

FILED

NOV 12 2020

Superior Court
Linda Myhre Enlow
Thurston County Clerk

SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF THURSTON

IN THE MATTER OF THE RESPONSE BY
THURSTON COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH EMERGENCY
IN WASHINGTON STATE

NO. 20-2-00001-34

**EMERGENCY ADMINISTRATIVE
ORDER No. 6**

**(Emergency Standing Order re Eviction
Resolution Program (ERP))**

In response to the current public health emergency in Thurston County and Washington State, this Court issued "Emergency Administrative Order #1" on March 13, 2020, "Emergency Administrative Order No. 2" on March 17, 2020, "Emergency Administrative Order No. 3" on March 20, 2020, "Emergency Administrative Order No. 4" on May 7, 2020, and "Emergency Administrative Order No. 5" on July 10, 2020. Since that time, the following has occurred requiring the Court to take additional action. The Court makes the following additional findings:

1. Nearly one million people in Washington state have lost their jobs or have had employment hours severely curtailed because of the COVID-19 emergency;
2. The mass loss of income has made it impossible for many tenants to keep current in residential rental payments;

- 1 3. Various federal, state, and local orders have prohibited most residential evictions during
2 the COVID-19 emergency, but such orders will be lifted at some point;
- 3 4. Many landlords face hardship and significant loss of income due to the inability of tenants
4 to keep current in their rent and the prohibition on residential evictions established by
5 federal, state, and local eviction moratoria, as applicable;
- 6 5. Many tenants currently face substantial arrearages and threat of eviction upon
7 termination of state and local residential eviction moratoria;
- 8 6. Court operations have been substantially curtailed since March 2020 due to COVID-19,
9 and this Court continues to face a substantial hearing backlog and delays related to civil,
10 criminal, juvenile, and child welfare matters;
- 11 7. Given the administrative backlog this Court is facing, the anticipated deluge of unlawful
12 detainer filings presents a threat to the ability of this Court to timely hear and fairly decide
13 such cases consistent with statutory deadlines, due process and mandated procedures;
- 14 8. State and local rent-assistance programs offer the opportunity for immediate assistance
15 in addressing rent arrearages (or portions thereof);
- 16 9. It is understood that the local Dispute Resolution Center (DRC) and local Housing Justice
17 Project (HJP) are prepared to assist tenants facing the threat of residential eviction and
18 help tenants resolve that threat through non-judicial processes including the Eviction
19 Resolution Program (ERP);
- 20 10. This Court is one of six (6) counties that has agreed to participate in a pilot ERP;
- 21 11. It is anticipated that the number of unlawful detainer cases will be greatest in the six (6)
22 pilot counties;
- 23
24
25
26

1 12. The Court designates that Court Commissioner Rebekah Zinn will serve as the procedural
2 point person to work with relevant stakeholders on the implementation and ongoing
3 administration of the ERP and certifies such designation has been provided to the
4 Administrative Office of the Courts (AOC);
5

6 13. The goal of the ERP is to divert residential unlawful detainer cases based on nonpayment
7 of rent through effective and fair conflict resolution and alternative dispute resolution
8 processes with the assistance of an impartial Eviction Resolution Specialist (ERS) trained
9 and provided by the local DRC while ensuring tenants have access to community
10 resources, including attorney representation through the local HJP, to reach a solution
11 that stabilizes households through relationship building;
12

13 14. That *prior to* the expiration of any state and/or local residential eviction moratoria, the
14 ERP will encourage landlords and tenants to voluntarily participate in a structured
15 resolution process that offers a real prospect of resolving cases before they are filed in
16 court;

17 15. This order is issued to specifically mandate use of the ERP *after* expiration of any state
18 and/or local residential eviction moratorium;
19

20 16. The Court recognizes that substantial questions of fact and law may be present in
21 unlawful detainer actions filed during the period eviction moratoria remain in effect
22 (including, but not limited to, whether the grounds alleged are allowable bases for
23 eviction while the moratoria are in place); and that chances for effective resolution of
24 these cases are enhanced by early notification to and involvement of ERSs and attorneys
25 for tenants. Therefore, any unlawful residential detainer complaint filed while eviction
26 moratoria remain in effect shall be accompanied by a certification that the plaintiff

1 notified the local DRC and HJP that a complaint will be filed and providing both with
2 each Tenant's last known contact information (address, telephone number and e-mail).

3 The certification shall be in the form detailed in Paragraph 3 hereinbelow.
4

5 17. The success of the ERP depends on mandating its use in order to divert some residential
6 unlawful detainer cases from this court thereby ensuring all court dockets are managed
7 effectively;

8 18. The local DRC has been contractually engaged by AOC on behalf of the Superior Court
9 and is an integral component of the pilot ERP.

