



Information for Tenants about the Eviction Resolution Pilot Program

New state laws give tenants rights and protections before and during an eviction.

The new Eviction Resolution Pilot Program (ERPP) creates a mediation process so you can negotiate a repayment plan with your landlord and avoid eviction.

All tenants who financially qualify have the right to have the Court appoint a lawyer to represent them at Court.

Keep reading to learn more about ERPP and Right to Counsel!

Created by a collaborative effort between:



Is there an eviction moratorium?

No - it has **EXPIRED**.

I am behind on rent. Can I be evicted?

If you owe rent from between March 1, 2020 to December 31, 2021, your landlord has to offer you a rent repayment plan before starting an eviction.

The repayment plan has to be **reasonable**.

- What is considered reasonable?
 - Each payment cannot be more than 1/3 of the monthly rent amount you had during the moratorium.
 - Late fees, attorney fees, or any other charges may **NOT** be included.

Once your landlord offers you a repayment plan, you have 14 days to accept or reject it.

- You can also try to negotiate another repayment amount.

It is a defense to an eviction if your landlord filed a case based on back rent and did not first offer you a repayment plan.

Additionally, your landlord has to go through the **Eviction Resolution Pilot Program (ERPP)** if they want to start an eviction case against you for owing rent.

What is the Eviction Resolution Pilot Program (ERPP)?

Dispute Resolution Centers (DRC's) have trained eviction resolution specialists who will schedule a mediation session with you and your landlord.

You have the right to speak with a lawyer before or during mediation process.

I received a form entitled ERPP Notice and Resource Information, is it important?

YES! This is your chance to resolve rental repayment issues **without going to court**.

Pay attention to the date listed at the top and make sure you **respond within 14 days**.

If you do not respond in 14 days, your landlord may proceed with the eviction process in court.

ERPP Notice and Resource Information Use this form *after* the eviction moratorium ends.

Important! Landlords: Fill out page 1 completely and correctly with all the information that you know. Your information and your attorney's information, if you have one, must be included. At the time of service or mailing of the pay or vacate notice to the tenant, you must also send/copy these notices to the local dispute resolution center serving the area where the property is located (see page 2). You should retain proof of service.

Behind on rent? Here is a chance to resolve the dispute with your landlord.
Superior Court Eviction Resolution Pilot Program (ERPP)

Tenants: To participate see below and respond by (date): _____
(14 days after this notice is given to tenant)

Important! Tenants: Failure to respond to this notice within 14 days may result in the filing of a summons and complaint for an unlawful detainer action with the court (eviction).

To: Tenant Name: _____
Property Address: _____
Tenant's Phone: _____ Tenant's Email: _____

From: Landlord's Name: _____
Landlord's Service Address: _____
Landlord's Phone: _____ Landlord's Email: _____
Landlord's Lawyer (if any) Name: _____
Lawyer's Address: _____
Lawyer's Phone: _____ Lawyer's Email: _____

Your landlord is asking you to take part in the Eviction Resolution Pilot Program. Do not wait. You can get help.

What is the Eviction Resolution Program (ERPP)?
Your county's Superior Court uses this program. ERPP requires landlords to try to reach agreements with tenants about unpaid rent before they can ask for eviction in court. You may be eligible for rent assistance and legal help through the ERPP.

If you participate in the ERPP, your landlord must work with you and a specialist from your local **Dispute Resolution Center (DRC)**. If that solves the problem, great! If not, the DRC will offer free mediation. Mediation is voluntary - it only happens if both sides agree to do it.

You have a right to negotiate a **payment plan** that works for you.

Why should I participate?
If you get this notice and do not respond or try to reach an agreement, your landlord may file for eviction in court. You can get help from a free lawyer if you are not sure what to do. (See page 2.)

Mandatory ERPP Notice and Resource Information (After Moratorium) Revised 06/15/2021

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What happens during ERPP mediation ?

You and your landlord meet with the specialist to see if you can come up with a plan for the rent owed.

You and your landlord may have legal representation during the mediation.

A landlord might, for example, agree to waive (forgive) part of the rent if you agree to pay back a certain amount. In addition, the mediator or DRC could also try to connect you with rental assistance programs.

