

BCRC ERPP PROGRAM GUIDE

SCOPE

This program guide addresses statutory Eviction Resolution Pilot Program (ERPP), as passed by the Washington legislature in the 2021 session, and as delivered by the Bellevue Conflict Resolution Center, a chapter 7.75 Dispute Resolution Center (DRC) serving King County.

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

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 dispute resolution centers, along with federal and state coronavirus relief funds distributed via rental assistance organizations, as well as additional tenant protections and eviction defenses that increase opportunities for impactful legal representation for tenants before court filing.

Effective ERP implementation requires deep coordination and support among Dispute Resolution Centers (DRCs), rental assistance agencies and civil legal aid services, and working relationships with the judicial officers and staff members charged with implementing and administering the ERP. For the most recent judicial standing order for King County, please refer to the [Eviction Resolution Pilot Program Superior Court website](#).

In many cases, tenants and landlords have been working with the DRC voluntarily during the eviction moratorium, oftentimes through a judicially created program stemming from an order issued by the Washington Supreme Court, confusingly also called the Eviction Resolution Pilot (ERP). For clarity, this document refers to the judicial program during the moratorium as ERP, and the statutory program, effective as the statewide moratorium lifts, as ERPP. For simplicity, you may also refer to the voluntary (moratorium) program to distinguish it from the mandatory (post-moratorium) ERPP program.

DRC ERPP Staff Roles and Responsibilities

Title	Job Summary	Works Primarily With	Contact Information
Eviction Resolution Specialist (ERS) aka Case Managers/Conciliators	<ul style="list-style-type: none"> • Provide information, problem-solving and conciliation services to Landlords and Tenants. • Provide conflict coaching and referrals. • Track case details and demographic information via CRM database. • Maintain strict confidentiality of client information 	Tenant, landlord and their representatives	<p>This work is conducted by a large cadre of volunteers.</p> <p>Volunteer Coordinator:</p> <p>Natalie Daniels</p> <p>ndaniels@bellevuewa.gov</p> <p>425-452-2897</p>
Program manager	<ul style="list-style-type: none"> • Supervise activities of Eviction Resolution Program team including case managers, rental assistance navigator, landlord engagement specialist, community engagement specialist, intake manager and intake specialist. 	DRC ERPP staff, facilitators and mediators and external program partners and referral resources	<p>Marci McReynolds</p> <p>mmcreynold@bellevuewa.gov</p> <p>425-452-5288</p>

<p>ERPP Intake Specialists</p>	<ul style="list-style-type: none"> • Timely data entry and checking for duplicates, to maintain database integrity <p>Acknowledge receipt via email of ERPP notices from landlords</p> <ul style="list-style-type: none"> • Track case details and demographic information via CRM database • Maintain strict confidentiality of client information 	<p>Tenant, landlord and their representatives, and DRC mediators and facilitators</p>	<p>Santiago Naranjo snaranjo@bellevuew.gov 425-452-4090</p> <p>Jill Sulzberg jsulzberg@bellevuewa.gov 425-452-6120</p>

ERPP PROCESS - BALANCING TIME CONCERNS

The DRC is committed to conducting its work with all deliberate speed, and to communicating response times, progress, delays and other relevant information to all parties throughout the engagement. However, there is tension between the 14-day period offered by the Notices and the practical time it takes to conduct the ERPP process, which is anticipated to be 45 - 60 days, on average.

DRC Certifications (especially when both the landlord and tenant are actively engaged in ERPP), will rarely be issued by the “Respond by” date on the Notice. You should set an expectation of a realistic timeframe of 45 - 60 days.

Response Times: To promote equity for our clients and staff well-being during the period of peak volume, our goal is to communicate status updates on active cases within 1 business day of new information received and respond to requests for status updates on current cases within 3 business days.

14 Day Period Activity Summary: Under the statute and the local standing order, ERPP begins with the landlord serving the tenant and sending to the DRC two documents: a 14-day Notice to Pay or Vacate (14-Day Notice) and the [Singular Mandatory ERP Notice and Resource Information](#) (ERPP Notice).

