

## VOA Eviction Resolution Pilot Program (ERPP) Guide Island County

This program guide supports the eviction resolution pilot program (ERPP) delivered by the [RCW 7.75](#) Dispute Resolution Center (DRC) serving Island County, Volunteers of America Western Washington (VOA).

ERPP was created by and through [Chapter 115, Laws of 2021, Section 7](#), Washington Supreme Court [Order 27500-B-639](#), and Island County Superior Court Order.

### **OVERVIEW and SUMMARY**

distributed via rental assistance organizations, as well as through additional tenant protections and eviction defenses that increase access to legal representation for indigent tenants, reflected in a statutory right to counsel for indigent tenants in unlawful detainer court proceedings.

In addition to [RCW 7.75](#), the DRC staff and volunteers delivering ERPP services follow the Uniform Mediation Act, [RCW 7.07](#) and the [ABA's Model Standards of Conduct for Mediators](#).

### **Legal Information and Advice**

DRC staff and volunteers cannot offer legal advice, nor do they take sides or determine who is right or wrong in a dispute. They are impartial facilitators who guide the parties in conflict through an exploration of the issue and help them find mutually agreeable solutions. Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator is not practicing law. ([Washington General Rule 24\(b\)\(4\)](#)).

Information about the eviction resolution pilot program may be found on the [Washington State Courts ERPP website](#), the [Attorney General's landlord-tenant website](#), and [Washington Law Help](#).

#### **For landlords:**

If you are a landlord seeking legal advice or representation, these organizations have member attorneys who may be able to assist you:

[Multifamily Housing Association \(Supplier Directory\)](#)  
[Rental Housing Association of Washington \(Vendor Directory\)](#)  
[Washington Landlord Association](#)

#### **For tenants:**

If you are a tenant seeking legal advice or representation, please contact the Eviction Defense Screening Line at (855) 657-8387 or apply on-line at <https://nwjustice.org/apply-online>. Snohomish County HJP, Call (425) 258-9283 ext. 0, Email: [information@snocolegal.org](mailto:information@snocolegal.org).

## **DRC Priorities for Processing of ERPP Cases:**

1. The DRC will process cases fairly, equitably, and efficiently.
2. Where a tenant does not engage, either by lack of contact or direct refusal, the DRC will issue Certificates and close the case expeditiously.
3. Where a tenant does engage, either affirmatively through active participation in rental assistance and/or the DRC or in response to DRC outreach, the active ERPP cases will be worked diligently toward a scheduled facilitated negotiation session, with ongoing services to support the parties in reaching resolution at any time.
4. While respecting confidentiality, the DRC will communicate effectively with the local bench and bar the ERPP process and with the parties and their representatives, if any, the status of individual cases (who is doing what by when) in support of early resolution.

**NOTE:** The timelines of an active ERPP case are not wholly within DRCs control. Rental assistance and civil legal services organizations are also working with finite resources and within legislative, executive, and judicial ambiguities and complexities. Effective communication by and through the DRC, therefore, is critical to delivering ERPP services.

## **Commencing an ERPP Case:**

ERPP Notice required: An ERPP case may only be commenced by the landlord sending the tenant and the DRC a complete and accurate [ERPP Information and Resource Notice](#) (ERPP Notice) and a [Notice to Pay Rent or Vacate the Property](#). Please go to the AG Website <https://www.atg.wa.gov/landlord-tenant>, for the most up to date forms and information. No other notices or communications may substitute for the ERPP Information and Resource Notice. If received, any other notice or communication will be returned to the sender, noting how an ERPP case is commenced.

Each notice must be sent in a separate email to: [earlyresolution@voaww.org](mailto:earlyresolution@voaww.org). No batch notices will be accepted, and landlords are encouraged to prioritize appropriately for their needs.

Prioritization: The DRC has finite resources for ERPP and will process notices as soon as possible in light of those finite resources. Cases will be processed on a first come, first served basis, with the order based on the timestamp of an emailed notice. Notices received after 3:00 p.m. will not be processed until the following business day.

Upon commencing the case, the DRC staff member reviews the notice and: 1) makes the first contact attempt to the tenant; 2) makes the first contact with rental assistance to determine if the tenant has an existing application for rental assistance, and 3) enters the case into the DRCs case management tool.

Reasonable Offers of Repayment: To expedite the ERPP process, landlords will include any Reasonable Offer of Repayment made to the tenant along with the ERPP Notice in their email to the DRC.

Notice to Tenants. The DRC shall, upon request or returned receipt of the form Notice, provide to eligible Tenants a written Notice of Legal Services available and Tenant Rights under the applicable laws.

