

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

### Overview

This program guide supports the eviction resolution pilot program (ERPP) delivered by the [RCW 7.75](#) Dispute Resolution Center (DRC) serving Snohomish County, Volunteers of America Western Washington (VOA), and is offered for the benefit of parties, their advocates, and the Snohomish County superior court judicial officers and their staff members.

ERPP was created by and through [Chapter 115, Laws of 2021, Section 7](#), Washington Supreme Court [Order 27500-B-639](#), and [Snohomish County Superior Court Order](#) effective June 16, 2022.

This is a pilot program, currently effective through June 30, 2023. As executive, judicial, or legislative activity impacts the program, we will make changes to our processes and policies, publishing updates to this program guide on a quarterly basis.

ERPP is designed to reduce the number of unlawful detainer actions for nonpayment of rent that would otherwise be filed in superior court after the end of the eviction moratorium created in response to impacts from the global Covid-19 pandemic. This is intended to be accomplished through leveraging the history, skills, and experience of the DRC along with federal and state rental assistance funds distributed via county and local rental assistance programs, as well as through additional tenant protections and eviction defenses including an increase in 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](#).

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### 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>. *(remove EDSL to prioritize HJP?)* Snohomish County HJP, Call (425) 258-9283 ext. 0, Email: [information@snocolegal.org](mailto:information@snocolegal.org). *(legal clinics link)*

#### **For Landlords or Tenants:**

If you are unable to obtain private counsel or do not qualify for free legal services, the [Moderate Means program](#) offered through the Washington State Bar Association may be able to help you access legal advice and/or representation.

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#### **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 a Certificate and close the case expeditiously.
3. Where a tenant does engage, the active ERPP cases will be worked diligently toward a scheduled facilitated negotiation session within 21 days, unless the parties agree to extend the timeframe, and while supporting the parties in reaching resolution at any time.
4. While respecting confidentiality, the DRC will communicate 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.

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#### **Commencing an ERPP Case:**

ERPP Notice required: Landlords should read the [Snohomish County Standing Order](#) before initiating an ERPP case with the DRC, particularly **Section C: Landlord/Landlord counsel's Obligations regarding Eviction Resolution**.

Exhibit A to the standing order provides the specific template for the [ERPP Information and Resource Notice](#) (ERPP Notice) to be used. No other notices or communications may substitute for the ERPP Information and Resource Notice.

Additionally, the ERPP Notice must be accompanied by a notice to pay or vacate. Both must be served on the tenant and sent to the DRC at the same time. For the DRC to comply with the local standing order, landlords must include the Reasonable Repayment Plan offered to the tenant.

**ERPP EMAIL PROTOCOL\*:**

- Put the tenants' name(s) in the subject line of the email.
- For multiple tenants residing at the same physical address, put all tenants' notices into one email.
- Other than multiple tenants residing at the same physical address, no batch notices will be accepted.
- Landlords are encouraged to prioritize appropriately for their needs.

\*Note that we will be launching a portal for ERPP Intake during the month of July 2022.

Complete and Correct Forms:

**It is the landlord's responsibility to properly serve the proper notices and the DRCs are not responsible for improper service of improper notices.**

Reasonable Offers of Repayment:

For the DRC to comply with the standing order, landlords must include the Reasonable Offer of Repayment for the rental arrears addressed in the ERPP Notice at the time ERPP is initiated.

Under the standing order, the DRC is required to reject and request resubmission for any deficient ERPP Notice.

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**ERPP Status Updates:** [earlyresolution@voaww.org](mailto:earlyresolution@voaww.org) is our intake ONLY email. Any requests for status updates should be sent directly to the ERPP Specialist assigned to your case or [erppstatus@voaww.org](mailto:erppstatus@voaww.org). Any status update requests sent to [earlyresolution@voaww.org](mailto:earlyresolution@voaww.org) will not receive an individual response.

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**ERPP after Certificate of Participation Issued:** Once a Certificate of Participation has been issued in a case, it is expected that the parties will proceed to superior court unless the tenant has paid the landlord in full for any unpaid rent represented by the ERPP Notice that resulted in the Certificate of Participation. Any request to reopen a prior ERPP case, or the issuance of a new ERPP Notice by a landlord against the same tenant after a Certificate of Participation has been issued will proceed only if the landlord confirms in writing the tenant has paid in full the unpaid rent under the prior ERPP Notice which resulted in a Certificate of Participation being issued. For such cases, the landlord must provide the DRC with the ledger verifying payment of previous arrears.

**When Court Case Has Been Initiated:** When the DRC is notified that an unlawful detainer action has been filed in superior court against a tenant with a case pending in ERPP, no further ERPP services will be provided unless or until an order from the superior court directs the DRC to proceed.

**Prioritization and Initial Process:** 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.

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.

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

Day of Case	DRCs Activity	Potential Outcomes	Additional Resources
Intake - Days 1-14  ERPP Notice and Notice to Pay Rent or Vacate Property	<b>Rental assistance:</b> DRC attempts to determine if application for rental assistance has been initiated or is in process, and the time period for the award or non-award of assistance from any pending application.	If both the landlord and the tenant agree, mediation may be delayed until the rental assistance agency completes processing the application and informs the parties of the outcome of the application.	
	<b>Contact attempts:</b> DRC strives to contact the tenant to offer ERPP services and to connect them with rental assistance, civil legal aid, or other services.	The DRC will make three attempts to reach the tenant during the 14-day period using the provided contact information, by means that may include email, phone call, text message and/or USPS first class mail. If USPS is the only method of contact for the tenant, landlords should be aware there will be added	

		processing time to your case due to the lag for USPS sending and return correspondence.	
Day 15	<p><b>No Contact:</b> If the tenant has not contacted the ERPP, and ERPP was unable to contact the tenant</p> <p><b>Tenant Refuses:</b> If the DRC is able to contact the tenant and the tenant refuses ERPP services.</p>	<p><b>Upon written request from the landlord,</b> the DRC will issue a Certificate and send it to all parties.</p>	
Days 7 - 21	<p><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, to be held within 21 days of the date the tenant accepts services.</p> <p><b>Both parties must respond</b> for the DRC to proceed with the case.</p>	<p>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.</p> <p>Conciliations resulting in a settlement will not be certified. The case will be closed as resolved.</p>	<p>Electronic signature software information</p> <p><a href="#">Agreement to mediate</a></p> <p><a href="#">virtual mediation protocols</a></p> <p>mediation guide</p>

