

## Eviction Resolution Pilot Program (ERPP) Guide Clark County

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

ERPP was created by and through [Chapter 115, Laws of 2021, Section 7](#), Washington Supreme Court [Order 27500-B-639](#), and Clark County Superior Court Order <https://clark.wa.gov/superior-court/general-orders> 21-07A.

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 \(Vendor Directory\)](#)

## 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>. Clark County Volunteer Lawyers Program at 360-356-7872.

### **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 addressed 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 (“Meet-and-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 are managed by ERPP Specialists who will provide communication 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: 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 pay or vacate notice, with both the ERPP Notice and pay or vacate notice sent to the DRC when served on the tenant.

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: [info@mediationclarkcounty.org](mailto:info@mediationclarkcounty.org). No batch notices will be accepted, and landlords with multiple tenants 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 should include any Reasonable Offer of Repayment made to the tenant along with the ERPP Notice in their email to the DRC.

Here is how cases will proceed:

Day of Case	DRCs Activity	Potential Outcomes	Additional Resources & Information
Days 1 - 14 (21 or 28 if permitted under local standing order)	<p><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.</p> <p><b>Contact attempts:</b> DRC strives to contact the tenant to offer ERPP services and to connect the tenant to rental assistance, legal services.</p>	The DRC will make 3 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.	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><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</p> <p><b>Settlement:</b> If the DRC is notified in writing signed by</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	<p>Repayment Plan Offer information here.</p> <p>Rental assistance Navigator notified</p> <p>Electronic signature software</p> <p>Agreement to</p>

	<p>both parties that they have reached an agreement before the Meet and Confer/mediation date, the DRC will close the case.</p>	<p>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>mediate with virtual protocols</p>
	<p><b>ERPP infeasible:</b> 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>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><b>Note:</b> This will apply on very rare occasions but does occur -- usually due to a communication difficulty that cannot be overcome or because conflict has escalated severely (e.g. law enforcement has become involved in the dispute). Because a 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 the objective 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</p>

			politely completed the call.”
After 14 days - tenant participates	<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/mediation session.</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><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.</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 (e.g. volunteer legal services, rental assistance agency, landlord, landlord attorney or property manager), 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 and close the case.</p> <p>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.</p>	
meet and	At the conclusion of the meet-	DRC will forward the	

confer/ mediation - no agreement	and-confer/mediation session, <i>if the parties do not reach an agreement, unless the parties agree otherwise, a <b>Certificate will be issued</b></i> to all parties, and the case will be closed.	ERPP Notice and Certificate of Participation to the local Right to Counsel (RTC) contact for caseload staffing.	
meet and confer/ mediation - agreement reached	At the conclusion of the meet-and-confer/mediation session, <i>if the parties reach an agreement <b>NO Certificate will be issued.</b></i> The case will be administratively closed.		
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, 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 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.	
Day 15	<b>Tenant Refuses:</b> 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 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.	

### Virtual 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 meetings.

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

The available date and times for meet-and-confer/mediation sessions are:

Scheduled through Specialists on Wednesday afternoons