

WABC

WHATCOM ASSET BUILDING COALITION



On the Money: Rental Assistance, Eviction Resolution, and Tenant Protections

Agenda

On the Money: Rental Assistance, Eviction Resolution, and Tenant Protections

- Welcome, housekeeping, and introductions
- Legislative Overview: David Henken, LAW Advocates
- Rental Assistance: Melissa Gong, Opportunity Council
- Eviction Resolution: Gayle LaCroix, Whatcom Dispute Resolution Center
- Legal Aid and Representation: Karen Phillips and Nicole Murray, Northwest Justice Project

Land Acknowledgement

I would like to begin by acknowledging that we gather today on the ancestral homelands of the Coast Salish Peoples, who have lived in the Salish Sea basin, throughout the San Juan Islands and the North Cascades watershed, from time immemorial. Please join me in expressing our deepest respect and gratitude for our indigenous neighbors, the Lummi Nation and Nooksack Tribe, for their enduring care and protection of our shared lands and waterways.

Legislative Overview

David Henken, LAW Advocates

**Topics in Washington State
Landlord Tenant Law
(November 9, 2021)**

David Henken
staff attorney, Northwest Justice Project – Bellingham office

Topics in the next 20 minutes

1. Finding every change to a chapter of the RCW
2. A close look at “Just Cause” under RCW 59.18.650
3. Other additions in RCW 59.18.650
4. Further protections for most tenants (special definition)

2021 Updates to the Revised Code of Washington (how to find them ALL)

→ ↻ 🏠 🔒 <https://apps.leg.wa.gov/rcw/default.aspx?cite=59.18>

WASHINGTON STATE LEGISLATURE

Legislature Home

Representatives

District

Agency Rules

Legislation

Schedules, and
s

Legislative Committees

Legislation to the Legislature

Legislation

Legislative Agencies

Legislative Information Center

Legislation (GovDelivery)

Legislation Links

RCWs > Title 59 > Chapter 59.18

Complete Chapter | RCW Dispositions

Chapter 59.18 RCW

RESIDENTIAL LANDLORD-TENANT ACT

Sections

59.18.010 Short title.

59.18.020 Rights and remedies—Obligation of good faith imposed.

59.18.030 Definitions.

59.18.040 Living arrangements exempted from chapter.

59.18.050 Jurisdiction of district and superior courts.

59.18.055 Notice—Alternative procedure—Court's jurisdiction limited—Application to chapter **59.20** RCW.

59.18.057 Notice—Form.

59.18.058 Notice—Translated versions—Legal or advocacy resource information.

59.18.060 Landlord—Duties.

59.18.063 Landlord—Written receipts for payments made by tenant.

59.18.065 Landlord—Copy of written rental agreement to tenant.

59.18.070 Landlord—Failure to perform duties—Notice from tenant—Contents—Time limits for landlord's remedial action.

59.18.075 Seizure of illegal drugs—Notification of landlord.

59.18.080 Payment of rent condition to exercising remedies—Exceptions.

59.18.085 Rental of condemned or unlawful dwelling—Tenant's remedies—Relocation assistance—Penalties.

59.18.090 Landlord's failure to remedy defective condition—Tenant's choice of actions.

59.18.100 Landlord's failure to carry out duties—Repairs effected by tenant—Procedure—Deduction of cost from rent—Limitations.

59.18.110 Failure of landlord to carry out duties—Determination by court or arbitrator—Judgment against landlord for diminished rent.

59.18.115 Substandard and dangerous conditions—Notice to landlord—Government certification—Escrow account.

“Just Cause” protections

**(new with ESHB 1236, a.k.a. Chapter 212, Laws of 2021,
a.k.a. RCW 59.18.650)**

The old rules:

- 1. A landlord had no duty to renew any residential term lease, and during the term could terminate the lease for cause.**
- 2. A landlord could terminate any periodic lease (e.g. a “month to month” with as little as 20 days’ notice, for no reason.**

The new rules:

In many cases, a landlord must have “just cause” for not renewing a residential lease or for terminating a lease (including periodic leases)

“Just Cause” protections

(new with ESHB 1236, a.k.a. Chapter 212, Laws of 2021,
a.k.a. RCW 59.18.650)

Landlord may be able to terminate a tenancy without cause when landlord and tenant entered into:

1. AGREEMENT FOR FIXED TERM TENANCY WHICH PROVIDES FOR TENANCY TO CONTINUE “after the initial period expires”. RCW 59.18.650(1)(b).
 - Requires that, **at the inception of the tenancy**, the landlord and tenant entered into a rental agreement of 6 – 12 months.
 - Requires 60 day notice, prior to the end of the initial lease period, served in a manner consistent with RCW 59.12.040
2. AGREEMENT FOR FIXED TERM TENANCY which does NOT provide for tenancy to continue after the initial period expires
 - Requires at inception of tenancy an agreement for 12 months or more, OR successive agreements of 6 months or more since inception
 - Requires 60 day notice, prior to the end of the initial lease period, served in a manner consistent with RCW 59.12.040
3. PERIODIC AGREEMENT CONVERTED TO TERM: The tenancy was periodic as of May 10, 2021, but was converted to a fixed term between May 10, 2021 and [Dec. 31 2021] by agreement of the parties, and the notice is served at least 60 days before expiration of that term

In other cases, including periodic tenancies, the landlord is required to provide a reason for terminating the tenancy*.

