



I need to respond to an eviction court case as soon as possible

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- ❖ Washington's laws affecting renters have changed as of July 23, 2023. Please read [2023 changes to Washington State's laws affecting renters](#).
 - ❖ Renters with low incomes may be appointed a lawyer free of charge before a court may proceed with an eviction. Call our **Eviction Defense Screening line** at **1-855-657-8387** or apply online at nwjustice.org/apply-online to find out if you qualify.
 - ❖ Either a judge or a commissioner can hear and decide your eviction case. To make things simpler here, we just say “judge” to mean both.
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Should I read this?

Yes, if you rent the place where you live in Washington state and you have received eviction court papers (a *Summons* and *Complaint*). We will help you respond to those documents.

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- ❖ **Fill it out online.** It's simple: we ask you questions and use your answers to complete your form. Get started at washingtonlawhelp.org/resource/noa.
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Summary of steps

- 1. If you have a low income**, and you receive court papers called “Summons” and “Complaint,” you may be appointed a free lawyer. You should call the Eviction Defense Screening Line at 1-855-657-8387 or apply online at nwjustice.org/apply-online to find out if you qualify.



- 2.** If you do not have a low income, call a private lawyer to see if you can get legal help.
- 3.** Meanwhile, no matter what your income is, read this packet, and then print out, sign, and date the Notice of Appearance (NOA) below or fill it out online. Leave the Certificate of Service section blank for now.
- 4.** Make 2 copies of the NOA with blank Certificate of Service.
- 5.** Take 1 copy of the NOA to landlord's lawyer, or to the landlord if no lawyer. If you have the landlord or their lawyer's fax number, you can also fax them the NOA. This is called *servicing* the landlord or their lawyer.
- 6.** Fill out Certificate of Service portion of NOA.
- 7.** Take original of the NOA to the superior court in your county with a set of copies. **Or** call the clerk of that superior court to ask if you can file the document by email or fax.
- 8.** File the originals with the court and have the court clerk stamp your copies if you are delivering the NOA in person.
- 9.** If your summons states that the case is "not filed" and does not include a number on the upper right-hand corner of the first page, you don't need to file the original of the NOA and certificate of service with the court. Keep the originals of both, to give to the court if the case is later filed.
- 10.** Try to talk to a lawyer right away if you have not already done so!

What forms are in this packet?

- NJP General 005 – “Notice of Appearance” (contains Proof of Service)

Why did my landlord give me an “Eviction Summons” and “Complaint for Unlawful Detainer?”

Your landlord is trying to evict you. Those papers are court papers for an eviction court case.

You must respond in writing by the deadline stated in the Summons. **If you do not respond in writing, your landlord can evict you without a court hearing.**

The simplest way to respond to an eviction lawsuit is by filing a Notice of Appearance with the court and delivering (*servicing*) a copy of it on the landlord.

What is a Notice of Appearance (NOA)?

The NOA simply tells the landlord and court you want to defend yourself in the case and you want to get notice if anything else happens in the case. You can use the blank NOA form below or fill it out online.

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- ❖ **First, try to get help from a lawyer.** If you have a low income, apply for legal help at: nwjustice.org/apply-online OR call the Eviction Defense Screening Line at 1-855-657-8387. Interpreters available.
 - ❖ If you do not have a low income, try to see a private lawyer (but you may want to first file the NOA so you don't miss your deadline).
 - ❖ **How do I know if I have a low income?** You must be 200% below the Federal Poverty Level. You can find out if you are below the federal poverty level here: home.mycoverageplan.com/fpl.html.
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How do I respond in writing?

You must at least fill out and serve your landlord or landlord's lawyer with the **NOA** in this packet. We explain more below, including how to fill out the forms. Or you can fill out the NOA online.

You must submit your NOA on time even if you do not have legal help.

What is my deadline for responding?

The Summons will state your deadline. Your landlord should serve the papers on you at least 7 days before the deadline to submit your Notice of Appearance. Even if the landlord did not give you at least 7 days, you should still respond, if possible, by the date on the Summons.

How can I fight this?

Talk to a lawyer right away. Find out if you have any legal defenses. If you have a low income, apply for legal help at nwjustice.org/apply-online or call 1-855-657-8387, the Eviction Defense Screening Line. Interpreters are available.

❖ Under state law, tenants with low income who receive eviction court papers have a right to a lawyer. Call the Eviction Defense Screening Line to see if there is a free lawyer for you.

Do I have to respond? Can't I just make the case go away by moving?

- Yes, you do have to respond.
- No, moving does not make the case go away. Even if you move, you must still respond.

If you get a Notice of Hearing, you must also go to any court hearing scheduled in the case. The Notice of Hearing will tell you the hearing date, time, and place.

If you don't respond, or go to any hearing that is scheduled, you will lose the eviction case automatically. An eviction will be on your tenant record.



How do I fill out the Notice of Appearance?

Fill out the NOA online. Or follow these instructions.

Fill out the top section (called the *caption*) using the information from the court papers you received. Usually it will look like this:

Superior Court of Washington, County of _____

Petitioner / Plaintiff: _____ (landlord's name)	No. _____
And Respondent / Defendant: _____ (your name) ←	Notice of Appearance

Put **your name** here.

TO: Put our landlord's name, or the name of the landlord's lawyer, if there is one.

