged in good faith with the ERP Tier One process.
4. **Order – ERP post moratoria.** Prior to serving and/or filing a summons and complaint for nonpayment of rent *post-moratoria*, the landlord or landlord’s counsel, is:
- A. **Mandated to strictly comply with** the ERP including Tier One and Tier Two processes; and
  - B. **Mandated to file** the ERP DRC Certification Form attached hereto as *Exhibit C* at the time of filing a summons and complaint with the court.

DATED this 8<sup>th</sup> day of February, 2021.

  
\_\_\_\_\_  
Judge Bruce I. Weiss

## Exhibit A – Snohomish County

### Contact Information for the Local DRC & Local HJP



County	 <b>Mediation Dispute Resolution Centers</b>	 <b>Lawyers Housing Justice Project</b>
Snohomish	(425) 339-1335 ext. 3 <a href="mailto:earlyresolution@voaww.org">earlyresolution@voaww.org</a>	(425) 258-9283 ext. 5

EXHIBIT B

<b>Court of Washington</b>	
<b>For</b>	
_____	No.
Plaintiff	<b>Return of Service</b>
vs.	<b>(RTS)</b>
_____	
Defendant	

**\*\*Complete a separate Return of Service for the tenant, the local DRC and the local HJP.\*\***

**Identification of server:**

1. My name is \_\_\_\_\_ I am  a peace officer  18 years of age or older and not the plaintiff or defendant.

**Able to serve:**

**2. Personal Service:**

- I served \_\_\_\_\_ (name of person served) on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) at this address: \_\_\_\_\_ with the Voluntary Notice.

**3. Personal Service – Abode Service:**

- I served \_\_\_\_\_ (name of person served) on \_\_\_\_\_ (date) at \_\_\_\_\_ (time) at this address: \_\_\_\_\_, with the Voluntary Notice, by leaving it at the person's dwelling house or usual place of abode with \_\_\_\_\_ (name/descriptors) who is a person of suitable age and discretion then residing therein.

**4. Service by Mail:**

- I mailed a copy of Voluntary Notice to \_\_\_\_\_ (e.g. tenant's name, local DRC, local HJP) at their last known address by U.S. Mail – postage prepaid to: \_\_\_\_\_

EXHIBIT B

5. A true and correct copy of the **Voluntary Notice** is attached hereto as Exhibit A.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_ at \_\_\_\_\_, Washington.

Fees: Service \_\_\_\_\_  
Mileage \_\_\_\_\_

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Print or Type Name



**EXHIBIT C**

IN THE SUPERIOR COURT OF STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF \_\_\_\_\_

_____ Plaintiff		NO.
vs.		
_____ Defendant(s)		DISPUTE RESOLUTION CERTIFICATE (CR)

**EVICTIION 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>Date of DRC Certification</b>	1)
<b>City &amp; State of DRC Certification</b>	2)
<b>DRC Certification Authored by:</b>	
Print name:	
Sign name:	
<b>Case Type</b>	
<b>Date case opened with DRC</b>	
<b>DRC Contacted Tenant (if applicable)</b>	
DRC's First Date of Attempted Contact	
DRC's Second Date of Attempted Contact	
DRC's Third Date of Attempted Contact	
<b>Date agreed to Mediate</b>	
<b>Landlord Name</b>	
<b>Landlord's Counsel</b>	
<b>Tenant Name</b>	
<b>Tenant's Counsel</b>	
<b>Meet &amp; Confer:</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
Scheduled Date of Meet & Confer	
Actual Date of Meet & Confer	
Name of Eviction Resolution Specialist (ERS)	
<b>Mediation:</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
Landlord Declined Mediation	<input type="checkbox"/> YES <input type="checkbox"/> NO
Tenant Declined Mediation	<input type="checkbox"/> YES <input type="checkbox"/> NO
Name of Eviction Resolution Specialist (ERS)	

**EXHIBIT C**

<b>Early Resolution Achieved</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
Offers:	
Landlord Agrees to Share Final Offer at Meet & Confer &/or Mediation? Final Offer: _____  _____	<input type="checkbox"/> YES <input type="checkbox"/> NO
Tenant Agrees to Share Final Offer at Meet & Confer &/or Mediation? Final Offer: _____  _____	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>Date case closed with DRC</b>	

**NOTICE:** *By certifying herein, the Dispute Resolution Center is not making any certification as to whether the parties acted in good faith or whether any payment offers were reasonable in light of Governor Inslee's Proclamations regarding collection of rent.*