RCW 59.18.650

The 16 scenarios for terminating a residential tenancy

Due to Tenant's Actions

- **Breach (5 reasons)**
- **Use, Enjoyment or Safety (3 reasons)**
- **Misrepresentation (1 reason)**

Landlord's Choice or Duty

- **Sale or occupancy (2 reasons)**
- **Alteration of the dwelling (3 reasons)**
- **Other (2 reasons)**

Credit: Mariana Llanos, University of Ottawa Faculty of Law

(Notice periods on the following slides may be impacted by the federal CARES Act)

RCW 59.18.650

Termination due to Tenant's Actions: Breach

- **Default in Payment of rent ((2)(a))**
 - 14 day notice, curable
- **Substantial breach of another duty, not money damages ((2)(b))**
 - 10 day notice, curable, specifying breach of
 - Program requirement OR
 - Term in lease OR
 - Obligation under law
- **Fourth strike: four 10-day violations in 12 months ((2)(n))**
 - 60 day notice, served concurrently with the last 10 day notice
 - NOT curable, but a number of specific rules apply

RCW 59.18.650

Termination due to Tenant's Actions: Breach (cont'd)

- **Term lease agreement has expired and tenant did not sign new lease ((2)(k))**
 - **Landlord must have proposed a new agreement at least 30 days before the old lease expires**
 - **Any new terms and conditions must be reasonable**
 - **Does NOT apply if the tenancy has become periodic, for example “month to month”**
- **Tenant occupies transitional housing after eligibility expires ((2)(j))**
 - **30 day “advance written notice”, probably not curable**
 - **Examples include**
 - **Aging out of a program**
 - **Completing the training that is the basis for eligibility in the program**
 - **A program expiring**

RCW 59.18.650

Termination due to Tenant's Actions: Use, Enjoyment, Safety

- **Commits waste, nuisance, unlawful or ‘unreasonable’ activity ((2)(c))**
 - 3 day notice to quit, NOT curable
- **Registered Sex Offenders ((2)(o))**
 - Notice to vacate received at least 60 days prior to end of rental period, when
 - Tenant failed to disclose duty to register when required on application OR
 - Tenant's duty to register began during the tenancy
 - Arguably curable if tenant is relieved from duty to register
- **Sexual Harassment of owner, staff or other tenants ((2)(p))**
 - Notice to vacate received at least 20 days notice prior to end of rental period, not curable
 - Specifies sexual harassment based on protected status, and in violation of the lease

RCW 59.18.650

Termination due to Tenant's Actions: Misrepresentation

- **Misrepresentations or omissions on application ((2)(1))**
 - **Must be intentional, knowing, and material**
 - **Must be such that the landlord would otherwise have requested more information or “taken an adverse action”**
 - **30 day notice**
 - **Can terminate an existing lease early, or result in non-renewal**

RCW 59.18.650

Termination for Landlord's Choice or Duty: Sale/Occupancy

- **Intent for Owner or immediate family to occupy at end of term ((2)(d))**
 - **90 day notice (replacing the 60 day notice in Gov. Procl. 20-19.6)**
 - **Rebuttable presumption owner did NOT intend to occupy, if owner or immediate family do not occupy as a principle residence at least 60 days out of 90 after tenant vacates**

- **Owner elects to sell at end of term ((2)(e))**
 - **90 day notice (replacing the 60 day notice in Gov. Procl. 20-19.6)**
 - **Rebuttable presumption owner did NOT intend to sell if property isn't listed at reasonable price within 30 days, and for 90 days, or owner "otherwise indicates"**

RCW 59.18.650

Termination for Landlord's Choice or Duty: Alterations

- **Landlord intends to demolish, rehab or change use (2)(f)**
 - 120 day written notice, see RCW 59.18.200 (2)(c)
- **Owner intends to pursue condominium conversion (2)(g)**
 - Tenants have rights to purchase for 60 days, owner has many other duties
- **Premises condemned or certified uninhabitable (2)(h)**
 - 30 day written notice, or max possible if less than 30
 - NOT curable

RCW 59.18.650

Termination for Landlord's Choice or Duty: Other

- **Landlord shares kitchen or bath, and gives notice ((2)(i))**
 - **Requires 20 days written notice before end of rental term or, if periodic, 20 days before the end of the rental period. No reason need be given.**
- **“Other good cause constituting a legitimate economic or business reason not otherwise enumerated” ((2)(m))**
 - **60 days notice required**
 - **Court may stay writ for 60 additional days (rent must be paid)**