10 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

11 1. After the expiration of any residential eviction moratoria, prior to filing a summons and
12 complaint in a residential unlawful detainer action for nonpayment of rent, the landlord
13 or landlord's counsel is:

14 A. *Mandated to comply with* the ERP, including Tier One and Tier Two processes
15 (descriptions of which are attached as Exhibit A); and
16

17 B. *Mandated to file* the ERP DRC Certification Form attached hereto as Exhibit B
18 at the time of filing a summons and complaint with the Court.
19

20 2. During any residential eviction moratorium, prior to filing a summons and complaint in
21 any residential unlawful detainer action, the landlord or landlord's counsel shall: (A)
22 send the Tenant's last known contact information (address, telephone number and e-mail)
23 to the appropriate HJP and DRC for this county via e-mail and/or mail; and (B) file a
24 certification with this Court that states: I certify and declare under penalty of perjury
25 under the laws of the state of Washington that on _____ (the
26 date prior to filing), that I e-mailed/mailed notice of my intent to file a Complaint in

1 Unlawful Detainer against Tenant _____ (insert Tenant's name)
2 along with the Tenant's last known contact information to the appropriate HJP and DRC
3 for this county.
4

5 TO THE EXTENT NOT MODIFIED BY THIS ORDER EMERGENCY ADMINISTRATIVE
6 ORDER No. 5 REMAINS IN EFFECT.

7 THIS ORDER IS SUBJECT TO CHANGE AS CONDITIONS WARRANT.

8
9 DATED this 12th day of November, 2020.

10 

11 _____
12 Presiding Judge Erik D. Price

Exhibit A

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

HOWEVER: The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.

SCENARIO #1: Tenant Engages with Landlord within the 14-day notice period (re: the Notice to Pay or Vacate) without active DRC Involvement; Multiple early resolution (ER) options available (involving the local DRC/ERS &/or HJP) to assist the Tenant and Landlord in the event they are unable to achieve resolution on their own to include: Resolution Facilitation, Meet & Confer #1, Mediation & Meet & Confer #2.

TIMELINE	ACTION	COMMENTS
DAY 1	Landlord (LL) sends Tenant (T): <ul style="list-style-type: none"> • Rent Owing Notice; and • Eviction Resolution Program (ERP) Notice #1 & Resource Sheet (combined). 	Use: Mandatory Form: <i>ERP Notice #1 & Resource Sheet</i> that includes contact information for: (a) rental assistance program; (b) the local Housing Justice Project (HJP) and local Northwest Justice Project (NJP); and (c) local DRC.
DAY 1 to DAY 14	T engages with LL within this time period without active DRC involvement.	
	Case gets resolved.	
ONGOING	<p><u>If Case DOES not get resolved:</u></p> <p>OPTION A - Resolution Facilitation:</p> <ul style="list-style-type: none"> • T or LL – either one – contacts DRC/ERS (Dispute Resolution Center/Eviction Resolution Specialist) for <i>Resolution Facilitation</i>. • DRC/ERS makes contact with T if and as needed (e.g. if LL contacted DRC/ERS for <i>Resolution Facilitation</i>). • T engages with DRC/ERS. • DRC/ERS works on funding packet; funding packet received. • DRC/ERS undertakes <i>Resolution Facilitation</i> with T and LL. HJP 	Note: DRC trains and has Eviction Resolution Specialists (ERS) ready to assist.

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

HOWEVER: The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.

TIMELINE	ACTION	COMMENTS
	<p style="text-align: center;">involvement &/or participation preferred.</p> <ul style="list-style-type: none"> • Case gets resolved. 	
ONGOING	<p><u>T did not engage in Option A or if Case does NOT get resolved:</u></p> <p>OPTION B – Meet & Confer #1:</p> <ul style="list-style-type: none"> • DRC/ERS connects T to HJP & Paying Agency/Agencies. • T works with HJP; DRC/ERS shares funding packet with HJP. • DRC/ERS schedules <i>Meet & Confer #1</i>. • HJP, T, LL & LL's attorney & DRC/ERS meet & confer. • Case gets resolved. 	<p><u>Soft Engagement/Conciliation</u></p>
ONGOING	<p><u>If Case does NOT get Resolved:</u></p> <p>OPTION C - Optional Mediation:</p> <ul style="list-style-type: none"> • DRC/ERS offers <i>mediation</i>. • If <i>mediation</i> is accepted by both parties, the DRC/ERS schedules <i>mediation</i> for the parties and their respective attorneys and the ERS. • Mediation occurs. • Case gets resolved. 	
ONGOING	<p><u>If Mediation NOT accepted by both parties OR if Case does NOT get resolved:</u></p> <p>OPTION D – DRC Certification:</p> <ul style="list-style-type: none"> • No mediation; DRC/ERS gives DRC Certification Form to LL who can file unlawful detainer (UD) case in court. 	<p><u>Use:</u></p> <p><u>Mandatory Form:</u></p> <p><i>DRC Certification Form</i> to include: parties met, whether mediation was or was not offered, whether mediation was or was not accepted, case not resolved, and, as applicable, whether parties agree to any information (from meet &</p>

