



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:

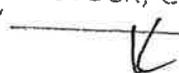
- 4 1. At the time of serving an unlawful detainer summons and complaint for nonpayment  
5 of rent regarding residential properties, the landlord or landlord's counsel must  
6 include notice to the tenant of the Eviction Resolution Program and the available  
7 rental assistance resources (sample notice 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

FILED  
IN COUNTY CLERK'S OFFICE

OCT 07 2020

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY  DEPUTY