If you cannot come up with a good agreement that works for you and the landlord at your mediation the DRC will provide a certification that the process was followed.

Your landlord could then file an eviction case against you.

However, what happened in the mediation would stay private.



If I participate in mediation, do the Landlord and I have to reach an agreement?

The mediation process is a dispute resolution process.

The process is voluntary.

The mediator has no decision-making authority. The mediator cannot provide either you or your landlord with legal advice. The mediator instead assists both parties in their effort to reach a mutually agreeable resolution and written agreement.

There is no requirement that you agree to the terms requested by the Landlord if you disagree with any of the terms.

There is no requirement that you reach an agreement through the mediation process.

I don't want to go to mediation with my landlord. What happens after this?

If you do not respond to the ERPP Notice within 14 days, your landlord must still offer a reasonable rent repayment plan.

If you do not agree to a repayment plan, your landlord can serve a 14 Day Notice to Pay or Vacate.

After 14 days, your landlord can file an eviction case against you called an "**unlawful detainer**."

You may be entitled to have a lawyer appointed to represent you.

You may want to talk to a lawyer if you have questions.

I am participating in mediation with my landlord. Can I claim I should not have to pay the full amount of the Landlord's request for back rent?

You may assert in mediation any defense that you believe relates to your obligation to pay back rent claimed by the Landlord.

Examples of possible defenses include:

- You paid all or a portion of the rental amount, or the amount claimed is incorrect for any other reason.
- The property was fully or partially “uninhabitable” during any portion of the time. (Because of defects in the property, you should not have to pay the full amount of the monthly rental.)
- The Landlord improperly raised the rent during the moratorium.
- The Landlord has included fees or expenses that cannot be included in the claim for unpaid rent.

If you want to know more about possible defenses, you may want to consult with a lawyer before starting the mediation process.

You and your landlord for any reason can agree to you paying an amount that is less than the Landlord's calculation as to back rent.



What amounts or terms cannot be included in a mediated payment agreement?

Any late fees for the nonpayment of rent that accrued between March 1, 2020 and six months after the expiration of the eviction moratorium or the end of the public health emergency, whichever is later, lawyer/attorney's fees, or any other fees and charges.

Any restrictions on payment by the tenant to the landlord from any source of income as defined in RCW 59.18.255(5) or from pledges by nonprofit organizations, churches, religious institutions or governmental entities.

Any provision or conditions upon:

- The tenant's compliance with the rental agreement, payment of lawyer/attorney's fees, court costs, or other costs related to litigation if the tenant defaults on the rental agreement;
- A requirement that the tenant apply for governmental benefits or provide proof of receipt of governmental benefits;
- Or the tenant's waiver of any rights to a notice under RCW 59.12.030 or related provisions before a writ of restitution is issued.

If you believe you are being asked to include a prohibited provision in the back rent settlement agreement, you may want to consult with a lawyer.

I am not a citizen. Can I participate?

Yes! You do not need to be a US citizen, lawful permanent resident, or valid visa holder to participate in ERPP mediation or apply for rental assistance.



English is not my primary language. Will interpreter services be provided in the mediation process and/or the court process?

If you have trouble speaking or understanding English, you may request an interpreter.

The agency you are working with will assist you by providing an interpreter service.

It is not appropriate to use your child or a friend as an interpreter.

An interpreter cannot offer you advice or an opinion about your situation.

**I received a document written in English.
What if I cannot understand it?**

The Dispute Resolution Center, Legal Services Programs and the Courts have prepared versions of standard documents in languages other than English.

If you cannot read a document in English, ask if a version written in your language is available.

If not, ask if the agency or court will provide an interpreter to sight translate the document for you into a language you understand.



I am applying for a Green Card through a family visa petition. I am concerned about the Public Charge Doctrine. Can I safely use rental assistance?

Immigration officials can turn down (deny) the Green Card or visa application if it appears likely that the applicant will become dependent on certain government benefits (will become a “public charge”) in the future.

Officials can consider the applicant’s past use of certain benefits.

It is **safe** for you to use:

Food assistance. This includes federal food stamps, the state Food Assistance Program, WIC, school meal programs, and pandemic EBT cards.

