

Rule 8 UNLAWFUL DETAINER ACTIONS

(a) Complaints for writs of restitution, money judgments, and other orders in residential, post-foreclosure, and manufactured and mobile home unlawful detainer actions will be granted only under the following conditions:

(1) Owners or lessors of real property, or any duly appointed Attorney in fact, may properly be a plaintiff in an unlawful detainer action. All complaints must include the following:

(i) A copy of the rental agreement or lease upon which the tenancy is based, if any, shall be filed with the complaint. A complaint that involves a month-to-month tenancy that is the result of a conversion from a lease shall include a copy of the underlying lease.

(ii) Plaintiff owners of the real property must state ownership in the complaint and if the tenants participate in federal housing assistance programs or if the real property has a federally backed mortgage.

(iii) Plaintiff lessors and sublessors must state their status as lessor or sublessor in their complaint.

(iv) Duly appointed attorneys-in-fact of the property owners must state their status in the complaint and must file with the complaint a copy of the power of attorney so designating them.

(v) If the action is brought under the Residential Landlord Tenant Act and is based upon any reason other than exclusively nonpayment of rent, the plaintiff shall specifically plead the just cause exception under RCW 59.18 et. seq. to ending a residential tenancy and shall state with specificity the facts supporting such exception.

(vi) If the action is based upon a facility rules violation, a copy of the rules shall be attached.

(vii) If the property or housing unit is federally, state or tribally subsidized in any manner (including but not limited to Section 8 housing, Public Housing, Rural Development housing, or Low Income Tax Credit Program) the name of the program and nature of the subsidy shall be included in the complaint.

(viii) a certification that the plaintiff notified Skagit Legal Aid and the approved dispute resolution center prior to the filing of this action in the form of Attachment B which is attached to this rule.

(ii) A copy of the notices required under RCW 59.12, et seq. and any notice required pursuant to any standing order of this Court and proof of service or mailing of the aforementioned notices.

(2) A plaintiff seeking a writ of restitution must either schedule the matter for trial or schedule a Show Cause Hearing on the issuance of the writ, with proper notice to the defendant of the hearing and notice that failure to attend may result in a default judgment and writ of restitution.

Notice of the hearing must be by an Order to Show Cause which may be served with the Summons and Complaint or at any time thereafter. The Order to Show Cause must include information about how tenants can access remote proceedings in accordance with Local Rule 7(b).

The Plaintiff shall attach to all Orders to Show Cause issued in all residential, post-foreclosure and manufactured and mobile home unlawful detainer actions the following in English and Spanish:

(i) IMPORTANT NOTICE TO TENANTS CONCERNING SCHEDULED COURT HEARING TO SHOW CAUSE AND HOW TO ACCESS LEGAL ASSISTANCE AND VIRTUAL PROCEEDINGS, which is attached to this rule and incorporated herein as Attachment A, and

(ii) Request for Interpreter Services form as maintained and updated by the Court Administrator's office.

The Court will not issue an order of default or an order for writ of restitution until the hearing has occurred. A properly served defendant's failure to appear at the show cause hearing will be treated as a default.

(3) A plaintiff seeking the entry of a writ of restitution in any residential post-foreclosure, manufactured or mobile home unlawful detainer action shall cause to be served with the Order to Show Cause a copy of Attachment A which is attached to this rule.

(b) The following procedure shall be followed during the Unlawful Detainer calendar:

(1) At the commencement of each unlawful detainer court calendar a representative of a Qualified Legal Services Provider shall be permitted to announce to the parties present either in person or virtually the availability of free legal services for those who desire legal assistance and who financially qualify.

(2) The court will, at the commencement of the hearing, advise the parties that the defendant may seek a continuance of the hearing to a later date if the defendant wishes to seek an attorney to represent them or if they need more time for some other valid reason. The defendant must exercise this option at the very start of the hearing.

(3) The Court will continue the hearing for any defendant who indicates to the court the desire to consult with an attorney associated with the Qualified Legal Services Provider. Plaintiff's counsel is encouraged to meet with and negotiate resolution of matters.

