



# Revisiting Community Mediation

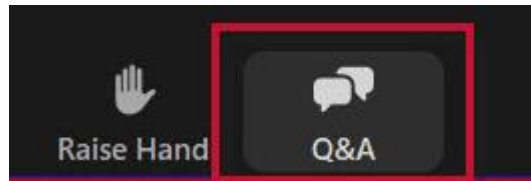
*RAA Office Hours*

August 12, 2022

## Asking Questions

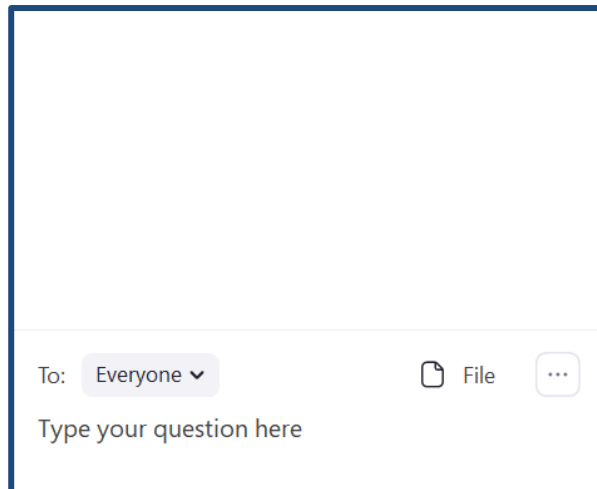
**We will be monitoring the Q&A for questions**

1



Click “Q&A” to submit a question (or “Raise Hand” to share a verbal question at designated breaks)

2

A screenshot of a Q&A submission form. It features a large white text area for entering a question. Below this area is a horizontal bar containing a 'To:' dropdown menu set to 'Everyone', a 'File' button with a document icon, and a three-dot menu icon. At the bottom of the form, the text 'Type your question here' is displayed.

Enter your question into the “Q&A” box

We will follow up with answers to any questions that we don’t get to during the session

# THIS CALL IS BEING RECORDED





# WELCOME

## Purpose



- Provide concrete examples on when to refer cases to mediation
- Revisit how to make a referral to mediation
- Familiarize RAA staff with their regional mediation coordinator contact so they know where to make referrals

## Goal



Increase referrals from RAAs to mediation services.



# Our Journey Today

## 1 HOUR



**Welcome, Goals, & Objectives**

**5 mins**



**Survey Feedback**



**Mediation Scenarios & Case Studies**

**20 mins**



**How to Make a Referral Recap**



**Regional Mediation Coordinators**



**Questions**

**35 mins**



# Revisit Mediation and Review Survey Feedback



## Top reasons why respondents DO make referrals?

- To reduce landlord-tenant conflict
- To improve landlord-tenant communication
- To increase speed of resolution
- To address other landlord-tenant interpersonal issues
- Amount of funding available for tenant won't cure the arrears

## Top reasons why respondents DO NOT make referrals:

- Because the issue is a legal matter
- Because landlord-tenant conflict is low

### **23 of the 48 respondents indicated these 3 ways to strengthen agency-mediation relationships:**

- Mediation orientation
- Case referral examples
- Clear points of contact





- **Overview:**

- Massachusetts **Community Mediation Centers (CMCs)** offer **free** mediation services between landlords and tenants
- Mediation utilizes a neutral, trained third party to find mutually agreeable solutions that work for all
- Mediation services complement and often occur in parallel to RAFT application reviews

- **Service provided by Community Mediation:**

- Mediators help people resolve differences based on what is important to them through a confidential process, using informed consent and prioritizing mutually agreeable solutions
- Coordinators act as case managers and sources of information throughout the process

- **Benefits:**

- Agreements reached collaboratively are more adhered to
- Gives parties a chance to speak and be heard, improve communication and often stabilize relationships
- Allows for creative, flexible solutions with a high rate of success



# When Can Someone be Referred to Mediation?

## Eligibility:

- People with any income (there is no income limitation for eligibility)
- Services are free
- Either or both parties *can* be represented by an attorney, but legal representation is not required to participate in mediation

Parties **should** be referred to community mediation when:

- Tenant owes more than RAFT can cover
- Landlord and tenant disagree on the amount of rent owed
- Applicant has been denied RAFT
- Applicant has not been denied RAFT, but the landlord or tenant is not responsive to ongoing communication from the RAA

# When Can Someone be Referred to Community Mediation?



Other reasons you may refer tenant to community mediation:

- ☐ High level of conflict between the parties – relationships are frayed
- ☐ Communication problems exist between the parties
- ☐ Different levels of knowledge and access to information
- ☐ Issues are complex, involve multiple parties and/or require specialized expertise
- ☐ People are broadly in agreement but need help working out the details

When in doubt – refer it out!



