



EMPLOYMENT AND TENANT BACKGROUND CHECKS

Hello, all Landlords and/or property managers. See the email below. The Court of Appeals for Division One, issued an opinion last month that holds federal law under the CARES Act requires landlords whose rental property is subject to a federally backed mortgage to serve a 30-day notice for unpaid rent (under the federal law), AND a 14-day notice to pay rent or vacate (under WA law), AND a 14-day repayment plan offer (under WA law), AND the ERPP documents in Spanish AND English.

Please review the email below. I think the WA Supreme Court will have to rule on this, as Division One only applies for property from the Canadian Border to King County. Division Two is for Pierce County down to Oregon, and Division Three applies East of the Cascades. So we now have Division One only, requiring a 14-day notice to pay rent or vacate, AND a 30 day notice to pay rent or vacate under the CARES Act.

Remember when a 3-day notice to pay rent or vacate was sufficient? Now it seems we must give a 30 day notice to pay rent before you can evict in Division One. Stay tuned.

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From: [Eviction Resolution Pilot Program erpp@whatcomdrc.org](#)

Sent: Wednesday, January 4, 2023 9:48 AM

Subject: ERPP Update for Housing Providers | January 4, 2023

Greetings Housing Providers and Attorneys,

You are receiving this email because you have used or may be planning to use the Eviction Resolution Pilot Program (ERPP). As the program evolves, we continue to find opportunities to clarify and refine our policies and procedures to best align with local and state expectations and requirements. Please review the updates and points of clarification below in order to increase your success in the program. We sincerely thank you for all of your efforts and patience!

UPDATES AND CLARIFICATIONS *(The information below supersedes the update sent on December 9th.)*

1. Clarification regarding 14-Day Notice to Pay or Vacate and 30-Day CARES Act Notice for Landlords for whom the Federal CARES Act applies: The ERPP bulletin sent out on December 9, 2022 indicated that the DRC would require all landlords to confirm in writing that they wish to proceed with *any 14-Day Pay or Vacate Notice* submitted to the ERPP. As we have learned more about the [Sherwood Auburn v. Pinzon](#) opinion, we have updated our process and will no longer require confirmation for every 14-

Day Pay or Vacate Notice. The following changes reflect our updated process:

*The DRC now requires all landlords to confirm in writing that they wish to proceed with a *14-Day Pay or Vacate Notice* if accompanied by a 30-Day CARES Act Notice submitted to the ERPP. You may do this when you initially submit your documents to us.

*If you have received an ERPP Certificate of Participation for a case in which you had issued a 30-Day CARES Act notice, a 14-day pay or vacate notice and an ERPP Notice, *and you now wish to issue new notices*, the DRC will accept and process the new case.

*If you currently have an open case for which you wish to withdraw the notice(s) previously served and/or submit new notices to restart ERPP due to the CARES Act decision issued in December, the DRC will support you to withdraw and/or resubmit.

*If you wish to make no changes, cases will proceed as usual and you can use the certificate already issued to you by the DRC, subject to court approval.

If you want to learn more about this decision, we encourage you to review the [Sherwood Auburn v. Pinzon](#) opinion and reach out to an attorney with questions. The decision applies to all residential and manufactured/mobile home tenancies under RCW Chapters 59.18. and 59.20 et seq which are covered by the CARES Act, [Pub. L. No. 116-136, 134 Stat. 281 \(2020\)](#).

2. Prompt notice of resolution: Please notify our office as soon as possible when a notice is resolved and you are no longer pursuing ERPP for a tenant. Help prioritize yours and other cases that need the most resources.

If you have questions about how to access the program or how it works, please review our website at www.whatcomdrc.org/erpp and feel free to contact us at erpp@whatcomdrc.org or (360) 676-0122 ext. 115.

The DRC is providing this information as a courtesy and cannot give you legal advice. We strongly urge you to seek the advice of legal counsel, to help you better understand your rights and obligations under new state laws enacted in 2021. If you need help finding an attorney, these organizations may be able to assist you:

[Multifamily Housing Association Provider Directory](#)
[Rental Housing Association of Washington Vendor Directory](#)
[Washington Landlord Association](#)

More information regarding the Eviction Resolution Pilot Program and other changes affecting landlord-tenant law in Washington State may be found on the [Attorney General's website](#) and at [Washington Law Help](#).

We appreciate your questions and feedback as we adapt and refine this statewide program. As we look ahead to the coming months, thank you in advance for your continued responsiveness and helpful engagement.

Kind regards,

WDRC Eviction Resolution Team

Eviction Resolution Team

Whatcom Dispute *Resolution* Center

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Business hours: Tuesday - Friday, 10 AM - 5 PM

Other hours available by appointment

Due to the nature of our work, certain e-mail communications are protected. Any case-related content and attachments in this email render the communication confidential and privileged under the Uniform Mediation Act ([RCW 7.07](#)). If you have received this e-mail in error, please notify the sender and delete the e-mail. Thank you.

Please note: *The WDRC's physical offices remain closed to the general public and staff is operating with reduced in-office hours. At times remote work may impact my responsiveness. Thank you for your patience.*

<mailto:erpp@whatcomdrc.org>