

Eviction Resolution Pilot Program (ERPP) Guide Spokane County

Updated 4/18/22

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. Where a tenant does not engage, either by lack of contact or direct refusal, the DRC will advance the case expeditiously and issue a Certificate of Participation.
3. Where a tenant and landlord engage through active participation with the DRC, the ERPP case will be worked diligently toward a 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 parties and their representatives, if any, on the status of individual cases in support of early resolution, as time allows.

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 by and through 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\(4\)](#). Landlords in the city limits of Spokane must also abide by the requirements of [Spokane Municipal Code 18.08](#).

No other notices or communications may substitute for the ERPP Information and Resource Notice. If received by the DRC, any other notice or communication will be returned to the sender.

Prioritization: The DRC has finite resources for ERPP and will process notices as soon as possible in light of those finite resources.

- Cases will largely be processed on a first come, first served basis, with the order based on the timestamp of an emailed notice.
- In the event of high volume, the DRC will prioritize tenants who are more than one month behind in rent.
- Notices received after 4:30 p.m. 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.
- **When at all possible, landlords are requested to send notices to the DRCs by email.**
- 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, we ask that you go by the last name of the first tenant on the lease and send the notices to the corresponding center.

- Each tenant in a rental unit should get their own ERPP notice.
- *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.
- We ask that landlords include tenants' names in the subject line of the email.

NOTE: If notices are sent by USPS mail, the 14-day period 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 to meet staff capacity.

HOW CASES PROCEED

| Stage | Activity | Outcomes | Notes |
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| Intake | <p>DRC receives the ERPP notice and Pay or Vacate and opens a file</p> <p>Contact attempts: DRC strives to contact the tenant to offer ERPP services and to connect the tenant to rental assistance and legal services.</p> | <p>Tenant opts in</p> <p>Tenant declines service, and DRC issues certificate.</p> <p>Tenant cannot be reached, and DRC issues certificate.</p> <p>Service is infeasible, and DRC issues certificate.</p> | <p>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> <p>Note on infeasibility: 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 (e.g. law enforcement has become involved)</p> |

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| | | | 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. |
| Conciliation | <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 rental assistance agencies to share updates on the status of pending applications, as needed.</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 can issue a certificate, <i>but only after having a "quick meet-and-confer"</i> (confirming agreement). Alternatively, DRC will close case without issuing certificate.</p> <p>Tenant declines meet-and-confer. DRC issues certificate.</p> <p>Parties do not reach agreement, and DRC schedules a meet-</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. If the parties have already reached agreement, then meet-and-confer will be a short formality.</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> |

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| | | and-confer for the next available date. | |
| 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 3 business days to sign, and DRC issues certificate. If parties do not reach agreement, they can agree to schedule a mediation or decline further services, and DRC issues certificate. If, without prior notification, a party does not appear for the meet-and-confer, there is no guarantee of a reschedule. If the absent party contacts the DRC within 24 hours of missing the meet-and-confer, the DRC may reschedule, if the non-attendance is due to an | <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 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> |

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| | | emergency or unforeseeable circumstances. | |
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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.