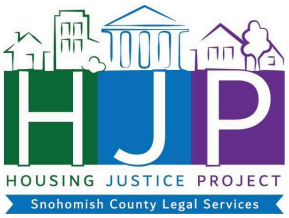

SNOHOMISH COUNTY LEGAL SERVICES

UNLAWFUL DETAINER ACTION ("UDA")

Commonly referred to as Evictions

INFORMATIONAL AND RESOURCES

PACKET

2920 COLBY AVE., STE.102
EVERETT, WA 98201

TEL (425) 258-9283
FAX (425) 259-2906

WWW.SNOCOLEGAL.ORG
Email: information@snocolegal.org

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(01/2024)

Snohomish County Legal Services Information Packet

- **IMPORTANT!** Eviction law has drastically changed. Read about changes to the law at Washington State New 2021 Landlord/Tenant Legislation (washingtonlawhelp.org) and check back for updates.
- The eviction moratorium ended on June 30, 2021. The bridge proclamation expired on October 31, 2021. There are no more moratoriums or proclamations prohibiting evictions.
- The Eviction Resolution Pilot Program ended July 1, 2023. Landlords are no longer mandated to participate in this program.
- You can find more information on common landlord-tenant related issues at WashingtonLawHelp.org.
- To see if you qualify for free legal assistance, apply online at nwjustice.org/apply-online, or contact Snohomish County Legal Services at information@snocolegal.org.

What is in this informational packet?
This informational packet was created to help those at-risk or facing eviction in Snohomish County.

Who should read this informational packet?
Tenants at-risk of losing their housing. For example, if you received a notice or court documents that say "Unlawful Detainer Action" or "Order to Show Cause" from your landlord/property manager/property owner.

Disclaimer:
This informational packet is intended to be a general statement of the unlawful detainer action (commonly referred to as "eviction") procedure and not legal advice. For more detailed information, please consult applicable provisions of the Revised Code of Washington (RCW) Chapters RCW 59.12, 59.18, 59.20, and the Civil Rules for Courts of Limited Jurisdiction, Rule 5 (CRLJ 5). Additional information for recent changes to the Residential Landlord-Tenant Act (RLTA) can be found at SB1236 and SB5160. RCWs and court rules can be found at libraries and the following websites: www.leg.wa.gov (for RCWs) and www.courts.wa.gov (for court rules and sample forms). Court contact information can also be found at www.courts.wa.gov.

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The Unlawful Detainer Action (Eviction) Process Explained

What is an Unlawful Detainer Action (UDA)?
Unlawful Detainer Actions (also commonly referred to as "eviction") is a legal proceeding a Landlord brings to evict (or remove) a Tenant from the premises.

Eviction proceedings have three main components:

1) **Service of a Pre-litigation/Termination of Tenancy Notice** (see page 9 common types of notices)
2) **Service of a Summons and Complaint**
3) **Show Cause Hearing**

1. Pre-litigation/Termination Notice:
This notice tells the Tenant to do something and/or move out. This notice is required by law *before* an eviction can start. The notice must contain certain information or it is defective. Consult with an attorney.

Service: The Landlord must also properly deliver the notice by:
(1)"Personal service" - hand-delivering the notice directly to you (or with a person of suitable age who lives at the same address as You and mail a copy to you); or
(2)"Post and Mail" - tape the termination notice to your door **AND** send a copy in the mail to you.
IMPORTANT: A notice through text, voicemail, email or verbally is **not** proper notice.

2. Summons and Complaint:
The Landlord (or the Landlord's attorney) must serve the Tenant a copy of the Summons, Complaint and any other documents filed with the Court.

▸ Have you received these documents? Consult with an attorney immediately.

3. Show Cause Hearing:

▸ Is there a court date or show cause hearing scheduled? Consult with an attorney immediately.

A Show Cause Hearing may result in: (1) Writ of Restitution (Eviction); (2) Dismissal; or (3) Trial

Writ of Restitution: A Court Order directing law enforcement to remove an occupant from the premises.

Common Defenses for Tenants

Procedural - a defense where the Landlord did not follow all of the legal procedures.
For example: Tenant is no longer in possession of the premises (tenant vacated and returned keys), notice, summons or complaint was not properly served or the case was filed in the wrong court.

Substantive - a defense based on the facts of the case.
For example: The allegations in the termination notice are untrue.

Can an UDA be appealed?*
A UDA may be appealed by the following ways:

(1) Motion for Reconsideration: Request to have your case reviewed. This will be reviewed by the same Commissioner who previously decided Your case, without oral argument; however, you may introduce additional written evidence.
(2) Motion for Revision: This is a request to change the previous decision in Your case. This can only be used if a Commissioner decides Your case and a Judge will review. No new evidence is allowed.
(3) Direct Appeal: Appeal directly to District Court of Appeals

*An appointed attorney, at no cost, does not mean a free appeal. Appealing may require that you pay a bond to secure your appeal. Appealing also does not mean that you can stay in the property while the case is being appealed. Appealing an UDA may result in liability for court costs and Landlord's attorney fees.

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Example Eviction Timeline

Day 1
Rent is Due

Day 2
Rent is still unpaid; Tenant receives 14-day Pay or Vacate Notice.

Days 3-15
Tenant has 14 days to pay the entire amount due on the 14- day notice, negotiate a payment plan, or vacate.