# Mediation Case Studies

# Case Study #1 Broken relationship or no relationship



In a non-payment eviction case, a landlord was alleging the tenants (consisting of a couple and their young child) were **\$11,000 in arrears**. One of them had to stop working to care for their child during the pandemic and thus fell behind on rent. The landlord lived out of state and managed things usually through a property manager. He had his attorney file for an eviction and **had never spoken with the tenants**.

The tenants were also keen to leave because their landlord had abandoned repairs and always had other people deal with them, including passing the case to the attorney without contacting them first. They felt **they needed a good reference from the landlord to help them move** and as a result felt like they couldn't negotiate with the landlord.

**DO YOU REFER?**

# Case Study #1 Broken or no relationship



YES

The mediators were able to help with the power imbalance and the landlord **agreed to waive half the arrears and extra time was given for the tenants to find another place to live** with which they were happy with.

The **landlord also agreed to provide a positive reference** which was important because they lived in a small town where word travels fast.

## Case Study #2 Stuck, with no communication



The tenant was unemployed after COVID and eventually found a lower-paying job that did not cover all rent and expenses. Because the spouse's unemployment assistance was also insufficient, they had fallen into **arrears of \$10,500** and the tenants did not know what to do. The landlord only wanted possession because they had a recent accident which had reduced their ability to work and thus **started using rental income to pay their mortgage**.

There was no prior history of arrears and relationship was otherwise good, but details of how to pay arrears needed to be worked out and **communication had broken down**. The tenant had moved out because **RAFT assistance did not cover the money owed**.

**DO YOU REFER?**

# Case Study #2 Stuck, with no communication



YES

The mediation center case coordinator was able to **help tenant and landlord look for other sources of financial support** for mortgage and rent arrears.

Additionally, during mediation, mediators were able to **rebuild trust** and understanding between the tenant and landlord, which laid the groundwork for them to **make plans for the tenant to pay the arrears** once a source of funding had been identified.



# Case Study #3 The devil is in the details



In a non-payment case, the tenant had become **injured during the pandemic and could not work**. Her roommate, who was not on the lease, had stopped paying her share, resulting in **\$7,000 in arrears**.

The tenant had reached out for RAFT assistance but there was some **confusion over back rent** and how much rental assistance the landlord had already received. Also, the landlord seemed **uncooperative**. Both parties, tenant and landlord, **thought each other were lying** about the circumstances and the situation had become very tense.

**DO YOU REFER?**

# Case Study #3 The devil is in the details



YES

At mediation, they were able to iron out the different version of events and get **clarity on the facts that led to the arrears being paid**. Other issues relating to the tenant's behavior were also raised by the landlord which had been part of the cause of the hostility between them, and they were able to work out a **mutually agreeable solution**.

As a result of the agreements reached, **the tenant continued to live in the property** and the communication between them improved.

# Case study #4 Building better foundations



During the pandemic, the tenant who lived upstairs from the landlord could not work and fell into **arrears of \$12,000 after having to pay child support.**

The landlord relied on rental income to pay their mortgage and was behind on their mortgage. They **talked regularly and sympathized with each other**, but both knew the situation was unsustainable. If there was a way to work it out, they wanted to do so.

**DO YOU REFER?**

# Case study #4 Building better foundations



YES

In mediation, once the landlord knew that RAFT would cover most of the arrears, they **agreed to waive the balance.**

Additionally, they had a chance to **plan together about how to handle any difficulties in future.** The agreement laid these steps out and that they agreed to return to mediation if they ever found themselves in difficulty again.



# Refresher: How to Make a Referral

## I. RAFT/HCEC Staff refers client to the CMC

*NOTE: RAAs don't need to get landlord consent, **only need verbal consent from tenant/referring party***

- Ask the client if they would like to be referred to mediation
- Determine correct CMC through referencing RAA/CMC guide
- Fills out EDI Cross Agency Referral form (remember written consent is no longer needed.)
- Email designated contact (see following slide)

## 2. Mediation coordinator reaches out to landlord to obtain landlord consent, explain mediation, and determine eligibility

# Cross Agency Referral Form



**Cross Agency Referral Form** ([link](#)) can be accessed via the RAA Resource Portal:

## HCEC PROGRAM

- Authorization and Release Form
  - [Cross Agency Referral Form](#)
  - [Cross Agency Referral Form FILLABLE](#)

- 3 pages

### Page 1:

- Under A. Release form is no longer required, but you should still indicate whether you have gotten verbal tenant or landlord consent
- Under B. & C., check the box and make sure to enter:
  - Agency Name, Contact Person, Email, Phone, Agency Case/Client #

