PRE-FILING LANDLORD-TENANT MEDIATION PROGRAM

GOOD SHEPHERD MEDIATION PROGRAM
IN PARTNERSHIP WITH THE CITY OF PHILADELPHIA
MAY 6, 2020
About 25% (400,000) of Philadelphians live in poverty.

Poverty rate is the highest of 10 largest US cities.

20,000 eviction filings annually.

1 in 14 renter households.

Lack of affordable housing.

Scope of problem.
Convened to address high rate of evictions
Government leaders & elected officials
Legal advocates, housing counselors, & financial assistance providers
Policy experts
Rental property owners & managers, tenants
Other practitioners & community members

RESULT: 2018 Report with 17 recommendations
Published Online: shorturl.at/yFHQS
Outreach & education

Resource & supports

Housing standards & enforcement

Legal process & policies – including pre-filing mediation
Consequences for Landlords:
• unpaid rent, vacant unit, turnover costs.

Consequences for Tenants:
• homelessness, eviction judgment preventing future housing, disruption to work, school and access to healthcare, loss of possessions, moving costs, emotional toll
<table>
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<th>Steps taken to Launch Mediation Program</th>
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<tr>
<td>Collaborative process: Pre-Filing Mediation Action Team</td>
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<tr>
<td>Best practice research</td>
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<tr>
<td>Developed model and proposal</td>
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<td>Applied for seed funding: AARP Community Challenge Grant</td>
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<td>Selected program providers through competitive process</td>
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PRE-FILING MEDIATION

RECOMMENDATION
Implement new opportunities for mediation between tenants and landlords.

CO-CHAIRS
Brianna Westbrooks, PAA-East
Lex Harris, TURN

MEMBERS
AIDS Law Project, Community Legal Services, Fair Housing Commission, Fair Housing Rights Center, HAPCO, Legal Clinic for the Disabled, Office of Community Empowerment & Opportunity, Office of Homeless Services, Pennsylvania Apartment Association, Public Interest Law Center, TURN, UESF
Short-term Pilot - Fall 2019

- Launched a 2-month pilot in October 2019
  - Demonstrated basic effectiveness of model
- Expanded into a 12-month pilot
- Impact of COVID-19
COVID-19 IMPACT: A Need for Mediation

- Economic Impact: Job loss and Income Loss
  - Financial hardship will exacerbate risk of eviction
  - Evictions are a substantial loss to the landlord and the tenant
- Legal Impact: Stay at Home Order prohibiting physical operations; Breaches and Defaults under Leases; Moratorium on Court-Ordered Evictions
  - Tenants: not receiving typical repairs; unable to move out timely
  - Landlords: not receiving rents; unable to honor lease start dates because previous tenants have not moved
  - Temporary court closures: resulting in significant backlog
WHAT IS MEDIATION?

A process, an opportunity, distinguished by self-determination

Underlying theory: Conflict happens! How should we deal with it?

Hallmark of the process: neutral third-party mediator/facilitator

Compared to litigation: less expensive, less stressful, more flexible, well-suited for “relationship” disputes because of emphasis on communication

Covid-19 considerations: GSMP is now offering virtual mediation sessions
**WHAT IS GOOD SHEPHERD MEDIATION PROGRAM (GSMP)?**

<table>
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<th>Philadelphia’s only community justice center</th>
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<td>Founded in 1984 by Sr. Brigid Lawlor of the Sisters of the Good Shepherd</td>
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<td>Independent, secular nonprofit</td>
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<td>Mission: to encourage peace, reconciliation, and social justice, and to empower individuals to resolve conflicts</td>
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GSMP SERVICES

• MEDIATION & FACILITATION
• RESTORATIVE PRACTICES
• TRAINING & CONSULTING
Contact with the Mediation Coordinator

The Coordinator contacts and schedules a mediation with both parties:
• Covid 19 Response: Going Virtual
• The tenant is referred to a Tenant Advocate for consultation

Facilitates the mediation

Drafts agreement

Sends to both parties for signing

Post mediation follow-up

The Mediation Process
THE MEDIATION SESSION

- Introductions
- Information Gathering
- Problem-solving
- Closure & Agreement
ISSUES THAT MIGHT COME UP

- Repair issues
- End of lease term
- Unpaid rent
- Frequent late rent payments
- Utilities
- Late Fees
- Landlord desire to sell/renovate property
- Subsidized housing issues
- Landlord’s Noncompliance with local business requirements
POSSIBLE AGREEMENTS

- Repayment plans
  - Dispute about amount owed? Negotiate new amount?
  - Affordable timeline?
- Agreement giving tenant time to move out
- Agreement for landlord to make repairs and tenant to release some or all of withheld rent.
- Agreement allowing tenant to stay provided certain conditions are met (no harassment, maintaining utilities, improved housekeeping, etc.)
Why a Tenant Advocate in a Mediation program?

- Generally, neither party has legal representation
  - Parties mediate based on their own practical understanding, goals, and concerns

- A Tenant Advocate does not represent the tenant, but is a point of access to information

- Direct access to information and resources can help protect the efficacy and integrity of a mediation

- A tenant, generally, has less bargaining power than the landlord and therefore knowing their rights becomes a core tenet of effective mediation in the Landlord Tenant context
A Tenant Advocate’s Role in Mediation

Components of Service:
- Pre-Mediation Consultation
- During-Mediation: available to caucus with the Tenant
- Post-Mediation Assistance
- Referrals to resources

Qualifications of a Tenant Advocate:
- Knowledge of local Landlord Tenant Law and process, or ability to seek that information when needed

Answer questions that the tenant may have about Landlord Tenant Law and process
Pennsylvania Landlord Tenant Act of 1951

Federal Fair Housing Laws

Local Ordinances: licensing requirements, public health requirements, due process specifications, etc.

Currently: Stay at Home Orders and COVID-19 impact upon relevant Landlord Tenant law
“Mediate, Don’t Litigate!”: An Alternative to Court

Practical Considerations when deciding to Mediate:

- Are both parties willing to mediate, and to compromise?
- Would both or either party benefit from an hour long (or more) discussion of the situation?
- Is there a group of tenants who are organizing and wish to address issues collectively?
Legal and Economic Reasons to Mediate

Avoid litigation, its costs and negative impacts

Courts are currently closed until your local district reopens; there will be a backlog

Technical noncompliance with Landlord Tenant laws

Opportunity to meaningfully discuss a reasonable accommodation, with a written record
Moral Considerations

How can we share the costs of COVID-19 and lessen the severe impact on people’s lives?

You can help avoid the severe negative impact that an eviction filing and enforcement has on a tenant, their communities and our society at large.

Landlord and Tenant political needs are the same: housing stabilization and financial recovery.

Why not work together? It’s possible, it’s practical, it up to us.
HOW TO ACCESS MEDIATION:

Email: intake@phillymediators.org

Phone: 215-843-5413, ext. 228

Online: https://www.phillymediators.org/contact-us/
QUESTIONS?

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