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Increasing Housing Stability Through State-Funded Community Mediation Delivered by The Massachusetts Housing Mediation Program (HMP) in FY2022

madhawa Palihapitiya

University of Massachusetts Boston, madhawa.palihapitiya@umb.edu

David Sulewski

University of Massachusetts Boston, djsulewski@gmail.com

Karina Zeferino

University of Massachusetts Boston, karina.zeferino@umb.edu

Jarling Ho

University of Massachusetts Boston, Jarling.Ho@umb.edu

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**Increasing Housing Stability Through
State-Funded Community Mediation
Delivered by The Massachusetts
Housing Mediation Program (HMP)**

FY2022 Evaluation Report

February 2023

**Massachusetts Office of Public Collaboration
John W. McCormack Graduate School of Policy and Global Studies
University of Massachusetts, Boston**

Massachusetts Housing Mediation Program

Evaluation Report

Authored by

Madhawa Palihapitiya, Associate Director

David Sulewski, Research Assistant

Karina Zeferino, Research Associate

Jarling Ho, Program Manager

Massachusetts Office of Public Collaboration

John W. McCormack Graduate School of Policy and Global Studies

University of Massachusetts Boston

This report presents findings and recommendations from an evaluation of the Massachusetts Housing Mediation Program (HMP) administered by the MA Office of Public Collaboration (MOPC) at the University of Massachusetts Boston in partnership with 11 Community Mediation Centers (Centers). The program is funded by the Commonwealth of Massachusetts and implemented in partnership with the Department of Housing and Community Development (DHCD). The program was initially part of the Governor's Eviction Diversion Initiative (EDI), which ended in the latter half of FY2022 and is continuing as an intervention to support housing stability. The evaluation was conducted by MOPC's research unit comprised of staff and graduate student researchers and does not necessarily represent the views of DHCD. As the statutory state dispute resolution agency, MOPC has been serving as a neutral forum and state-level resource for over 30 years. Its mission is to establish evidence-based public programs and build capacity within public entities for enhanced conflict resolution and intergovernmental and cross-sector collaboration to save costs for the state and its citizens and enable effective problem-solving and civic engagement on major public initiatives.

This HMP evaluation report is based on new research conducted through interviews and surveys. It seeks to deepen, through a developmental approach, key indicators of success measures from mediation users, practitioners, administrators, partners and sponsors with a view to answering a set of research questions on the achievement of program goals like the contribution of the mediation program to housing stability as well as mediation party and sponsor satisfaction. Over time, with the potential to expand data collection, the HMP evaluators will also actively seek opportunities to identify the economic impact of housing mediation.

The evaluators would like to acknowledge the efforts of MOPC's HMP program managers, the 11 Community Mediation Centers (Centers) and DHCD and EDI partners for participating in the collection of valuable data for this report.

For further information, please contact:

Massachusetts Office of Public Collaboration

John W. McCormack Graduate School of Policy and Global Studies

University of Massachusetts Boston

100 Morrissey Blvd., M-1-627, Boston, MA 02125

Tel: 617.287.4040

Website: www.umb.edu/mopc

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Introduction

The Massachusetts Office of Public Collaboration (MOPC) is an applied research center of the McCormack Graduate School of Policy and Global Studies at the University of Massachusetts Boston and the statutory state dispute resolution agency for the Commonwealth serving the judicial, executive, and legislative branches of state government and municipalities (G.L. Ch. 75, s. 46). MOPC is also the statutory grant program administrator for the state-sponsored community mediation system (G.L. Ch.75, s. 47) deployed to assist public agencies and courts with the design and administration of evidence-based dispute resolution programs for important public issues.

