

EVICTION RESOLUTION PILOT PROGRAM (ERPP) FREQUENTLY ASKED QUESTIONS

The Eviction Moratorium/Bridge Ended 10/31/21. Tenants who owe rent are still protected by the Eviction Resolution Pilot Program.



WHAT EVICTIONS ARE ALLOWED?

All Just Cause evictions, including for non-payment of rent, are allowed under the new law (HB 1236). However, tenants who owe rent are protected by the mandatory Eviction Resolution Pilot Program. ALL low-income tenants facing an eviction hearing are entitled to legal representation through the new Right to Counsel program (HB 5160). **You cannot be evicted without a court order.**

WHAT SHOULD I DO IF I OWE RENT?

APPLY FOR RENTAL ASSISTANCE. YOU OR YOUR LANDLORD CAN APPLY ONLINE TO PAY PAST DUE RENT AND UTILITIES. Rental assistance takes some time but if you are eligible it is worth the wait for you and your landlord; **communicate with your landlord** and let them know you have applied.

MY LANDLORD GAVE ME A 14-DAY NOTICE TO PAY OR VACATE, WHAT SHOULD I DO?

THE 14-DAY NOTICE MUST INCLUDE A REPAYMENT PLAN AND AN ERPP NOTICE. You do not need to accept the payment plan, but you **DO NEED TO RESPOND WITHIN 14 DAYS.**

THE ERPP PROCESS in a nutshell

Your landlord can only begin the eviction process for non-payment of rent after they have given you written notice of the ERPP and you have worked with your landlord and the Center for Dialog & Resolution (CDR) to arrive at a reasonable (for you) payment plan. CDR is a neutral party. You OR your landlord can contact the CDR to begin the process. If you fail to participate or make an agreement, the CDR will issue a certification to the court - this must happen before an eviction process can begin. You have legal rights and you can receive free legal help from the Housing Justice Project. Contact HJP if you need help.

Housing Justice Project

ONLINE INTAKE:

www.tacomaprobono.org

PHONE (253) 572-5134

EMAIL hjp@tacomaprobono.org

Center for Dialog & Resolution

ONLINE INTAKE:

www.centerforresolution.org

PHONE (253) 572-3657

EMAIL solvelt@tacomaprobono.org

Pierce County Rental Assistance

ONLINE APPLICATION

www.piercecountywa.gov/7142/

Rental-Assistance

PHONE call 211 to apply

EMAIL hsrent@tacomaprobono.org



JUST CAUSE EVICTIONS

Effective May 10, 2021, landlords may evict tenants for the following JUST CAUSE reasons:

Just Cause Reason	Notice Required	Comment
1. Non-payment of rent	14-day pay or vacate notice	Only if ERPP steps have not been followed
2. Breach of rental agreement	10-day comply or vacate notice	Landlord must specifically identify facts documenting the breach. Tenant must comply with the request to be in compliance and avoid eviction.
3. Waste or nuisance	3-day notice to quit for waste or nuisance	Waste is intentional damage to the premises; nuisance is interference with others' use and enjoyment of the property.
4. Landlord intends to occupy the premises	90-day notice to vacate	This includes landlord and/or immediate family
5. Selling the single-family residence	90-day notice of intent to sell	Landlord needs to list the property at a reasonable price within 30 days of termination. Landlord cannot remove the listing or re-rent to others.
6. Demolish, substantially rehabilitate or change in use	120-day notice to terminate	Low-income tenants are eligible for relocation assistance if they receive these notices
7. Conversion to condominiums	120-day notice	
8. Premises condemned	30-day notice or as much written notice as possible	This applies to premises condemned by a governmental authority
9. Shared housing	20-day notice prior to the end of the rental period or term	Applies to roommates with landlord, shared kitchen and/or bathroom spaces



