

The Supreme Court
State of Washington

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TO: Judicial System Colleagues and Court Users
FROM: Chief Justice Debra Stephens
RE: Eviction Resolution Program Pilot Project

Our state courts have responded to the many challenges of the COVID-19 pandemic with creative, innovative solutions that protect access to justice and keep courts open and safe.

As we approach the close of 2020, one imminent challenge facing superior courts is the anticipated wave of new eviction actions following the lifting of state, local, and federal eviction moratoria. The number of projected filings is staggering, and has the potential to create significant housing instability for families, impede the flow of resources available to both landlords and tenants, and overwhelm courts still reeling from substantial case backlogs.

Anticipating this challenge, the judicial branch convened a workgroup of stakeholders from across the state, under the leadership of the Superior Court Judges' Association, to address this daunting issue and develop solutions. Thanks to those efforts I am very pleased to announce the launch of the state's first pilot **Eviction Resolution Program (ERP)**. Landlord and tenant attorneys have worked side by side with judges, court personnel, and dispute resolution specialists to create this program which is designed to connect both landlords and tenants with available resources and to facilitate early resolutions where possible. The ERP will be piloted in six counties, **Spokane, King, Clark, Pierce, Thurston, and Snohomish**, as these counties collectively account for nearly 80% of annual eviction filings across the state.

The ERP is designed to offer help now. Even while eviction moratoria remain in place, the program establishes a voluntary framework for early identification and resolution of disputes involving non-payment of rent. After the state and federal moratoria are lifted, the ERP will require parties to engage in pre-litigation conciliation efforts prior to the filing of an unlawful detainer action in cases where non-payment of rent, or non-compliance with previously agreed-upon payment plans, are the primary reason for the landlord's action to evict.

On September 9, 2020 I signed a Supreme Court Order recognizing the authority of superior courts in Washington to implement an eviction resolution program for litigants to participate in prior to the filing of an unlawful detainer action in court, and to take all necessary steps to support such a program. Courts are authorized to enter local orders and contract with conciliation service providers. Pilot counties have individually issued local standing orders relating to the program which can be found on their websites along with FAQs, resources, and information on local protocols.

The ERP is designed to facilitate early resolution of eviction cases through the assistance of trained Eviction Resolution Specialists (ERSs) at community-based Dispute Resolution Centers (DRCs). These professionals are best situated to find solutions that allow tenants to maintain their tenancies when possible, and to locate rental assistance resources and/or payment plans to address the financial impact on landlords—without the need for court intervention.

This innovative ERP pilot program represents just one example of the amazing collaboration we have seen throughout and across our judicial system in response to the COVID-19 pandemic. I want to express my deepest thanks to the judges and justice partners whose hard work and commitment to problem-solving helped make this possible. Their efforts underscore the commitment we all share to supporting our communities in this time of great need.