Verbal Consent From  
EITHER Tenant OR  
Landlord Required.  
Check at Least One  
Box "YES"

### EDI Cross Agency Referral Form

Referral Date: \_\_\_\_\_

#### Part I: Referral Information [to be filled out by Referral Agency]

##### A. Consent to referral:

Tenant: ☐ Yes ☐ Release attached  
Landlord: ☐ Yes ☐ Release attached

##### B. Referral Agency:

- ☐ HCEC (Agency Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ RAA (Agency Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ TPP (Agency Name; Contact Person Name & Email/Phone, Agency Case/Client #?)
- ☐ CMC (Center Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ FRC (Center Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ Legal Services (Agency Name; Contact Person Name, Email, Phone):

##### Referral Agency Information:

##### C. Receiving Agency:

- ☐ HCEC (Agency Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ RAA (Agency Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ TPP (Agency Name; Contact Person Name & Email/Phone, Agency Case/Client #?)
- ☐ CMC (Center Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ FRC (Center Name; Contact Person Name, Email, Phone; Agency Case/Client #?)
- ☐ Legal Services (Agency Name; Contact Person Name, Email, Phone):

##### Receiving Agency Information:

Release/Written  
Consent No Longer  
Required. Do Not  
Check Boxes



# Regional Mediation Coordinators



# Contact List for RAA/Community Mediation Center Referrals



RAA	Associated Community Mediation Center	Contact Information
Berkshire Housing Development Corporation	Berkshire County Regional Housing Authority	Noah Barnes: <a href="mailto:Noahb@bcrha.com">Noahb@bcrha.com</a> (413) 225-1186
Central Massachusetts Housing Alliance (CMHA)	Family Services of Central MA	Wairimu Macharia: <a href="mailto:wamacharia@fscm.org">wamacharia@fscm.org</a> 508-796-1971
Community Teamwork, Inc. (CTI)	The Resolution Center ( <i>Essex County</i> ) Middlesex Community College Law Center ( <i>Middlesex County</i> )	Adriana Jimenez: <a href="mailto:Adriana@nsmediation.org">Adriana@nsmediation.org</a> (617) 752-2143 Jessica Taylor: <a href="mailto:Jtaylor29@mail.middlesex.edu">Jtaylor29@mail.middlesex.edu</a> (978) 656-3342
Franklin County Regional Housing and Redevelopment Authority	Collaborative Resolutions Group	Ruth Seal: <a href="mailto:Rseal@crg-collab.org">Rseal@crg-collab.org</a> (413) 636-6480
Housing Assistance Corporation (HAC)	Martha's Vineyard Mediation Program	Paula Reidbord: <a href="mailto:admin@mvmediation.org">admin@mvmediation.org</a> (508) 693-2199
Lynn Housing Authority and Neighborhood Development (LHAND)	The Resolution Center	Adriana Jimenez: <a href="mailto:Adriana@nsmediation.org">Adriana@nsmediation.org</a> (617) 752-2143
Metro Housing   Boston (Metro/MHB)	Community Dispute Settlement Center	Yes Miller: <a href="mailto:cdschousing@communitydispute.org">cdschousing@communitydispute.org</a> (857) 216-9660
NeighborWorks Housing Solutions	Greater Brockton Center for Dispute Resolution Martha's Vineyard Mediation Program ( <i>Bristol County</i> )	Nancy Sarcevicz: <a href="mailto:nsarcevicz.gbcd@gmail.com">nsarcevicz.gbcd@gmail.com</a> 508-897-2867 Paula Reidbord: <a href="mailto:admin@mvmediation.org">admin@mvmediation.org</a> (508) 693-2199
RCAP Solutions	Mediation Services of North Central MA	Teena Juby: <a href="mailto:Housing@mediationncm.org">Housing@mediationncm.org</a> (978) 466-9595
South Middlesex Opportunity Council (SMOC)	MetroWest Mediation Services Metropolitan Mediation Services ( <i>Norfolk County</i> )	Li Morrison: <a href="mailto:li@metrowestmediation.org">li@metrowestmediation.org</a> (508) 960-9336 Kenyatta Saunders: <a href="mailto:Kenyatta.Saunders@metromediation.org">Kenyatta.Saunders@metromediation.org</a> 617 241-0300 x4
Way Finders	Berkshire County Regional Housing Authority ( <i>Hampden County</i> ) Collaborative Resolutions Group ( <i>Franklin, Hampshire County</i> )	Noah Barnes: <a href="mailto:Noahb@bcrha.com">Noahb@bcrha.com</a> (413) 225-1186 Ruth Seal: <a href="mailto:Rseal@crg-collab.org">Rseal@crg-collab.org</a> (413) 636-6480

