



## Eviction Resolution Pilot Program Guide Pacific County

This program guide supports the Eviction Resolution Pilot Program (ERPP) delivered by the RCW Chapter 7.75 Dispute Resolution Center (DRC) serving Grays Harbor, Pacific, and Wahkiakum counties.

ERPP was created by and through [ESSB 5160](#) (Chapter 115, Laws of 2021), Washington Supreme Court [Order 27500-B-639](#), and Pacific County Superior Court [Order 21-2-00001-25](#).

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

### 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 impactful legal representation for indigent tenants.

Effective ERPP implementation requires coordination and support among the DRCs, rental assistance agencies and civil legal aid services, along with ongoing 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 civil legal access and judicial process diversion program during a period of historic uncertainty. While it is not the DRC's role to solve this, we understand the more direct we are at articulating and holding firm to the ERPP process, the better the outcomes will be for all parties.

The DRC operates under [RCW Chapter 7.75](#) which governs the establishment and operation of DRCs in Washington State. 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](#). All ERPP service communications will be confidential unless agreed otherwise. Communications are also privileged which means that they may not be disclosed in any future legal proceeding. The DRC may however, make certain disclosures to meet statutory reporting requirements and for educational and/or research purposes. If information is admissible or subject to discovery it does not become protected just because it is shared or used in ERPP-related services provided by the DRC.

All services are available in English and Spanish with interpreter services available for other languages.

**Language note:** This document uses the terms “landlord” and “tenant” as they are the terms used in statute, proclamations and court orders.

## **LEGAL INFORMATION AND ADVICE**

The 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. Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator is not practicing law. ([Washington General Rule 24\(b\)\(4\)](#)).

The DRC encourages all tenants and landlords to seek legal advice and representation for ERPP services.

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](#).

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 - Attorneys](#)
- [Washington Landlord Association](#)

If you are a tenant seeking legal advice or representation, please contact:

- Contact Thurston County Volunteer Legal Services at 360-705-8194
- Eviction Defense Screening Line at 1-855-657-8387 or apply on-line at <https://nwjustice.org/apply-online>

## **DRC AND PUBLIC AND PRIVATE PARTNERSHIPS**

The DRCs relationship with Pacific County Health and Human Services is governed by an MOU between the two agencies. ERP client applications will be prioritized by rental assistance.

The DRC also maintains an MOU governing its relation with Thurston County Volunteer Legal Services. Additionally, the DRC makes use of all of its partnerships and relationships with area resources to support ERP clients.

## SERVICE DELIVERY

Services will be conducted remotely via telephone or Zoom. If a party does not have access to technology, the DRC will work with the client and local partners to schedule the session at a site location where parties can access the Zoom link. When health authorities deem it safe for people from mixed households to congregate in an enclosed area for prolonged periods of time without a mask (mediations typically are scheduled for 3 hours), and in-person service delivery is necessary, services will be primarily provided at the DRC's main office in Aberdeen, Washington.

Upon tenant acceptance of ERPP services, the parties will be scheduled for the next available mediation session.

Mediations for ERP are scheduled 2 days per week and generally fall within the following options:

- Mondays 12:00 p.m. - 3:00 p.m. (time slot available every other week)
- Wednesdays 9 a.m. - 12 p.m. (time slot available every other week)
- Thursdays 5:30 p.m. - 8:30 p.m. (time slot available weekly)

Mediations are typically scheduled at the outset of the case. Once the mediation session is confirmed by all parties and notices sent, rescheduling the session is done at the discretion of the DRC and may require consent of both parties. The DRC may choose to hold the session as scheduled based on, but not limited to, the following criteria:

- Length of time the case has been opened,
- Change of circumstances,
- Number of reschedules,
- Communication difficulties, or
- If there is a need for clarification between the parties.

Requests for rescheduling within 5 business days of the scheduled service date will NOT be accepted. However, if the request is due to an unforeseen circumstance, the session may be rescheduled. Not being prepared for a session is not an unforeseen emergency.

## 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 within the 14 day period, CDR will confirm with the landlord that the tenant has not paid-in-full or made other arrangements directly with the landlord outside of DRC involvement. If no payment agreement is reached, the DRC will issue the Certificate and close the case.
3. Where a tenant **does engage**, the case will be worked diligently to support the parties in reaching a timely resolution through one or more of our service options.

4. While respecting confidentiality, the DRC will communicate effectively with rental assistance, the local bench and bar, 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 DRC's control. Rental assistance and civil legal services organizations are also working with finite resources and within legislative, executive, and judicial ambiguities and complexities. Effective communication by and through the DRC is critical to delivering ERPP services.

### **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 Information and Resource Notice](#) (ERPP Notice) and a 14 day Pay and 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.