	<p><b>Preparing for Mediation (meet-and-confer)</b></p>	<p>Before mediation, the DRC needs to know who will be attending to represent the landlord and the tenant, including any attorney, property manager, tenant negotiating on behalf of other tenants</p> <p>Anyone attending must have the authority to negotiate and enter into a binding agreement on behalf of the landlord, or on behalf of all tenants listed on the rental agreement.</p>	<p>Authority to Negotiate</p>
	<p><b>At Mediation (meet-and-confer)</b></p>	<p>If both landlord and tenant have not confirmed their attendance at mediation and provided the DRC with their express authority to negotiate 7 calendar days before their meditation, the session may be canceled.</p> <p>If a person representing the landlord arrives without authority to negotiate and enter into an agreement, mediation will not proceed.</p> <p>If a person representing the tenant(s) arrives without authority to negotiate and enter into an agreement, mediation will not proceed. Unless the parties agree otherwise, a Certificate will be issued.</p>	<p><a href="#">Mediated agreement template</a></p>

	<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 include clear deadlines. This may include engaging with a necessary third party (HJP and/or rental assistance), which 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 within 72 hours upon request from the landlord 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 within 72 hours but WILL NOT issue a Certificate of Participation.</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.</p>	

	<p><b>Meet and confer/Mediation</b></p>	<p>At conclusion of the meet and confer/mediation session, when there is no agreement reached, <i>unless the parties agree otherwise</i>, a Certificate will be issued to all parties, and the case will be closed.</p>	
	<p><b>ERPP infeasible:</b> If the DRC was able to contact the tenant but was unable to offer services, a Certificate will be issued within one business day of when the DRC discovered the inability to offer services.</p>	<p><b>Note:</b> This will apply on exceedingly 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 (e.g., “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 and politely completed the call.”</p>	
	<p><b>Default on Mediated Repayment Plan previously negotiated in ERPP.</b></p> <p>The landlord needs to notify <i>the ERPP Specialist for the case</i> of tenant default so that ERPP can reopen the case.</p> <p><b>DO NOT</b> send the default notification through <a href="mailto:earlyresolution@voaww.org">earlyresolution@voaww.org</a> email.</p>	<p>If a landlord contacts <i>the ERPP Specialist for the case</i> alleging that a tenant has defaulted on an agreement previously negotiated in the DRC, the DRC will require 3 business days for administration of the default.</p>	



	<p><b>Default on Repayment Plan not negotiated in ERPP.</b>          Process is as first ERPP referrals, however it must be noted on Subject line or in body of email that it is a default on a repayment plan.</p>		
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**Court Order Directing Parties Back to DRC for Mediation**

1. Parties and their counsel coordinate with each other at least three dates and times that will work for the ordered mediation.
2. Parties send the court order and proposed dates to [cwagner@voaww.org](mailto:cwagner@voaww.org)  
 All updated contact information for both council and clients need to be included in the email along with the three proposed dates. This email needs to be sent as early as possible and not less than two weeks prior to the proposed mediation dates.
3. DRC will arrange a mediator and Zoom room and link for one of the proposed dates and notify all parties of the confirmed mediation date and Zoom link for mediation.
4. If the parties reach an agreement prior to the scheduled mediation, they must inform [cwagner@voaww.org](mailto:cwagner@voaww.org) promptly.
5. On the date of mediation, all parties need to arrive 15 minutes before mediation is scheduled to begin to review and sign the Agreement to Mediate and Virtual Mediation protocols. The session will be 1 hour maximum duration.
6. The signed Agreement to Mediate is your confirmation of attendance at the mediation to court. If the parties reach an agreement, it is the parties’ responsibility to provide necessary documents to the court.
7. The DRC will not provide any documents to the court.

**Virtual Meet and Confer and Mediation sessions**

With COVID and ongoing variants we anticipate most ERPP dispute resolution services will continue to 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 private client and counsel meetings.

Upon tenant acceptance of ERPP services, and the Representative Authorization form returned (where applicable) 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 Snohomish County are:

Monday 9--12pm and 1-4pm

Thursday 1-4pm

Friday 1--4pm

Please send your compliments and concerns to the ERPP Program Manager, Cheryl Wagner  
[cwagner@voaww.org](mailto:cwagner@voaww.org).

Additional Videos: From Resolution WA

[https://docs.google.com/document/d/144oaPW7REJLaUYshEMO\\_wyVJizrfv-dbJ4btjRI39Ko/edit?usp=sharing](https://docs.google.com/document/d/144oaPW7REJLaUYshEMO_wyVJizrfv-dbJ4btjRI39Ko/edit?usp=sharing)

New, 1-min ERPP Videos (launched October 2021)

English: <https://youtu.be/nZ0z3bmHWiQ>

Spanish: <https://youtu.be/0n6WIKfID-4>