



## Landlord and Tenant Mediation Pilot Program

### Proposed Structure of Program:

1. Either a landlord or a tenant can initiate the process of enrolling in the Program by contacting the contracted provider of mediation services and providing basic information about the parties, their respective contact information, and the disputed issue. A representative of either party may also make a direct referral including a housing advocate, a case worker, a lawyer, etc.
2. If the issue is a landlord-tenant matter (as opposed to a tenant-tenant dispute or a fair-housing dispute), then the provider will contact the other party to determine their willingness to engage in mediation through the Program. Determining their willingness to engage in mediation will include a brief overview of the mediation process generally and the benefits of mediation for both parties.
3. If both parties are willing to engage in mediation, a mediation session will be scheduled remotely or in person, if consistent with applicable Emergency Orders regarding COVID-19.
4. In advance of mediation, both parties will be provided a written summary of the rights and responsibilities of both landlords and tenants that provides a high-level overview of the laws that may be applicable to their dispute.
5. In advance of mediation, both parties will be given the opportunity to provide any documentation or other information that they believe relevant to the dispute for the mediator to review.
6. If mediation is successful in resolving the dispute, the parties, along with the mediator, will draft an agreement to be signed by both parties. If the agreement involves the payment of money to the landlord, and the tenant's income is at or below 60% AMI, one-time financial assistance up to the amount of \$1,500 may be paid to the landlord to help the tenant satisfy the terms of the agreement if financial assistance is available. Payments of over \$1,500 may be available subject to a case by case consideration.
7. While mediation provides flexibility to allow the parties to creatively craft an agreement that meets their needs, the mediator should keep in mind that the overarching goals of any agreement should be:
  - a. Supporting the goal of ensuring stable housing;
  - b. Avoiding future Circuit Court/Small Claims Court for restitution or money judgments; and
  - c. If stable housing is not feasible, a mediated agreement should consider provisions that allow the tenant to gracefully end the tenancy.

8. Regardless of whether mediation is successful, the provider will direct the tenant to additional applicable resources including additional financial assistance if available, legal resources, and other community-based services.

**Proposed Uses of Financial Assistance:**

Financial assistance will be first come, first serve and may be used for the following purposes:

1. Current rent payments
2. Utilities
3. Rent or utility arrears
4. Damage costs
5. Any lawful costs directly related to a tenant's breach of the terms of the Rental Agreement

**Proposed Reporting Requirements:**

1. Basic demographics, including race/ethnicity and income (self-certified) of the tenant.
2. Name of landlord and rental unit address.
3. Basic information about the tenancy (current rent amount, duration of tenancy, and number of occupants).
4. General description of the dispute (i.e. rent owed, property damage, security deposit accounting, noise disturbance, etc.).
5. Who initiated enrollment in the Program and whether the other party was willing to engage in mediation.
6. Whether mediation was successful or not.
7. If mediation was successful, duration of the mediation session/s and number of sessions (if more than one).
8. If mediation not successful, stated reason why mediation was not successful as reported by landlord, tenant, and mediator.
9. Details of payment of financial assistance, if any.
10. A recommended outcome retention measure collected at either 3-months or 6-months, in which 25% of both landlords and tenants who enrolled in the Program are randomly sampled to receive a follow-up. The assessment can be very simple and limited to one or two questions, such as "what difference did the mediation make?," "did mediation improve the relationship with the other party?," or "is the tenant still in the rental unit?/are you still in the rental unit?"

**Proposed Outreach Plan:**

An outreach campaign will be developed with the Program provider that includes informing landlords and tenants about the Program through:

1. Targeted outreach to the Rental Service Office community-based partners and external stakeholders.
2. Targeted outreach to the community providers engaged in delivery of the COVID relief funds through PHB.
3. Outreach to the landlord-associations that service the Portland area.
4. Outreach through PHB social media.
5. RSO staff will direct appropriate calls from the RSO's helpline to the Program.