The Notice must be complete with no missing fields. The Notice must contain the name, address, phone number and email for the tenant and landlord. If the Landlord is represented by an attorney, the attorney's contact information must also be included. If the landlord does not have the information, they must indicate so in the form. If the landlord has missing contact information, we ask that the last known address, phone, and email on file be provided. Additionally, if the property address differs from the tenant's mailing address, it is the landlord's responsibility to provide the mailing address to the ERP staff when commencing their case. Illegible notices will delay the ERPP process. Additionally, landlords are encouraged to send the DRC an updated ledger.

Because the consequences for improper notice may be severe if the parties are unable to resolve their dispute during ERPP, when the information on the forms are incomplete or illegible, the DRC will confirm with the landlord that they intend to proceed with the forms provided.

Each notice must be sent in a separate email to: [erp@drcghp.org](mailto:erp@drcghp.org). No batch notices will be accepted, and landlords are encouraged to prioritize appropriately for their needs.

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.

Prioritization: The DRC has finite ERPP resources 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 3:00 p.m. will not be processed until the following business day. To be able to provide efficient and effective services to all existing and new clients, notices received after 3:00 p.m. on Thursday will not

begin to be processed by our DRC until the following Monday, or next business day if Monday is a holiday.

Upon commencing the case, the DRC makes the first contact attempt to the tenant and directs them to rental assistance and legal resources. Once the tenant has opted in for services, the DRC will reach out to parties welcoming both parties to the program. Initiating documents will be sent to both parties for signature via DocuSign. Service delivery will not proceed until both parties complete the signature of initiating documents, schedule and conduct their intake. Intakes are conducted over the phone and take about an hour to complete.

## **ENGAGEMENT IN ERPP SERVICES**

All parties are expected to be engaged and remain responsive to DRC communications while their case is open. Additionally, all parties are expected to complete initiating documents, and schedule and conduct intakes promptly at the outset of their engagement.

Parties are expected to follow through on their commitments. If a tenant does not follow through on a scheduled conversation, follow up communication, or commitment, the DRC will issue the Certificate and close the case within 72 hours. If a landlord does not follow through on a scheduled conversation, follow up communication, or commitment, the DRC will close the case within 72 hours. No certificate will be issued. The DRC will consider unforeseen emergencies when deciding to close a case.

## **FEEDBACK & GRIEVANCES**

We are committed to continuous improvement and welcome input on how our services did or did not meet stated expectations. You may submit your feedback and grievances to [grievances@drcghp.org](mailto:grievances@drcghp.org)

## GENERAL TIMELINES AND PROCESS

Day of Case	DRC Activity
<b>Days 1-14</b>	<p><b>Contact attempts:</b> DRC strives to contact the tenant to offer ERPP services and to connect the tenant to rental assistance, legal services. The DRC will make three (3) attempts to reach the tenant during the 14-day period using the provided contact information, by means that may include email, telephone, text message and/or USPS first class and certified mail.</p>
	<p><b>Intake &amp; Scheduling:</b> 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 may deliver rental assistance navigation, conflict coaching, conciliation, or supporting services to advance the dialog between tenant and landlord, collecting all documents and seeking resolution of the conflict prior to a scheduled mediation. The DRC will also schedule the mediation at this time.</p>
	<p><b>Settlement:</b> If the DRC is notified in writing by parties that they have reached an agreement before a scheduled service is held, the DRC will note the information in the case file and close the case.</p>
<b>Day 15</b>	<p><b>No Contact:</b> If the tenant has not contacted the DRC, and the DRC was unable to contact the tenant, the DRC will confirm with the landlord that the tenant has not paid-in-full or made other arrangements directly with the landlord outside of DRC involvement. If no payment agreement is reached, the DRC will issue the Certificate and close the case. Copies of the Certificate of Participation and ERPP Notice for the case will be sent electronically to the Right to Counsel provider for caseload staffing at court.</p>
	<p><b>Tenant Refuses:</b> If the DRC was able to contact the tenant and the tenant refuses, the DRC will note the refusal in the Certificate and close the case. Copies of the Certificate of Participation and ERPP Notice for the case will be sent electronically to the Right to Counsel provider for caseload staffing at court.</p>
<b>Days 15-45</b>	<p><b>Rental Assistance Coordination, Conciliation, Mediation:</b> One or more of DRC's resolution-focused services may be held during this time, depending on parties' needs and circumstances. A DRC-provided service may result in no agreement, partial agreement, or full agreement. At the conclusion of a mediation session, unless the parties agree otherwise or agree to continue working toward a resolution in ERPP, the case will be closed. If no agreement is reached, a Certificate will be issued. Copies of the Certificate of Participation will be sent electronically to the Right to Counsel provider for caseload staffing at court.</p>