

FILED

FEB 16 2022

KIMBERLY A. ALLEN
GRANT COUNTY CLERK

SUPERIOR COURT OF WASHINGTON IN AND FOR GRANT COUNTY

IN MATTER OF RESPONSE TO PUBLIC) ORDER NO. 14 (21-04)
HEALTH EMERGENCY RE:)
CORONAVIRUS/COVID-19)
) **2nd AMENDED** - COURT'S STANDING
) ORDER FOR EVICTION RESOLUTION
) PILOT PROGRAM (ERPP)
) *(Effective through*
_____) *June 30, 2023)*

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

- A. Findings from the previous Eviction Resolution Pilot Program (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, Grant County Superior Court anticipates a significant 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 are operational in this county.
- C. This court has determined it is appropriate to issue this standing order pursuant to the Supreme Court General order to establish an ERPP to divert unlawful detainer cases from the docket and facilitate both pre-filing and post-filing resolution of cases where the principal issue is non-payment of rent.

2. **Order:**

- A. **ERPP Administration.** The court designates the Presiding Judge of the Grant County Superior Court 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, the landlord or landlord's counsel shall:

(i) *strictly comply with* the notice (including the ERPP & Resource Information Form), 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.

C. DRC Notification to Counsel of ERPP Filing. The DRC shall electronically forward copies of all ERPP Notice of Resource forms received within 7 days of receipt to the local Northwest Justice Project office.

D. DRC Certification of ERPP. The DRC shall complete and issue the DRC Certificate of ERPP Participation promptly¹, 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 upon completion as defined in this paragraph. The DRC may issue the DRC Certificate of ERPP Participation under protest and list the reason(s) for the protest. The local DRC may add relevant language to a DRC Certificate of ERPP Participation prior to its issuance to a landlord that details: whether rent assistance was available at the time of the engagement (for example, did the tenant qualify for rent assistance if known, and was rent assistance available in the relevant locality at this time); the date the DRC

¹ The DRC shall make every effort to schedule the meet and confer for the landlord and tenant (and their respective counsel) within 21 days of receipt of the ERPP Notice.

received the notice and the date on the notice; whether the tenant participated in the ERPP efforts; whether the tenant had counsel during ERPP; whether the DRC was able to conduct conciliation efforts; and any other relevant information to help the court determine whether the matter is ripe for adjudication.

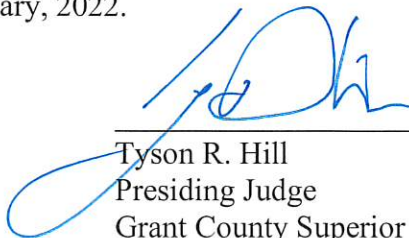
E. DRC Reporting Obligations. On a quarterly basis, the local DRC shall provide, to the Court Administrator and the Presiding Judge, the ERPP data/information required by *Ch. 115, Laws of 2021, Sec. 7 (b)-(f)*, in a useable and readable format.

F. Initial Hearing Procedures for Unlawful Detainer Cases. (i) *The Right to Counsel Program has been implemented within this County:* At the first hearing, the Court will advise the tenant of their right to appoint counsel if indigent and inquire whether they wish to assert that right. If so, the court shall either appoint counsel or refer the tenant to Northwest Justice Project (NJP) or another entity specified by OCLA to receive orders appointing counsel for eligibility screening (e.g. eviction defense screening line), unless counsel has previously been appointed for the tenant. If a tenant is referred for screening, the Court will continue the initial hearing to allow the litigant to contact assigned counsel and to appear with counsel and provide the Court with a case status update or proceed to show cause hearing as determined by the Court. (ii) the Court will 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 ERPP 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.

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

H. Superseding Effect. This order supersedes all prior standing orders issued with respect to the practice and procedure relating to the ERPP.

DATED this 16th day of February, 2022.



Tyson R. Hill
Presiding Judge
Grant County Superior Court