Section 1. Appearance: Put your name and address. You should check the box to receive things by email only if you have a reliable email address that you check at least every day.

❖ Even if the Summons and Complaint do not have a case number, you must still submit your "Notice of Appearance" by the deadline in the Summons.

Section 2. Proof of service: Fill this section out after you have served your landlord or landlord's lawyer, or if you know when and how you will serve them.

- Put the date you delivered a copy of your papers (*you served*) the landlord or landlord's lawyer.
- Check the box showing how you served them.
- Fill in any additional blanks where needed.

At the bottom, put where you are signing this form. Date, sign, and print your name.

How do I serve the Notice of Appearance on the landlord?

Step 1. Make at least 2 copies of the form after filling it out.

Step 2. Hand deliver 1 copy to your landlord or your landlord’s lawyer, if they have one. (We call this “personal service.”) The lawyer’s address should be in the lower right-hand side of the Summons and Complaint. You can also ask fax the NOA, if there is a fax number included for your landlord or landlord’s lawyer.

Do I need proof that I served the Notice of Appearance?

Yes. When you deliver a copy of the NOA to your landlord, have your landlord date and sign the other copy. If you serve your landlord’s lawyer, have the lawyer or the secretary stamp the original NOA and a copy of it with a “**copy received**” stamp and the date. If the Summons says you must deliver the form by a certain time, ask your landlord or landlord’s lawyer or secretary to put the time.

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- ❖ Keep the signed or stamped copy. This is proof that you delivered the form by the deadline on the Summons.
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What if I cannot serve the NOA in person?

If you need to mail it, you must put it in the mail 3 days before the deadline, so it arrives in time. If the Summons has a fax number, you can fax it. Personal service (hand delivery) is best. **If you fax it**, print out and keep a fax transmission confirmation.

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- ❖ No matter how you serve the NOA, your landlord or landlord’s lawyer must get it by the deadline on the Summons.
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I served the landlord. Do I also have to file the NOA with the court?

Look at the first page of the Summons you got from your landlord. Under “How to Respond,” there should be a sentence that tells you if the case is (or is not) filed with the court.

If the case is filed with the court, you must file the original Notice of Appearance form and completed Certificate of Service with the court. Take the original to the clerk of the Superior Court in the county listed on the Summons.

If the Summons says the eviction case was “not filed with the court” when you were given this paperwork, hold on to the original NOA for now. After the landlord gets a copy

of your NOA, the landlord may choose to file the case at the court and schedule a hearing date to have a judge decide if you can be evicted.

What happens if I miss the deadline for submitting a Notice of Appearance?

- Your landlord can try to evict you without a hearing.
- You may have to pay everything your landlord's court papers asked for.

❖ **If you miss the deadline**, you should still serve your landlord or landlord's lawyer and submit a Notice of Appearance to the court. If the judge has not yet entered a default against you, this might stop your landlord from winning automatically.

If you miss this deadline, try to get legal help right away. See below for contact information.

The Summons says I must go to a hearing to give my Answer. Is that right?

No. You can give a written Answer (where you respond specifically to what your landlord claims you did to get evicted) anytime up to the hearing date. If you are making a written Answer, you must file it with the court and deliver a copy to the landlord or their lawyer. If you are appointed a lawyer, it is best to have the lawyer prepare the Answer for you.

But a written Answer is optional, especially if you are filing a NOA anyway. You can still defend yourself verbally at the court hearing even if you do not file a written Answer before the hearing.

❖ We do not have an Answer form in this packet.

What is an Order to Show Cause?

It is a notice from the judge that a court hearing has been scheduled in your eviction case. "Show cause" means the landlord must prove they are entitled to have full possession of the property.

At this “show cause” court hearing, you can defend yourself. **If you get an Order to Show Cause, you must go to the show cause hearing.** If you do not, the judge may order you to pay everything the Eviction Complaint says you owe.

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- ❖ Even if you move before the hearing, you must still show up at the hearing. If you do not, you will lose automatically.
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What happens at a show cause hearing?

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- ❖ **If you have a low income, and you still haven’t gotten a lawyer, the judge should give you the chance to have a lawyer appointed to your eviction case.** At your show cause hearing, ask the judge to reschedule (continue) the hearing so you can get a lawyer appointed to your case. You should insist on this right even if the judge wants the case to proceed without you having a lawyer.
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At the show cause hearing, the landlord or landlord’s lawyer will have a chance to argue why you should be evicted. You or your lawyer can argue why you should not.

After hearing both sides, a judge decides if you have a good defense to the eviction. Then, one of these can happen:

- You may **win the case right there.**
- The judge may **grant you a full trial** to defend yourself.
- You may **lose the case right there** if a judge thinks your arguments against the eviction are not strong enough. The judge can sign a court order allowing the eviction (called a “*writ of restitution*”). The judge can also decide how much you owe the landlord, including if you need to pay certain fees.

Can I appeal my case if I lose?

Yes. But you have a very short window to ask a judge to reconsider a court decision or to ask for a pause to the eviction. You must also have a legal defense for the appeal. Talk to a lawyer right away.

Get Legal Help

- **Facing Eviction?** Call 1-855-657-8387.
- **Apply online** with [CLEAR*Online](https://www.clearonline.org) - [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online)
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online).
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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