(4) The court shall consider the tenant's circumstances, including decreased income or increased expenses, and the best repayment plan terms offered during any unlawful detainer proceeding.

ATTACHMENT A

IMPORTANT NOTICE TO TENANTS CONCERNING SCHEDULED COURT HEARING TO SHOW CAUSE AND HOW TO ACCESS LEGAL ASSISTANCE AND REMOTE PROCEEDINGS

This notice contains legal rights that you have under the law and Skagit County Superior Court Local Rules.

- State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter.
- You have the right to appear at the Show Cause hearing and present your side to the Court either in person or virtually in accordance with this Court's Local Rules.
- If you do not participate in your Show Cause hearing, the Sheriff could evict you.
- Your landlord is required to give you this addendum if they give you an "Order to Show Cause."

Remote Appearance

You may appear remotely provided that you have clear audio or video. Information about connecting remotely is posted on the Court's website in the Daily Court Schedule:

www.skagitcounty.net/Departments/SuperiorCourt

The rules of courtroom decorum continue to apply to anyone appearing remotely, including the public. This includes refraining from interrupting others, engaging in lewd or in appropriate behavior, or otherwise disrupting the proceedings. All parties are expected to wear courtroom appropriate attire when appearing remotely.

Legal Help

State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you,

please contact the Eviction Defense Screening Line

By phone at 855-657-8387

Apply Online at <https://nwjustice.org/apply-online>

For additional resources, please call the CLEAR Advice and Referral line at **1-888-201-1014** weekdays between 9:15 a.m. – 12:15 p.m. or the CLEAR Senior line at **1-888-381-7111** for seniors age 60 and up. You will be screened for eligibility: legal representation is not guaranteed.

Any person should qualify who, at any stage of a court proceeding, either

(a) Receives one of the following types of public assistance:

- Temporary assistance for needy families,
- aged, blind, or disabled assistance benefits,
- medical care services under RCW 74.09.035,
- pregnant women assistance benefits,
- poverty-related veterans' benefits,
- food stamps or food stamp benefits transferred electronically,
- refugee resettlement benefits,
- medicaid, or
- supplemental security income;

or

(b) Receiving an annual income, after taxes, of 200 percent or less of the current federally established poverty level.

If you are unable to contact CLEAR, you may contact the Housing Justice Project operated by Skagit Legal Aid. The clinic operates either in person or virtually during each court unlawful detainer calendar s. You can reach the local Housing Justice Project at (360) 230-8100.

You may also visit WashingtonLawHelp.org for up to date information on landlord/tenant law.

Individuals with Disabilities or Limited English Proficiency

If you have a disability or do not primarily speak English and need assistance in order to fully and equally participate in your Show Cause hearing, you should promptly contact the Superior Court Administrator's office and follow the provided instructions by calling (360) 416-1200 or in-person at the Court Administrator's office (2nd floor courthouse), and then follow the provided instructions.

Applicants should request the accommodation that will allow them to best participate in court programs, services, or activities. A reasonable accommodation could be, but is not limited to:

- an interpreter,
- a sign language interpreter;
- large print or high contrast documents and forms;
- hearings held by teleconference;
- extended time for hearings and recesses; or
- assistive listening and seeing devices;
- personal assistance or someone who can help present the case or claim to the Court.

All parties with Limited English Proficiency who need an interpreter to participate in court hearings shall complete the Request for Interpreter form served contemporaneously with this Important Notice and available on the Superior Court Administrator's office.

ATTACHMENT B

Certification of Property Owner, Landlord, or Counsel

I certify and declare under penalty of perjury under the laws of the state of Washington that on _____ (the date prior to filing), that I e-mailed/mailed notice of my intent to file a Complaint in Unlawful Detainer against Tenant _____ (insert Tenant's name) along with the Tenant's last known contact information (i.e. address(es), telephone number(s) and e-mail(s), and preferred language to communicate) to the approved dispute resolution center and Skagit Legal Aid..

[Adopted September 1, 2020; Amended September 1, 2021]