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

****HOWEVER:** The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process. **

TIMELINE	ACTION	COMMENTS
		confer and/or mediation) being shared with the court at a later date.
	<p>■ If T did not have representation at <i>Meet & Confer #1</i>:</p> <ul style="list-style-type: none"> • A <i>Meet & Confer #2</i> is scheduled by the DRC/ERS within a reasonable time and with notice to the invitees/attendees, <i>i.e.</i> the T, the LL, T representation and LL representation. • The DRC/ERS provides T with referral/connection to the local HJP and the local NJP office for help/representation before and at the <i>Meet & Confer #2</i>. • <i>Meet & Confer #2</i> occurs. • Case gets resolved. • <u>If case does NOT get resolved:</u> DRC/ERS offers mediation; if mediation is accepted by both parties, the DRC/ERS schedules mediation for the parties and provides T with referral/connection to local HJP and the local NJP office for help/representation before and at mediation. • Mediation occurs. • Case resolved. • <u>If case does NOT get resolved:</u> <ul style="list-style-type: none"> • DRC/ERS gives DRC Certification Form to LL who can file UD case in court. 	

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

****HOWEVER:** The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.**

SCENARIO #2: Tenant engages with Landlord within 14-day notice to pay or vacate period **and** one or both of the parties contacts DRC/ERS to assist with resolution. Multiple early resolution (ER) options available (involving the local DRC/ERS &/or HJP) to include: Resolution Facilitation, Meet & Confer #1, Mediation & Meet & Confer #2.

TIMELINE	ACTION	COMMENTS
DAY 1	Landlord (LL) sends Tenant (T): <ul style="list-style-type: none"> • Rent Owing Notice; and • Eviction Resolution Program (ERP) Notice #1 & Resource Sheet. 	<u>Use:</u> <u>Mandatory Form:</u> ERP Notice #1 & Resource Sheet that includes contact information for: (a) rental assistance program; (b) the local HJP and local NJP; and (c) local DRC.
DAY 1 to DAY 14	T engages with LL within this time period.	
DAY 1 to DAY 14	T or LL – either one – contacts DRC/ERS for Resolution Facilitation.	<u>Note:</u> DRC trains and has Eviction Resolution Specialists (ERS) ready to assist.
ONGOING	DRC/ERS makes contact with T if and as needed (e.g. if LL contacted DRC for Resolution Facilitation).	
ONGOING	T engages with DRC/ERS.	
ONGOING	DRC/ERS works on funding packet; funding packet received.	
ONGOING	DRC/ERS undertakes Resolution Facilitation with T and LL; HJP involvement &/or participation preferred.	
	Case gets resolved.	
	<u>If Case does NOT get resolved:</u> <u>OPTION A – Meet & Confer #1:</u> <ul style="list-style-type: none"> • DRC connects T to HJP & Paying Agency/Agencies. • T works with HJP; DRC shares funding packet with HJP. 	<u>Soft Engagement/Conciliation</u>

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

HOWEVER: The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.

TIMELINE	ACTION	COMMENTS
	<ul style="list-style-type: none"> • DRC/ERS schedules <i>Meet & Confer #1</i>. • HJP, T, LL & LL's attorney & DRC/ERS meet & confer. • Case gets resolved. 	
ONGOING	<p><u>If Case does NOT get Resolved:</u> OPTION B – Optional Mediation:</p> <ul style="list-style-type: none"> • DRC/ERS offers mediation. • If mediation is accepted by both parties, the DRC/ERS schedules mediation for the parties and their respective attorneys and the ERS. • Mediation occurs. • Case gets resolved. 	
ONGOING	<p><u>If Mediation NOT accepted OR If Case does NOT get resolved:</u> OPTION C – DRC Certification:</p> <ul style="list-style-type: none"> • No mediation; DRC/ERS gives DRC Certification Form to LL who can file UD case in court. 	<p><u>Use:</u> Mandatory Form: <i>DRC Certification Form</i> to include: parties met, mediation was or was not offered, whether mediation was or was not accepted, case not resolved and, as applicable, whether the parties agree to any information (from meet & confer and/or mediation) being shared with the court at a later date.</p>
ONGOING	<p>If T did not have representation at <i>Meet & Confer #1</i>:</p> <ul style="list-style-type: none"> • A <i>Meet & Confer #2</i> is scheduled by the DRC/ERS within a reasonable time and with notice to the invitees/attendees, <i>i.e.</i> the T, the LL, T representation and LL representation. 	

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

****HOWEVER:** *The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.***

TIMELINE	ACTION	COMMENTS
	<ul style="list-style-type: none"> • The DRC/ERS provides T with referral/connection to the local HJP and local NJP office for help/representation before and at the Meet & Confer #2; • Meet & Confer #2 occurs. • Case gets resolved. • <u>IF Case does NOT get resolved:</u> DRC/ERS offers mediation and if mediation is accepted by both parties, the DRC/ERS schedules mediation for the parties and provides T with referral/connection to the local HJP and local NJP office for help/representation before and at mediation. • Mediation occurs. • Case resolved. • <u>If case does NOT get resolved:</u> <ul style="list-style-type: none"> • DRC/ERS gives DRC Certification Form to LL who can file UD case in court. 	

