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Eviction Resolution Pilot Program Guide Version 2

Pierce County
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INTRODUCTION

This program guide supports the Eviction Resolution Pilot Program (ERPP) delivered by the Chapter 7.75 Dispute Resolution Center (DRC) serving Pierce County, Pierce County Center for Dispute Resolution (dba Center for Dialog & Resolution (CDR)).

ERPP was created by and through [ESSB 5160](#) (RCW 59.18.660), Washington Supreme Court [Order 27500-B-639](#), and Pierce County Superior Court Emergency Order: [20-19 Third Amended](#).

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 on a quarterly basis.

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 deep coordination and support among the DRCs, rental assistance agencies and civil legal aid services, along with deep working relationships with the judicial officers and staff members within the local superior court. 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](#).

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 role of the DRCs to solve for this, the more direct the DRC is at articulating and holding firm to the ERPP process, the better the outcomes will be for all parties.

Our goal in delivering dispute resolution services is to provide predictability and consistency in the process which allows us to hold a unique and productive conversation in every instance

Language note: This document uses the terms “landlord” and “tenant” as they are the terms used in statute, proclamations, and court orders. However, the term “housing provider” instead of “landlord” is often preferred.

Information about the Eviction Resolution Pilot Program may be found on the [Washington State Courts ERPP website](#), the [Attorney General’s landlord-tenant website](#).

LEGAL INFORMATION and ADVICE

CDR 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\(b\)\(4\)](#)).

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

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](#)
- [Rental Housing Association of Washington](#)
- [Washington Landlord Association](#)

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

- [TacomaProBono.org](#) (Pierce County Residents)
- Eviction Defense Screening Line at [\(855\) 657-8387](#) or apply on-line at <https://nwjustice.org/apply-online>.

Under the program tenants have an opportunity to seek legal advice and/or representation through the local Housing Justice Project (HJP), known as Tacoma Probono Community Lawyers, and Northwest Justice Project (NJP). Landlords who are self-represented will be given resource information for Northwest Justice Project (NJP), the county bar association’s Lawyer Referral Service, and the statewide Moderate Means Program. Additional resources for either Tenants or Landlords may be included.



AGENCY and NONPROFIT RELATIONSHIPS

Agency and Nonprofit Relationships (CDR/Rental Assistance): This process is governed by the local [Pierce County Standing Order](#).

- Once a case has fully commenced, CDR will work with both landlords and tenants to connect them with rental assistance. Connected parties who are working with our Center will be [prioritized by rental assistance](#).
- CDR will make all efforts to connect tenants to free legal assistance through our local Housing Justice Project (TacomaProBono Community Lawyers and Northwest Justice Project)

PRIORITIES DURING THE PERIOD OF PEAK VOLUME

1. CDR 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 CDR involvement.** If no payment agreement is reached, CDR will issue the Certificate and close the case.
3. Where a tenant **does** engage with CDR, 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, CDR will communicate with rental assistance, the local bench and bar involved in 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 CDR’s control. Rental assistance and civil legal services organizations are also working with finite capacity. Effective communication by and through CDR, therefore, is critical to delivering ERPP services.

COMMENCING AN ERPP CASE

ERPP Notice required: Under [RCW 59.18.660](#) (3) an ERPP case may only be fully commenced by the landlord **servicing** the tenant a complete and accurate [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 CDR when served on the tenant. [RCW 59.18.660](#)(4)

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: Solvelt@CenterForResolution.org . No batch notices will be accepted. It is highly encouraged that all contact information for Tenants, Landlords, and their representatives be typewritten in the ERPP Notice. Illegible notices will delay the ERPP process. Landlords are encouraged to send CDR an updated ledger and/or arrears payment proposal shared with tenant(s) for review. Landlords with multiple tenants 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 CDR.

Prioritization: CDR 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.

Upon commencing the case, CDR makes the first contact attempt to the tenant; directs them to rental assistance and legal resources.

CDR SERVICES and CONFIDENTIALITY

Mediations, facilitated conversations and negotiations for the purpose of reaching a voluntary resolution through CDR are conducted under the Uniform Mediation Act (RCW Chapter 7.07). ERPP-related service (e.g. coaching, conciliation, mediation/meet & confer, etc.) communications will be confidential unless agreed otherwise. ERPP-related service (e.g. coaching, conciliation, mediation/meet & confer, etc.) communications are also privileged, which means they may not be disclosed in any future legal proceeding under the Uniform Mediation Act (RCW Chapter 7.07). CDR 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 CDR. Some exceptions to confidentiality or privilege may be disclosed as required by law, court order or other authority that may make a ruling on the dispute. This information will be reiterated in greater detail when a mediation occurs and copies provided to participants.