# Contact List for All Community Mediation Centers



Community Mediation Center & Center Location	Current Coordinator Name(s) for Housing Mediation	Title	Email	Phone
<b>Berkshire County Regional Housing Authority, Pittsfield</b>	Kayla Allen Noah Barnes	Program Director Case Coordinator	<a href="mailto:Kaylaw@bcrha.com">Kaylaw@bcrha.com</a> <a href="mailto:Noahb@bcrha.com">Noahb@bcrha.com</a>	413-344-8153 413-225-1186
<b>Collaborative Resolutions Group, Greenfield</b>	Ruth Seal	Program Coordinator	<a href="mailto:rseal@crg-collab.org">rseal@crg-collab.org</a>	413-636-6480
<b>Community Dispute Settlement Center, Cambridge</b>	Yes Miller	Case Coordinator	<a href="mailto:cdschousing@communitydispute.org">cdschousing@communitydispute.org</a>	857-216-9660
<b>Family Services of Central MA, Worcester</b>	Sabrina Bohun Wairimu Macharia	Director Housing Coordinator	<a href="mailto:sbohun@fscm.org">sbohun@fscm.org</a> <a href="mailto:wamacharia@fscm.org">wamacharia@fscm.org</a>	508-796-1949 508-796-1971
<b>Greater Brockton Center for Dispute Resolution, Brockton</b>	Ron Fredey Nancy Sarcevicz	Coordinator HMP Coordinator	<a href="mailto:Rfredey@gmail.com">Rfredey@gmail.com</a> <a href="mailto:nsarcevicz.gbcd@gmail.com">nsarcevicz.gbcd@gmail.com</a>	508-897-2868 508-897-2867
<b>MetroWest Mediation Services, Framingham</b>	Li Morrison	Coordinator	<a href="mailto:li@metrowestmediation.org">li@metrowestmediation.org</a>	508-960-9336
<b>Middlesex Community College Law Center, Lowell</b>	Jessica Taylor	Case Coordinator	<a href="mailto:jtaylor29@middlesex.mass.edu">jtaylor29@middlesex.mass.edu</a>	978-656-3342
<b>Mediation Services of N Central MA, Leominster</b>	Lisa Wood Teena Juby	Executive Director Case Coordinator	<a href="mailto:lwood@mediationncm.org">lwood@mediationncm.org</a> <a href="mailto:Housing@mediationncm.org">Housing@mediationncm.org</a>	978-466-9595 978-728-9686
<b>Metropolitan Mediation Services, Brookline</b>	Antonio P. Castro Aranda Kenyatta Saunders	Executive Director Case Coordinator	<a href="mailto:Antonio.Castro@metromediation.org">Antonio.Castro@metromediation.org</a> <a href="mailto:Kenyatta.Saunders@metromediation.org">Kenyatta.Saunders@metromediation.org</a>	617-241-0300 x5 617-241-0300 x4
<b>Martha' Vineyard Mediation Program</b>	Paula Reidbord	HMP Case Manager	<a href="mailto:Admin@mvmediation.org">Admin@mvmediation.org</a>	508-693-2199
<b>The Resolution Center, Beverly (formerly, North Shore Community Mediation Center)</b>	Adriana Jimenez	HMP Case Coordinator	<a href="mailto:adriana@nsmediation.org">adriana@nsmediation.org</a>	617-752-2143



# Regional Mediation Coordinator



**Collaborative Resolutions Group**

**MIDDLESEX COMMUNITY COLLEGE**  
BEDFORD • MASSACHUSETTS • LOWELL

**BERKSHIRE COUNTY REGIONAL HOUSING AUTHORITY**

**Community Dispute Settlement Center**  
Building Bridges • People to People • Face-to-Face

**Ruth Seal, CRG**  
[rseal@crg-collab.org](mailto:rseal@crg-collab.org)

**Jess Taylor, MCC**  
[jtaylor29@mail.middlesex.edu](mailto:jtaylor29@mail.middlesex.edu)

**Adriana Jimenez, RC/NSCMC**  
[Adriana@nsmediation.org](mailto:Adriana@nsmediation.org)

**Teena Juby, MSI**  
[Housing@mediationncm.org](mailto:Housing@mediationncm.org)

**Yes Miller, CDSC**  
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**Noah Barnes, BCRHA**  
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**Wairimu Macharia, FSCM**  
[wamacharia@fscm.org](mailto:wamacharia@fscm.org)

**Paula Reidbord, MVMP**  
[admin@mvmediation.org](mailto:admin@mvmediation.org)



# Questions?



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## Further Questions

For follow up questions on the Mediation Program,  
please contact [Jarling.ho@umb.edu](mailto:Jarling.ho@umb.edu) at MOPC.

# THANK YOU!

