

Eviction Resolution Pilot Program (ERPP) Guide

Chelan County & Douglas County

This program guide supports the eviction resolution pilot program (ERPP) delivered by the [RCW 7.75](#) Dispute Resolution Center (DRC) serving Chelan and Douglas Counties and offered for the benefit of parties, their advocates, and courts.

ERPP was created by and through [RCW 59.18.660](#), Washington Supreme Court [Order 27500-B-639](#), Chelan County Superior [Court Order](#), and Douglas County Superior [Court Order](#).

This is a pilot program and as judicial decisions impact the delivery of services, we will make those changes to our processes and policies, updating this guide on a quarterly basis.

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 \(Vendor Directory\)](#)

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>.

Priorities During the Period of Peak Volume:

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 advance the case expeditiously, issuing Certificates upon expiration of the Notice period listed on the Notice **upon confirming with the landlord that the tenant has not paid-in-full or made other arrangements directly with the landlord outside of DRC involvement.**
3. Where a tenant does engage through active participation with the DRC, the ERPP case will be worked diligently toward a scheduled facilitated negotiation session (conciliation, mediation, meet & confer), with the DRC providing services to support 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.

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

Commencing an ERPP Case:

ERPP Notice required:

Under [RCW 59.18.660](#) (3) an ERPP case may only be commenced by the landlord **servicing** the tenant a complete and accurate [ERPP Information and Resource Notice](#) (ERPP Notice) **and** a Notice to Pay or Vacate, with **both** the ERPP Notice **and** the Notice to Pay or Vacate **sent to the DRC** when served on the tenant. [RCW 59.18.660](#)(4)

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.

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The Notice must contain complete contact information for every tenant, including the property address (and mailing address, if different), phone number and email address. If the landlord does not have complete contact information, the reason should be indicated on the Notice or in writing.

The Notice must also contain complete contact information for the landlord (Name, Service Address, Phone, Email) and the landlord's lawyer, if any.

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RENTAL ASSISTANCE

Chelan Douglas Community Action Council

(509) 662-6156 www.cdcaac.org

DISPUTE RESOLUTION

Wenatchee Valley Dispute Resolution Center

(509) 888-0957 www.wvdrc.org

LAWYERS

Chelan Douglas County Volunteer Attorney Services

(509) 663-2778 www.cdcdvas.org

Notice Delivery:

Each notice instance should be **sent in a separate EMAIL to: info@wvdrc.org**.

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

In extenuating circumstances, alternative methods of sending notice to DRC are available upon request. Please call 509-888-0957 to speak with Executive Director.

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.

WVDRC will open and commence ERPP cases Monday thru Thursday; ERPP Notices received on a Friday, Saturday or Sunday will not be processed until Monday.

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 should include any Reasonable Offer of Repayment made to the tenant along with the ERPP Notice in their communication to the DRC.

Here is how cases will proceed:

Day of Case	DRCs Activity	Potential Outcomes	Additional Resources
<p>Days 1 - 14 (21 as permitted under local standing order)</p>	<p>Rental assistance: 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.</p> <p>Contact attempts: DRC strives to contact the tenant to offer ERPP services and to connect the tenant to rental assistance, legal services.</p>	<p>The DRC will make multiple attempts to reach the tenant during the period using the provided contact information, by means that may include email, phone/text message and/or USPS first class mail.</p>	<p>Landlords are encouraged to provide all available contact information for their tenants, and indicate that they've provided complete information at the time of sending the notice. This will reduce delays created by confirming the DRC has been provided whatever contact information for the tenant is available.</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 mediation (meet & confer) or ERPP clinic</p> <p>Settlement: If the DRC is notified in writing signed by both parties that they have reached an agreement before the mediation (meet & confer) date, the DRC will close the case.</p>	<p>DRC delivers conflict coaching, conciliation services and supporting services to advance the dialogue between tenant and landlord, collecting necessary documents (rental assistance, lease, ledger, etc.), making referrals to legal services, and supporting resolution of the conflict prior to the scheduled session. Offers and counter-offers will be shared between the parties.</p> <p>Conciliations resulting in a settlement will be closed.</p>	<p>The Attorney General's Landlord-Tenant website offers a Reasonable Repayment Worksheet.</p>
	<p>ERPP infeasible: If the DRC was able to contact the tenant but was unable to offer services.</p>	<p>Landlord and tenant will be sent an email that ERPP is infeasible for this tenant.</p>	<p>Note: This will apply on very rare occasions but does occur. Because the communication difficulty may result from</p>

		<p>DRC will issue an ERPP Certificate of Participation</p> <p>DRC will forward the ERPP Notice and Certificate of Participation to the local Right to Counsel (RTC) contact for caseload staffing.</p>	<p>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 case notes (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>After 14* days - tenant participates</p> <p>*or 21 days</p>	<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 mediation (meet & confer) session.</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>Settlement: If the DRC is notified in writing signed by both parties that they have reached an agreement before the meet-and-</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>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. If that action is not completed within the directed timeline the DRC will document in the case file, close the case, and issue a certificate.</p>	

	confer/mediation date, the DRC will close the case.	To balance the interests of landlords and tenants, if the tenant fails to follow-through on a commitment, a Certificate will be issued. If the landlord fails to follow-through on a commitment, a Certificate will not be issued.	
Mediation (meet & confer) - no agreement	At the conclusion of the mediation (meet & confer) session, <i>if the parties do not reach an agreement, unless the parties agree otherwise</i> , a Certificate will be issued to all parties, and the case will be closed.	Certificate of Participation to the local Right to Counsel (RTC) contact for caseload staffing.	
Mediation (meet & confer) - agreement reached	At the conclusion of the mediation (meet & confer) session, <i>if the parties reach an agreement</i> NO Certificate will be issued . The case will be administratively closed.		
Day 15* (Or day 22 based on local standing order)	No Contact: If the tenant has not contacted rental assistance or the DRC, and the DRC was unable to contact the tenant, the DRC will confirm with the landlord that the tenant hasn't paid in full or made other arrangements outside of the DRCs participation, then DRC will issue a Certificate, send it to both parties, and close the case.	DRC will forward the ERPP Notice and Certificate of Participation to the local Right to Counsel (RTC) contact for caseload staffing.	

	<p>Tenant Refuses: If the DRC was able to contact the tenant and the tenant refuses ERPP services, the DRC will issue a Certificate within one business day, send it to both parties, and close the case.</p>	<p>DRC will forward the ERPP Notice and Certificate of Participation to the local Right to Counsel (RTC) contact for caseload staffing.</p>	
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Mediation (meet & confer) sessions

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

WVDRC offers mediation services in-person or remotely via Zoom or phone, if needed. 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.

Interpreter service is available, if needed or requested.