In Fiscal Year 2021, Governor Charlie Baker, through the Department of Housing & Community Development (DHCD), engaged MOPC to design and administer a comprehensive statewide housing mediation program (HMP) as part of the Administration's Eviction Diversion Initiative (EDI), with funding appropriated through the state budget in FY2021 and continuing in FY2022. The HMP utilizes mediation as a homelessness prevention and housing stability tool to help mitigate the costs and negative economic impacts from evictions during the COVID-19 pandemic. The HMP is administered by MOPC with services provided by 11 affiliated Community Mediation Centers (Centers) covering all 14 counties of the state. HMP services are coordinated with regional housing agencies administering financial assistance programs such as RAFT (Residential Assistance for Families in Transition program) and ERAP (Emergency Rental Assistance Program), and legal aid organizations serving both tenants and landlords. Free online mediation services are delivered upstream (that is, before a case is brought to court or, if a case has already been filed, before the trial date) to parties referred by these agencies as well as downstream (that is, when the case has been brought to court or after judgment).

Funding from the Legislature in FY2022 allowed MOPC to award \$690,000 in grants and technical assistance to 11 Centers to sustain their staffing capacity to continue delivering free housing mediation services to their service areas, maintaining, or strengthening referral relationships with partner agencies, and fulfilling other duties for the program. Centers employ one to two staff to serve as liaisons for agency and organizational partners as well as coordinate the delivery of primarily remote mediation services.

In FY2022, the HMP fielded 937 referrals, of which 812 were screened, resulting in 732 cases. Of these cases, 287 were mediated in 325 mediation sessions. Additionally, 276 tenancies and 32 housing subsidies were preserved. Centers served 660 landlords and 733 tenants located in 13 Massachusetts counties. Many of these services were provided remotely, as necessitated by the pandemic, but as communities, courts, and government agencies began to re-open, some services were provided in person.

To assess the impact of the HMP on housing stabilization and homelessness prevention, MOPC deployed a team of staff and graduate student researchers to create data collection and evaluation indicators and metrics vetted by DHCD and the Governor's Office and produced a HMP evaluation report for FY2021. For FY2022, the MOPC team undertook

the following activities to produce this evaluation report for the second year of the HMP operations:

1. Launched a HMP mediation participant survey and collected 11 survey responses from tenants, landlords and lawyers and analyzed the quantitative data.
2. Launched a HMP Eviction Diversion Initiative (EDI) survey and collected 48 survey responses from EDI partners and analyzed the quantitative data.
3. Launched a HMP mediator session survey and a HMP mediator general survey and collected 77 session surveys responses and 1 general survey response and analyzed the quantitative data.
4. Mined and analyzed data from HMP case intake forms and mediated agreements from 148 cases.
5. Interviewed 23 HMP mediation participants, including tenants, landlords, lawyers for tenants and landlords, and transcribed and analyzed interview data.
6. Interviewed 6 HMP case coordinators from Centers and transcribed and analyzed qualitative data.
7. Analyzed written feedback from DHCD from a questionnaire sent to DHCD staff.
8. Examined quantitative data in HMP weekly case data sheets.
9. Drafted evaluation findings, case studies and recommendations tracked to detailed appendices.

This FY2022 HMP evaluation report is organized into the following sections: *Executive Summary* that can serve as a stand-alone document; *Findings*, based on an investigation of research on housing mediation, landlord-tenant and summary process mediations; *Recommendations*, for further increasing impact, utilization and effectiveness of housing mediation and the sustainability of the HMP; *Appendices*, presenting detailed, fully sourced summaries of the survey data and other relevant material with both qualitative data and analysis and quantitative data and analysis presented using the research questions in the methodology section as a guide.

Executive Summary

The Massachusetts Housing Mediation Program (HMP) is a comprehensive statewide program that provides free housing mediation services as a tool to prevent homelessness as well as mitigate the costs and negative economic impacts of the COVID-19 pandemic. It is administered by the Massachusetts Office of Public Collaboration at the University of Massachusetts Boston (MOPC) and deploys the community mediation system infrastructure with 11 Community Mediation Centers (Centers) participating and serving all 14 counties of the Commonwealth to provide free conflict resolution services for tenants and landlords with housing disputes at any stage, from the earliest point a problem occurs, up to, and after any eviction action in court.