RCW 59.18.650

Other additions beyond “just cause”

- Protection for “remaining occupants” when a tenant permanently vacates (subsec. 3)
 - LL must serve a 30 day notice to vacate OR to apply to become a tenant
 - Protects those who occupied at least 6 months prior to tenant vacating
 - Does not apply to occupants in subsidized housing
- Penalties for landlord who terminates tenancies outside the “just cause” restrictions (4)
 - Landlord is liable for wrongful eviction
 - Prevailing tenant is entitled to the greater of
 - Their economic or noneconomic damages OR
 - Three times the monthly rent of the premises
 - Prevailing tenant is also entitled to reasonable attorneys fees and court costs

Engrossed Second Substitute Senate Bill 5160

a.k.a. E2SSB 5160

a.k.a. Chapter 115, Laws of 2021

(also incorporated, in part, into the RCW)

For tenants:

- New rights for most residential tenants (RCW 59.18.620 – 630)
- Changes to the landlord mitigation program (Ch. 43.61 RCW)
- Newly created “eviction resolution pilot program”
(Reportedly, the Office of Code Revisor has opted not to codify this portion of the bill, because it expires 07/01/2023)
- Newly created “right to counsel” for indigent tenants (RCW 59.18.640)
- New language for the 14 day “pay or vacate” notice
- New language for the summons
- Agreements waiving rights are unenforceable (RCW 59.18.230)

Engrossed Second Substitute Senate Bill 5160

a.k.a. E2SSB 5160

a.k.a. Chapter 115, Laws of 2021

(also incorporated, in part, into the RCW)

For Landlords

- Landlords authorized to access rental assistance directly
- New grant assistance to small landlords, for unpaid rent
 - \$7.5 M one-time appropriation, statewide
 - Grant can pay up to 80% of total rent in arrears
 - Landlords receiving grants are prohibited from
 - “Taking any legal action against the tenant for unpaid rent or damages”
 - “Pursuing collection, or authorizing another entity to pursue collection”

RCW 59.18.620, 625 and 630

§620 provides definitions which apply to §625 and §630

- E.g. “Tenant”
 - includes: “any individual renting a dwelling unit or lot primarily for living purposes”, including
 - Any individual with a tenancy subject to chapters 59.18 or 59.20 RCW, or
 - Any individual residing in transient lodging... ..for 30 days or more prior to March 1, 2020”.
 - does NOT include
 - Occupants of homeless mitigation sites
 - Those entering onto land without permission
 - Those occupying motels or camping areas for over 30 days AFTER March 1 2020, IF a particular 7 day eviction notice (described in §620) has been issued

§625 prohibits certain acts by landlords

§630 provides details for statutory payment plans

****Occupants who are not “tenants” under §620 are not protected by §625 and §630****

RCW 59.18.620, 625 and 630

- **§625 prohibits the following, regarding unpaid rent**
 - **Late fees or other charges for nonpayment of rent due “between 03/01/2020 and six months following the expiration of the eviction moratorium”, (hereafter, ‘COVID rent’ in this talk)**
 - **Reporting, by a landlord to a prospective landlord**
 - **Nonpayment of ‘COVID rent’**
 - **Existence of an unlawful detainer action based on nonpayment of ‘COVID rent’**
 - **Adverse action by a prospective landlord based on unpaid ‘COVID rent’**
- **§625 prohibits the following, regarding tenant’s medical history**
 - A landlord or prospective landlord may not deny, discourage application for, or otherwise make unavailable any rental dwelling unit based on medical history
 - A landlord or prospective landlord may not inquire about, consider, or require disclosure of medical records or history, unless such disclosure is necessary to evaluate a reasonable accommodation request or reasonable modification request under RCW 49.60.222

Penalty for violating RCW 59.18.625

“A landlord or prospective landlord in violation of this section is liable in a civil action for up to two and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees. A court must impose this penalty in an amount necessary to deter future violations, payable to the tenant bringing the action.”

RCW 59.18.625(4)

RCW 59.18.630: Payment plan provisions

- IF tenant has unpaid rent which accrued “between March 1, 2020, and six months following the expiration of the eviction moratorium or the end of the public health emergency, whichever is greater,” Landlord must offer a payment plan before filing to evict for unpaid rent.
 - Monthly payments cannot exceed 1/3 of the unpaid rent
 - First payment cannot be required in less than 30 days
 - The plan MUST allow payments from ‘any source’ including pledges
 - The plan MUST cover rent only (not late fees, attorney fees, etc.)
 - Tenant has 14 days to accept the plan
 - If tenant defaults under plan, landlord can apply for mitigation funds
 - The Plan CANNOT
 - require compliance with lease provisions
 - Require payment of other fees as a penalty for default
 - Require tenant to apply for government assistance
 - Waive rights to notices

Thank you!