SCENARIO #3: *Tenant does not engage unilaterally with the Landlord during the 14-day notice to pay or vacate period **and** the Tenant &/or Landlord contacts the local DRC/ERS during the 14-day notice period. Multiple early resolution (ER) options available (involving the local DRC/ERS &/or HJP) to include: Resolution Facilitation, Meet & Confer #1, Mediation & Meet & Confer #2.*

TIMELINE	ACTION	COMMENTS
DAY 1	Landlord (LL) sends Tenant (T): <ul style="list-style-type: none"> • Rent Owing Notice; and • Eviction Resolution Program (ERP) Notice #1 & Resource Sheet (combined). 	Use: Mandatory Form: ERP Notice #1 & Resource Sheet that includes contact information for: (a) rental assistance program; (b) and

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

HOWEVER: The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.

TIMELINE	ACTION	COMMENTS
		to the local HJP and local NJP; and (c) local DRC.
DAY 1 to DAY 14	T or LL contacts DRC/ERS.	
DAY 1 to DAY 21	DRC/ERS connects T to HJP & Paying Agency.	
DAY 1 to DAY 21	DRC/ERS works on funding packet; funding packet received.	<u>Note:</u> DRC trains and has Eviction Resolution Specialists (ERS) ready to assist.
ONGOING	OPTION A – Meet & Confer #1: <ul style="list-style-type: none"> • T works with HJP; DRC/ERS shares funding packet with HJP. • DRC/ERS Schedules <i>Meet & Confer #1</i>. • HJP, T, LL & LL's attorney & DRC/ERS meet & confer. • Case gets resolved. 	<u>Soft Engagement/Conciliation</u>
ONGOING	<u>If Case does NOT get Resolved:</u> OPTION B – Optional Mediation: <ul style="list-style-type: none"> • DRC/ERS offers mediation. • If accepted by both parties, the DRC/ERS schedules mediation for the parties and their respective attorneys and the ERS. • Mediation occurs. • Case gets resolved. 	
ONGOING	<u>If Mediation NOT accepted OR If Case does NOT get resolved:</u> OPTION C – DRC Certification: <ul style="list-style-type: none"> • No mediation; DRC/ERS gives DRC Certification Form to LL who can file UD case in court. 	<u>Use:</u> <u>Mandatory Form:</u> DRC Certification Form to include: parties met, mediation was or was not offered, whether mediation was or was not accepted, case not resolved and, as

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

HOWEVER: The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.

TIMELINE	ACTION	COMMENTS
		applicable, whether the parties agree to any information (from meet & confer and/or mediation) being shared with the court at a later date.
ONGOING	<p>■ If T did not have representation at <i>Meet & Confer #1</i>:</p> <ul style="list-style-type: none"> • A <i>Meet & Confer #2</i> is scheduled by the DRC/ERS within a reasonable time and with notice to the invitees/attendees, i.e. the T, the LL, T representation and LL representation. • The DRC/ERS provides T with referral/connection to the local HJP and local NJP office for help/representation before and at the <i>Meet & Confer #2</i>. • <i>Meet & Confer #2</i> occurs. • Case gets resolved. • <u>If Case does NOT get resolved:</u> DRC/ERS offers mediation; if mediation is accepted by both parties, the DRC/ERS schedules mediation for the parties and provides T with referral/connection to the local HJP and local NJP office for help/representation before and at mediation. • Mediation occurs. • Case resolved. • <u>If case does NOT get resolved:</u> 	

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

HOWEVER: The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.

TIMELINE	ACTION	COMMENTS
	<ul style="list-style-type: none"> DRC/ERS gives DRC Certification Form to LL who can file UD case in court. 	

SCENARIO #4: *The tenant or landlord initiates the ERP process without a 14-day notice. Multiple resolution options available (involving the local DRC/ERS &/or HJP) to include: Resolution Facilitation, Meet & Confer #1, Mediation & Meet & Confer #2.*

TIMELINE	ACTION	COMMENTS
As mutually acceptable to the T, LL, DRC/ERS & HJP	DRC/ERS to initiate the ERP.	
	The DRC/ERS contacts the LL to see if the LL will voluntarily participate in the ERP and explains efforts to be undertaken to obtain rental assistance and reach global resolution relative to tenancy. LL encouraged to have LL's counsel involved if desired.	
	If the LL agrees to participate in the ERP: then DRC/ERS connects T to HJP & Paying Agency.	
	DRC/ERS works on funding packet; funding packet received.	
	OPTION A – Meet & Confer #1: <ul style="list-style-type: none"> T works with HJP; DRC/ERS shares funding packet with HJP. DRC/ERS Schedules <i>Meet & Confer #1</i>. HJP, T, LL & LL's attorney (if retained) & DRC/ERS meet & confer. Case gets resolved.	
	If Case does NOT get Resolved: OPTION B – Optional Mediation:	

Eviction Resolution Program (ERP)

TIER ONE – Landlord sends Notice #1/Resource Sheet to Tenant along with 14-day Notice to Pay or Vacate

HOWEVER: The ERP is a 2-step process that can be initiated by either the Landlord or the Tenant without service of a 14-day notice. If the tenant initiates or responds to a notice, the Landlord is obligated to participate in the meet & confer process.