Day 16
Rent is still unpaid;
Landlord may serve a filed OR unfiled UDA (Eviction) lawsuit (Summons & Complaint) against tenant.
Tenant has 7 days to Answer or risk losing by default. Date of response is on the Summons.

Tenant may also be served with an Order to Show Cause - the notice of a court date.

Day 23
Tenant's Answer is due

Day 24
UDA "Show Cause" Hearing:
Default or judgment and Order for Writ of Restitution may issue;

Day 25
The Sheriff serves or posts the Writ of Restituion

Day 28
Deadline for Tenant to request Landlord to store property

Day 31
Sheriff will return to ensure Tenant has vacated the property

FOR MORE INFORMATION, VISIT
www.snocolegal.org

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Eviction Resolution Pilot Program

UPDATE: In Snohomish County, Landlords must provide an ERP notice, informing tenants of the ERP Program, ***before*** filing an eviction lawsuit **through June 30, 2023.**

After June 30, 2023, a landlord is no longer required to give a tenant the opportunity to participate in the ERP program before filing an eviction lawsuit.

About the Program

The Eviction Resolution Pilot Program (ERPP/ERP) brings tenants and landlords together to attempt to resolve disputes before an eviction lawsuit is filed. This program is **free** to tenants and landlords. Part of this program is to provide resources to tenants through an ERP notice, which includes information regarding the local dispute resolution center, rental assistance, and legal aid services.

Who Participates in the ERP Program?

- Tenant may can choose whether or not to participate in the program
- If a tenant chooses to participate, the landlord MUST participate.

The Process

- Landlord must give tenants an ERP notice to give the tenant the option to participate in the ERP Program before the landlord can file an eviction lawsuit
- An Early Resolution Specialist will connect tenants and landlords to provide information about the ERP program, rental assistance, legal aid, and begin early resolution intervention.
- If the ERP Program is successful, then you and your landlord will receive a written copy of the settlement agreement.
- If the ERP Program is NOT successful, a landlord may file an eviction lawsuit.

CONTACT INFORMATION FOR LOCAL RESOURCES		
Dispute Resolution Center Volunteers of America Dispute Resolution Center (425) 339-1335, ext. 3 earlyresolution@voaww.org www.voaww.org/drc	**Rental Assistance** Call 2-1-1 **¿Habla español? Llamar a LETI para asistencia de alquiler** (731) 798-2238	**Snohomish County Legal Services** **Housing Justice Project:** (425) 258-9283, ext. 0 information@snocolegal.org

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Right to Counsel

What is "Right to Counsel"?
"Right to counsel" refers to the right of a Tenant defendant to have an attorney represent them in their unlawful detainer (eviction) action.

Do I get an attorney?
This "Right to Counsel" is only available to "indigent" tenants.To qualify, a person must be a tenant and must either receive public assistance or have an income up to 200% of the Federal Poverty Level. Some living conditions such as living in a hotel or campground might not qualify.

Does my legal status matter?
No.

How do I get a no-cost attorney?

1. Call the **Screening Line: 1-855-657-8387**
2. If you qualify, the screen line operators will refer your case to one of the Snohomish County Right to Counsel providers.
3. An attorney will be assigned to help you*

*subject to funding and capacity.

What will my attorney do?
If you qualify, you may have a lawyer providing free legal representation throughout the unlawful detainer process. The attorney may be in touch with you, over email and phone to help understand your case. If you want, they may try to settle with your landlord before the case goes into court. They may help prepare legal documents for your defense. They may represent you at your eviction court hearings.

What if I don't qualify?
If you do not qualify for an "appointed" attorney, these are some resources to obtain a private attorney or low-cost consultations:

Washington State Bar Association Moderate Means Program
1-855-741-6930

Snohomish County Bar Association - Lawyer Referral Service
425-388-3018

Visit: https://www.washingtonlawhelp.org/

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Snohomish County Courthouse Information***

***** READ your court documents for court date, time and location information**

Denney Juvenile Justice Center**	Snohomish County Superior Courthouse
Courthouse Address	
2801 10th St. Everett, WA 98201 **For interpreter cases	3000 Rockefeller Ave. Everett, WA 98201
Clerk's Office	
425-388-7978	425-388-3466
ADA Requests	
(425) 388-3369 You may request an accommodation by completing the Request for Accommodation Form (PDF) and returning by: **Email:** SuperiorCourtADA@snoco.org **Fax:** (425) 388-3498 **Mail:** Accommodation Coordinator Snohomish County Superior Court 3000 Rockefeller Ave. MS 502 Everett, WA 98201	(425) 388-3369 You may request an accommodation by completing the Request for Accommodation Form (PDF) and returning by: **Email:** SuperiorCourtADA@snoco.org **Fax:** (425) 388-3498 **Mail:** Accommodation Coordinator Snohomish County Superior Court 3000 Rockefeller Ave. MS 502 Everett, WA 98201
Court Interpreter	
(425) 388-3421 Fax: (425) 388-3498 SSCInterpreterSupport@snoco.org Interpreters are arranged by Court Administration at 425-388-3421 or sscinterpreter@snoco.org.Court Administration accepts requests for interpreters from pro se litigants and all attorneys of record.	(425) 388-3421 Fax: (425) 388-3498 SSCInterpreterSupport@snoco.org If you need an interpreter for your court hearing you must call ahead of time to arrange for an interpreter. Your hearing may be moved to a different location, different day, and different time.
UDA (Eviction) Show Cause Hearing Calendar* **	
Courtroom 3 Tuesday Wednesday Friday 9:00 am 11:00 am 1:00 pm *See **SCLS HJP page** for information regarding legal services prior to court hearing. ***** READ your court documents for court date, time and location information**	**Commissioners Civil Motions Dept. 1B** Tuesday - Friday 10:30am - Noon *See **SCLS HJP page** for information regarding legal services prior to court hearing. ***** READ your court documents for court date, time and location information**