Q&A??

Rental Assistance

Melissa Gong, Opportunity Council

Opportunity Council Rental Assistance Overview



Treasury Rent Assistance Program (T-RAP)

T-RAP is the current rental assistance program administered by the Opportunity Council. T-RAP is the federal and Washington state governments' response to the emerging need for rental assistance due to the pandemic.

Program goals are:

- ✓ Prevent evictions.
- ✓ Target resources to very low income households who are unemployed.
- ✓ Promote equity in who is served, with focus on equity for groups who historically have not been provided equitable access to rent assistance and those who have been disproportionately impacted by the COVID-19 outbreak.

T-RAP Eligibility Criteria

Households must meet all three of the initial screening criteria:

- ✓ Household income at or below 80% of Area Median Income (AMI), *example: 80% annual AMI for a 1 person household in Whatcom County in 2021 is \$45,450.*
- ✓ Experiencing a financial hardship directly or indirectly due to the Covid-19 outbreak that threatens the household's ability to pay the costs of the rental property when due.
- ✓ At risk of experiencing homelessness or currently experiencing housing instability, such as behind on rent.

United States citizenship is NOT an eligibility requirement of this program.

T-RAP Prioritization Criteria

The following household are prioritized for assistance:

- ✓ Household income at or below 50% of Area Median Income (AMI), *example: 50% annual AMI for a 1 person household in Whatcom County in 2021 is \$28,400.*
- ✓ Households with one or more individuals who are unemployed and have been unemployed 90 days before application date.

T-RAP Household Eligibility Documentation Requirements

Income	Housing Status	Financial Hardship
<p>Total Gross Income for 2020 OR monthly income at time of application must be at or below 80% AMI.</p> <ul style="list-style-type: none"> • Pay stubs, W-2's, tax filings or other wage statements. • Attestation from an employer. • Source documentation from another government assistance program. • If there are barriers or time constraints, a self-declaration is allowable. 	<p>One or more individuals in the household must demonstrate a risk of experiencing homeless or currently experiencing housing instability.</p> <ul style="list-style-type: none"> • A past due utility notice or eviction notice. • Statement from the landlord that verifies late rent and/or rental arrears. • If there are barriers or time constraints, a self-declaration is allowable. 	<p>One or more individuals in the household must be experiencing financial hardship due directly or indirectly to COVID-19.</p> <ul style="list-style-type: none"> • Documentation of unemployment benefits • Self-declaration

T-RAP Allowable Expenses

Households can receive up to 15 months financial assistance with T-RAP. Assistance cannot be provided for arrears that were accrued before March 13, 2020.

- Rent assistance can include a combination of rent arrears, current rent, and up to 3 months of future rent payments. Rent assistance can not exceed 150% Fair Market Rent (FMR), *example in Whatcom County in 2021 150% FMR for a 2 bedroom is \$1,867.*
- Utility assistance can include utility arrears and current utility payments. Future utility payments are not allowable.
- Other Housing Costs assistance can include expenses such as rental fees and reasonable accrued late fees. Other Housing Costs must be related to housing and incurred directly or indirectly due to Covid-19.

Community Outreach and Partnerships

Northwest Youth Services

T-RAP subgrantee serving Whatcom youth (18-24 year old) and provides focused outreach to Whatcom County youth regarding T-RAP.

Sea Mar Migrant & Seasonal Agricultural Workers Promotores Program & Community to Community Development's Promotora Program

Partnership with Opportunity Council's Outreach Case Manager to facilitate access to T-RAP services for historically marginalized populations.

How to Apply with Opportunity Council for Rental Assistance

- Whatcom Rental Assistance online weekly scheduling is accessed every Monday morning beginning at 8:00AM at <https://www.opcco.org/basic-needs/housing/help-with-rent/>. Appointments are first come first serve.

OR

- If someone is unable to participate in the online scheduling due to a disability or lack of available internet access and needs to request a reasonable accommodation an Appointment Scheduling-Accommodation Request Form can be downloaded at <https://www.opcco.org/basic-needs/housing/help-with-rent/> or the form can be requested via the Rental Assistance Message Line at (360)734-5121 ext. 1030.

TREASURY RENTAL ASSISTANCE PROGRAM (T-RAP)

For Youth 18-24



For more information
about T-RAP, please
contact:

- An Eviction Prevention Coordinator
- Via phone or email.



- **(360) 399-8513**



- **renthelp@nwys.org**

For more information about Northwest Youth Services and the support we provide to youth and young adults, visit our website at: www.NWYS.org

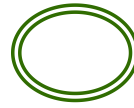
Accessing Other Rental Assistance Programs

- To apply for Lummi Nation's Emergency Rental Assistance Program, please call (360) 312-0628.
- Nooksack Tribal members can apply for Nooksack Indian Tribe's Emergency Rental Assistance Program by visiting the Nooksack Social Services office at 5061 Deming Rd. Deming, WA 98244, 10AM-4PM Monday-Friday.
- Other counties are served by Department of Commerce partners. Visit the [Department of Commerce](#) to find the agency serving your area.