<u>TIMELINE</u>	<u>ACTION</u>	<u>COMMENTS</u>
	<ul style="list-style-type: none">• DRC/ERS offers mediation.• If accepted by both parties, the DRC/ERS schedules mediation for the parties and their respective attorneys and the ERS.• Mediation occurs. Case gets resolved.	

Eviction Resolution Program (ERP)

TIER TWO – Landlord Sends Notice #2/Resource Sheet to Tenant & local DRC After Tenant Fails to Respond to “14-day Notice to Pay or Vacate” & Notice #1

Most Likely But Not Exclusive Scenarios

SCENARIO #1 - Tenant Does Not Respond to Notice #2 from the Landlord and does not respond to outreach efforts by the local DRC during a ten (10) day calendar period which is subsequent to expiration of the 14-day period related to the Landlord’s Notice to Pay or Vacate, i.e. Notice #1; DRC Certification issues.

TIMELINE	ACTION	COMMENTS
DAY 15+ (sent at least 14 days after Notice #1 <u>and</u> IF no response to Notice #1)	Landlord (LL) sends Tenant (T) & Dispute Resolution Center/Eviction Resolution Specialist (DRC/ERS): <ul style="list-style-type: none"> • Rent Owing Notice; and • Eviction Resolution Program (ERP) Notice #2 & Resource Sheet (combined). 	<u>Use:</u> Mandatory Form: <i>ERP Notice #2 & Resource Sheet</i> that includes contact information for: (a) rental assistance program; (b) the local Housing Justice Project (HJP) and local Northwest Justice Project (NJP); and (c) the local DRC.
DAY 15+	DRC/ERS Notifies the local Housing Justice Project (HJP).	<u>Note:</u> Notification by DRC/ERS to HJP: “locale-specific.”
DAY 15-DAY 25	DRC/ERS makes three (3) attempts to contact T for the next ten (10) calendar days.	<u>Note:</u> DRC trains and has Eviction Resolution Specialists (ERS) ready to assist.
	T does NOT respond to DRC’s outreach efforts during the ten (10) calendar days.	
	DRC/ERS issues DRC Certification Form to LL who can file unlawful detainer (UD) case in court.	<u>Use:</u> Mandatory Form: <i>DRC Certification Form</i> to include: parties met, whether mediation was or was not offered, whether mediation was or was not accepted, case not resolved, and, as applicable, whether parties agree to any information (from meet & confer and/or mediation) being shared with the court at a later date.

Eviction Resolution Program (ERP)

TIER TWO – Landlord Sends Notice #2/Resource Sheet to Tenant & local DRC After Tenant Fails to Respond to “14-day Notice to Pay or Vacate” & Notice #1

Most Likely But Not Exclusive Scenarios

SCENARIO #2: - After the 14-day Notice period has expired (i.e. the Notice to Pay or Vacate), the Tenant & the local DRC receives Notice #2; DRC undertakes outreach to Tenant; Tenant Responds & Engages with DRC/ERS at some point during a subsequent ten (10) day calendar period; Multiple early resolution (ER) options available (involving the local DRC/ERS & HJP) to include: Resolution Facilitation, Meet & Confer #1, Mediation, Meet & Confer #2.

TIMELINE	ACTION	COMMENTS
DAY 15+ (sent at least 14 days after Notice #1 and IF no response to Notice #1)	Landlord (LL) sends Tenant (T) & DRC/ERS: <ul style="list-style-type: none"> Rent Owing Notice; and Eviction Resolution Program (ERP) Notice #2 & Resource Sheet (combined). 	<u>Use:</u> <u>Mandatory Form:</u> ERP Notice #2 and Resource Sheet that includes contact information for: (a) rental assistance program; (b) the local HJP and the local NJP; (c) local DRC.
DAY 15+	DRC/ERS Notifies HJP.	<u>Note:</u> Notification by DRC/ERS to HJP: “locale-specific.”
DAY 15+	DRC/ERS makes three (3) attempts to contact T during a ten (10) calendar day period.	<u>Note:</u> DRC trains and has Eviction Resolution Specialists (ERS) ready to assist.
ONGOING	T does respond and engages with DRC/ERS (during the ten (10) day calendar period)	
ONGOING	DRC/ERS connects T to HJP & Paying Agency/Agencies.	
ONGOING	DRC/ERS works on funding packet; funding packet received.	
ONGOING	OPTION A – Resolution Facilitation: <ul style="list-style-type: none"> DRC/ERS facilitates resolution with LL & T; HJP involvement &/or participation preferred. Case gets resolved. 	
ONGOING	<u>If Case does NOT get resolved:</u> OPTION B – Meet & Confer #1:	<u>Soft Engagement/Conciliation</u>