In FY2022, the HMP has stabilized its case flow with more cases referred, mediations and impact on individuals and families served by providing free mediation services to landlords, tenants, and referral services to and from EDI partners. HMP continues to demonstrate itself as a cost-effective public service by leveraging publicly funded community mediation services throughout Massachusetts to deal with the threat of eviction and homelessness. The evaluation clearly demonstrates how, as a proven conflict management approach, mediation delivered through Centers is addressing landlord-tenant conflict, improving communication, and aiding in the development of creative solutions to housing issues like non-payment of rent and thereby, assisting parties in finding soft landings, avoiding homelessness and emergency shelter use, and increasing housing stability. However, these free mediation services are still underutilized, and more work is needed to increase public and former EDI partner awareness. Awareness of HMP services is of paramount importance as federal rental assistance programs have ended along with moratoriums, and with rental prices soaring in Massachusetts cities and towns. The need for housing mediation could increase significantly.

For context, the HMP was first developed in FY2021 as part of the Eviction Diversion Initiative (EDI), which included a comprehensive and coordinated set of federal and state programs and funding resources to support tenants and landlords through the financial challenges caused by the pandemic. Through DHCD, the initiative brought together housing agencies, Centers, and legal services to collaborate on and develop referral processes to fully support tenants and landlords during the pandemic. The HMP was designed to leverage existing community-based infrastructure by expanding it from handling eviction cases in court to also handling upstream housing cases, which would provide multiple entry points to mediation at earlier stages of a housing crisis. Centers adjusted their practices and case handling to virtual environments, due to the pandemic restrictions on in-person services, providing case management and mediation services remotely, either by telephone or videoconferencing. During the development of HMP, Centers and MOPC heavily invested in developing upstream infrastructure to help tenants and landlords access mediation services prior to court. Remote services continued in FY2022 and slowly incorporated in-person services as feasible. The HMP also expanded eligibility for free services to those indirectly affected by COVID to account for the continued housing crisis experienced by tenants and landlords across the Commonwealth.

In FY2022, funding from the Legislature allowed MOPC to award \$660,000 in grants to 11 Centers to sustain their staffing capacity to continue delivering free housing mediation services to their service areas, maintaining, or strengthening referral relationships with partner agencies, and fulfilling other duties for the program. Centers employed one to two staff to serve as liaisons for agency and organizational partners as well as coordinate the delivery of remote mediation services. MOPC also invested \$30,000 in Center training and consultation services from the Berkshire County Regional Housing Authority mediation program which has significant expertise in this area.

Back in FY2021, when the HMP was first launched, the threat to housing stability posed by the COVID-19 led to government-imposed eviction moratoriums and financial assistance for rent arrears, among other initiatives. As a result of these governmental efforts, the prior upward trend in eviction filings and executions was paused in 2020 and 2021. However, FY2022 marked the end of several eviction moratoriums, including the federal eviction moratorium imposed by the Center for Disease Control (CDC) which ended on August 26, 2021, and the City of Boston eviction moratorium, which ended March 31, 2022. Additionally, the protections extended by Chapter 20 of the Acts of 2021, amended by sec. 21 of Chapter 42 of the Acts of 2022, are set to expire March 31, 2023. Furthermore, the Federal Emergency Rental Assistance Program (ERAP) program also ended on April 15, 2022.

Consequently, as the unemployment rate dropped from 16.4% in April 2020 to 3.7% in June 2022, court evictions and executions also dropped from 3,744 in December 2020 to 2,444 by June 2022. The 2020-2021 pandemic-related decline in eviction filings and executions is expected to be temporary. According to the [Eviction Lab](#), the City of Boston has already recorded above-average eviction filings since November 2022. As government financial assistance scales down, evictions are expected to soar.

Mediation provides an alternative to the courts for the resolution of housing disputes. Unfettered by the protocols and delays of the judicial system, mediation offers flexibility regarding the problems to be addressed as well as the solutions for the problems. In FY2022, the HMP fielded 937 referrals, of which 812 were screened, resulting in 732 cases. Of these cases, 287 were mediated in 325 mediation sessions. Additionally, 276 tenancies and 32 housing subsidies were preserved. Centers served 660 landlords and 733 tenants located in 13 Massachusetts counties. Many of these services were provided remotely, as necessitated by the pandemic, but as communities, courts, and government agencies began to re-open, some services were provided in person.

