FILED
SUPERIOR COURT

'21 DEC 29 A11

COWLITZ CO. CLERK
STACI L. MYKLEBUST
BY

SUPERIOR COURT OF WASHINGTON FOR COWLITZ COUNTY

4th AMENDED STANDING ORDER

Eviction Resolution Pilot Program (ERPP)[1]

Effective January 10, 2022 through June 30, 2023[2] unless modified by the Court.

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

   A. Cowlitz Superior Court anticipates a significant increase in eviction matters for non-payment of rent, once evictions move forward in Washington State. Non-payment evictions are anticipated to be allowed to proceed as of the First of October, 2021.

   B. This court has determined it appropriate to issue this standing order pursuant to the Supreme Court General order 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 principle issue in context is non-payment of rent.

[1] ERP changed to ERPP given language in ch. 115, Laws of 2021, Sec. 7.
[2] Per ch. 115, Laws of 2021, Sec. 7(9).

2. Order

A. ERPP Administration

The court designates that Judge Gary Bashor 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.

a. Prior to serving and/or filing a summons and complaint for non-payment of rent, the landlord or landlord's counsel shall;

(i) ***strictly comply with*** the notice, service, and certification requirements of Sec. 7(3), (4), and (5) of Chapter 115, Laws of 2021,

(ii) meet and confer with the local DRC and the tenant and tenant's attorney to facilitate the resolution of the issue of nonpayment of rent.

b. **At the time of filing,** the ERPP DRC Certification Form, shall be filed as a separate document, together with a summons and complaint with the court for any cases involving non-payment of rent.

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 Cowlitz Wahkiakum Legal Aid and Northwest Justice Project.

D. DRC Certification of ERPP. The DRC shall complete the Certificate of ERPP Participation promptly once the parties have completed their obligations under Sec. 7(3), (4), and (5) of Chapter 115, Laws of 2021, and upon request of the Landlord if

payment has not been received. 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 Certificate shall be provided to the Landlord upon completion as defined in this paragraph. The Clerk will not accept for filing any Unlawful Detainer based upon non-payment of rent which does not include a completed ERPP Certificate which shall be filed as a document separate from the Complaint.

The local DRC may add relevant language to a 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 and was rent assistance available in the relevant locality at this time); the date the DRC received the notice and the date on the notice; whether the tenant participated in 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.

The ERPP Notice and Resource Form is available on the Court Website at: www.CowlitzSuperiorCourt.us/Evictions

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

F. Initial Hearing Procedures for Unlawful Detainer Cases.

i. *Upon implementation of the right to counsel plan for this court by OCLA pursuant to Secs. 8 and 9 of Chapter 115, Laws of 2021, the following provision will take effect*:

At the first hearing, the court will advise the tenant of their right to appointed 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) for eligibility screening by sharing the name and contact number for NJP, unless counsel has previously been appointed for the tenant. If a tenant is referred for screening, the Court will continue the initial hearing one (1) week to allow the litigant to contact assigned counsel and to appear with counsel and provide the court with a case status update.

ii. In non-payment of rent cases in which a DRC Certification has been issued: At the first hearing, the court shall determine: (a) whether the landlord has complied with the notice, service, participation, and certification filing requirements of Sec. 7 of Chapter 115, laws of 2021, and (b) whether the landlord and tenant met and conferred with the local DRC for purposes of resolving the issue of nonpayment of rent.

G. Superseding Effect. This order supersedes all prior standing orders issued with respect to the practice and procedure relating to the Eviction Resolution Pilot Program.

DATED this 29 day of December, 2021.

The Honorable
Presiding Judge Gary B. Bashor