

Eviction Resolution Pilot Program (ERPP) Guide Spokane County

Updated 1/20/2023

OVERVIEW

This program guide supports the Eviction Resolution Pilot Program (ERPP) delivered by the [RCW 7.75](#) Dispute Resolution Centers (DRCs) serving Spokane County ([Northwest Mediation Center](#) and [Fulcrum Institute DRC](#)). The guide is 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](#), and Spokane County Superior Court [Order](#).

This is a pilot program. As judicial decisions impact the delivery of services, we will make those changes to our processes and policies and update this guide as necessary.

PROGRAM PURPOSE

ERPP aims to reduce the number of unlawful detainer actions for nonpayment of rent that would otherwise be filed in Superior Court. 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, while available, 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 conflicting parties through an exploration of the issue and help parties 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 seeking legal advice:

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 seeking legal advice:

If you are a tenant seeking legal advice or representation for the purposes of ERPP and pretrial, you may contact the Eviction Defense Project of the Volunteer Lawyers Program (VLP) at 509-477-2674 or apply online at <https://www.spokanevlp.org/post/facing-eviction-apply-for-assistance-through-the-vlp-s-eviction-defense-project>.

If you are seeking a lawyer for an unlawful detainer action in court, please contact the Eviction Defense Screening Line at (855) 657-8387 or apply on-line at <https://nwjustice.org/apply-online>.

DRC PRIORITIES AND RESPONSIBILITIES

1. The DRC will make best efforts to process cases fairly, equitably, and efficiently.
2. It is the tenant's responsibility to contact the DRC and opt into the program. The DRC will also reach out to tenants and inform them about ERPP. The DRC may choose not to attempt contacts on tenants, for example if the DRC previously informed the tenants about ERPP or if the tenants owe only for the current month.
3. It is the landlord's responsibility to request the Certificate of Participation and to provide the DRC with information necessary for issuing the Certificate. If the landlord does not request the Certificate within 30 days of the tenant's response date, the DRC will close the case file.
4. If a DRC Certificate has been issued, and the landlord subsequently sends new notices for the same tenant in the same unit, the DRC will only reopen the case if:
 - The tenant has made a partial payment on the previous debt, or
 - The tenant has paid off the previous debt, or
 - The court has ordered the parties to return to ERPP, or
 - The landlord serves a new 30-day Pay or Vacate notice to conform with the CARES Act.

To expedite requests, the landlord should provide the reason for requesting reopening of a previously Certified ERPP Case in the subject line of the email initiating the request.

5. Where a tenant and landlord engage through active participation with the DRC, the DRC will work the case diligently toward a facilitated negotiation session (“meet and confer”), with the DRC providing services to support the parties in reaching resolution.
6. While respecting confidentiality, as time allows, the DRC will communicate with the parties and their representatives, if any, on the status of individual cases in support of early resolution.

NOTE: The timeline of an active ERPP case is not wholly within the DRCs’ control. The timeline of each case is dependent on active participation from all parties. Rental assistance and civil legal services organizations are also working with finite capacity. Effective communication with the DRC, therefore, is critical to delivering timely 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, accurate, and legible 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 that has been provided by Washington state courts, available at <https://www.spokanecounty.org/DocumentCenter/View/39847/Required-ERPP-Notice-and-Resource-Information>. Any ERPP Notices that do not match exactly will be returned to the sender.
- The respond-by date for the tenant will be **at least 14 days from the date the DRC receives a complete ERPP Notice and a Pay or Vacate Notice**.
- Landlords in the city limits of Spokane must also abide by the requirements of [Spokane Municipal Code 18.08](#).

Best Practice: Landlords are highly encouraged to prioritize their notices based on amount owed so that cases with the greatest arrearages may be prioritized by the DRC. The DRC has observed that over 50% of notices for the current month's rent are paid in full by the tenant during the 14-day period.

Timeline for Processing Notices: 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 4:30 p.m. Monday-Friday will not be processed until the following business day.

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.

How to send notices to the DRC

- It is the landlord's responsibility to deliver **complete, accurate, and legible** notices to the DRC **on the same day** that the landlord serves the notices on tenants. (Photographs of the door with the notice are not acceptable.)
- The DRC cannot provide legal advice about whether the landlord's service on the tenant is sufficient. The below guidelines pertain only to the landlord's submissions to the DRC.
- **When at all possible, landlords are requested to send notices to the DRCs by email.**
- Spokane County Notices: Fulcrum Institute and Northwest Mediation Center are working together to serve landlords and tenants in Spokane.
 - All notices for tenants with last names beginning with A-M go to NMC: info@nwmediationcenter.com.
 - All notices for tenants with last names beginning with N-Z go to Fulcrum: housing@fulcrumdispute.org.
 - If there are multiple tenants in a rental unit whose names fall in different parts of the alphabet, use the first tenant on the lease and send all of the notices for that unit to the DRC associated with the first tenant's name.
- For Lincoln, Whitman, Pend Oreille, Ferry, and Stevens Counties, all notices A-Z should go to Northwest Mediation Center.