Medical assistance. This includes Washington Apple Health, Qualified Health Plans and tax credit to help pay for them, care at sliding fee scale clinics, and Charity Care. (The only medical assistance considered in the public charge test is long-term care in an institution, like a nursing home, paid for by the government.)

Testing, treatment, and vaccination for COVID-19 are also safe to use.

Housing assistance. This includes section 8, public housing, and rental assistance.

If you have any questions, you may want to speak with a lawyer.

I have physical and/or emotional disabilities that make it difficult for me to participate in mediation and court proceedings. Can I make a request for a reasonable accommodation?

The Dispute Resolution Center, Legal Services Programs, and the Courts must all make sure that their services are fully available to all persons with disabilities.

This may mean they need to make a change in the way they handle conferences and hearings or communicate with you to make sure you have the same chance to take part as a person without disabilities.

If you need extra help from any of these programs to take part fully in proceedings, you can ask them to change their rules or policies or give you help to meet the needs your disability creates.

This is “requesting a reasonable accommodation of a disability.”

Under state and federal law, your request for accommodation must be approved if it is “reasonable” and needed to meet your disability-created needs.

A refusal to “reasonably accommodate” that disability is discrimination.

The mediation was unsuccessful and I got a notice from my landlord about an eviction.

Can I get a free lawyer to talk about my case or represent me in court?

The new law that created the ERPP also says low-income tenants should have a free lawyer for eviction cases (“**Right to Counsel**”)

You may contact the Statewide Eviction Defense Screening Line to see if you qualify to have a lawyer appointed to represent you.

If you are not able to obtain a lawyer before your scheduled court hearing, you may appear and tell the judge that you want a lawyer appointed to represent you.

The court hearing will be continued to allow you time to obtain a lawyer.

Can I be evicted for other reasons besides nonpayment of rent?

Landlords must have a “good” or legal reason.

The new law lists what counts as “good” reasons.

They must state the reason in a written notice.

The law also lists what counts as a legal reason to not renew a rental agreement or to evict a tenant.

- There are a few important exceptions to this.

Talk to an lawyer if you have questions.

FREE



Legal Help

Statewide Eviction Defense Screening Line

Call: **1-855-657-8387**

or

Apply Online: <https://nwjustice.org/apply-online>

Skagit Legal Aid

Call or Text: **(360) 230-8100**

or

Email: HJP@skagitvlp.org

or

Apply Online: <https://nwjustice.org/apply-online>

Rent Assistance Resources

Applicants must have an **ERPP or a 14 day pay or vacate notice** in addition to meeting **all three initial screening criteria** to be eligible for Skagit County rental assistance.

Have a missed/passed due rent payment not paid or partially unpaid since March 1, 2020 and still occupying the residence.

Your household income is at or below 80% of Area Median Income.

Your household resides in Skagit County.

Skagit County Online Application

Any Skagit County resident can apply online at **SkagitCounty.net/renthelp**

Skagit Legal Aid

Anyone who received a Notice to Vacate can call **360-230-8100** or email **HJP@skagitvlp.org**

Community Action of Skagit County

Any Skagit County resident can call **360-416-7588**
8:30 am – 12:30 pm every Monday

CCS Farmworker Center

Indigenous and Latino farmworkers can call **360-424-8655**
8:30 am – 4:30 pm Monday – Friday

Rent Assistance Resources

Northwest Youth Services

Adults age 18 – 24 can call
360-336-1988

Community to Community Development

Farmworkers and undocumented community members can call
360-899-5641 or meet in person at
224 Steward Rd. #200, Mount Vernon, WA 98273

Parent to Parent

Families with developmental disabilities and/or complex healthcare needs can call
360-416-7570 x 2999
or email **p2poffice@sparckids.org**

Dispute Resolution Center

Volunteers of America Western Washington - Dispute Resolution Center

Call: **(425) 339-1335, Ext. 3**
or
Email: **earlyresolution@voaww.org**

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Northwest Justice Project
Skagit Legal Aid
LAW Advocates of Whatcom County

This publication was created in September, 2021.
The laws may have changed since that time.

It was updated in June, 2022 to account for local rent assistance providers.

This is general information only and is not a substitute for talking to a lawyer about your unique case.

It does not create an attorney/client relationship and cannot predict or guarantee an outcome in any legal proceeding.