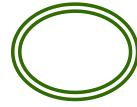
Eviction Resolution

Gayle LaCroix, Whatcom Dispute Resolution Center

Eviction Resolution Pilot Program

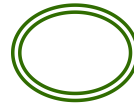


Agenda



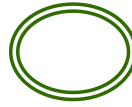
- Overview of WDRC & Services
- Eviction Resolution Pilot Program (ERPP)
 - How to use the program

Why We're Here



- 501 c(3) nonprofit
- Founded in 1992
- Designated under RCW 7.75 as Whatcom County's Dispute Resolution Center in 1993
- Committed to meeting the evolving needs of our community members

Who We Are



Vision

For Whatcom County to be a community in which people approach conflict in creative and healthy ways.

Mission

To provide and promote constructive and collaborative approaches to conflict

Values

- Impartiality
- Accessibility
- Empowerment
- Collaboration
- Communication
- Integrity



Our Services



Conflict Intervention

- Mediation
- Facilitation
- Conflict Coaching
- Restorative Practices
- Supervised Visitation

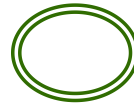


Conflict Prevention

- Adult Education
(community classes and custom workshops)
- Youth Program
(Juv. Court, schools, community agencies)

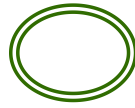


Eviction Resolution Pilot Program



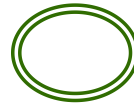
- Long history of serving landlords and tenants in Whatcom County.
- Under RCW 7.75, Dispute Resolution Centers provide conflict resolution services to resolve disputes.
- Washington State launched the Eviction Resolution Pilot Program (ERPP) in 2021 to address disputes about rent owed before an unlawful detainer (eviction) is filed in Court.
- The ERPP was developed by the state Superior Court Judges' Association in partnership with the state Office of Civil Legal Aid, Dispute Resolution Centers, and other stakeholders, at the direction of the Washington State Supreme Court, codified by the Washington State Legislature, and supported by the Governor and the Administrative Office of the Courts.
- Codified in [Senate Bill 5160](#) and influenced locally by [Whatcom County Standing Order 21-2-001-37](#).
- The statute can now be found under [RCW 59.18.630](#).

Eviction Resolution Pilot Program



- This is a two year pilot program that applies to rent that became owing March 1, 2020 or later and goes through June 30, 2023.
- The program creates an avenue for tenants and landlords to access –
 - conflict resolution services
 - rental assistance
 - legal aid
- These services help to address and resolve nonpayment of rent before an unlawful detainer action (eviction) can be filed due to the unpaid rent.
- Communicate through informal and formal processes from conciliation to mediation.
- WDRC serves as an impartial facilitator
- We bring parties together in dialogue and help create solutions that work for them.

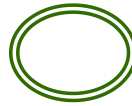
Eviction Resolution Pilot Program



Who can access the program?

- Whatcom County tenants and landlords can access the Whatcom County ERPP run by our center.
- The ERPP is offered at *no charge* to the tenant and landlord.
- We provide *confidential services in multiple languages and regardless of immigration status* to all affected community members.
- Due to the design and requirements of the program, **ERPP must be initiated by the landlord** when they wish to pursue an unlawful detainer (eviction) due to nonpayment of rent.
- **Tenants cannot initiate ERPP** but can access our Community Mediation services

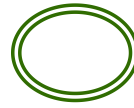
Eviction Resolution Pilot Program



How does the program work?

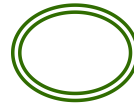
- Through June 30, 2023, landlords **must** give tenants the option to participate in ERPP before filing an unlawful detainer (eviction) case in court due to nonpayment of rent.
- Landlords start the process by serving an ERPP Notice and Resource Information form along with a 14 Day Notice to Pay or Vacate to tenants with rent owed in Whatcom County. Landlords *concurrently* send a completed copy of the ERPP Notice and 14 Day Notice to Pay or Vacate to the WDRC (erpp@whatcomdrc.org) to initiate the ERPP process.
- The ERPP Notice and Resource Information form can be found on the [Washington State Office of the Attorney General website](#) and is available in multiple languages.
- An impartial, third-party Eviction Resolution Specialist staff member will contact the tenant(s) to invite participation in the program.

Eviction Resolution Pilot Program



- Tenants may accept or decline ERPP services.
- Once a tenant accepts services, the WDRC schedules a mediation session for the landlord and tenant to negotiate with the support of an impartial mediator.
- The WDRC provide conciliation services leading up to the mediation.
- Upon reaching an agreement, the WDRC issues a copy of the agreement to both landlord and tenant and closes the case.
- If a tenant declines services or the WDRC is unable to contact the tenant at the end of 14 days, the WDRC issues a certificate which the landlord may use to file an unlawful detainer action (eviction) with the Court.
- If the process is not successful, the WDRC issues a certificate which the landlord may use to file an unlawful detainer action (eviction) with the Court.