JUST CAUSE EVICTIONS

Just Cause Evictions, continued

Just Cause Reason	Notice Required	Comment
10. Transitional housing	30-day advance notice to terminate	Applies when: (1) program has expired by its terms (2) tenant has aged out; or (3) tenant has completed the program
11. Failure to sign a new rental agreement	New rental agreement must be provided to tenant at least 30 days before expiration of current agreement. Any new terms or conditions must be 'reasonable.'	Applies only to fixed term rental agreements. DOES NOT APPLY TO PERIODIC OR MONTH-TO-MONTH TENANCIES. Landlords must rely on the other just causes for these tenancies.
12. Lying on rental agreement	30-day notice	Applies if tenant knowingly lied to prevent landlord from denying application.
13. Legitimate economic or business interest	60-day notice	Contact the Housing Justice Project if served with this notice.
14. Repeated lease violations other than monetary violations	60-day notice to terminate after the fourth lease violation in 12 months	Requires written notice of the violation, must be specific, provide the opportunity to fix the problem and inform the tenant that termination may occur after 4 violations.
15. Sex offender registration	60-day notice	Applies if tenant is required to register during the tenancy or failed to disclose the requirement to register.
16. Sexual harassment	20-day notice to vacate	Applies if tenant made unwanted advances or other acts of sexual harassment toward landlord and/or other tenants

Penalty: A landlord who removes a tenant in violation of the just cause requirement is liable to the tenant for the **greater of** (1) all economic and non-economic damages, or (2) **THREE** times the monthly rent, **PLUS** (3) attorney fees and court costs.

TENANT PROTECTIONS FOR SURVIVORS OF DOMESTIC VIOLENCE

Victims of domestic violence, sexual assault, stalking, and unlawful harassment are protected under the Residential Landlord Tenant Act.

WHAT DOES THIS MEAN FOR A TENANT EXPERIENCING DOMESTIC VIOLENCE?

- * The tenant can break the lease with no charges for early termination.*
- * Deposits cannot be withheld*

HOW DO I TERMINATE MY LEASE EARLY?

- * You must notify the landlord in writing that you or a family member was a victim of an act of domestic violence, sexual assault, unlawful harassment or stalking.*
- * A valid order of protection must exist, OR*
- * You must report the event to a qualified third party (organization, agency, clinic, professional service provider) acting in their official capacity. The third party must then provide a signed report to the tenant.*

A copy of either of these must be attached to the notice of termination. You are liable for rent through the end of the month in which you provided notice. (Example, if you submit the letter and document on 9/16, you are liable for rent through 9/30.)

WHAT DOES THE THIRD PARTY REPORT LOOK LIKE?

The qualified third party report may NOT include the name of the alleged perpetrator. It does need to be signed and dated and state the following:

- 1. That the tenant or household member notified the third party that they were a victim of a crime of domestic violence, sexual assault, unlawful harassment or stalking;*
- 2. The time and date the act or acts occurred;*
- 3. The location where the act or acts occurred;*
- 4. A brief description of the act or acts; and*
- 5. That the tenant or household member informed the third party of the name of the alleged perpetrator.*



NEED HELP?

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ONLINE INTAKE form at www.tacomaprobono.org
PHONE (253) 572-5134
EMAIL hjp@tacomaprobono.org**

ORDERS OF LIMITED DISSEMINATION

GETTING AN EVICTION OFF YOUR RECORD

WHAT IS IT?

An Order of Limited Dissemination keeps tenant screening companies from reporting your eviction case to a potential landlord. It limits dissemination of the fact that you have this eviction on your record.

HOW DO I GET ONE?

There are three bases for an Order of Limited Dissemination:

- 1. The case was without sufficient basis in fact or law (for example, the case was dismissed by the court, you proved the landlord was wrong)*
- 2. The tenancy was reinstated under the law (that usually means you paid off the judgment)*
- 3. Other good cause (this is a catchall)*

HOW DO I BRING A MOTION FOR AN ORDER OF LIMITED DISSEMINATION?

There is a packet on washingtonlawhelp.org to walk you through it!

WHAT'S IN THE PACKET?

- * Motion for Order of Limited Dissemination*
- * Declaration Form*
- * Notice of Hearing*
- * Proposed Order*

You will need to explain in the Motion why the court should grant the Order. You can explain the circumstances that led to the eviction, how those circumstances changed, and why you need this order -- for example, that you can't find a place to live with this eviction on your record and you are homeless.

You will need to 'serve' these documents on the landlord from your case (that means hand it to them, or get the court's permission to mail it to them), then go to a hearing to ask the court to grant the order.



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