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Common Types of Notices a Tenant May Receive

***Note: These are common types of notices and not a comprehensive list. You may receive a notice that does not say which kind of notice it is. You should look to see how long you have to do something, i.e. fix the problem or vacate.*

*Notices for those who reside in mobile homes or on a mobile home lot may look different***

Notice	What does the notice mean?	How can you fix the problem?	What if you disagree with the notice?
3 Day	A tenant has 3-days to vacate if the tenant: ● commits a crime, or ● destroys property, or ● substantially/repeatedly and unreasonably interferes with use and enjoyment of others in the property	If you receive this kind of notice, consult with a lawyer right away. You are at-risk of losing your housing. You may receive eviction court documents pretty quickly.	You should gather evidence right away, i.e. witness statements, documents, pictures, etc. to dispute the contents in the notice at an upcoming UDA hearing. There won't be much time to gather your evidence and submit it to the Court.
7 Day	Motel/Hotel notice to occupant who has unpaid rent for occupancy after March 1, 2021	Remedy this notice by paying the amount owed. If you receive this kind of notice, consult with a lawyer right away. You are at-risk of losing your housing.	The occupant may have some protections.
10 Day	Tenant breaks a substantial rule of the lease agreement	You can remedy this notice if they do what the notice says and send a follow-up letter informing the landlord they have complied with the notice or send a follow-up letter asking the landlord to explain the contents of the notice if you are unsure what you need to do.	If you disagree with the notice you may need to gather evidence, i.e. pictures, witness statements to dispute the notice. You can send a letter indicating that you disagree with the notice and/or consult with a lawyer.
14 Day	Tenant has 14 days to pay unpaid rent or vacate.	Pay the amount owed or enter a payment plan. If you owe money and are unable to pay rent, talk to a lawyer. Contact rental assistance programs right away.	If you disagree with the amount you owe, create your own ledger indicating amounts paid and dates of payments made in a chronological order. You may need to check your bank records/receipts to show you owe less than the amount indicated on the notice.

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20 Day	Owner can terminate a tenancy if the owner shares the dwelling with the tenant or the owner shares access to common area or bathroom areas with the tenant	If you receive this kind of notice, you are at-risk of losing your housing. Consult with a lawyer immediately	
30 Day	Local agency has condemned the dwelling as uninhabitable	If your home was condemned, you will have to move.	
	Landlord offers a new lease 30 days prior to expiration of the current agreement with reasonable terms. If the tenant refuses, the landlord can issue a notice.	If you receive this kind of notice, you are at-risk of losing your housing. Consult with an attorney immediately.	If you didn't enter into a new lease because the terms were not reasonable, you may need to explain to the Court why the terms in the new lease were not reasonable.
60 Day	Landlord has a legitimate economic or business reason not related to any other basis for terminating the tenancy.	If you receive this kind of notice, you are at-risk of losing your housing. Consult with an attorney immediately	If you disagree with the prior notices, you may need to have evidence to show the prior notice(s) were invalid. Landlord must attach all 10-day comply or vacate notices that lead to this 60-day notice.
	Tenant committed four or more substantial violations in twelve-month period and the landlord will then serve a 60-day notice.	If you receive this kind of notice, you are at-risk of losing your housing. Consult with an attorney immediately	
90 Day	The landlord intends to sell a single-family residence.	If you receive this kind of notice, you are at-risk of losing your housing. Consult with an attorney immediately	Landlords must try to sell within 30 days of you moving out. Search for any advertisements or listings every day for 30-days after you vacate and file a complaint with the Attorney General's office.
	Landlord/landlord's immediate family will occupy premises as primary residence.	If you receive this kind of notice, you are at-risk of losing your housing. Consult with an attorney immediately	Owner/family must occupy the unit at least 60 consecutive days during the 90 days immediately after the tenant vacates.
	These 90 day notices are difficult to dispute against in Court. If you disagree with the notice or believe the notice is a hoax/sham/lie, you can file a complaint with the Attorney General's office. https://www.atg.wa.gov/file-complaint		

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Snohomish County Legal Services - Housing Justice Project

The Housing Justice Project (HJP) operates HJP Clinics, both in-person or virtual (remote). No appointment or pre-registration required. **The HJP Clinic is limited to a brief consultation on a first come, first served basis, with priority to those with a UDA (eviction) show cause hearing that day or other urgent matters.** At this clinic, you may receive limited services or advice on housing issues, may be connected with a rental assistance navigator, or screened for "Tenants' Right to Counsel" eligibility.