**Here are how ERPP cases will proceed:**

Day of Case	DRCs Activity	Potential Outcomes	Additional Resources
Days 1 – 14  ERPP Notice and 14 Day Notice to Pay Rent or Vacate Property	<b>Rental assistance:</b> DRC attempts to determine if application for rental assistance has been made or is in process, and the timeframe for the award or non-award of assistance from any pending application.		
	<b>Contact attempts:</b> DRC strives to contact the tenant to offer ERPP services and to connect tenant to rental assistance, legal services.	The DRC will make 3 attempts to reach the tenant during the 14-day period using the provided contact information, by means that may include email, phone text message and/or USPS first class mail.	
	<b>Intake &amp; Scheduling:</b> If the DRC reaches the tenant and the tenant accepts ERPP services, the DRC conducts an intake process of both the tenant and the landlord and schedules for the first available meet and confer/mediation or ERPP clinic.	DRC delivers conflict coaching, conciliation services and supporting services to advance the dialogue between tenant and landlord, collecting all documents and seeking resolution of the conflict prior to the scheduled meet and confer/mediation.  Conciliations resulting in a settlement will not be certified. The case will be closed as resolved.	Repayment Plan Offer information here.  Rental assistance Navigator notified  Electronic signature software  Agreement to mediate with virtual protocols

	<p><b>Rental Assistance Coordination:</b> If the tenant or landlord are awaiting to learn the amount of rental assistance awarded the tenant, the DRC will work with the landlord, tenant, and rental assistance to keep one another current on the status of the pending application.</p>	<p>Actions to be taken by either party, will be provided with clear deadlines. This may include engaging with a necessary third party (HJP, NJP and/or rental assistance), this will be clearly communicated to the parties and documented in the case file.</p> <p>The DRC will keep all parties and their counsel, if any, apprised of the case status to ensure that progress toward completion is sustained.</p>	<p><b>Tenant inaction:</b> If a tenant does not follow-through on a commitment made to advance resolution of the dispute, the DRC will issue the Certificate of Participation to the parties and close the case.</p> <p><b>Landlord inaction:</b> If a landlord does not follow-through on a commitment made to advance resolution of the dispute, the DRC will close the case for inactivity but WILL NOT issue a Certificate of Participation.</p>
	<p><b>Conciliation and ERPP Services:</b> If the Tenant is engaged in the ERPP process, the DRC will work with both parties to prepare for the scheduled meet and confer or mediation session.</p>		
	<p><b>Settlement:</b> If the DRC is notified in writing signed by both parties that they have reached an agreement before the meet and confer/mediation date, the DRC will close the case as resolved.</p>	<p>Conciliations resulting in a settlement will not be certified. The case will be closed as resolved.</p>	

	<p><b>Meet and confer /Mediation:</b></p>	<p>At conclusion of the meet and confer/mediation session, when there is no resolution, <i>unless the parties agree otherwise</i>, a Certificate will be issued to all parties, and the case will be closed.</p>	<p>In unresolved cases, <i>unless the parties agree to continue working toward a resolution in ERPP</i>, a Certificate will be issued to all parties and the case closed.</p>
	<p><b>ERPP infeasible:</b> If the DRC was able to contact the tenant but was unable to offer services,</p>	<p>In this case the Certificate will be issued within one business day of when the DRC discovered the inability to offer services. Notice to local NJP /HJP for caseload staffing at court and close the case.</p> <p>Landlord may proceed with unlawful detainer.</p>	<p><b>Note:</b> This will apply on very rare occasions but does occur. Because the communication difficulty may result from a physical or mental capacity concern that is not otherwise knowable by the DRC staff but may impact service needs in later proceedings, the DRC will note any observable fact on the Certificate (<i>e.g.</i>, "DRC was able to confirm that they were speaking to &lt;Tenant&gt;, but after several minutes of conversation the DRC intake specialist observed that she could not follow the tenant's communication</p>

			and politely completed the call.”
	<b>Tenant Refuses:</b> If the DRC was able to contact the tenant and the tenant refuses ERPP services.	DRC will issue a Certificate, send it to both parties, send Notice to local NJP / HJP for caseload staffing at court and close the case.  Landlord may proceed with unlawful detainer.	
Day 15	<b>No Contact:</b> If the tenant has not contacted rental assistance or the DRC, and the DRC was unable to contact the tenant.	DRC will issue a Certificate, send it to both parties, send Notice to local NJP / HJP for caseload staffing at court and close the case.  Landlord may proceed with unlawful detainer.	

### Virtual Meet and Confer and Mediation sessions

With COVID and ongoing variants we anticipate most conciliation services will be conducted remotely via Zoom. If a party does not have access to technology, the DRC will schedule the session at a site location where parties can access the Zoom link. These sites are confidential and will have PPE for social distancing to support client and counsel meeting.

Upon tenant acceptance of ERPP services, the parties will be scheduled for the next available meet and confer or mediation session.

The available date and times for meet and confer or mediation sessions in Island County are:

Wednesday 9-10:30am; 10:30am-12pm

Please submit any grievances to the ERPP Program Manager, Cheryl Wagner [cwagner@voaww.org](mailto:cwagner@voaww.org) and she will contact you at her earliest convenience.