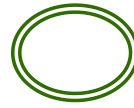
Eviction Resolution Pilot Program



For Landlords

- ERPP begins when you serve your tenant(s) and send the WDRC an ERPP Notice along with a 14 Day Notice to Pay or Vacate. Please **send only one ERPP Notice per email**. Batch notices will not be accepted.
- According to RCW 59.18.630, you are required to provide a reasonable rent repayment offer to their tenant through at least December 31, 2021.
- A tenant may *voluntarily* engage in the process within 14 days. If a tenant responds to a notice and accepts services, you are *obligated* to participate in the process.
- In Whatcom County, you must include a WDRC certificate demonstrating your participation in the program when filing an unlawful detainer case for nonpayment of rent in Court
- Tenants and landlords are encouraged to seek legal advice.

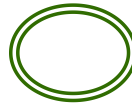
Eviction Resolution Pilot Program



For Tenants

- If you receive an ERPP Notice, contact the WDRC right away.
- Our staff and impartial mediators will help you talk with your landlord about rent owed, and help you access rental and legal assistance.
- If you're behind on rent, consider how you can help your landlord understand your financial situation in order to make a payment plan work for you.
- If you do not participate in the ERPP, or if you and your landlord do not come to an agreement through the ERPP, your landlord may file an unlawful detainer (eviction) action.
- Tenants and landlords are encouraged to seek legal advice. Legal help may be provided free of charge.

Eviction Resolution Pilot Program



We've received over 150 ERPP Notices since October 1, 2021 with more than half received since the Bridge Proclamation expired on October 31, 2021.

A tenant recently shared –

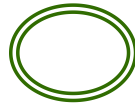
"This call really means a lot to me. It's been an emotional time with all the uncertainty and financial stress. I had no idea what resources or services might be out there for me. Just to know that someone out there is reaching out to me and has some help to offer, it's very comforting. Thank you so much for calling me back."

A few landlords recently shared –

"I feel so much calmer now [at the end of this call]. It's such a relief to know that I don't have to do this on my own."

"I have been particularly burned by this eviction moratorium and had no hope of either evicting my defaulting tenant nor of ever recovering the accrued debt, but somehow, almost by magic, the WDRC and Opportunity Council streamlined the process, and both of them deserve the highest praise for their good efforts."

Eviction Resolution Pilot Program

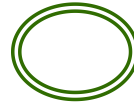


We welcome and encourage landlords and tenants to contact us and learn more about how ERPP can help you. We can additionally support conversations to -

- ✓ Resolve disagreements on rent in arrears and repayment plan
- ✓ Improve communication
- ✓ Create a mutually agreeable move-out plan
- ✓ Address behavior issues
- ✓ Discuss security deposits
- ✓ Address lease agreements
- ✓ Address property damage
- ✓ Improve relationships
- ✓ And more!

It is our honor and privilege to partner statewide and locally to develop and provide a service that is meeting emergent needs. We are eager to help reduce stress and strain, divert potential cases from Court, and support housing stabilization for landlords and tenants alike, throughout the County.

Eviction Resolution Pilot Program



Whatcom Dispute Resolution Center

www.whatcomdrc.org/erpp

Whatcom County Superior Court

<https://www.whatcomcounty.us/3774/Eviction-Resolution-Pilot-Program>

Resolution Washington

www.resolutionwa.org/erpp

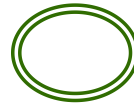
Washington Courts

www.courts.wa.gov/evictionresolutionprogram

Washington State Office of the Attorney General

www.atg.wa.gov/landlord-tenant

Thank you!



Contact us to learn more about how our services
can support your situation:

erpp@whatcomdrc.org

Mia Gover, Eviction Resolution Specialist
mia@whatcomdrc.org or (360) 676-0122 ext. 115

Ramona Garcia Slagle, Eviction Resolution Specialist
ramona@whatcomdrc.org or (360) 676-0122 ext. 114

Rosie O’Niel, ERPP Intake Specialist

Gayle LaCroix, Mediation Program Manager
gayle@whatcomdrc.org or (360) 676-0122 ext. 122

Tenant Protections

Karen Phillips and Nicole Murray, Northwest Justice Project

Free Legal Help for Tenants in Whatcom County



On The Money Series presented by WABC and Opportunity Council
November 9, 2021

Nicole Murray, Eviction Defense Unit
Karen Phillips, Staff Attorney
Northwest Justice Project