As part of the HMP evaluation process, MOPC evaluators surveyed and/or interviewed landlords, tenants, lawyers representing either party, representatives of agencies from the EDI, HMP mediators and case coordinators. The response was overwhelmingly positive about the impact of mediation.

79% of the EDI partners, mostly housing agencies surveyed indicated that mediation reduced landlord-tenant conflict. 68% reported that mediation improved landlord-tenant communication while 42% indicated that mediation expedited resolution, addressed interpersonal issues, and enabled creative payment solutions.

A key value of mediation reported was providing an opportunity for landlords and tenants to develop creative solutions to eviction. In 75% of HMP cases, as indicated in mediator surveys, the tenant came up with ideas for solutions and landlords came up with ideas in 61% of cases.

MOPC's FY2022 research also found that for landlords and tenants impacted by the pandemic and facing mounting debt and the threat of eviction and housing instability, the HMP has been a critical intervention and has had a positive impact both in terms of preserving tenancy/increasing housing stability and mitigating the negative psychological, social, and financial impacts associated with facing eviction and homelessness. This is demonstrated by mixed methods research, including the case studies discussed in the latter sections of this report.

Though a clear causal link between housing mediation through the HMP and housing stability is difficult to determine, several factors can be said to contribute to housing mediation as an effective tool resulting in the prevention of homelessness and preservation of tenancy. These factors are: 1) the state of the landlord-tenant relationship; 2) parties' interests (whether landlords and/or tenants desire preserving tenancy); and 3) coupling of mediation with rental assistance programs.

Data from the centralized case management system (MADtrac) indicates that mediating landlord-tenant cases resulted in 96% of the tenants preserving their tenancy in FY2022 where Centers served 287 housing cases under the HMP resulting in 276 tenancy preservations.

A strong correlation exists between housing mediation provided through the HMP and tenancy preservation. For example, using a subset of mediated cases and an analysis of a sampling of 148 written mediated agreements reached between landlords and tenants through housing mediation provided by Centers during the 12-month period from July 2021 to June 2022 shows that 83 agreements, a little over one half (56%), resulted in the preservation of tenancy, suggesting a strong correlation between housing mediation and the preservation of tenancy.

As tenants interviewed in the evaluation indicated:

"The mediation went well. I've never had to deal with anything like that before because I never had to face an eviction. The mediators were very understanding, they clarified everything for me, they were with me every step of the way...And they told me that if I ever needed any other assistance to always reach out."

"I think I probably would have been evicted, if not then, then eventually."

As noted by landlords:

"I would not have seen my rent and we'd still be going through the eviction process."

“The mediator was very informative, very professional... I don’t think we could have gotten to an agreement without the mediation.”

Over the long term, achieving housing stability requires dealing with the root causes of evictions, such as a shortage of affordable housing, financial hardship, reduced job opportunities, inadequate legal rights for renters, systemic injustice, and racism, among others. Remediation of these root causes calls for policy changes and investments of time, energy, and social capital on the part of government and communities. Changes to be considered include expansion of renters’ legal rights – such as the expungement or sealing of court eviction records and the establishment of a right to counsel in eviction cases – as well as the deliberate pursuit of equity by eviction intervention programs to eliminate the disparate impact of eviction on communities of color, women with children, and low-income people.

Evaluation Findings on HMP Implementation and Impact

The following findings are supported by evidence in the detailed, fully sourced report appendices.

