

VOA Eviction Resolution Pilot Program (ERPP) Guide Skagit County

This program guide supports the eviction resolution pilot program (ERPP) delivered by the [RCW 7.75](#) Dispute Resolution Center (DRC) serving Skagit County, Volunteers of America Western Washington (VOA), and offered for the benefit of parties, their advocates, and courts.

ERPP was created by and through [ESSB 5160](#) (Chapter 115, Laws of 2021), Washington Supreme Court [Order 27500-B-639](#), and Skagit County Superior Court Order.

OVERVIEW and SUMMARY

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 global Covid-19 pandemic. This is accomplished by leveraging the history, skills, and experience of the DRC, along with federal and state coronavirus relief funds 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>.

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 completely 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. No batch notices will be accepted, and landlords are encouraged to prioritize appropriately for their needs.

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.**

Landlords are not required to use the forms provided on the Attorney General's landlord-tenant website. However, if the landlord chooses to use forms other than those provided through the

Attorney General’s website, administrative processing may be delayed. Because the consequences for improper notice may be severe if the parties are unable to resolve their dispute during ERPP, the DRC will specifically refer unrepresented landlords to seek legal advice and when forms provided differ from those offered through the Attorney General’s website or when the information on the forms are incomplete or illegible, the DRC will confirm with the landlord that they intend to proceed with the forms provided.

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 |
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| Day 1-14 ERPP Notice and 14 Day Notice to Pay Rent or Vacate Property | Rental assistance: 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. | . | |

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| | <p>Contact attempts: DRC strives to contact the tenant to offer ERPP services and to connect tenant to rental assistance, legal services.</p> | <p>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 text message and/or USPS first class mail.</p> | |
| | <p>Intake & Scheduling: 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.</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>Repayment Plan Offer information here.</p> <p>Rental assistance Navigator notified</p> <p>Electronic signature software</p> <p>Agreement to mediate with virtual protocols</p> |
| | <p>Rental Assistance Coordination: 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 (SLA, 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>Tenant inaction: 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>Landlord inaction: 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> |

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| | <p>Conciliation and ERPP Services: 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>Settlement: 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>If a landlord contacts the DRC alleging that a tenant has defaulted on an agreement previously negotiated in ERPP, the DRC will conduct intake with the tenant and either issue a Certificate of Participation or schedule an expedited meet-and-confer session within 72 hours.</p> | |
| | <p>Meet and confer/Mediation</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>ERPP infeasible: 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. Copies of the Certificate of Participation and ERPP Notice for the case will be sent electronically to local SLA / NJP for caseload staffing at court.</p> | <p>Note: 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</p> |

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| | | | 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 <Tenant>, 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." |
| | Tenant Refuses: 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 Copies of the Certificate of Participation and ERPP Notice for the case will be sent electronically to SLA / NJP for caseload staffing at court. | |
| Day 15 | No Contact: 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, upon written request from the landlord. Copies of the Certificate of Participation and ERPP Notice for the case will be sent electronically to the Right to Counsel provider for caseload staffing at court. | |

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 Skagit County are:

Wednesdays 1-2:30pm; 2:30 -4pm

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