Northwest Justice Project
nwjustice.org

www.washingtonlawhelp.org



Overview of Free Legal Help in Whatcom County

- **Northwest Justice Project** www.nwjustice.org
 - Non-Profit Legal Aid with 18 offices statewide
 - Bellingham Office serves Whatcom, Skagit, Island and San Juan Counties
 - landlord/tenant, eviction defense (right to counsel), public benefits, consumer debt, domestic violence, employee rights, immigration for DV survivors, civil rights
- **LAW Advocates** www.lawadvocates.org
 - Volunteer Legal Program
 - Whatcom County only
 - landlord/tenant, Street Law (any legal question), wills, Kinship Custody Clinic
- **Washington Law Help** www.washingtonlawhelp.org
 - Information about most legal issues
 - Packets with step-by-step instructions, forms and sample letters



WHEN DOES RIGHT TO COUNSEL APPLY?

- **Tenant can get court appointed attorney when they receive documents called:**

“SUMMONS” & “COMPLAINT”

(documents typically delivered at the same time)



WHEN DOES RIGHT TO COUNSEL APPLY?

EVICTIION SUMMONS

5

6

7

8

9

10

11

12

13

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

In re: [REDACTED]
Bellingham, WA 98226

[REDACTED]

Plaintiff,

v.

[REDACTED]

Defendant.

NO. [REDACTED]

EVICTIION SUMMONS
(Residential)

DAVID E. FREEMAN
RCW 59.12.070; 59.18.365
WA Gov. Proc. 20-19.6/21-09

THIS IS AN IMPORTANT LEGAL DOCUMENT TO EVICT YOU.



WHEN DOES RIGHT TO COUNSEL APPLY?

COMPLAINT FOR UNLAWFUL DETAINER

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

In re: [REDACTED]
[REDACTED]

[REDACTED]
Plaintiff,

v.
[REDACTED]
[REDACTED]

Defendants.

NO. [REDACTED]

COMPLAINT FOR UNLAWFUL
DETAINER

RCW 59.12, 59.18, *et. al.*
WA Gov. Proc. 20-19.6/21-09



HOW CAN TENANT GET A FREE ATTORNEY?

- **CALL THE EVICTION DEFENSE SCREENING LINE AS SOON AS POSSIBLE!**
 - **(855) 657-8387**
 - **Open weekdays from 9:00am-4:00pm**
 - **Leave a message anytime and your call will be returned**
 - **Apply online at nwjustice.org → “get help” tab**



WHICH TENANTS QUALIFY FOR FREE ATTORNEY?

- **At or below 200% of the federal poverty line**
 - **<\$25,760 annually for individual**
 - **<\$53,000 annually for family of 4**
- **Those who receive certain types of public assistance**
 - *For complete list, see RCW 69.18.640(2)*



WHAT HAPPENS NEXT?

- **Tenant will receive call back from Eviction Defense Screening Line within 48 hours**
 - **The screening line will let tenant know if they qualify for a free attorney**
 - **If they qualify, attorney will contact them in another 24 hours**
- **Full process takes about 72 hours**
 - ***Remember to call ASAP!***



Can I get legal help even if I haven't been served with a Summons and Complaint?

Yes!!



Common Legal Issues for Tenants

- **Landlord Notices--3-day (waste or nuisance), 10-day (cure or quit) and 14-day (unpaid rent)**
- **Rental increases**
- **Repayment Agreements through Eviction Resolution Pilot Program**
- **Illegal lock outs and utility shut-offs**
- **Security deposits**
- **Landlord repairs and maintenance, intolerable living conditions (no water, no heat, etc.)**



Common Tenant Legal Issues, cont'd

- **Subsidized housing—denials, lease violations & termination notices**
- **Section 8 vouchers—landlord refusal to accept & termination**
- **Reasonable accommodations for disabilities (e.g. service animals)**
- **Retaliation by landlord**
- **Problems with mobile home tenancies**



How to Get Legal Help

- **Eviction Defense Screening Line: 1-855-657-8387**
- **Apply with CLEAR* Online** <https://nwjustice.org/get-legal-help>
- **Call the CLEAR Hotline** at [1-888-201-1014](tel:1-888-201-1014) weekdays 9:15 am - 12:15 pm.
Seniors (age 60 and over) can also call CLEAR*Sr at [1-888-387-7111](tel:1-888-387-7111)
- **LAW Advocates: 360-671-6079 x 15, info@lawadvocates.org**
- **Washington Law Help www.washingtonlawhelp.org**