CASE MANAGEMENT: CONFLICT COACHING, CONCILIATION, MEET & CONFER, and MEDIATION

CDR schedules individual conflict coaching, conciliation, mediation and/or Meet & Confer sessions based on the parties needs for resolving past due rent. These confirmations are sent to each party, their identified attorney or authorized representative.

Conciliation, Meet & Confer and Mediation sessions: CDR follows all local public health and safety guidance and/or requirements. In scheduling a service, CDR will take into consideration individual health and safety of clients, employees, and mediators; as well as accessibility needs or accommodations. Most sessions at this time will be conducted via phone or remotely through Zoom.

Accommodations and Access: If a party does not have access to the requisite technology, CDR has the capability to provide access and support at our office along with appropriate PPE and social distancing. In some circumstances, CDR may consider conducting services at an offsite location (i.e. community center, library, property where tenant resides, etc.) to meet accommodation needs.

If the parties resolve the case before the scheduled session, parties will inform CDR in writing. CDR will close the case or issue a Certificate based on our outlined policies and practices.

Attendance Expected: All parties are expected to attend any scheduled sessions.



CDR's CANCELLATION, NO-SHOW, and RESCHEDULE POLICY for ERPP:

Once the session for coaching, conciliation, or mediation is confirmed by all parties and notices sent, rescheduling the session is done at the discretion of CDR and may require consent of both parties. CDR 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 reschedule within 3 business days of the scheduled service date will NOT be accepted.

If within two business days of a scheduled session, a party is unable to attend because of an unforeseen emergency, the session may be rescheduled. Not being prepared for a session is not an unforeseen emergency.



GENERAL TIMELINES FOR CDR ERPP CASE MANAGEMENT PROCESS:

Day of Case	CDR Case Management Activity ...
Days 1 - 14	<p>CONTACT ATTEMPTS: CDR will make 3 attempts to reach the tenant during the 14-day period (as defined Pierce County Superior Court Emergency Order: 20-19 Third Amended) using the provided contact information, by means that will include USPS first class mail, and may include email and/or phone text message. CDR strives to contact the tenant to offer ERPP services and to connect tenant to rental assistance and legal services.</p>
	<p>INTAKE & SCHEDULING: If CDR reaches the tenant and the tenant accepts ERPP services, CDR conducts an intake process of both the tenant and the landlord and may deliver 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 meet and confer/mediation.</p> <p>SETTLEMENT: If CDR is notified in writing by parties that they have reached an agreement before a scheduled service is held, CDR will note this information in the case and close the case.</p>
Day 15	<p>NO RESPONSE: If the tenant has not contacted rental assistance, legal services, or CDR, and CDR was unable to contact the tenant, CDR will confirm with the landlord that the tenant has not paid-in-full or made other arrangements directly with the landlord outside of CDR involvement. If no payment agreement is reached, CDR will issue the Certificate and close the case.</p>
	<p>TENANT REFUSES: If CDR was able to contact the tenant and the tenant refuses ERPP services, CDR will make an attempt to receive this refusal in writing. If no response to attempt, CDR will note the refusal in the Certificate and close the case.</p>
Days 15-60	<p>CONCILIATIONS, MEDIATION/MEET AND CONFER: One or more of CDR’s resolution-focused services may be held during this time, depending on parties’ needs and circumstances. A CDR-provided service may result in no agreement, partial agreement, or full agreement. At the conclusion of a meet & confer/mediation session, <i>unless the parties agree otherwise or agree to continue working toward a resolution in ERPP</i>, the case will be closed.</p>
	<p>CERTIFICATE ISSUED: At the conclusion of a case where no agreement is reached, CDR will issue a certificate to all parties. A hard copy will be mailed via US Postal Service to the tenant; electronic copies will be sent to tenant, landlord, and attorneys.</p>



FEEDBACK POLICY

We are committed to continuous improvement and welcome input on how our services did or did not meet stated expectations.

FEEDBACK PROCESS

1. Send feedback to: Solvelt@CenterforResolution.org,
2. We will review your experience with our process and procedure.
3. We will make adjustment as necessary.
4. If you do not get a confirmation of our receipt of your complaint, you can escalate to CDR contact.

CDR CONTACT

Please direct program policy questions to Jennifer Unger, Associate Director, JenU@CenterForResolution.org / 253-572-3657.