FREE Legal Advice to those who qualify

Times and days subject to change

HOUSING JUSTICE PROJECT CLINICS		
Snohomish County Superior Courthouse 3000 Rockefeller Ave. Everett, WA 98201 Monday - Friday 9:00am - 11:00am *Brief Consult Services Walk-up welcome First come, First served	**Carnegie Resource Center** 3001 Oaks Ave. Everett, WA 98201 1:00pm - 3:00pm 2nd and 4th Wednesday of Every Month *Extended Consult Services Walk-up welcome First come, First served	**HJP Virtual Pop-In Clinic** Fridays @ 1:00pm - 3:30pm Zoom ID: 881 1144 6445 Passcode: 307837 Call: 253 - 215 - 8782 *Click, Call or Scan to join*

To get the most out of your brief consultation, we recommend:

1. **Bring with you or be ready to email the following documents:**
   - Lease, if you have one
   - Court documents
   - Any and all documents landlord gave you
   - Rent ledger, if you can get one from your landlord
   - Copies of any texts/emails/pictures/receipts/documents, printed and organized in chronological order

2. **Start the HJP intake process early!**
   Don't wait. You can start the eligibility screening and intake process now by:
   Phone: (425)258-9283 Ext. 0
   Email: information@snocolegal.org
   Online:https://forms.gle/2asdxHqC6UXt1rEz7

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Eviction Defense Help

Unsure whether You received an eviction notice? What kind of court documents You receive? Whether You need help or what to do next? Washingtonlawhelp.org has many resources that can help you understand what may be happening to your housing situation.

Step 1: Please Visit: https://www.washingtonlawhelp.org/

Step 2: You should arrive at the washingtonlawhelp.org Landing Page

Step 3 Search Options: You can find Eviction help in many ways from this Landing Page.

(A) Legal Topics Tab: On the top left side of the screen you will find a “Legal Topics” tab with an arrow facing downward. Hover over the “legal topics” tab or click the arrow. Select “House and Apartment”.

(B)Search Bar: In the large search bar type “Eviction” and press enter. This option is not the best option, because “Eviction” means something different to each person. You may need to search by different words to find what you are looking for.
Example of search words: “14-day notice” “locked out”

(C) Middle of Page: From the middle of the page you will find House & Apartment. Select “House and Apartment” title next to the house image.

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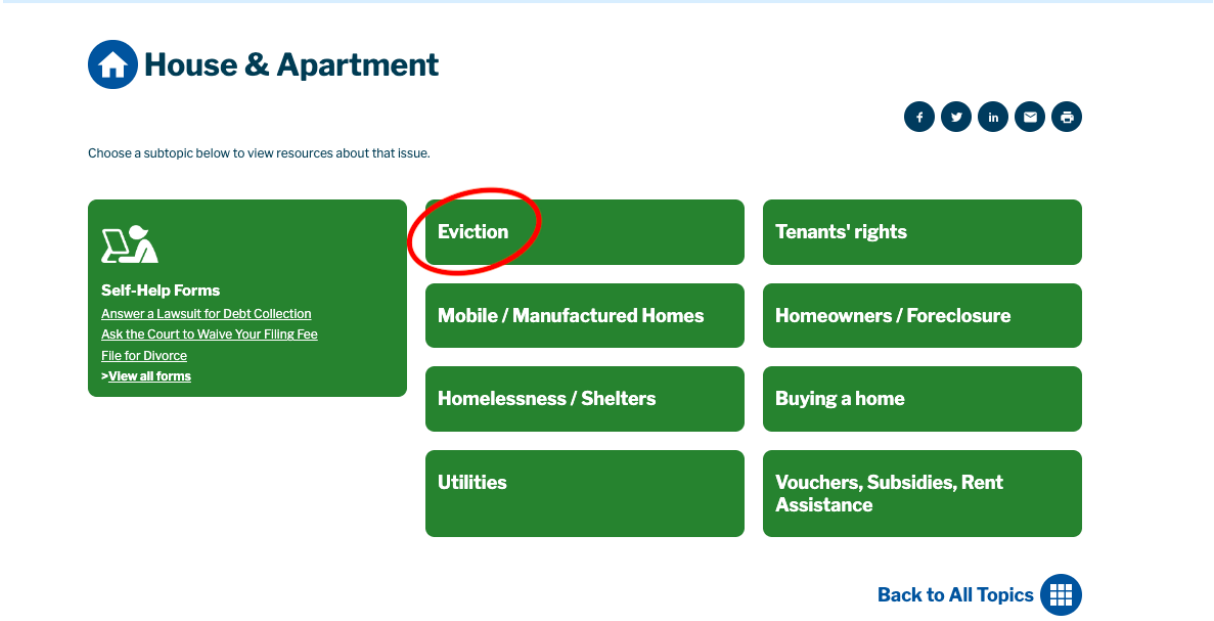
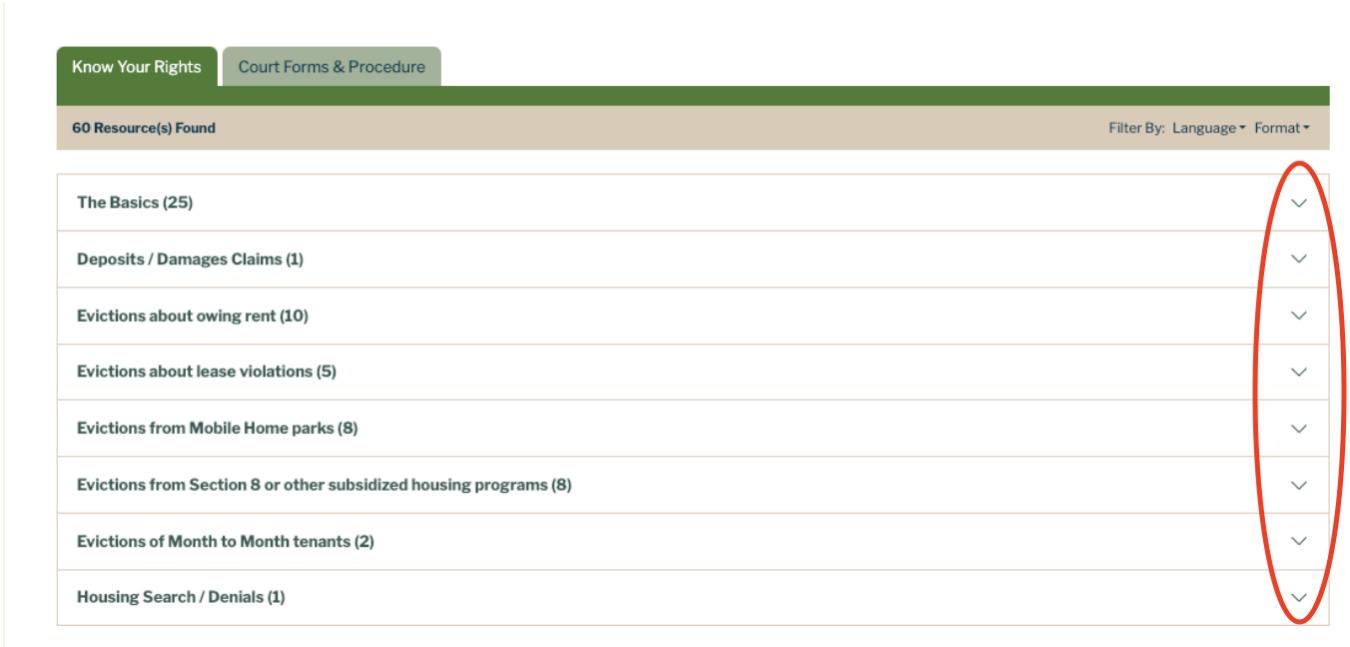
Step 4: **Both A and B options** will get you to this House & Apartment Landing Page. Click on the “Eviction” tab.