Solving rental arrearage disputes and threat of evictions through mediation

1. **The threat of eviction and rental arrearage were the most frequently stated reasons for residential eviction filings in Massachusetts in HMP mediated cases.** The threat of eviction and rental arrearage brought nearly all the parties to mediation. Sixty-one (or 79% of 77) mediation sessions involved rental arrearage and the threat of eviction loomed over sixty-five (or 84% of 77) sessions.
2. **Rental arrearage was the most frequently resolved issue in mediation.** Rental arrearage was the most stated reason for residential eviction filings across the country and in Massachusetts. The problem of rental arrearage was also the issue that was most frequently raised in HMP mediations during FY2022.
3. **Non-rental arrearage issues were also mediated under the HMP:** Problems with overcrowding, property damage, the need for repairs, increased rent, unpaid mortgages, unauthorized use of premises, and lease violations were also involved in sessions to a lesser degree. For instance, 5 (or 6% of 77) mediation sessions involved problems with overcrowding; 10 (or 13% of 77) involved problems with property damage; 15 (or 19% of 77) involved problems related to the need for repairs; 5 (or 6% of 77) involved problems with increased rent; 3 (or 4% of 77) involved unpaid mortgages; 5 involved unauthorized use of premises (6% of 77); and 9 (or 12% of 77) involved lease violations. 11 cases involved other problems such as friction between the landlord and tenant, the property being sold, and the landlord moving back.
4. **The HMP assisted parties to find workable solutions to rental arrearage issues and eviction.** In several interviews, evaluators found evidence of the rental arrearage barrier being overcome through dialogue between the landlord and tenant during a mediation process. Interviewed parties, mediators and case coordinators believe mediation can assist landlords and tenants reach an agreement, paving the way for them to access available financial assistance. In the majority of cases, mediation resulted in a final agreement (68%). In other cases, mediation resulted in no agreement (15%), a temporary agreement (14%), or a partial agreement (3%).
5. **The issue of rental arrearage was usually settled through some measure of payment.** Whether the agreed-upon payments for unpaid rent were complete, partial, or conditional, payments were frequently involved.

Correlation between HMP housing mediation and tenancy preservation

6. **A significant factor contributing to the success of housing mediation was the joint problem-solving between the landlord and tenant.** At nearly all HMP mediation sessions, both parties contributed to solving their housing dispute. Ideas for solutions

were provided by tenants (according to mediators in fifty-seven or 71% of seventy-seven cases) and by landlords (according to mediators in forty-six or 60% of cases).

7. Mediation was beneficial to landlords and tenants even when tenancy was not preserved. A close analysis of the written language in a sample of non-tenancy preserving agreements from the HMP revealed solutions that were beneficial to the tenants. Examples of such benefits include landlords agreeing to waive a portion or the entirety of rental arrearage owed, cover trash removal fees, waive court fees, dismiss cases, not furnish a negative reference, proactively offer a positive reference for tenant(s), and grant tenants extra time to move out. For the tenant, these non-tenancy preservation agreements can help provide a “soft landing” into another housing situation. Additionally, some non-tenancy agreements included language indicating that tenants commit to working with either the HMP case coordinator, housing agency, or non-profit service provider to find alternative housing during the move-out process agreed upon between the landlord and tenant(s).

8. Housing mediation can improve party communication and reduce conflict. During their HMP mediation session, parties reported that their interactions with one another mostly improved or, to a lesser extent, stayed the same. At the sessions, communication between parties was better in fifty cases (68% of seventy-four) or the same in twenty-one cases (28% of seventy-four) according to mediators. The improvement in party conflict was widespread. Although sixteen responses (22% of seventy-four cases) indicated that party conflict was unchanged during mediation, fifty-four responses (73% of seventy-four cases) found that conflict between parties was less during mediation. Mediators observed party communication worsen in one session and be inapplicable in two. Similarly, mediators observed party conflict worsen and be inapplicable in two cases.

9. There was a strong correlation between housing mediation provided through the HMP and tenancy preservation. Data from the centralized case management system (MADtrac) indicates that mediated landlord-tenant cases served by the HMP resulted in 96% of the tenants preserving their tenancy in FY2022 where Centers served 287 housing cases under the HMP resulting in 276 tenancy preservations. An analysis of a subset of 148 written mediated agreements reached between landlords and tenants through housing mediation offered by Centers under the HMP during the 12-month period from July 2021 to June 2022 shows that 83 agreements, a little over one half (56%), resulted in the preservation of tenancy.

