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June 23, 2023

Michelle Cook, Superior Court Administrator  
205 W. Kincaid Street, Room 202  
Mount Vernon, Washington 98273

Re: Letter of Concern for Modified Local Rule 8 concerning Lack of Mandatory Spanish Language Access Requirement

Dear Superior Court Administrator,

Skagit Legal Aid is the primary eviction defense provider in Skagit County. We are concerned about the modified Rule in its current proposed form as it does not guarantee that a large number of primarily Spanish speaking tenants in Skagit County will be able to actually read the notice provided to them by their landlords. We strongly believe the Court should adopt the proposal we submitted to Court Administration in full concerning language access for eviction notices.

We are the primary provider of indigent tenant defense services in the Skagit Valley. Since January 2021, we have represented at least 93 tenants in court cases in the Skagit County Superior Court. Only two (2) of these tenants spoke a language other than English (Spanish). In this same time period, we have represented at least 499 tenants before an unlawful detainer was filed. Nearly a quarter (22%) of these tenants spoke Spanish or Mixteco. The vast majority of these tenants only received notices in English. We were only able to reach these non-English speaking tenants as a result of our close working partnership with the CCS Farmworker Center and our staff from the community.

During the pandemic, the Skagit County Superior Court enacted the state's strongest language access provisions in its standing order implementing the Eviction Resolution Pilot Program (ERPP). These provisions required landlords to serve the notices in English and Spanish and in any other language that the plaintiff reasonably knew the tenant to prefer if a copy of the notice is available in that language on the Washington State Office of the Attorney General's website. The Skagit County language access provisions were repeatedly highlighted by the Office of Civil Legal Aid as a model for other courts to adopt.

Confusion and fear often result when tenants cannot read a notice from their landlord. Notwithstanding the language access requirement in the ERPP standing order, most landlords and their counsel failed to follow this requirement to serve notices in English and Spanish or any other

language the landlord reasonably knew the tenants to prefer, and the local Dispute Resolution Center did not enforce the language access terms. Non-English speaking tenants did not know how to avail themselves of legal services and rent assistance. Oftentimes, tenants who do not speak English are the most vulnerable to illegal, extra-judicial evictions by disreputable landlords.

Skagit Legal Aid commends the few landlords and their attorneys who complied with the language access provisions in the standing order.

The ERPP standing order will sunset on June 30, 2023 pursuant to the authorizing statute. Skagit Legal Aid submitted a proposal to incorporate the language access provisions from the Superior Court's standing order concerning the service of eviction notices in English and Spanish into SCLR 8. We copied the language verbatim from the standing order into our proposal.

The Court neglected to include the mandatory requirement that landlords serve the notices in English and Spanish as required by the current ERPP standing order and as proposed by Skagit Legal Aid. This failure allows landlords to continue to serve notices that their tenants cannot read. These tenants who cannot read or understand a legal notice in English may assume the worst and leave without seeking help. Available legal services and rent assistance often can resolve disputes, maintain housing stability for the tenants, and ensure landlords receive rent arrears – but without the prerequisite of comprehensible notice, these options are largely inaccessible.

The requirement of both Spanish and English notices provides more clarity to landlords, removing any guesswork or assumptions regarding a tenant's ability to read and fully comprehend a legal document (which may differ substantially from perceived speaking ability). The value of ensuring meaningful notice to the most vulnerable of tenants weighs in favor of retaining this simple requirement.

We believe the language should read as follows:

**The plaintiff shall serve the required notice(s) in English and Spanish.** Additionally, the plaintiff shall serve the notice(s) in any other language that the plaintiff reasonably knows the tenant to prefer if a copy of the notice is available in that language on the Washington State Office of the Attorney General's website.

Sincerely Yours,

*Andrew Dugan*

Andrew Dugan

Executive Director, Skagit Legal Aid