Step 5: Under the “Know Your Rights” tab you will see a list of housing topics. On the right side you will see an arrow pointed downwards. You can click on the arrow(s) to see what information is available within that topic. Some of the topics will be duplicated in multiple areas within those resources. All duplicated items are exactly the same.



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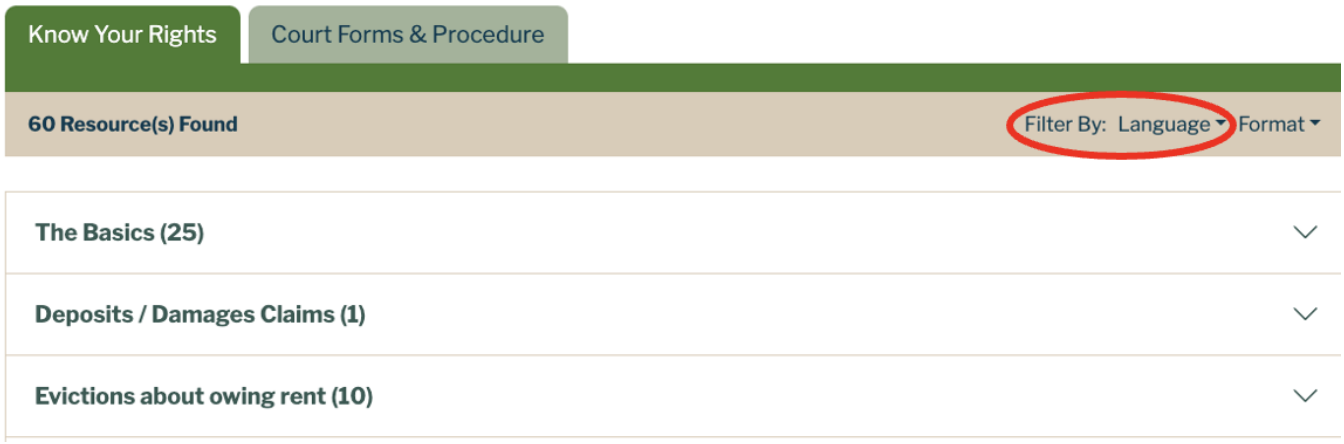
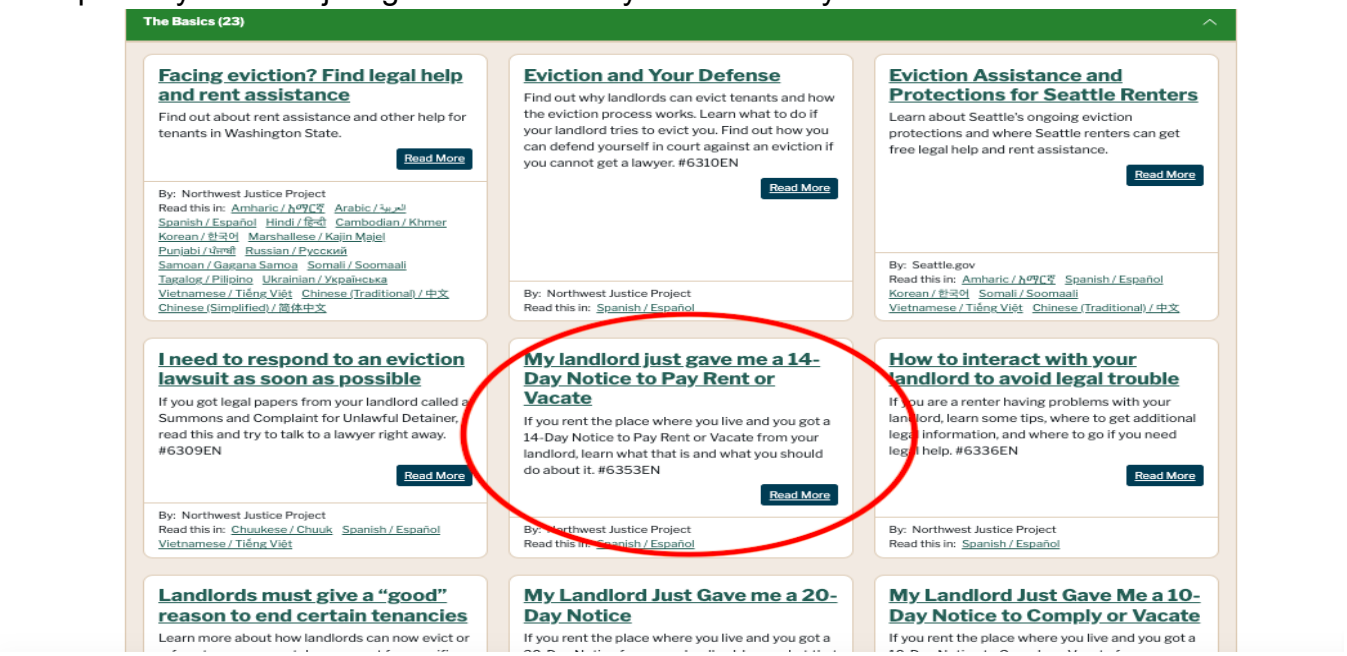
****TRANSLATION:** If you need additional support with language translation assistance towards the right of the page you will see “Filter By: Language” with an arrow facing downwards that may have some information in the language you understand. Even though there are some languages you can select, BE CAUTIOUS because not all of the information is available in alternative languages. **We recommend finding the right topic first before selecting a language. Otherwise you might not find the information you are looking for.****



