

Eviction Resolution Pilot Program (ERPP) Guide For Grant County, WA

This program guide supports the eviction resolution pilot program (ERPP) delivered by the [RCW 7.75](#) Dispute Resolution Center (DRC) serving Grant County, Columbia Basin Dispute Resolution Center, cbdrc.org.

ERPP was created by and through [Chapter 115, Laws of 2021, Section 7](#), Washington Supreme Court [Order 27500-B-639](#), and operationalized in:

Grant County through Order No. 14 (21-04), the 2nd Amended – Courts Standing Order for Eviction Resolution Pilot Program ERPP.

<https://www.grantcountywa.gov/DocumentCenter/View/4605/Superior-Court-Order-14---2nd-Amended-PDF?bidId=>

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](#).

Resources 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](#)

Recourses 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 services are also available through the **Northwest Justice Project attorney, Devin Poulson**, at devin.poulson@nwjustice.org.

Rental Assistance

The **Housing Authority of Grant County / hagc.net** administers emergency rental assistance programs for tenants residing in Grant and Adams Counties.

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 landlord's 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 client 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 effective and efficient 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-Notice-and-Resource-Information](#) (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 a complete and accurate ERPP Information and Resource Notice.

***** Because a fair number of tenants faithfully pay their rent each month, albeit late, the DRC strongly recommends that landlords wait until the 16th of the month to serve notices to tenants behind on rent. *****

Complete and Correct Forms: **It is the landlord's responsibility to properly serve the proper notices and the DRCs are not responsible for improper service of improper notices.**

Landlords are not required to use the forms provided on the Attorney General's landlord-tenant website. However, if the landlord chooses to use forms other than those provided through the Attorney General's website, administrative processing may be delayed. Because the consequences for improper notice may be severe if the parties are unable to resolve their dispute during ERPP, the DRC will refer unrepresented landlords to seek legal advice and will conduct intake with the landlord to confirm the landlord intends to proceed with the forms provided to the DRC when they differ from those provided through the Attorney General's website, or when the information on the forms provided to the DRC are incomplete or illegible.

Each notice must be sent in a separate email to: cbdrcepintake@gmail.com . No batch notices will be accepted, and landlords with numerous tenants are encouraged to prioritize appropriately for their needs. **Sending ERPP Notices to the DRC by USPS first class or certified mail is not required and will slow down processing of the case.**

Prioritization: The DRC has finite resources for ERPP and will work cases promptly 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 support ERPP administration, 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>	When possible, 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> <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>	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 legal services, and supporting resolution of the conflict prior to the scheduled session.	The tenant may need to sign a release of information before the DRC is able to share information with the local rental assistance provider.
	<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</p>	Landlord and tenant will be sent an email that ERPP is infeasible for this case. DRC will issue an ERPP	Note: This will apply on rare occasions but does occur -- usually due to a communication difficulty that cannot be

	<p>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>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>overcome or because conflict has escalated severely (such as cases involving law enforcement). The DRC may note the circumstances making ERPP infeasible on the Certificate of Participation.</p>
<p>After 14 days - tenant participates</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 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>Meet and confer/ mediation: If the parties do not reach an agreement through conciliation, the parties will come together for a final meet-and-confer facilitated negotiation session.</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 attorney, 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 may close the case and issue a Certificate of Participation.</p> <p>The Certificate of Participation may reflect actions to have been taken by either party to advance the ERPP case but that were not completed by the party.</p>	<p>In cases where the parties reach an agreement outside of the DRC’s conciliation and mediation 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>At the conclusion of a meet-and-confer/mediation session, unless the parties agree otherwise, a Certificate of Participation will be issued.</p> <p>The Certificate of Participation (and written agreement, if any) will be forwarded to <the Right to Counsel (RTC) contact>.</p>

Day 15	No Contact: If the tenant has not contacted the DRC, and the DRC has been unable to contact the tenant, the DRC will administratively close the case and issue a Certificate of Participation upon the written request of the landlord or the landlord’s representative.	DRC will forward the ERPP Notice and Certificate of Participation to the local Right to Counsel (RTC) contact.	A Certificate of Participation will only be issued upon the written request of the landlord or their representative. When issued, DRC will also send the Certificate of Participation 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 of Participation to the parties.		The DRC will also forward the ERPP Notice and Certificate of Participation 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.

Please contact Jesenia Contreras (ERPP Intake Specialist) at cbdrceerpintake@gmail.com to schedule your meet and confer / mediation session.