Day of Notice	BCRC Action	Potential Outcomes	Additional Resources
Day 0	BCRC receives the 14-Day ERPP Notice from the landlord and reviews to confirm the 14-Day Notice has included valid contact information for the tenant(s). 14 day clock does not commence until BCRC has confirmed receipt.	If the Notice does not have complete and correct contact information for the tenant, per the local standing order, DRC will inform the landlord of the need for complete and correct contact information and request a new Notice be served before commencing ERPP.	https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/Safeguarding Consumers/ERP%20Form 2.pdf
Days 1 - 14	BCRC strives to contact the tenant(s) to offer ERPP services and to connect the tenant(s) to rental assistance and/or legal services, as appropriate.	BCRC will make 3 attempts to reach the tenant(s) 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.	
	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	DRC delivers conflict coaching, conciliation services and supporting services to advance the dialogue between tenant and landlord, helping them move forward toward achieving resolution of their conflict. Parties are scheduled for a facilitated negotiation session with a trained conciliator. The Eviction Resolution Specialist works to connect parties with necessary legal,	Rental assistance application information here: https://eprap-prod.powerappsportals.us/tenant/

		financial and other resources to support resolution of the conflict.	
	If the DRC was able to contact the tenant(s) and the tenant(s) refuse(s) ERPP services, the DRC will issue a Certificate, send it to both parties, and close the case.	In this case the Certificate will be issued at the end of the Notice period, recognizing that tenants may choose to engage ERPP any time during the Notice period.	
	If the DRC was able to contact the tenant but was unable to offer services (due to a structural limitation, not capacity constraint within the DRC - <i>for example</i> , the tenant's ability to communicate with the DRC staff, for reasons other than language accessibility (<i>e.g.</i> , difficulties with focusing on the questions asked, speaking, answering questions), the DRC will issue a Certificate, send it to both parties, and thereafter close the DRC's case file.	In this case the Certificate will be issued at the end of the Notice period, recognizing that a tenant may address the structural limitation during the Notice period.	
Day 14 - 15 (Within one business day after the "respond by" date on the 14-day Notice to Pay or Vacate)	If DRC was unable to make contact with the tenant(s), the DRC will issue a Certificate, send it to the parties, and thereafter close the DRC's case file.		
	If the DRC was able		

	to contact the tenant(s) and the tenant(s) refuse(s) ERPP services, the DRC will issue a Certificate, send it to the parties, and close the case.		
	If the DRC was able to contact the tenant(s) but was unable to offer services (due to a structural limitation), the DRC will issue a Certificate, send it to the parties, and thereafter close the DRC case.		
After 14 Days	If the Tenant(s) is/are engaged in the ERPP process, the DRC will facilitate a negotiated discussion between the landlord and the tenant, via phone conciliation.	BCRC will continue to provide conflict coaching, conciliation services and supporting services to advance the dialogue between tenant and landlord, helping them move forward toward achieving resolution of their conflict.	

POLICY – SIGNED AGREEMENT TO MEDIATE/CONCILIATE

Per RCW 7.75.040, dispute resolution centers shall require *“that the disputing parties enter into a written agreement which expresses the method by which they shall attempt to resolve the issues in dispute.”* Therefore, all participating parties are required to sign an agreement to mediate form, which BCRC will send to parties at the beginning of the negotiation process. BCRC will not issue certification in the absence of a signed agreement to mediate.

POLICY - ENCOURAGE PARTIES TO SEEK AND SECURE LEGAL ADVICE:

BCRC encourages tenants and landlords to seek legal advice and representation for ERPP services. The BCRC will provide the tenant with referrals and an opportunity to seek legal advice and/or representation through the local [Housing Justice Project \(HJP\)](#) and/or [Eastside](#)

[Legal Assistance Program \(ELAP\)](#). BCRC will provide the landlord with referrals to the county bar association's website, moderate means program and/or walawhelp.org so they may have the opportunity to seek legal advice and/or representation through local agencies or firms offering such services. Tenants and landlords may also, of course, secure private representation (fee-based or pro bono).

Certificate: Certification will indicate whether the tenant was referred to legal services, whether the tenant had legal representation and if so, the name of the attorney and any additional information that is relevant to the judicial officer on the tenant's access to legal services during the ERPP engagement.

POLICY - PARTIES WHO HAVE COUNSEL

BCRC expects clients to clarify whether they wish to work with us directly or through counsel. Whether or not a party has representation, the landlord and tenant must themselves attend any conflict resolution session (for example., conciliation, Meet and Confer session, mediation). The parties may bring, but are not required to, bring their attorney to these sessions.

POLICY - LANDLORD'S AUTHORIZED REPRESENTATIVE

When a landlord manages their property through another (for example, a property manager or property management company), if the landlord wishes their representative to perform as the landlord in the ERPP process, the landlord must provide written email confirmation that their representative is acting on their behalf and is authorized to negotiate and reach agreement, in a manner substantially like the following:

_____ (Landlord(s)) authorizes _____ to represent my/our interests in the eviction resolution pilot program (ERPP) process. I / We understand that representing my / our interests includes the authority to share all relevant information, negotiate openly and freely, and come to agreements with the tenant(s). My representative understands the limits of negotiating power (my / our limits or limitations) and I agree to be available by phone in the event my representative wishes to contact me during negotiations, if needed, to clarify or request to exceed any limit or limitation.

