Resolution Washington

Eviction Resolution Pilot Program (ERPP) and
the Future of Dispute Resolution Centers in Housing Stability Programming
Memo - November 2022

Washington's Eviction Resolution Pilot Program (ERPP) brings tenants with rent owed and landlords together to try to resolve issues by accessing resources and mediation, working with a trained eviction resolution specialist at a Dispute Resolution Center (DRC), before eviction cases may be filed in court.

The ERPP was established by the state legislature as a two-year pilot operating statewide In July 2021 and has directly served more than 99,500 tenants and landlords (through October 2022).

We urge the State to maintain its investments in DRC capacity and housing stability.

> 75% of closed ERPP cases reached agreements and
> 94% of cases preserved tenancy when outcomes are known*

Recommendations for the Future of the ERPP and Housing Stability: What Now?

Eviction prevention remains a critical element in stabilizing housing as we move from crisis response to long-term, ongoing management of critical housing challenges. Systemic issues of diminishing affordable housing stock, rising rents, and inconsistent access to supportive resources remain. The following recommendations are based on the experience of DRCs in the pilot project and long-term work on housing stability. Details on what worked and could be improved in the ERPP pilot project follow.

> "The ERPP process and opportunity to mediate with our tenant saved us time and thousands of dollars in court costs." *—Property manager after DRC ERPP mediation*

Resolution Washington seeks continued funding of $7.5M annually to maintain the State's investment and our capacity for ongoing housing stability programming. $7.5M is a 3% COLA adjustment over the State's DRC ERPP program funding for the current fiscal year.

Resolution Washington and the Dispute Resolution Centers recommend:

1. *Recognizing the need for equitable access to justice, we continue to see value in mandatory early dispute resolution services such as the ERPP, with some modifications, to support the prevention of evictions and reduction of unlawful detainer court dockets while providing access to justice to all community members;*

2. *Providing voluntary, no official notice required, dispute resolution access upon tenant and landlord request that focuses on problem solving and stabilizing the relationship between landlords and tenants; and*

3. *Continuing to support complementary affordable housing and housing stability approaches including emergency rental assistance, pre- and post-filing access to legal aid for unlawful detainer (eviction) cases, and efforts to expand affordable housing.*

Resolution Washington and its 21 member DRCs remain a trusted, valuable resource for early resolution and other approaches to support housing stability as our state leaders shift from an emergency crisis response to ongoing, long-term policy and programming decisions around critical housing challenges.

"I really appreciate the program that has helped me so much. I would have been on the streets if your program wasn't available. I thank you all so, so much!" –*Tenant after DRC ERPP services*

The trauma-informed services provided by impartial mediators through DRCs are uniquely positioned to continue to serve housing stability needs in the state. Working with highly trained, impartial community mediators simplifies the complex processes, allowing for increased self-determination that empowers people to advocate in their own best interests. The conflict resolution services and skill building offered across Washington State by DRCs can de-escalate crises, improve communication, and strengthen relationships so that parties can navigate disputes. DRC staff help tenants and landlords access local community resources where available (e.g., rental assistance, re-housing, mental health, legal aid, and other avenues).

What Works within the ERPP—Lessons from the Pilot:

- The ERPP has successfully helped landlords get paid, have viable tenancies, keep their properties within the rental market, and resolve their disputes without the cost and delay of going to court.

- Tenants have maintained stable housing with current properties or created supportive move-out plans, while avoiding barriers to future housing that public filing of an unlawful detainer court case may cause.

- Tenants and landlords, the people directly involved and impacted by rent disputes, are empowered to communicate with one another on a human to human level.

- The ERPP creates a pathway to available, supportive resources including rental assistance, legal aid, re-housing support, and other local services.

- DRCs help participants explore options to support durable outcomes and document shared agreements in a trauma-informed manner.

- Superior Courts have a notable reduction in unlawful detainer dockets, allowing for resources to be allocated toward cases with high-need priorities requiring formal adjudication.

- Early dispute resolution—helping tenants and landlords explore solutions before filing in court—is even more critical now that rental assistance funds have dwindled. With or without rental assistance, facilitating effective landlord-tenant communication and problem solving helps to stabilize housing and reduce burdens on courts.

Areas for Improvement:

- **Provide public education for tenants and landlords on residential landlord-tenant policies and programs.** Additional public education is needed from the state. Thus far, funding for DRCs and stakeholder outreach to deliver public education have been insufficient to fully support tenants and landlords in understanding

their rights and how to comply with the changing laws in this sector. DRCs' impartiality is also a barrier to delivering broader public education in this arena.

- **Modify the program to focus on the cases most needing services.** The pilot ties ERPP entrance to the 14-day pay or vacate notice, which many landlords issue within a few days of late rent. Often tenants pay the rent for these notices within the 14-day period and the issue is resolved without need of dispute resolution services. Eliminating the majority of these quickly paid rent disputes from the ERPP would better focus resources on those actually unable to pay and therefore at genuine risk of judicial eviction.

- **Improve consistency in program implementation through statewide policy or across local standing orders.** ERPP implementation is modified locally by 37 unique standing orders, one per judicial district. While it is often helpful to have programs tailored to local needs, the pilot's 37 unique standing orders significantly increase program complexity for DRCs, attorneys, and landlords working across multiple judicial districts.

- **Continue BIPOC and limited English proficiency resident engagement.** While engagement and access to justice for BIPOC and LEP individuals has been strong, further work is needed to meaningfully address the disparate representation within the tenant community.

  o 2021 Census Bureau data shows 32.5% of the Washington State population as BIPOC. The recent Homeownership Disparities Recommendations Report by the Department of Commerce shows 51% of BIPOC households in Washington were renting in 2019 compared to 32% of non-Hispanic white households. DRC ERPP demographic data shows 51.5% of ERPP tenants served by DRCs in the first year of the program self-identified as BIPOC or Hispanic.**

> "[The mediation] session in this matter was the first time I participated in one. I had a general idea of what to expect, but it was much more effective than I anticipated. You were well organized and the session was well structured which helped to make it productive, resulting in a successful and positive outcome." *–Attorney after DRC ERPP services*

* Many cases resolve with a referral to resources like rental assistance and no further interaction with the ERPP is required. Often the outcome is unknown in these cases.

**Out of a total of 11,091 tenants who provided their race/ethnicity.

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