COMMONWEALTH OF MASSACHUSETTS
HOUSING APPEALS COMMITTEE

STANDING ORDER NO. 07-01

MEDIATION

Applicable to All Matters before the Committee on January 1, 2008 and thereafter.

Effective January 1, 2008, it is hereby ORDERED that:

At any time during the pendency of a proceeding before the Committee, the presiding officer may order the parties, interested persons, proposed interveners and proposed interested persons to appear for a mediation screening or a mediation session, as part of a dispute resolution program under the auspices of the Massachusetts Office of Dispute Resolution (MODR) pursuant to G.L. c. 75, § 46 and G.L. c. 233, § 23C.

The purpose of the mediation screening or mediation session shall be to discuss settlement, including the use of mediation or other alternative dispute resolution mechanisms. If so directed, the parties and interested persons and their attorneys shall appear at such a mediation screening or mediation session with full authority to negotiate an agreement to resolve all disputed issues in the proceeding, e.g., the individual principal of the developer and an authorized delegate of the zoning board of appeals. All communications during mediation shall be confidential to the extent permitted by G.L. c. 233, § 23C and rules relating to the confidentiality of settlement negotiations.

If a party or interested person fails to comply with a foregoing rule or order issued by the presiding officer, the presiding officer may impose appropriate sanctions, including the imposition of costs, exclusion of evidence, dismissal of a claim or defense, exclusion from the proceeding, and dismissal of the appeal.

Adopted: December 20, 2007
Effective: January 1, 2008.

Housing Appeals Committee

Werner Lohe
Chairman

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