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TIMOTHY W. FITZGERALD  
SPOKANE COUNTY CLERK

94-206940-8

SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY  
AMENDED STANDING ORDER

*Eviction Resolution Pilot Program (ERPP)<sup>1</sup>*

*Effective March 3, 2022 through June 30, 2023<sup>2</sup> unless modified by the Court.*

1. Findings. It is recognized that:

- A. Findings from the previous ERPP standing order are incorporated by reference if consistent with this amended order. Evictions for non-payment of rent were permitted to resume as of November 1st, 2021. As a result, Spokane Superior Court anticipates a continuing increase in eviction cases and hearings.
- B. (1) Rental assistance programs are operational in this county and (2) the Dispute Resolution Center(s) (DRC) providing ERPP services have become operational in this county. See <https://www.spokanecounty.org/5030/Unlawful-Detainer-Hearings-Evictions>
- C. This Court has determined it appropriate to issue this standing order pursuant to the Washington State Supreme Court's *General Order No. 25700-B-639* and *RCW 59.18.660(1)*, to establish an Eviction Resolution Pilot Program (ERPP) to divert unlawful detainer cases from the docket and facilitate both pre-filing and post-filing resolution of cases where the principal issue in context is non-payment of rent pursuant to *RCW 59.18.650(2)(a)*.

<sup>1</sup> ERP changed to ERPP given language in ch. 115, Laws of 2021, Sec. 7.

<sup>2</sup> Per ch. 115, Laws of 2021, Sec. 7(9).

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2. **Order.**

**A. ERPP Administration.**

The Court designates that beginning February 1<sup>st</sup>, 2022, the judicial officer assigned to the Unlawful Detainer docket will 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 to the Administrative Office of the Courts.

**B. Landlord/Landlord counsel's Obligations regarding Eviction Resolution.**

Prior to commencing an Unlawful Detainer action, by either serving or filing a summons and complaint based on non-payment of rent pursuant to RCW 59.18.650(2)(a), the landlord or landlord's counsel shall:

- (i) **Strictly comply with** the notice, service, and certification requirements of RCW 59.18.660; and
- (ii) meet and confer with the local DRC and the tenant and tenant's attorney (if applicable) to facilitate the resolution of the issue of nonpayment of rent if the tenant chooses to participate; and
- (iii) **At the time of filing a summons and complaint**, the landlord or landlord's counsel shall file a completed DRC Certificate ERPP Participation as a separate document with the Court; and
- (iv) **if the property is located within the Spokane Municipal City limits**, landlord or landlord's counsel shall also comply with any applicable provisions of Spokane *Municipal Code 18.08* (per *Ordinance No. C36164*).

**C. DRC Notification to counsel of ERPP filing.**

Notwithstanding any other provisions of law, the DRC is authorized to electronically forward copies of all ERPP Notice of Resource forms received to the local Northwest Justice Project (NJP) office or Spokane County Bar Association's Volunteer Lawyer Program (VLP), upon the request of either RTC agency.

**D. DRC Certification of ERPP.**

The DRC shall complete and issue the DRC Certificate of ERPP Participation promptly, once the parties have completed their obligations under RCW 59.18.620-660 and this standing order. For purposes of this order, the obligations referenced in this section are complete whether an agreed resolution is reached through ERPP or not. A copy of the completed DRC Certificate of ERPP Participation shall be provided to the Landlord

1 upon completion as defined in this paragraph. The DRC may issue the DRC Certificate  
2 of ERPP Participation under protest and list the reason(s) for the protest. For any  
3 DRC Certificate of ERPP Participation issued, the local DRC may add relevant  
4 language to a DRC Certificate of ERPP Participation prior to its issuance to a landlord  
5 that details: whether rent assistance was available at the time of the engagement (*for*  
6 *example*, did the tenant qualify for rent assistance if known, did the tenant or landlord  
7 apply for rental assistance if known, and was rent assistance available in the relevant  
8 locality at this time); the date the DRC received the notice and the date on the notice;  
9 whether the tenant participated in ERPP efforts; whether the tenant had counsel during  
10 ERPP; whether the DRC was able to conduct conciliation efforts; and any other  
11 relevant information to help the Court determine whether the matter is ripe for  
12 adjudication.

**The ERPP Notice and Resource Form is available on the Court Website at:**

<https://www.spokanecounty.org/5030/Unlawful-Detainer-Hearings-Evictions>

13 **E. DRC Reporting Obligations.** On a quarterly basis, the local DRC shall provide, to the  
14 Court Administrator and the Judicial Officer designated in section (2)(A) of this order,  
15 the ERPP data/information required by *Ch. 115, Laws of 2021, Sec. 7 (b)-(f)*, in a  
16 useable and readable format.

17 **F. Initial Hearing Procedures for Unlawful Detainer Cases.**

18 (i) *The Right to Counsel Program has been implemented within this County:*

19 At the first hearing, the Court will advise the tenant of their right to  
20 appointed counsel if indigent and inquire whether they wish to assert that  
21 right. If so, the Court shall either appoint counsel or refer the tenant to  
22 Northwest Justice Project (NJP) or another entity specified by OCLA to  
23 receive orders appointing counsel for eligibility screening (e.g. eviction  
24 defense screening line), unless counsel has previously been appointed for  
25 the tenant. If a tenant is referred for screening, the Court will continue the  
26 initial hearing, as determined by the Court, to allow the litigant to contact  
27 assigned counsel and to appear with counsel and provide the Court with a  
28 case status update or proceed to a show-cause hearing as determined by  
the Court.

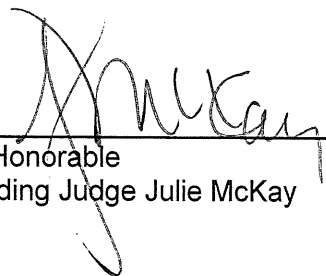
1 (ii) At the first hearing, the Court may determine: (a) whether the landlord has  
2 complied with the notice, service, participation, and certification filing  
3 requirements of *RCW 59.18.660*, and (b) whether the DRC Certificate of  
4 ERPP Participation complies with this Standing Order and *RCW 59.18.620-*  
5 *660* and/or *RCW 59.20*, and (c) whether the landlord has complied with  
6 *Spokane Municipal Code 18.08 (Ordinance No. C36164)* if applicable, and  
7 (d) whether a show-cause hearing will proceed. Any initial determinations  
8 made by the Court at the first hearing regarding (a), (b), or (c) shall not  
9 alleviate the landlord's burden to prove the landlord's compliance with any  
10 applicable statutes at a subsequent show-cause hearing.

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

18 **G.** Nothing within this order shall be construed to restrain the Court's ability to  
19 exercise lawful discretion. All parties, litigants, attorneys, and agencies referenced  
20 within this order shall comply with all requirements as expressed within this  
21 standing order.

22 **H. Superseding Effect.** This order supersedes all prior standing orders issued with  
23 respect to the practice and procedure relating to the Eviction Resolution Pilot  
24 Program.

25 DATED this 3<sup>rd</sup> day of March, 2022.

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28 The Honorable  
Presiding Judge Julie McKay