Eviction Resolution Program (ERP)

TIER TWO – Landlord Sends Notice #2/Resource Sheet to Tenant & local DRC After Tenant Fails to Respond to “14-day Notice to Pay or Vacate” &

Notice #1

Most Likely But Not Exclusive Scenarios

TIMELINE	ACTION	COMMENTS
	<ul style="list-style-type: none"> • T works with HJP; DRC/ERS shares funding packet with HJP. • DRC/ERS Schedules <i>Meet & Confer #1</i> • HJP, T, LL & LL's attorney & DRC/ERS meet & confer. • Case gets resolved. 	
	<p><u>If Case does NOT get resolved:</u> OPTION C – Optional Mediation:</p> <ul style="list-style-type: none"> • DRC/ERS offers <i>mediation</i>. • If <i>mediation</i> is accepted by both parties, the DRC/ERS schedules <i>mediation</i> for the parties and their respective attorneys and the ERS; • <i>Mediation</i> occurs. • Case gets resolved. 	
	<p><u>If Mediation NOT accepted by both parties OR if case does NOT get resolved:</u> OPTION D – DRC Certification:</p> <ul style="list-style-type: none"> • No mediation; DRC/ERS gives DRC Certification Form to LL who can file UD case in court. 	<p><u>Use:</u> Mandatory Form: <i>DRC Certification Form</i> to include: parties met, whether mediation was or was not offered, whether mediation was or was not accepted, case not resolved, and, as applicable, whether parties agree to any information (from meet & confer and/or mediation) being shared with the court at a later date.</p>
	<p><u>If T did not have representation at <i>Meet & Confer #1</i>:</u></p> <ul style="list-style-type: none"> • A <i>Meet & Confer #2</i> is scheduled by the DRC/ERS within a reasonable time and with notice to the invitees/attendees, <i>i.e.</i> the T, the LL, T representation and LL representation. 	

Eviction Resolution Program (ERP)

TIER TWO – Landlord Sends Notice #2/Resource Sheet to Tenant & local DRC After Tenant Fails to Respond to “14-day Notice to Pay or Vacate” &

Notice #1

Most Likely But Not Exclusive Scenarios

TIMELINE	ACTION	COMMENTS
	<ul style="list-style-type: none"> • The DRC/ERS provides T with referral/connection to the local HJP and the local NJP office for help/representation before and at the <i>Meet & Confer #2</i>. • <i>Meet & Confer #2</i> occurs. • Case gets resolved. • <u>If Case does NOT get resolved:</u> DRC/ERS offers <i>mediation</i>; if <i>mediation</i> is accepted by both parties, the DRC/ERS schedules <i>mediation</i> for the parties and provides T with referral/connection to the local HJP and the local NJP office for help/representation before and at <i>mediation</i>. • <i>Mediation</i> occurs. • Case resolved. • <u>If case does NOT get resolved:</u> <ul style="list-style-type: none"> • DRC/ERS gives DRC Certification Form to LL who can file UD case in court. 	

EVICTION RESOLUTION PROGRAM

OPPORTUNITY FOR EARLY RESOLUTION & RESOURCE INFORMATION

****Attention Landlords: This notice should be sent to the Dispute Resolution Center in the County where your property is located in addition to being provided to the tenant/s.**

****See DRC e-mails on page 2 of this Notice.*****

****Tenants: Please respond within 10 days of the date below!****

Date:

TO:	FROM: (Send Response here);
Name:	Name of Landlord (LL): Name of LL's Attorney:
Telephone	Telephone for LL: Telephone for LL's Attorney:
E-mail:	E-mail for LL: E-mail for LL's Attorney:

HELP & RESOURCES ARE AVAILABLE – DO NOT DELAY!

① Tenants: A NEUTRAL THIRD PARTY OR LOCAL LEGAL AID PROGRAM MAY BE ABLE TO HELP YOU WITH YOUR RENT AT NO COST TO YOU.

② Tenants: YOU MAY ASK FOR A MEDIATOR TO ASSIST YOU AND THE LANDLORD

③ Tenants: GET HELP: To get free early resolution or free legal help contact the **Dispute Resolution Center** or **Get a Lawyer** telephone numbers below in the county where you live.