- Complete contact information for **each** tenant must be provided on the ERPP notice(s). If the landlord does not have contact information (for example, a tenant’s phone number), please include the words “Not Available” so that the DRC knows this was not an oversight.
- **One email per rental unit:** We ask that landlords send a separate email for each rental unit. If there are multiple tenants residing in the same unit, they can be grouped together in one email.
- **One ERPP Notice per tenant:** We ask that landlords submit a separate ERPP notice for each tenant in a unit. This is important so that the DRC has contact information for each tenant.
- For example, if the rental unit has three tenants, the landlord should send the DRC one email with the Pay or Vacate Notice and three separate ERPP notices attached.
- We ask that landlords include tenants’ names in the subject line of the email.

NOTE: If ERPP and Pay or Vacate notices are sent by USPS mail, the 14-day period for tenant engagement will start on the day we receive the mail. If mailed-in notices are in bulk quantities, the DRC will work expeditiously to open cases for each notice, prioritizing as needed within staff capacity.

HOW CASES PROCEED

Stage	Activity	Outcomes	Notes
Intake	<p>DRC receives the ERPP notice and Pay or Vacate and opens a file</p> <p>Contact attempts: DRC contacts tenants to inform them of ERPP services.</p>	<p>Tenant opts in</p> <p>Tenant declines service, and, upon landlord request, DRC issues certificate.</p> <p>Tenant cannot be reached, and, upon landlord request, DRC issues certificate.</p> <p>Service is infeasible, and DRC issues certificate.</p>	<p>Landlords must provide all available contact information for their tenants and indicate appropriately any requested information that is not available with "N/A" in the space provided on the ERPP Notice. Failure to comply with this will cause delays in opening the ERPP case.</p> <p>Note on infeasibility: This will apply on rare occasions but does occur - usually due to</p>

			<p>a communication difficulty that cannot be overcome or because conflict has escalated severely (e.g. law enforcement has become involved in the dispute). Communication difficulties may result from a physical or mental capacity concern that is not otherwise knowable by DRC staff. The DRC may note communication difficulties as an objective fact on the Certificate.</p>
<p>Conciliation</p>	<p>DRC delivers conflict coaching, conciliation services, and supporting services to advance the dialogue between tenant and landlord.</p> <p>DRC collects necessary documents and information (rental assistance, lease, ledger, etc.), makes referrals to legal services, and supports resolution of the conflict.</p> <p>Offers and counter-offers are shared between the parties.</p> <p>Rental Assistance Coordination: the DRC will work with landlord, tenant, and</p>	<p>Parties reach agreement through the help of a DRC facilitator, the DRC drafts the agreement, and parties meet and sign at a meet and confer. DRC issues certificate.</p> <p>Parties engage the ERPP and reach a full agreement independently of the DRC. DRC will close the case file, no certificate.</p> <p>Parties do not reach agreement, and DRC schedules a meet and confer for the next available date.</p>	<p>Parties that reach agreement must go through a meet and confer before getting a DRC certificate. The meet and confer is required by standing order.</p> <p>Parties should be responsive to DRC's attempts to contact them. If the DRC loses contact with one party, the DRC may set a deadline of 3 business days and, if the party does not return contact within 3 days, may close the case, and/or issue the certificate.</p>

	rental assistance agencies to share updates on the status of pending applications, as needed.		
Meet and confer/mediation	This is a face-to-face meeting, usually by zoom. The parties negotiate with the aid of the facilitator/mediator.	<ul style="list-style-type: none"> Parties reach agreement. The mediator/facilitator writes up the agreement and reads it back to the parties at the meet and confer. The agreement is sent out to the parties, they have 5 business days to sign, and DRC issues certificate. If parties do not reach agreement, and do not agree to continue in ERPP, the DRC issues certificate. If, without prior notification, a party does not appear for the meet and confer, there is no guarantee of a reschedule. 	<p>The DRC does not have the capacity to schedule meet and confers according to parties' availability. Instead, the DRC will assign the first available date.</p> <p>Once the DRC has informed the parties of the date and time of the meet and confer, it is the party's responsibility to attend or reschedule.</p> <p>Either party can ask to reschedule once if it is done at least 24 hours in advance.</p> <p>The DRC will make reasonable accommodations, but it is the party's responsibility to request such accommodations.</p>

VIRTUAL SESSIONS

With COVID and ongoing variants we anticipate most conciliation and mediation services will be conducted remotely via phone or 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.