Step 6: Click on “The Basics” tab and it will have different types of scenarios you may have or are currently experiencing with your landlord.
Example: “My landlord just gave me a 14-day Notice to Pay Rent or vacate”



Step 7: Most of the pages will have:

A: Translation: “Read this in:____” to select an alternative language located towards the top of the page.

B: Contents: In this area it will explain what information will be found on this page.

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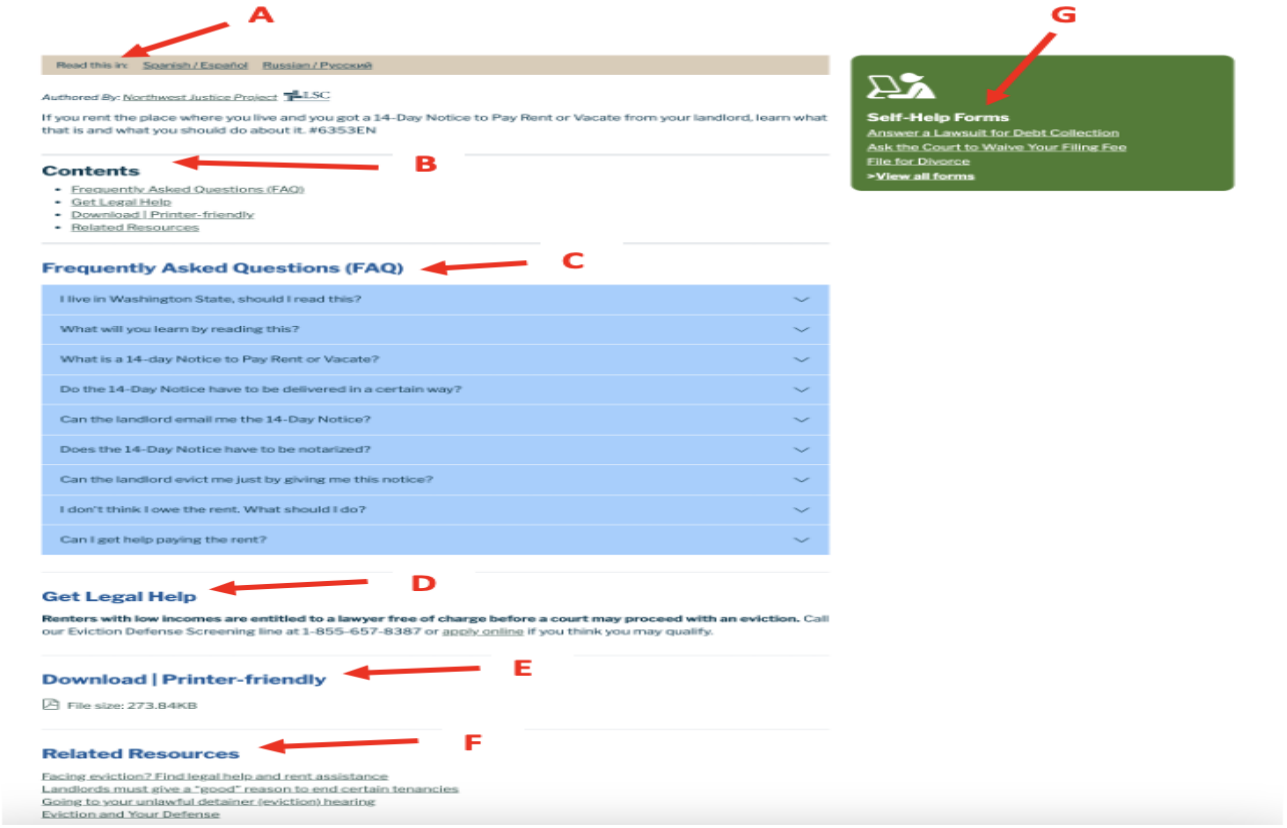
C: Frequently Asked Questions: This populates the information a person might have with this legal topic. It is usually common questions people have related to that legal issue. Click on the dropdown arrows and more content will appear.