RESOURCES

County	Dispute Resolution Center	Rental Assistance	Get a Lawyer
Clark County	(360) 334-5862, ext. 1001	https://www.councilforthehomeless.org/erap/	(360) 334-4007
King County	(206) 443-9603, ext. 115	https://kingcounty.gov/depts/community-human-services/COVID/eviction-prevention-rent-assistance.aspx	(206) 267-7069
Pierce County	(253) 572-3657	https://www.piercecountywa.gov/housinghelp	(253) 572-5134
Snohomish County	(425) 339-1335 x3	Call 211	(425) 258-9283 Ext. 5

EVICTION RESOLUTION PROGRAM

OPPORTUNITY FOR EARLY RESOLUTION & RESOURCE INFORMATION

****Attention Landlords: This notice should be sent to the Dispute Resolution Center in the County where your property is located in addition to being provided to the tenant/s.**

See DRC e-mails on page 2 of this Notice.*

RESOURCES – continued:

County	Dispute Resolution Center	Rental Assistance	Get a Lawyer
Spokane County	(509) 456-0103 (509) 838-2799	www.snapwa.org Call 509-456-7627	(509) 477-2674
Thurston County	(360) 965-1155	http://www.caclmt.org/ https://hatc.org/community-resources/eviction-rent-assistance-program/	(360) 705-8194

1 Tenants: The Dispute Resolution Center will attempt to contact you to engage in Early Dispute Resolution.

2 Tenants: You may respond to this Notice and engage in Early Dispute Resolution within 10 days of the date above by contacting the Dispute Resolution Center, obtaining a free lawyer, or returning this completed form to your landlord (see information above). If possible, keep a copy of the form for yourself.

3 Tenants: *If you have received a Summons and Complaint, you should respond to the Summons by sending this Notice to the Landlord's attorney, or if no attorney, the Landlord.*

I want assistance in resolving my unpaid rent. My contact information is:

Tenant's Name: _____

Tenant's Address: _____

Tenant's Phone: _____ Tenant's Email: _____

Tenants: You may return this Form to your landlord to initiate Early Dispute Resolution.

Tenants: This Notice is available in different languages at: www.courts.wa.gov/EvictionResolutionProgram

Tenants: FREE INTERPRETER SERVICES are available through your local Housing Justice Project and Dispute Resolution Center

****Landlords:** You should send this Notice by email to the Dispute Resolution Center in the County where your property is located at the email address below.**

County	Dispute Resolution Email Address
Clark County	info@mediationclarkcounty.org
King County	housing@kcdrc.org
Pierce County	solveit@centerforresolution.org
Snohomish County	earlyresolution@voaww.org
Spokane County	info@nwmediationcenter.com intakespecialist@fulcrumdispute.com
Thurston County	info@mediatethurston.org

EVICTION RESOLUTION PROGRAM

NOTICE #1: OPPORTUNITY FOR EARLY RESOLUTION & RESOURCE INFORMATION

****Tenants: Respond within 14 days of the date below!****

Date: _____

TO	FROM (Send Response here)
Name:	Name of Landlord (LL): Name of LL's Attorney:
Telephone:	Telephone for LL: Telephone for LL's Attorney:
E-mail:	E-mail for LL: E-mail for LL's Attorney:

HELP & RESOURCES ARE AVAILABLE – DO NOT DELAY!

- ① **Tenants:** A NEUTRAL THIRD PARTY OR LOCAL LEGAL AID PROGRAM MAY BE ABLE TO HELP YOU WITH YOUR RENT AT NO COST TO YOU.
- ② **Tenants:** YOU MAY ASK FOR A MEDIATOR TO ASSIST YOU AND THE LANDLORD
- ③ **Tenants: GET HELP:** To get free early resolution or free legal help contact the **Dispute Resolution Center** or **Get a Lawyer** telephone numbers below in the county where you live.

RESOURCES

County	Dispute Resolution Center	Rental Assistance	Get a Lawyer
Clark County	(360) 334-5862 x1001	https://www.councilforthehomeless.org/erap/	(360) 334-4007
King County	(206) 443-9603, ext. 115	https://kingcounty.gov/depts/community-human-services/COVID/eviction-prevention-rent-assistance.aspx	(206) 267-7069
Pierce County	(253) 572-3657	https://www.piercecountywa.gov/housinghelp	(253) 572-5134
Snohomish County	(425) 339-1335 x3	Call 211	(425) 258-9283 Ext. 5
Spokane County	(509) 456-0103 (509) 838-2799	www.snapwa.org Call 509-456-7627	(509) 477-2674
Thurston County	(360) 965-1155	http://www.caclmt.org/ https://hatc.org/community-resources/eviction-rent-assistance-program/	(360) 705-8194

EVICTION RESOLUTION PROGRAM

NOTICE #1: OPPORTUNITY FOR EARLY RESOLUTION & RESOURCE INFORMATION

****Tenants:** You may also complete the information below and return this Notice to your landlord within 14 days of the date above by email or other means to access the Eviction Resolution Program. If possible, keep a copy of the form for yourself.**

I want assistance in resolving my unpaid rent. My contact information is:

Tenant's Name: _____

Tenant's Address: _____

Tenant's Phone: _____ Tenant's Email: _____

Tenants: You may return this Form to your landlord to initiate Early Dispute Resolution.

Tenants: This Notice is available in different languages: www.courts.wa.gov/EvictionResolutionProgram

Tenants: For FREE INTERPRETER SERVICES, contact your local Housing Justice Project or Dispute Resolution Center.