POLICY - MULTIPLE TENANTS

If more than one person is identified as a tenant on the 14-Day ERPP Notice, each will be treated as a separate party in the ERPP process. If multiple tenants wish to authorize one tenant to serve as their authorized representative in the ERPP process, each tenant who wishes this must provide written email confirmation that their representative is acting on their behalf and is authorized to negotiate and reach agreement, in a manner substantially like the following:

_____ (Tenant(s)) authorize(s) _____ (another Tenant) to represent my / our interests in the eviction resolution pilot program (ERPP) process. I / We understand that representing my / our interests includes the authority to share all relevant information, negotiate openly and freely, and come to agreements with the landlord. My / our representative understands my / our limits or limitations on this power and I / we agree to be available by phone in the event my / our representative wishes to contact me / us during negotiations, if needed, to clarify or request to exceed any limit or limitation.

POLICY – CONCILIATION FIRST

To increase efficiency and responsiveness, BCRC has implemented a conciliation first policy to rent repayment negotiations. After both parties have agreed to work with our program and signed an agreement to mediate/conciliate, a conflict resolution specialist will commence a shuttle negotiation process by phone passing along offers and helping parties to create a mutually acceptable agreement. If parties reach an impasse during the conciliation process, parties can move forward to mediation or straight to a certificate of participation, based on party preference and conciliator recommendations.

POLICY - MEDIATION ATTENDANCE

BCRC will confirm with all parties and their attorneys, if any, the date, and time of any Mediation not less than 3 days before the scheduled session.

Method of attending: The attendance expectation is defined by the method of Mediation session scheduled - in-person, telephonic and/or video conference. Uniform participation is encouraged (ie: all parties participating either in-person, telephonically, or via video conference).

Attendance expected: All parties are expected to attend the Mediation session.

OTHER PROCESSES/POLICIES TO DOCUMENT

PROCESS: RELATIONSHIP BETWEEN DRC AND RENTAL ASSISTANCE

This process is governed by the local standing order and any locally executed Memorandum of Understanding between the DRC and Rental Assistance agency or agencies.

POLICY - BCRC WORKING RELATIONSHIP WITH RENTAL ASSISTANCE

Beginning with BCRCs first contact with the tenant(s), BCRC will inform the tenant(s) of the available rental assistance program or programs in the jurisdiction and make referrals to these agencies as desired by the tenant.

BCRC may place ERPP negotiations on hold to accommodate the time the rental assistance agency requires to process the tenant(s) application(s) to determine whether the tenant qualifies for rental assistance and, if so, the amount of rental assistance offered.

Certificate: The BCRC Certification will indicate whether the tenant(s) qualify(ied) for rent assistance and any additional Information that is relevant to the judicial officer on the availability of rental assistance.

PROCESS: RELATIONSHIP BETWEEN DRC AND LEGAL ASSISTANCE

This process is governed by the local standing order and any locally executed Memorandum of Understanding between the DRC and a legal services agency or agencies.

Beginning with the DRCs first contact with the tenant(s), the DRC will inform the tenant(s) of the available legal services agencies in the jurisdiction, encourage the tenant to seek legal advice and make referrals to these agencies.

Pursuant to the local MOU and the local standing order, the DRC may or may not make a direct introduction to ELAP (Eastside Legal Assistance Program). If ELAP accepts the tenant as a client, ELAP will inform the DRC in writing that the tenant has been accepted as a client during the ERPP process.

Certificate: The DRC Certification will indicate whether the tenant was referred to legal services, whether the tenant had legal representation and if so, the name of the attorney and any Additional Information that is relevant to the judicial officer on the tenant's access to legal services during the ERPP engagement.

PROCESS: RELATIONSHIP BETWEEN DRC AND SUPERIOR COURT:

This process is governed by the local standing order and any local unlawful detainer working group guidance.

ERPP as written in Chapter 115 (SB 5160, Sec. 7) and funded is restricted to conducting a pre-filing eviction resolution pilot program for nonpayment of rent cases only.

At this time, ERPP does not extend to providing pre-filing services in cases where a landlord is seeking to file an unlawful detainer proceedings for any reason other than nonpayment of rent, and ERPP does not extend to DRC services to be provided *after* an unlawful detainer case is filed in the superior court. At local option and with other local funding, DRCs and superior courts may agree to pilot or implement additional landlord and tenant nonjudicial dispute resolution services. These are managed through local contracts between the DRC and the superior court, separate from ERPP.