D: Get Legal Help: This directs you to contact the Northwest Justice Project either by phone or filling out a form online.

E: Download/Printer friendly: This brings you to a pdf document that has information relating to the topic you select. It usually contains the common questions/issues the individual has related to the legal issue.

F: Related Resources: There are usually other topics related to the legal issue you selected that you might be interested in learning about.

G: Self-Help Forms: Even though this box is on most pages it does not give you assistance with all court forms. There are very few court forms to get assistance with such as fee waiver, dissolution, answering collection lawsuits, vacating criminal record, and some other forms.



Step 8: Go back to the Evictions mainpage and it'll bring you back to the "Know Your Rights" page. Next to "Know Your Rights" is a "Court Forms & Procedure" tab. There are certain court forms and court hearing information that is helpful for people facing eviction.

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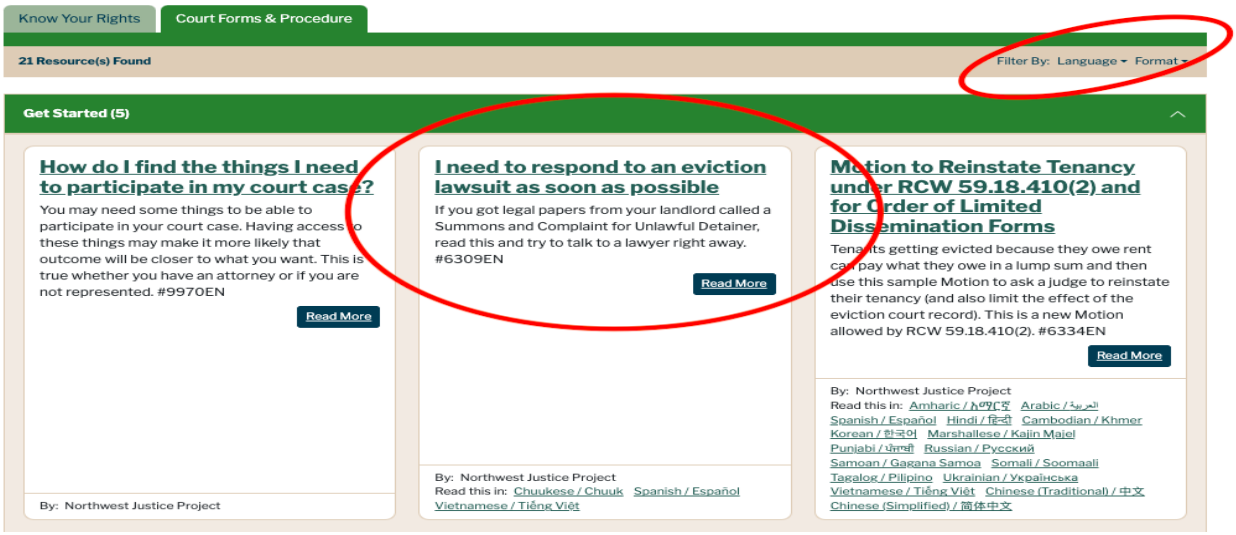
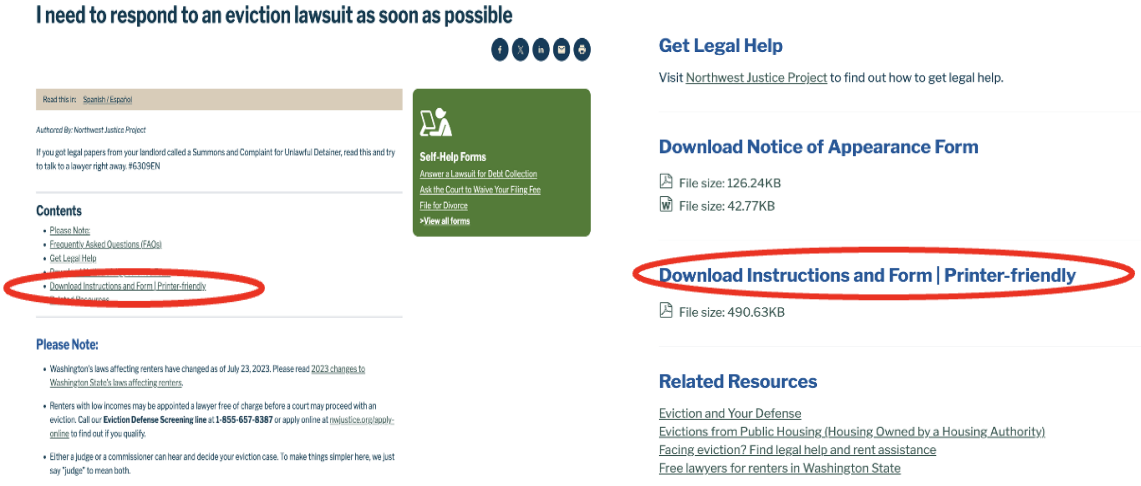
Step 9: Click the “get started tab” and you will see different types of scenarios that you might encounter with your landlord. Example: I need to respond to an eviction lawsuit soon as possible. **There are language options at the top of the page that will indicate if that particular page comes in other languages.**



