

Lewis County Eviction Resolution Pilot Program (ERPP) Procedures

Center for Constructive Resolution and Conversation (CCRC)

This program guide supports the eviction resolution pilot program (ERPP) delivered by the chapter 7.75 Dispute Resolution Center (DRC) serving Lewis County, Center for Constructive Resolution and Conversation (CCRC)

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

This guide covers the period addressed by the governor's [Proclamation 21-09](#) during what is presumed to be the period of peak volume for this two-year program.

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 that began 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 opportunities for meaningful legal representation of indigent tenants.

Effective ERPP implementation requires deep coordination and support among the DRCs, rental assistance agencies and civil legal aid services, along with deep working relationships with the judicial officers and staff members within the local superior court.

Tenants, landlords and their attorneys are understandably anxious, confused and concerned about embracing a new program that supports civil legal access to justice and diverts cases from known judicial processes. This is amplified during this period of historic uncertainty, where the chronic concerns of housing stability have reached crisis levels. While it is not the DRCs role to solve for this, the more direct the DRCs are at articulating and holding firm to the ERPP process, the better the outcomes will be for everyone.

Language note: This document uses the terms “landlord” and “tenant” as they are the terms used in statute, proclamations and court orders. However, the term “housing provider” instead of “landlord” is often preferred.

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 issue Certificates and close the case expeditiously.
3. Where a tenant does engage, either affirmatively through contact to 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 clearly 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 DRCs control. Rental assistance and civil legal services organizations are also working with finite resources and within legislative, executive and judicial ambiguities and complexities. Clear and consistent communication by and through the DRC, therefore, is critical to delivering ERPP services to realize the goals of the program.

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 Notice. No other notices or communications may substitute for the ERPP Notice and the ERPP Notice is applicable only in cases of nonpayment of rent. 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: erpp.lewis.ccrcc@gmail.com. No batch notices will be accepted, and landlords with multiple tenants in arrears are encouraged to prioritize appropriately for their needs.

Prioritization: The DRC has finite resources for ERPP and will process each ERPP Notice as soon as possible in light of those finite resources. Cases will be processed on a first come, first served basis, with timing based on the timestamp of an emailed notice. The 14-day period will begin when the DRC staff member inputs the ERPP Notice into Facilicase data collection, when the DRC will also make the first contact attempt to the tenant and to rental assistance to determine if the tenant has an existing application for rental assistance.

Reasonable Offers of Repayment: Proclamation 21-09 is ambiguous as to whether a landlord's Reasonable Offer of Repayment must precede or may run along with the ERPP Notice. To expedite the ERPP process, landlords are encouraged to 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	Process & Potential Outcomes	Notes & Resources
Days 1 - 14	<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 with rental assistance and legal services.</p>	The DRC will make 3 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>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>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 issue a Certificate and close 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.</p> <p>Conciliations resulting in a settlement will be certified as resolved and closed.</p>	<p>Potential Resources by local DRC process:</p> <p>Repayment Plan Offer information here.</p> <p>Rental assistance Navigator noticed</p> <p>DocuSign links</p> <p>Agreement to mediate</p> <p>Case management system instructions</p>
	<p>Tenant Refuses: If the DRC was able to contact the tenant and the tenant refuses ERPP services, the DRC will issue a Certificate, send it to both parties, send Notice to local NJPO for caseload staffing at court and close the case.</p>	<p>The Certificate will be issued within one business day of the date the tenant refused services, not later than Day 15.</p>	
	<p>ERPP infeasible: If the DRC contacts the tenant but was</p>	<p>In this case the Certificate will be</p>	<p>Note: This will apply on very rare</p>

	unable to offer services, the DRC will issue a Certificate, send it to both parties, and close the case	issued within one business day of the date the DRC discovered the inability to offer services.	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 (<i>e.g.</i> , "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."
Day 15	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 issue a Certificate, send it to both parties and their counsel, if any.	The Certificate will be issued on day 15.	
After 14 Days	Conciliation and ERPP Services: If the Tenant is engaged in the ERPP process, the DRC will work with both parties to prepare for the	The DRC will keep all parties and their counsel, if any, apprised of the case	

	<p>scheduled Meet and Confer or Mediation 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 Confer/Mediation date, the DRC will issue a Certificate and close the case.</p>	<p>status to ensure that progress toward completion is sustained.</p> <p>Actions to be taken, with deadlines, by a party or a necessary third party (HJP, NJP and/or rental assistance) will be obtained, clearly communicated to parties and a record kept by notation in the case file.</p>	
Meet and Confer or Mediation	<p>At the conclusion of the Meet and Confer or Mediation session, <i>unless the parties agree otherwise</i>, a Certificate will be issued to all parties, and the case will be closed.</p>	<p>A Meet and Confer or Mediation may result in no agreement, partial agreement, or full agreement.</p> <p>In all cases, <i>unless the parties agree otherwise</i>, a Certificate will be issued to all parties and the case closed within the DRC.</p>	

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 meetings.

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 this DRC are:

Wednesday – 10:00 am - 11:30 am; 12:30 pm - 2:00 pm; 2:30 pm - 4:00 pm

Thursday – 11:00 am – 12:30 pm, 1:30 am – 3:00 pm