



## New Washington State Law: Eviction Resolution Pilot Programs (ERPPs) and Right to an Attorney for Tenants

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- ❖ Read this *only* if you live in Washington State.
  - ❖ Eviction law continues to change. Read about the latest changes to the law at [WashingtonLawHelp.org/resource/eviction](https://www.WashingtonLawHelp.org/resource/eviction)
  - ❖ You can find all the fact sheets we link to at WashingtonLawHelp.org.
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### Tenants in Washington State: Read this!

As of May 2021, a new state law gives tenants new rights and protections. The new law ([Senate Bill 5160](#)) says tenants living in counties that agree to take part in an **Eviction Resolution Pilot Program** (ERPP or ERP) can go through a mediation process to pay back rent instead of being evicted through a court. The new law also says that tenants who qualify may get a free attorney to represent them at an eviction court hearing. Keep reading to learn more about ERPPs and Right to a Lawyer.

### Is there still an eviction moratorium in Washington State?

**No, there is not.** It ended on June 30, 2021. However, the governor added some protections until September 30, 2021 for those who owe rent because of COVID-19 and are seeking rental assistance. Read [Coronavirus \(COVID-19\): Can my landlord evict me now?](#)

## **I fell behind in rent because of COVID-19 after March 1, 2020. Am I going to be evicted after the eviction moratorium and the other eviction protections end?**

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**. It cannot be more than 1/3 of the monthly rent amount you had during the moratorium.

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❖ **Example:** Your rent during COVID-19 was \$900. Your repayment plan cannot be more than \$300. If you can't afford \$300 a month plus your current rent, try to negotiate a lower amount for your repayment plan.

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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.

**Do not ignore this offer. Your landlord can file an eviction if you don't respond!**

Additionally, if you live in **Clark, Cowlitz, King, Pierce, Snohomish, Spokane, or Thurston County**, your landlord has to go through the **Eviction Resolution Pilot Program** if they want to start an eviction case against you for owing rent. See below.

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❖ If you want to know more about rent repayment plans, read [\(COVID-19\): Should I enter into a rent repayment plan with my landlord?](#)

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## **I live in Clark, Cowlitz, King, Pierce, Snohomish, Spokane, or Thurston County. What is the Eviction Resolution Pilot Program (ERPP)?**

This program requires landlords in these counties to offer mediation to tenants who are behind on rent before filing an eviction case. If you are behind on rent, your landlord must send you a mediation notice. If you agree to mediation, you can either contact your local **Dispute Resolution Center (DRC)** or fill out the form your landlord sent you. You must do one of these within 14 days. If you do not respond

within 14 days, your landlord could then file an eviction case with the court.

**Contact a lawyer right away if you get court documents.**

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- ❖ This program is required for landlords. But it is voluntary for tenants to take part in. You can choose not to do it.
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### **I want to take part in my county's Eviction Resolution Pilot Program. I told my landlord within 14 days of getting the mediation notice. What happens next?**

A Dispute Resolution Center should contact you and your landlord. DRC's have trained eviction resolution specialists who will schedule a mediation session with you and your landlord. In this mediation session, you and your landlord meet with the specialist to see if you can come up with a plan for the rent owed. A landlord might, for example, agree to waive (forgive) part of the rent if you agree to pay back a certain amount. And 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, your landlord could then file an eviction case against you. But what happened in the mediation would stay private.

### **I got an Eviction Resolution Notice. I don't want to go to mediation with my landlord. What happens after this?**

If you don't want to mediate with your landlord or do not contact them or a Dispute Resolution Center within 14 days after getting the notice, your landlord must still offer a rent repayment plan. If you do not agree to a rent repayment plan, your landlord can then give you a **14-Day Notice to Pay or Vacate**.

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- ❖ Read [My Landlord Just Gave Me a 14-Day Notice to Pay Rent or Vacate](#)
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If you do not pay all your back rent after your landlord tried to offer a reasonable repayment plan or after you got a 14-Day Notice, your landlord can then file an eviction case with the court. **Contact a lawyer right away if you get court documents.**

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- ❖ See “Get Legal Help” below and use the drop down menu at WashingtonLawHelp’s [Eviction Help](#) page to find local rent and legal assistance.
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## **I do not live in Clark, Cowlitz, King, Pierce, Snohomish, Spokane, or Thurston County. What happens to me?**

Your landlord must offer you a reasonable repayment plan. If you do not agree on a repayment plan, your landlord can give you a 14-Day Notice to Pay or Vacate. If you do not pay all your owed rent 14 days after getting that notice, your landlord can file an eviction case against you.

## **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?**

**Maybe.** The new law that created the Eviction Resolution Program also says low-income tenants should have a free lawyer for eviction cases (**“Right to Counsel”**). **Even though it says this, lawyers may not be available yet.** The state government must give money to organizations to hire lawyers. The government is still in the process of giving money to different nonprofit organizations in the state. The organizations then have to hire new lawyers for tenants.

It may take several months or up to a year for all low-income tenants to have a lawyer for their eviction case. It will not be immediate. However, **you should still reach out to your local legal aid organization to see if there is a lawyer for you.**

## **Once there are enough lawyers, can any tenant with an eviction case ask for a free lawyer?**

**No.** Free lawyers for tenants or “Right to Counsel” is only for people who do not make a lot of money or are “indigent.” This means you are currently getting public assistance like food stamps or disability benefits. You are also indigent if your annual income, after taxes, is 200% or less below the federal poverty level. Find out if you are below the federal poverty level [here](#).



## Get Legal Help

- **Facing Eviction?** Call 1-855-657-8387
- **Facing Foreclosure?** Call 1-800-606-4819
- **Facing a legal issue in King County (other than Eviction or Foreclosure)?** Call **2-1-1** (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County (other than Eviction or Foreclosure)?** Call the [CLEAR Hotline](#) at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm.
- **Seniors (age 60 and over) with a legal issue outside of King County** can also call CLEAR\*Sr at 1-888-387-7111
- **Deaf, hard of hearing or speech impaired** callers can call any of these numbers using the relay service of your choice.

CLEAR and 211 will provide free interpreters.

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