Washington Law Help

Find legal information, do-it-yourself forms and sample letters

<https://www.washingtonlawhelp.org/>

The screenshot shows the Washington Law Help website interface. At the top, there is a navigation bar with 'LawHelp.org', language options for 'English', 'Spanish / Español', and 'Other Languages', and a 'Text size: A A A' control. The main header features the Washington LawHelp logo, which includes a stylized green mountain and a classical column. To the right of the logo, there is a banner with the text 'Helpful information about the law in Washington.' and two buttons: 'Get Legal Help' and 'Eviction Help'. Below the header is a dark blue navigation bar with three main sections: 'Understand Your Legal Issue', 'Legal Directory', and 'Do-It-Yourself Forms'. A search bar is located below the navigation bar. The main content area is divided into several categories, each with an icon and a list of topics: 'Family & Safety' (divorce/separation, domestic violence, parenting plans/custody), 'House & Apartment' (eviction, tenants' rights, homeowners/foreclosure), 'Health' (coronavirus, medicaid/medicare, medical bills), 'Work / Farmworker Rights' (employment rights, unemployment benefits, workers'), 'Money & Debt' (bankruptcy, car issues, debt collection), and 'Planning Ahead / Seniors' (alzheimer's/dementia, planning for death, power of attorney). On the right side, there is a 'Washington Forms Online' section with a 'Do-It-Yourself Forms' button, a 'Facing Eviction? Get Help!' section, and a 'Website Improvement Program' section with a 'Sign Up Now' button.

LawHelp.org English Spanish / Español Other Languages Text size: A A A

Washington LawHelp

Helpful information about the law in Washington.

Get Legal Help Eviction Help

Understand Your Legal Issue Legal Directory Do-It-Yourself Forms

Look through the legal topics below or use the search box to find information.

Washington Forms Online Do-It-Yourself Forms

Family & Safety House & Apartment Health

Divorce/Separation Domestic Violence Parenting Plans/Custody More issues >

Eviction Tenants' rights Homeowners / Foreclosure More issues >

Coronavirus (COVID-19) Medicaid / Medicare Medical bills More issues >

Work / Farmworker Rights Money & Debt Planning Ahead / Seniors

Employment rights Unemployment benefits Workers' Bankruptcy Car Issues Debt collection More issues >

Alzheimer's / Dementia Planning for Death Power of

Facing Eviction? Get Help!

Website Improvement Program We want your feedback. Get paid to help us improve! Sign Up Now

Eviction Defense Screening Line

1-855-657-8387

Eviction Defense Helper

Find legal help, rent assistance info and other helpful information at:

<https://www.washingtonlawhelp.org/resource/eviction#content>

Facing eviction? Find legal help and rent assistance

Authored By: Northwest Justice Project

Read this in: Amharic / አማርኛ

Arabic / العربية

Spanish / Español

Hindi / हिन्दी

Cambodian / Khmer

Korean / 한국어

Marshallese / Kajin Majeļ

Punjabi / ਪੰਜਾਬੀ

Russian / Русский

Samoan / Gagana Samoa

Somali / Soomaali

Tagalog / Pilipino

Ukrainian / Українська

Vietnamese / Tiếng Việt

Chinese (Traditional) / 中文

Chinese (Simplified) / 简体中文

Find out about rent assistance and other help for tenants in Washington State.

Contents

- Eviction Defense Helper
- Latest News
- Find rent assistance programs and other help near you

Eviction Defense Helper

Not sure what to do next? Answer questions to get personalized help here.

[Start the Helper](#)

Washington Forms Online



Facing Eviction? Get Help!

Website Improvement Program

We want your feedback. Get paid to help us improve!

[Sign Up Now](#)

How was your visit?

[Take Our Survey](#)

Get LawHelp News

[Sign Up Now](#)

Read our latest Newsletter



Eviction Help in Whatcom County

Authored By: Northwest Justice Project 

Read this in: [Spanish/ Espanol](#)
[Cambodian/ Khmer](#)

Contents

- [Eviction Defense Helper](#)
- [Rent Assistance](#)
- [Lawyers](#)
- [Negotiate](#)
- [Court Info \(Interpreter and ADA Requests\)](#)

Eviction Defense Helper



Not sure what to do next? Answer questions to get personalized help here.

[Start the Helper](#)

Rent Assistance

Need help paying rent ? Apply for rent assistance at:

Opportunity Council

- (360) 746-3826



Do-It
Yourself
Forms

Website Improvement Prdgram

We want your
feedback. Get paid to
help us improve!

[Sign Up Now](#)

How was your visit?

[Take Our Survey](#)

Get LawHelp News

[Sign Up Now](#)

[Read our latest
Newsletter](#)

Lawyers

Statewide Intake by Northwest Justice Project

- Apply for legal help through [CLEAR*Online](#)
- Call 1-855-657-8387, the Eviction Defense Screening Line. Interpreters available.

If you are eligible, a lawyer may give you legal advice, help you negotiate with your landlord, or possibly refer you to a legal aid program.

Law Advocates, Housing Justice Project

- Phone: (360)671-6079

Negotiate



Whatcom Dispute Resolution Center

- (360) 676-0122
- [Apply Online](#)
- [Visit website](#)
- wdrcc@whatcomdrc.org

Court Info (Interpreter and ADA Requests)



Whatcom County Superior Court