Step 10: You will come to a page with information about how to respond to eviction lawsuit. In the “Contents” area you’ll find download instructions and form. It’ll bring you towards the bottom of the page where there are forms to download and print. **There are language options at the top of the page that will indicate if that particular page comes in other languages.**



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Glossary and Key Concepts

(*used in this Information Packet*)

These are not legal definitions. They are supplied to provide understandable definitions and explanations to Tenants facing eviction. This is not a comprehensive list of important terms or concepts. For further explanation please consult an attorney.

Answer: A response, in the form of a document, to the Complaint where the Tenant details their response to the Landlord's claims and assert any legal defenses they have.

Complaint*: A document that alleges the legal reason the Landlord is using as a basis to evict a Tenant.
*Commonly served with a Summons - see below

Eviction: The legal process a Landlord MUST follow to remove a Tenant removed from a property.

Eviction Resolution Program (ERP): A free resolution program which brings Tenants and Landlords together with a professionally trained impartial mediator to attempt to resolve disputes before an eviction lawsuit is filed. The ERP includes mediation, rent assistance (payment of unpaid rent), and other financial resources to prevent homelessness. **The landlord is no longer required to participate.*

Landlord (LL): A party in a lease agreement that owns the property and agrees to receive rent in exchange for letting the Tenant live in the property.

Notice: A written document sent by the Landlord, telling the Tenant how much time they have to comply with a request from the Landlord or vacate the property. The first step in the eviction process.

Show Cause Hearing: A court hearing at which a judge (or judicial officer/Commissioner) decides whether to: (1) evict by issuing a Writ of Restitution; (2) dismiss the case; or (3) set the case for trial.

Summons*: A legal document that informs the Tenant of a deadline date and time to respond.

Tenant (T): A party in a lease agreement that agrees to pay rent to the Landlord in exchange for the ability to live in the property

Unlawful Detainer Action (UDA): Commonly referred to as "evictions," are legal proceedings initiated by a Landlord to remove a Tenant from a property.

Writ of Restitution: A court Order that authorizes the sheriff to remove the Tenant from the property. This can only be acquired with the signature of a Judge/Commissioner/Judicial Officer after an unlawful detainer show cause hearing.

**References to "You" or "Your" in this packet means a Tenant/occupant who is at-risk of eviction.
*** Counsel can also mean lawyer or attorney

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RENTAL ASSISTANCE AND TENANT SUPPORT RESOURCES

*This is not a comprehensive list of rental assistance or support resources. There may be more programs not listed. By contacting these organizations does not guarantee that you qualify for their services.**

Need help paying rent?
Apply for rent assistance at:
North Sound - WA 2-1-1
2-1-1 or Toll free: (800) 223-8145

¿Habla español?
Llamar a LETI: (731) 798-2238
Únase a la lista de espera en línea en: https://forms.gle/TdzLi1q8Zdj7oJs56
Vísite su sitio web en: www.letiwa.org

WA 2-1-1 is a referral service that will connect you with services like these:

Cocoon House	**(425) 259 - 5802**	**Communities of Color Coalition (C3)**	**(206) 446 - 7847**
Domestic Violence Services	**(425) 252 - 2873**	**DSHS Community Services Sno. Co.** • **Diversion Cash Assistance** • **To qualify, you must already qualify for TANF.** • **Call this number or access the DSHS website to apply.**	**(877) 501 - 2233**
Everett Housing Authority (EHA)	**(425) 258 - 9222**	**Helping Hands Project** • **Must reside in Skagit County**	**(425) 760 - 8306**
Holy Cross Catholic Church	**(360) 691 - 2273**	**Pathways for Women YWCA**	**(425) 774 - 9843**
Lutheran Community Services	**(425) 670 - 8984**	**Take The Next Step**	**(360) 794 - 1022**
Stanwood Camano Community Resource Center	**(360) 629 - 5257**	**WA Kids in Transition** • **Qualification and application steps:https://www.edmondswa.gov/services/support_grants/household_support_grant_application**	**(425) 361-2916**
Tulalip Tribe (Tribal Members Only)	**(360) 651 - 4580**	**St. Vincent De Paul**	**(425) 374 - 1243**

Snohomish County Human Services COVID-19 Response & Resources:
https://www.snohomishcountywa.gov/DocumentCenter/View/72322/COVID-19-Resource-List?bidId=
HASCO Guide to Resources
https://hasco.org/forms/community-resources/Snohomish_County_Resource_Guide.pdf
Snohomish County Development Disability Resources
https://snohomishcountywa.gov/DocumentCenter/View/5752/Resource-Guide?bidId=