

Community Mediation FAQs for landlord and tenant disputes

Despite the ending of Covid related federal housing assistance, mediation services are still available through community mediation centers to help landlords and tenants resolve tenancy related issues.

What is a community mediation center?

Community Mediation Centers are local non-profits that help people with different types of disputes, including problems between landlords and tenants. Centers provide services for free under the state-sponsored Housing Mediation Program for non-payment and other eviction-related disputes and use trained, volunteer mediators who have received further specialized training to be part of this program.

What is mediation?

Mediation is a confidential, voluntary and non-judgmental process where a neutral third party (the mediator) helps people resolve differences based on what is important to them. Mediators do not provide legal advice or tell people what to do but they can refer people for additional advice or information as needed. Any agreement reached can be written down and if part of legal proceedings, can have the same force as a judgment of the court.

When can I use mediation?

As soon as landlords and tenants become concerned about rent arrears or other housing issues, they are encouraged to reach out to a Community Mediation Center to find out how mediation could help. Dealing with any potential dispute as soon as it arises is the **best, most timely and cost-effective** way of dealing with the issue.

If court action has begun, mediation can be offered:

- After filing but before any court eviction proceeding has begun, which allows time for tenants and landlords to address issues, work out the details and the opportunity to seek any extra support they might need
- after an eviction case has been filed in court, but at tier 1 events before the hearing
- on the day of trial.

How are services delivered?

Mediation can be delivered by telephone and through online videoconferencing or in person.

What happens if I am interested in mediation?

You will speak to a case coordinator who will take your information and ask about your circumstances. The case coordinator will explain what you can expect in a mediation and speak to the other party to see if they are also willing to mediate. Because the process is voluntary, both parties need to agree to take part. If everyone is willing, then the mediation will take place before court action, at the same time as an initial hearing or day of trial, and the Center will schedule a date for your mediation. You will be given guidance about using a computer or a phone to access the mediation as necessary. If you clearly need additional support from a

housing agency (for example to access rental assistance benefits) or legal services for legal advice, the case coordinator will make a referral for you, as well as continue to help you with mediation as appropriate.

How long does a mediation take?

A single mediation session often takes 1-2 hours, though it depends on how complex the issues are. If people need additional information to be able to make an informed decision about any agreement, the mediation can be suspended, and a second session scheduled.

How can mediation help me?

In mediation people have an opportunity to really hear each other, often for the first time, and to develop their own solutions by working together to understand what is important, what is realistic and to explore flexible options. It also allows people an opportunity to make their own decisions rather than be told by a third party what to do. Having control over the outcome makes people more likely to stick to an agreement, and mediation can help build relationships and offer skills for handling conflict in other settings. Mediation is also often quicker and more cost effective than seeking a legal remedy.

In housing and eviction disputes, mediation can provide the following benefits:

For tenants, mediation can:

- help you work out if arrears can be paid off and how, allowing you to stabilize your tenancy
- help you work out other issues related to your tenancy around communication, neighbor problems, behavior, conditions
- allow you to work out a way to leave a property in a way that works for you and the landlord if it is impossible to maintain the tenancy.

For landlords, mediation can:

- help you resolve a case of rent arrears more quickly
- reduce costs associated with an eviction
- help you understand how rent assistance benefits can help pay off arrears, stabilize a tenancy or help ease the transition and costs of a warrant of execution
- help improve communication or deal with issues around behavior, conditions, or neighbor disputes.

To find your local Community Mediation Center across the state check out www.resolutionma.org.