

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 the Skagit County superior court judicial officers and their staff members.

ERPP was created by and through [Chapter 115, Laws of 2021, Section 7 \(RCW 59.18.660\)](#), Washington Supreme Court [Order 27500-B-639](#), and [Skagit County Superior Court ERPP Standing Order](#).

OVERVIEW and SUMMARY

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 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>.

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.

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, direct refusal, or if the DRC deems the case is not feasible, **upon the request of the landlord** 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 28 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.

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 see the [Attorney General's landlord tenant website](#) for ERPP Notice forms and related 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.

Additionally, the ERPP Notice must be accompanied by the [Notice to Pay Rent or Vacate the Property](#). Both must be served on the tenant and sent to the DRC at the same time.

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.
 - To initiate a case, please send complete ERPP submissions to earlyresolution@voaww.org.
-

Email Protocol in case of Default After ERPP-Mediated Agreement:

Landlords, email erppstatus@voaww.org when you believe a tenant has defaulted on a repayment agreement that was negotiated through conciliation or at meet-and-confer/mediation in the DRC during ERPP.

Note on the subject line of the email that it is an ERPP-mediated agreement default.

In the body of your email, you must include the DRC case number, the full name(s) of the tenant(s), and the address of the property.

DO NOT send an alleged default notification to earlyresolution@voaww.org, as it will not get a response.

Tenant's Referral to Civil Legal Aid

Notice to Tenants. As required by the Skagit County ERPP Standing Order, upon request or returned receipt of the form Notice, the DRC will provide to Tenants the written Notice of Legal Services included as Exhibit B on the standing order.

Complete and Correct Forms; USPS additional time required:

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

If a USPS mailing address is the ONLY valid contact information provided by the landlord, the DRC will require more time to process the ERPP Notice to allow for an attempt to contact the tenant by USPS Certified mail and receiving the returned receipt confirming the attempt to contact the tenant.

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.

ERPP Status Updates: Any requests for a case status update should be sent directly to the ERPP Specialist assigned to your case or to erppstatus@voaww.org **ONLY**. Any status update requests sent to earlyresolution@voaww.org will NOT receive an individual response.

LANDLORDS: How to Request a Certificate

No contact with tenant: If the tenant has not paid in full, vacated the property, or otherwise made payment arrangements directly with you and you have not received email from an ERPP Specialist that the tenant is participating in ERPP, please email erppstatus@voaww.org to request a Certificate. Include the DRC case number, the full name of the tenant(s) on the notice, and the address of the property.

During ERPP: If the tenant is participating in ERPP, you will receive an email from the ERPP Specialist to support dispute resolution through to meet-and-confer/mediation.

If you are unsure whether your tenant is participating or believe there's a reason to request a Certificate before you and the tenant have attended meet-and-confer/mediation, please email erppstatus@voaww.org with your request for a Certificate. Include the DRC case number, the full name of the tenant(s) on the notice, and the address of the property.

After meet-and-confer/mediation:

Generally, no Certificate will be issued if the parties reach an agreement.

If the parties do not reach an agreement, **upon landlord request made to erppstatus@voaww.org**, a Certificate will be issued by the DRC at the conclusion of meet-and-confer/mediation. Include the DRC case number, the full name of the tenant(s) on the notice, and the address of the property.

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 rather than return to the DRC 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. In such cases, the landlord must indicate on the pay-or-vacate notice that the previous arrears have been paid in full.

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) inquires whether or not an application for rental assistance is outstanding, and 3) enters the case into the DRCs case management tool.

Here are how ERPP cases proceed:

Day of Case	DRCs Activity	Potential Outcomes
-------------	---------------	--------------------

Days 1 - 14	<p>Contact attempts: DRC strives to contact the tenant to offer ERPP services and provides them information to contact rental assistance, civil legal aid, or other 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 call, text message and/or USPS first class mail.</p> <p>If a USPS mailing address is the ONLY valid contact information provided by the landlord, the DRC will document on the Certificate that no valid phone number or email address was provided.</p>
Day 15 or later	<p>No Contact: When the tenant has not contacted the ERPP, and ERPP was unable to contact the tenant.</p> <p>Tenant Refuses: When the DRC is able to contact the tenant and the tenant refuses ERPP services.</p>	<p>Upon written request from the landlord, the DRC will issue a Certificate and send it to all parties.</p> <p>Please see How to Request a Certificate earlier in this document.</p>

<p>Days 7 - 28</p> <p>Tenant Participates</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>Both parties must respond for the DRC to proceed with the case.</p>	<p>DRC delivers conflict coaching, conciliation 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. If the tenant defaults on a conciliated agreement, the landlord may request a Certificate.</p>
	<p>Preparing for Mediation (meet-and-confer)</p>	<p>Authority to Negotiate and Enter into Agreement required:</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 ERPP Notice and Resource Information Sheet.</p>

	At Mediation (meet-and-confer)	<p>If BOTH landlord and tenant have not confirmed their attendance at mediation AND provided the DRC with their express authority to negotiate within 72 hours of the notice of the meditation session being sent to both parties, 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. No Certificate will be issued.</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>
	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.	Parties entering into written, signed agreements outside of the DRC will not be certified.
	Meet and Confer/Mediation	<p>At conclusion of the meet and confer/mediation session, when there is no agreement reached, <i>unless the parties agree otherwise and upon landlord request made to erppstatus@voaww.org</i>, a Certificate will be issued to all parties, and the case will be closed.</p>

	<p>ERPP infeasible: If the DRC was able to contact the tenant but was unable to offer services, or one or more of the tenants is deceased, the DRC will communicate this to both parties and a Certificate will be issued upon the landlord's request.</p>	<p>Note: This will apply on exceedingly rare occasions but does occur. Because the communication difficulty may result from a physical, language, or mental capacity concern that is not solvable by the DRC 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 <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.")</p>
	<p>Default on Mediated Repayment Plan previously negotiated in ERPP.</p> <p>The landlord should email erppstatus@voaww.org when requesting a Certificate in the case of a tenant default on a mediated or conciliated agreement.</p> <p>The request must include the DRC case number, the tenant's full name, and the address of the property in the default 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>

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 Banderson@voaww.org and Tjobe@voaww.org. All updated contact information for both counsel 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 Banderson@voaww.org and Tjobe@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 1-1/2 hrs 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 Representation Authorization form returned (where applicable) the parties will be scheduled for the next available meet and confer or mediation session.

The available days and times for meet and confer or mediation sessions in Skagit County are:

Wednesdays 1:00 p.m. -2:30 p.m.; 2:30 p.m. - 4:00 p.m.

Please send your compliments and concerns to the ERPP Program Managers, Brandon Anderson (Banderson@voaww.org) & Tyler Jobe (Tjobe@voaww.org).