EVICTION RESOLUTION PROGRAM

NOTICE #2: OPPORTUNITY FOR EARLY RESOLUTION & RESOURCE INFORMATION

****Attention Landlords: This notice must be sent to the Dispute Resolution Center in the County where your property is located in addition to be served on the tenant/s.**

****See DRC e-mails on page 2 of this Notice.*****

****Tenants: Respond within 10 days of the date below!****

Date:

TO:	FROM: (Send Response here);
Name:	Name of Landlord (LL): Name of LL's Attorney:
Telephone:	Telephone for LL: Telephone for LL's Attorney:
E-mail:	E-mail for LL: E-mail for LL's Attorney:

HELP & RESOURCES ARE AVAILABLE – DO NOT DELAY!

① Tenants: A NEUTRAL THIRD PARTY OR LOCAL LEGAL AID PROGRAM MAY BE ABLE TO HELP YOU WITH YOUR RENT AT NO COST TO YOU.

② Tenants: YOU MAY ASK FOR A MEDIATOR TO ASSIST YOU AND THE LANDLORD

③ Tenants: GET HELP! To get free early resolution or free legal help contact the **Dispute Resolution Center** or **Get a Lawyer** telephone numbers below in the county where you live.

RESOURCES

County	Dispute Resolution Center	Rental Assistance	Get a Lawyer
Clark County	(360) 334-5862 X1001	https://www.councilforthehomeless.org/erap/	(360) 334-4007
King County	(206) 443-9603, ext. 115	https://kingcounty.gov/depts/community-human-services/COVID/eviction-prevention-rent-assistance.aspx	(206) 267-7069
Pierce County	(253) 572-3657	https://www.piercecountywa.gov/housinghelp	(253) 572-5134
Snohomish County	(425) 339-1335 x3	Call 211	(425) 258-9283 Ext. 5

EVICTION RESOLUTION PROGRAM

NOTICE #2: OPPORTUNITY FOR EARLY RESOLUTION & RESOURCE INFORMATION

****Attention Landlords: This notice must be sent to the Dispute Resolution Center in the County where your property is located in addition to be served on the tenant/s.**

See DRC e-mails on page 2 of this Notice.*

RESOURCES – continued:

County	Dispute Resolution Center	Rental Assistance	Get a Lawyer
Spokane County	(509) 456-0103 (509) 838-2799	www.snapwa.org Call 509-456-7627	(509) 477-2674
Thurston County	(360) 965-1155	http://www.caclmt.org/ https://hatc.org/community-resources/eviction-rent-assistance-program/	(360) 705-8194

① Tenants: The Dispute Resolution Center will attempt to contact you to engage in Early Dispute Resolution.

② Tenants: You may respond to this Notice and engage in Early Dispute Resolution within 10 days of the date above by contacting the Dispute Resolution Center, obtaining a free lawyer, or returning this completed form to your landlord (see information above). If possible, keep a copy of the form for yourself.

③ Tenants: If you have received a Summons and Complaint, you should respond to the Summons by sending this Notice to the Landlord's attorney, or if no attorney, the Landlord.

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Tenant's Name: _____

Tenant's Address: _____

Tenant's Phone: _____ Tenant's Email: _____

Tenants: You may return this Form to your landlord to initiate Early Dispute Resolution

Tenants: This Notice is available in different languages: www.courts.wa.gov/EvictionResolutionProgram

Tenants: FREE INTERPRETER SERVICES are available through your local Dispute Resolution Center or Housing Justice Project

****Landlords: You must send this Notice by email to the Dispute Resolution Center in the County where your property is located at the email address below.****

County	Dispute Resolution Email Address
Clark County	info@mediationclarkcounty.org
King County	housing@kcdrc.org
Pierce County	solveit@centerforresolution.org
Snohomish County	earlyresolution@voaww.org
Spokane County	info@nwmediationcenter.com intakespecialists@fulcrumdispute.com
Thurston County	info@mediatethurston.org

Exhibit B

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SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF THURSTON

NO.

v.

Eviction Resolution Program (ERP)
DRC Certification

DRC CERTIFICATION: I declare under penalty of perjury under the laws of the State of Washington that the following is true and correct.

Date of DRC Certification	1)
City & State of DRC Certification	2)
DRC Certification Authored by:	
Print name:	
Sign name:	
Case Type	
Date case opened with DRC	
DRC Contacted Tenant (if applicable)	
DRC's First Date of Attempted Contact	
DRC's Second Date of Attempted Contact	
DRC's Third Date of Attempted Contact	
Date agreed to Mediate	
Landlord Name	
Landlord's Counsel	

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

Tenant Agrees to Share Final Offer at Meet & Confer &/or Mediation?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Final Offer: _____	

Date case closed with DRC

Tenant Name	
Tenant's Counsel	
Meet & Confer:	<input type="checkbox"/> YES <input type="checkbox"/> NO
Scheduled Date of Meet & Confer	
Actual Date of Meet & Confer	
Name of Eviction Resolution Specialist (ERS)	
Mediation:	<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)	

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.*

DATED this _____ day of _____, _____.

Signature and Name of filling party/counsel