

Eviction Resolution Pilot Program (ERPP) Guide Lewis County

This program guide supports the eviction resolution pilot program (ERPP) delivered by the [RCW 7.75](#) Dispute Resolution Center (DRC) serving Lewis County, [Center for Constructive Resolution and Conversation](#).

ERPP was created by and through [Chapter 115, Laws of 2021, Section 7](#), Washington Supreme Court [Order 27500-B-639](#), and operationalized in Lewis County through the [Lewis County Superior Court Eviction Resolution Pilot Program Standing 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 opportunities for legal representation for indigent tenants.

In addition to RCW 7.75, the DRC staff and volunteers delivering ERPP services are governed by the Uniform Mediation Act, [RCW 7.07](#) and the Washington Mediation Association's [Standards of Practice](#).

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. Legal information is NOT the same as legal advice. All situations are unique, so please consult with an attorney to obtain advice about how the law applies to your specific question.

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>. Local assistance is also available through Thurston County Volunteer Legal Aid at 360-705-8194 or on-line at tcvls.org.

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 at the landlords request, upon expiration of the Notice period addressed on the Notice.
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 (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: 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: erpp.Lewis.ccrcc@gmail.com. No batch notices will be accepted, and landlords with numerous 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. In general, cases involving multiple months of unpaid rent will be prioritized over cases involving only the current month’s rent. 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 are how cases will proceed:

Day of Case	DRCs Activity	Potential Outcomes	Additional Resources & Information
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 to rental assistance, legal services.</p> <p>Tenant legal services: the DRC will forward the ERPP Notice to local civil legal service provider, as required by the local standing order, on or before Day 7.</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.	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>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 slot.</p>	DRC delivers conflict coaching and supporting services to advance the dialogue between tenant and landlord, collecting necessary documents (rental assistance, lease, ledger, etc.), making referrals to	The tenant will need to sign a release of information before the DRC is able to share information with the local rental assistance provider.

	<p>Settlement: If the DRC is notified in writing signed by both parties that they have reached an after Intake & Scheduling, the DRC will close the case.</p>	<p>legal services, and supporting resolution of the conflict prior to the scheduled session.</p>	
	<p>ERPP infeasible: If the DRC was able to contact the tenant but was unable to offer services.</p> <p>Meet and confer infeasible: If the last and best offer of repayment from both the landlord and the tenant are significantly far apart and unable to be moved toward resolution through conciliatory efforts by the DRC. Or, when the level of conflict has escalated to a level where a meet and confer session would not be effective. In either case, a note of explanation will be included on the Certificate of Participation.</p>	<p>Landlord and tenant will be sent an email that ERPP is infeasible for this case.</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>Note: This will apply on rare occasions but does occur -- usually due to a communication difficulty that cannot be overcome or because conflict has escalated severely (such as cases involving law enforcement). 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 may note an objective fact on the Certificate (e.g., "DRC was able to confirm that they were speaking to <name>, but after several minutes of conversation the staff member observed that she could not follow the communication and</p>

			politely completed the call.”
After 14 days - tenant participates	<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/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 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 (HJP, NJP and/or rental assistance). 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> <p>Conciliations resulting in a settlement will be closed and a Certificate of Participation will be issued.</p>	<p>In cases where the parties reach an agreement outside of the DRC’s conciliation services, a Certificate of Participation will only be issued upon the written request of the landlord or their representative. The communication must copy the tenant or the tenant’s representative and including a copy of the written agreement between the parties.</p> <p>The Certificate of Participation and written agreement will be forwarded to the Right to Counsel (RTC) contact.</p>
Meet and confer/ mediation	At the conclusion of the meet-and-confer/mediation session, a Certificate of Participation will be issued to all parties, and the case will be closed.	DRC will forward the ERPP Notice and Certificate of Participation to the local Right to Counsel (RTC) contact.	

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 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.	A Certificate of Participation will only be issued upon the written request of the landlord or their representative. The communication must copy the tenant and/or the tenant's representative. The Certificate of Participation will also be provided to the Right to Counsel (RTC) contact.
Day 15	Tenant Refuses: If the DRC was able to contact the tenant and the tenant refuses ERPP services, the DRC will issue a Certificate.	DRC will forward the ERPP Notice and Certificate of Participation to the local Right to Counsel (RTC) contact.	The Certificate of Participation will also be provided to the Right to Counsel (RTC) contact.

Virtual sessions

With COVID and ongoing variants we anticipate most services will be conducted remotely via Zoom or telephone. 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:

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

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