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FILED
IN COUNTY CLERK'S OFFICE

OCT 07 2020

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY  DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON,
COUNTY OF PIERCE**

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

Emergency Order: 20-19

EMERGENCY ORDER #19

**PUBLIC HEALTH EMERGENCY ORDER
REGARDING UNLAWFUL DETAINER
ACTIONS AND THE EVICTION
RESOLUTION PROGRAM (ERP)**

This matter comes before the Court again on the COVID-19 public health emergency in Washington State.

All Pierce County Superior Court Emergency Orders, Supreme Court Orders related to the public health emergency and court operations (**specifically including Order No. 25700-B-639 authorizing Eviction Resolution Program in Superior Courts, dated and filed on September 9, 2020**), Washington State Department of Health and Pierce County Department of Health orders and directives as they might impact Court operations, as well as any relevant Proclamations by Governor Inslee are incorporated by reference.

WHEREAS, hundreds of thousands of people in Washington state have lost their jobs or have had employment hours severely curtailed because of the COVID-19 emergency; this mass loss of income has made it impossible for many families and individuals (tenants) to keep current in rental payments; and

1 WHEREAS, various federal, state, and local orders and proclamations (“moratoria”)
2 have prohibited most residential evictions during the COVID-19 emergency; however, at
3 some point, these moratoria will end and many tenants will face substantial arrearages
4 and threat of eviction upon termination of the moratoria; and

5 WHEREAS, many landlords face economic hardship and significant loss of income due
6 to the inability of tenants to keep current in their rent and the prohibition on evictions
7 established by these moratoria; and

8 WHEREAS, once these moratoria end, the anticipated significant increase of residential
9 unlawful detainer filings challenges the ability of this court to timely hear and fairly decide
10 such cases consistent with statutory deadlines, due process, and mandated procedures;
11 however, State and local rent-assistance programs offer the opportunity for immediate
12 assistance in addressing rent arrearages (or portions thereof);

13 WHEREAS, it is understood that the local Dispute Resolution Center (DRC) and local
14 housing justice project (HJP) are prepared to assist tenants facing the threat of eviction
15 and help tenants resolve that threat through non-judicial processes including the Eviction
16 Resolution Program (ERP); the goal of the ERP being to divert residential unlawful
17 detainer cases based on nonpayment of rent through effective and fair conflict resolution
18 and alternative dispute resolution processes with the assistance of an impartial Eviction
19 Resolution Specialist (ERS) trained and provided by the local DRC as well as ensuring
20 tenants have access to community resources, including attorney representation through
21 the local HJP, to reach a solution that stabilizes households;

22 WHEREAS, *prior to* the expiration of any state and/or local eviction moratoria, the ERP
23 will encourage landlords and tenants to voluntarily participate in a structured resolution
24 process that offers a real prospect of resolving cases before they are scheduled on the
25 court’s calendar; the successfulness of the ERP *post-moratoria* depends on mandating
its use in order to divert residential unlawful detainer cases from this court thereby
ensuring all court calendars are managed effectively; and

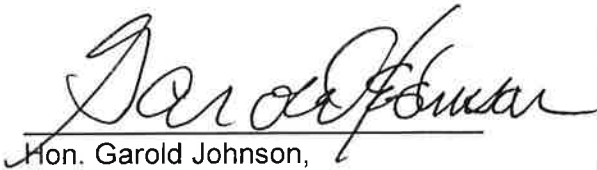
WHEREAS, this court is one of seven (7) county superior courts that has agreed to
participate in a pilot ERP; and

1 WHEREAS, this Emergency Order is issued to specifically mandate use of the ERP
2 **after** expiration of any state and/or local eviction moratorium;

3 **IT IS HEREBY ORDERED** that:

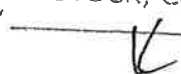
- 4 1. At the time of serving an unlawful detainer summons and complaint for nonpayment
5 of rent regarding residential properties, the landlord or landlord's counsel must
6 include notice to the tenant of the Eviction Resolution Program and the available
7 rental assistance resources (sample notice attached);
- 8 2. **Prior to conducting a hearing on the Unlawful Detainer calendar(s)**, residential
9 landlords and tenants must fully comply with the Eviction Resolution Program
10 including Tier One and Tier Two processes (description of the processes attached);
11 and
- 12 3. Prior to conducting a hearing on the Unlawful Detainer calendar(s), residential
13 landlords and tenants must file the Eviction Resolution Program DRC Certification
14 Form evidencing that: (1) mediation was offered; (2) if the parties met at mediation;
15 (3) if so, whether they conferred in good faith; (4) the case was not resolved; and (5)
16 whether the parties agreed to any information being shared with the court. The
17 failure of one party to confer in good faith does not preclude a hearing if the judicial
18 officer concludes, based on a preponderance of the evidence, that the party failing to
19 confer in good faith had proper notice and a reasonable opportunity to fully
20 participate in the Eviction Resolution Program.
- 21 4. Unless extended, this order expires on December 31, 2020.

22 DATED: October 7, 2020.

23 
24 Hon. Garold Johnson,
25 Presiding Judge
Pierce County Superior Court

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