HMP design, performance, and party satisfaction

10. The HMP has delivered a well-designed, satisfactory, and sustainable program. For landlords and tenants impacted by the pandemic and facing mounting debt and the threat of eviction and housing instability, the HMP has been a critical intervention and has had a positive impact both in terms of preserving tenancy/increasing housing stability and mitigating the negative psychological, social, and financial impacts associated with facing eviction and homelessness. This is reinforced by data from multiple sources. As indicated by mediators, mediation led to tenants at thirty-one

sessions remaining in their dwelling (40% of seventy-seven). Complaints were addressed in thirty sessions (39% of seventy-seven). Homelessness was averted for tenants at twenty-five sessions (32%). A housing search was avoided in 15 sessions (19%) and referrals for housing assistance and/or counseling were given in 17 sessions (22%). The complaints of most landlords (39 or 51% of seventy-seven) were addressed in mediation. The original tenancy was stabilized in 16 cases (21% of seventy-seven) and the search for new tenants was avoided for fourteen landlords (18%), and the costs of eviction and a tenant search was averted for twenty-six landlords (34%).

Satisfaction with the HMP was high among landlords, tenants, and lawyers alike.

According to survey results from parties (i.e., tenants, landlords, and lawyers) who participated in housing mediation, respondents overwhelmingly approved of the mediation services they received. The problems of the individuals surveyed were handled to the satisfaction of 82% of the 11 respondents. Eighty-two percent indicated that the mediation process was fair to them. And 82% were satisfied with the outcome. All respondents had positive things to say about either the mediation process or the mediators.

11. The HMP performed well in key areas of mediation program performance.

According to data from the centralized case management database MADtrac, during FY2022, the HMP received 948 cases referred of which 826 were screened resulting in 732 cases and 287 mediations and 276 tenancies preserved, and 32 subsidies preserved. 103 had a move-out date.

12. Mediator performance was highly rated by parties. Mediators' listening skills were acknowledged by an overwhelming majority of the tenants and landlords (91% of 11). Large majorities also appreciated mediators' help with identifying and clarifying issues (64%), enabling parties to voice concerns and make their own decisions (91%), and assisting with generating new information and helping parties to be open to alternative solutions (55% for both). Smaller majorities recognized that mediators assisted with generating ideas and options (45%).

Community mediation partnership through the HMP with EDI agencies

13. The relationship between community mediation through the HMP and other EDI partners is strong: When asked to rate the level of the relationship between their respective agency and Centers, over half of the EDI partner respondents rated the relationship between their agency and Center as good (56% or 9). 19% (or 3) rated it as excellent, and 12% (or 2) as fair. Only 1 respondent rated the relationship as poor, indicating that most respondents felt positively about their agency's relationship with Centers delivering services through the HMP. EDI partners indicated working with their local Center in the following ways: making occasional referrals (10 or 67%); making regular referrals (7 or 46%); regular meetings (6 or 40%); regular calls and conducting joint outreach activities, respectively (4 or 26%); participating in joint events (3 or 20%); and other engagements (1 or 6%).

14. EDI partners saw community mediation as a mechanism to address landlord-tenant conflict: When respondents were asked to comment on their familiarity HMP Evaluation Report, MA Office of Public Collaboration, February 2023

with the effectiveness of mediation to solve housing disputes, the majority of EDI partners “strongly agree” (47%) or “agree” (37%) with the statement that they were familiar with mediation as an effective way for tenants and landlords to resolve their housing disputes.

15. EDI partners supported the HMP in FY2022 by making referrals for a variety of reasons. EDI partners engaged with Centers through the HMP primarily by making referrals. While most respondents (30 out of 48) did not comment on whether they or their agency referred cases/clients to community mediation for housing mediation, the vast majority of those who did answer responded yes (17 or 94%), while only 1 respondent answered no, indicating that partners often refer cases/clients to community mediation for housing mediation when appropriate. EDI partners made referrals to their local Center for a host of reasons. The main reasons were to “reduce landlord-tenant conflict” (79%) and “improve landlord-tenant communication” (68%). Other reasons were to “increase the speed of resolution,” “address other landlord-tenant interpersonal issues,” and because “amount of funding available for tenant arrears won’t cure the arrears” (42%, respectively). Another reason was “for education about the mediation option.”

