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**JAN 20 2021**

**Timothy W. Fitzgerald**  
**SPOKANE COUNTY CLERK**

SUPERIOR COURT OF WASHINGTON  
FOR SPOKANE COUNTY

**AMENDED EMERGENCY STANDING ORDER**

**Eviction Resolution Program (ERP)**

This standing order shall be deemed part of the most recent version of Emergency Order #9 of Spokane 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 unless modified by further court order.

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

- A. As a consequence of the COVID-19 emergency, Washington State has experienced unprecedented and evolving economic difficulties. The resulting loss of income has made it impossible for many families and individuals (tenants) to keep current in rental payments;
- B. Various federal, state, and local orders have prohibited most evictions during the COVID-19 emergency, but such orders will be lifted at some point;
- C. Many landlords also face hardship and loss of income due to the combined inability of tenants to keep current in their rent and the prohibition on evictions established by federal, state, and local authorities, as applicable;
- D. Many tenants currently face substantial arrearages and threat of immediate eviction upon termination of state and local eviction limitations;
- E. Court operations have been impacted since March 2020 due to COVID-19 and this Court continues to face an increased hearing backlog related to hearings and trials for civil, criminal, juvenile, and child welfare matters that had to be postponed for public health safety reasons;

- 1 F. Given the backlog this Court is facing of nearly all hearing types across Superior  
2 Court, the anticipated renewal of unlawful detainer filings once the eviction  
3 limitations are lifted presents an obstacle to the ability of this Court to timely hear  
4 and fairly decide cases consistent with statutory deadlines, due process and  
5 mandated procedures;
- 6 G. State and local rent-assistance programs offer available funding for immediate  
7 assistance in addressing rent arrearages (or portions thereof);
- 8 H. Local Dispute Resolution Centers (DRC) and local housing justice project (HJP)  
9 are prepared to assist tenants facing the threat of eviction and help tenants resolve  
10 that threat through non-judicial processes including a newly created Eviction  
11 Resolution Program (ERP);
- 12 I. This Court is one of six (6) counties that has agreed to participate in a pilot ERP;
- 13 J. The court designates Judge Tony Hazel to serve as the procedural point person to  
14 work with relevant stakeholders on the implementation and ongoing  
15 administration of the ERP and certifies such designation has been provided to  
16 AOC;
- 17 K. Any questions or concerns regarding this program should be communicated via e-  
18 mail to Dept6@spokanecounty.org;
- 19 L. The goal of the ERP is to divert residential unlawful detainer cases based on  
20 nonpayment of rent through effective and fair conflict resolution and alternative  
21 dispute resolution processes with the assistance of an impartial Eviction  
22 Resolution Specialist (ERS) trained and provided by a local DRC while ensuring  
23 tenants have access to community resources, including attorney representation  
24 through the local Housing Justice Project (HJP), to reach a solution that preserves  
25 the landlord and tenant relationship;
- M. That *prior to* the expiration of any state and/or local eviction limitations, 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;
- N. This standing Order is issued to specifically mandate use of the ERP *after*  
expiration of any state and/or local eviction limitations;

- 1 O. Substantial questions of fact and law may be present in unlawful detainer actions  
2 filed *prior to* the expiration of any state and/or local limitations (including, but not  
3 limited to, whether the grounds alleged are allowable bases for eviction under the  
4 temporary limitations);
- 5 P. Chances for effective resolution of these cases are enhanced by early notification  
6 to and involvement of Eviction Resolution Specialists and attorneys for tenants;
- 7 Q. Any residential unlawful detainer Complaint filed *prior to* the expiration of any  
8 state and/or local limitations SHALL be accompanied by a certification that the  
9 plaintiff/landlord notified a local DRC and HJP of the complaint filing, and  
10 providing both with the Tenant's (Tenants') last known contact information  
11 (address(es), telephone number(s), and email(s));
- 12 R. The certification shall be in the form detailed in the Order hereinbelow;
- 13 S. Success of the ERP depends on mandating its use to divert unlawful detainer  
14 cases from the court thereby providing an opportunity to connect tenants, their  
15 landlords and potential funding sources in an effort to ensure all court dockets are  
16 managed effectively; and,
- 17 T. Local DRCs have been contractually engaged by the Administrative Office of the  
18 Courts (AOC) on behalf of the Superior Court and are an integral component of  
19 the pilot ERP.

20 *NOW, THEREFORE,*

21 IT IS ORDERED THAT:

22 I. Prior to filing a summons and complaint for nonpayment of rent, the landlord or landlord's  
23 counsel, is:

24 *i. Mandated to comply with* ERP including Tier One and Tier Two processes once  
25 the Governor's Moratorium is lifted (samples of the notices required under Tier One  
and Tier two are attached hereto as Exhibit "A" and incorporated herein by  
reference); and

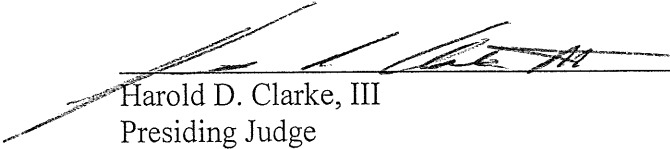
*ii. Mandated to file* the ERP/DRC Certification Form attached hereto as Exhibit B at  
the time of filing a summons and complaint with the court once the Governor's  
Moratorium is lifted.

1           iii. Any landlord that voluntarily follows the procedures set forth above in paragraphs  
2 (A) and (B) prior to the lifting of the Governor's Moratorium will have followed the  
3 requirements of paragraphs (A) and (B) above and need not do so again once the  
4 Governor's Moratorium is lifted. Any breach of an agreement between the landlord  
5 and tenant utilizing the ERP/DRC process outlined above during the Governor's  
6 Moratorium period will be deemed satisfaction of paragraphs (A) and (B) above.

7           II. Prior to serving and/or filing a summons and complaint prior to the expiration of any  
8 state and/or local limitations, the plaintiff/landlord or counsel shall: (A) send the tenant's last  
9 known contact information (i.e. address(es), telephone number(s), and e-mail(s)) to the  
10 appropriate HJP and DRC for Spokane County via *e-mail and/or mail*; and (B) file a  
11 certification with the court that states: I certify and declare under penalty of perjury under the  
12 laws of the state of Washington that on \_\_\_\_\_ (the date prior to filing), that I  
13 e-mailed/mailed notice of my intent to file a Complaint in Unlawful Detainer against Tenant  
14 \_\_\_\_\_ (insert Tenant's name) along with the Tenant's last known contact  
15 information (i.e. address(es), telephone number(s) and e-mail(s) to the appropriate HJP and  
16 DRC for this county.

17           Failure to comply with the conditions set forth in this order shall preclude the landlord from  
18 seeking affirmative relief from the court.

19           DATED this 12<sup>th</sup> day of January, 2021.

20             
21           Harold D. Clarke, III  
22           Presiding Judge