

Northwest Mediation Center

Standard ERP Process

DRAFT – meant for discussion

We are working on streamlining our ERP process, while following the law and serving everyone's needs. Our process, with some new modifications, is as follows:

Intake	Contact with Landlords and Tenants	Conciliation	Meet and Confer	Formal Mediation
Receive and enter voluntary notice	<u>Tenants</u> <ul style="list-style-type: none">• Rental assistance• Volunteer Lawyers <u>Landlords</u> <ul style="list-style-type: none">• Rental assistance forms• Facilitate communication with tenants	<ul style="list-style-type: none">• Helps parties explore and/or clarify their needs for resolution.• Conducted over the phone: 30 mins with tenant, 30 mins with landlord, then back with tenant• Find areas of agreement, summarize in a "service report"	<ul style="list-style-type: none">• If tenant asks for meet and confer, landlord must engage.• One and a half hour zoom meeting with parties, attorneys, and DRC facilitator• An opportunity for parties to directly negotiate, facilitated by mediator	<ul style="list-style-type: none">• Either party can opt out at this point, and we will issue a certification• Certified mediator holds the mediation by zoom

Rent repayment agreements

- We can help with these at any stage above.
- If a tenant qualifies and is applying for rental assistance, we wait to enter a repayment agreement.
- There is a new law with explicit requirements for these agreements.
- We have a worksheet and a list of the requirements from the new law (SB 5160)

Certification

- A certification is a document that is issued only at the end of the ERP process, which communicates to the court what the parties have done in ERP.
- We do not issue quick certification, unless (a) it is a health/safety issue, or (b) the parties are quick to come to an agreement that resolves all of their issues.

Special types of cases:

<u>Health/safety cases</u>	<u>Holdovers</u>	<u>Landlord intent to sell or occupy</u>
<ul style="list-style-type: none">• If landlord asserts a significant and immediate threat to health, safety or property, we will issue an immediate certification.	<ul style="list-style-type: none">• No immediate certification• We attempt to reach them and if we cannot we issue a certification.	<ul style="list-style-type: none">• Under the current standing order, we understand it to be our obligation to contact the tenant in these cases.• If there is an issue of back rent, they will go through the standard ERP process.• If landlord is willing to forego back rent, we will issue immediate certification.• We may also help negotiate move out date• No immediate certification, but we can prioritize these cases

What we cannot do:

- Take sides.
- Check SNAP application status.
- Speed up the qualification process for free legal help.
- Issue certificates without going through the ERP process.

What we prefer not to do:

- Spend time responding to requests for updates.
- Start ERP process when the tenant is only a few days late on one month rent

Things we are considering and ways you can help us:

- Prioritize certain tenants, e.g. ones with largest amount of rent overdue?
- Separate out issues that can be resolved by agreement, allowing us to move through the ERP process faster so that you can go to court for issues that are not likely to be resolved by agreement?
- Highlight certain categories of tenants when you send us the voluntary notice, e.g. over \$5000 in back rent?
- Designate things that we can communicate about directly with landlords, rather than through attorneys (e.g. forms for rental assistance applications)