Challenges and opportunities to housing mediation

16. The knowledge and awareness among EDI partners on how to refer cases to the HMP remains a challenge. As indicated in the survey, a small minority of EDI partners did not refer cases to mediation “because [I] do not have time to refer cases to mediation,” (10%) and “because [I] do not know how mediation can help” (10%). EDI partners require further guidance on how to make referrals as just over half of respondents (9 or 56%) stated that they would need help with “concrete examples for case referrals.” Half of respondents indicated that “orientation for staff about mediation” would be helpful to strengthen their agency’s working relationship with their local Center for housing mediation under the HMP, which underscores the continued need of Centers to educate partners about mediation and how their services could benefit partners’ clients. 37% of respondents stated that “clear reporting lines/point of contact” with the Center would help to strengthen their agency’s working relationship with their local Center. Lastly, a quarter indicated that “more information about mediation” would be helpful, also underscoring the continued need of Centers to educate partners about mediation.

17. More awareness of housing mediation is needed: EDI partners felt that Centers delivering services through the HMP could do several things to strengthen the working relationship with EDI partners. 62% (or 10) said that “more information and outreach about mediation to tenant serving groups and organizations” and “to public housing providers and similar organizations” are needed, respectively. 56% said that “more information and outreach about mediation to landlord associations and similar groups” is also needed.

18. Reasons for not referring cases to mediation: EDI partners do not make referrals for a host of reasons which are: “because the issue is a legal matter” (42%) and “because landlord-tenant conflict is low” (31%). Other reasons are “because landlord-

tenant communication is high” (16%). Respondents also offered other, specific reasons: “Housing Court has their own mediators. Anyone in housing court will utilize this.”; “Amount of funding available can resolve the arrears crisis.”; “Clients do not want to risk escalation to mediation as they worry it will make the landlord mad.”; “Clients/landlords are not interested in being referred to mediation. They understand the funds are a resolution to all issues.”; “Both parties do not agree to participate so we are unable to proceed.”; and “Being a TPP provider we use the Housing Court mediators for landlord tenant disputes.”

Systemic issues and the challenge to mediation

19. The complexities associated with the housing crisis may place certain limits on mediation. As one case coordinator observed, due to the skyrocketing cost of housing, some landlords are forcing out their tenants so they can either rent at a significantly higher rate or sell their property. Tenants are coming to the mediation center asking for help to negotiate later move out dates because of they need more time and because of the challenge of finding anything affordable in the area. In these cases, the HMP case coordinator will refer the tenants to legal assistance since the landlord is often not interested in mediation.

20. Housing mediation is still underutilized for a host of reasons. Despite the expectation of an influx of referrals to HMP, particularly when the eviction moratoriums were lifted or when the financial assistance eligibility was made stricter and monetary amounts reduced, housing mediation still remains underutilized. This situation, according to EDI survey data and case coordinator interviews, maybe due to a combination of factors all relating to a lack of awareness among potential users of the HMP and weaknesses not yet ironed out in the referral pipeline from housing agencies/EDI partners.

21. The housing issue affects some parties who are harder to reach by the HMP. A separate diversity research study conducted by MOPC has found that the housing issue and the need for mediation may be buried deep within some communities, for example, undocumented populations. Centers have tried to reach out to specialized groups like this and others to address their housing mediation needs. HMP case coordinators report that their respective centers have engaged in outreach efforts that were particularly directed at groups at high risk of eviction. One case coordinator recounted how they have done outreach to organizations such as the People’s Fund, opioid task forces, and have put flyers in food bags at distribution sites, as well as reached out to people transitioning out of prison. The results of these efforts have been less than ideal.

Importance of state-funded housing mediation infrastructure

22. HMP case coordinators’ role continued to be pivotal. HMP case coordinators support housing mediation administratively by receiving referrals, performing screenings and intakes, scheduling mediation, following up with parties, setting up remote mediation, and reporting, among other administrative tasks. Operationally, case coordinators play a key role in supporting housing mediation. They conduct outreach to

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raise awareness about housing mediation among the community. In addition to receiving referrals, case coordinators field inquiries from landlords and tenants looking for resources, such as financial and legal assistance, and connect them to such resources. Inquiring parties also seek general advice about how best to resolve their housing issue and information so that they can make informed decisions about participating in mediation.

23. The HMP has leveraged existing community mediation infrastructure to provide cost-effective dispute resolution services at multiple stages to landlords, tenants, and EDI partners. The HMP was designed to leverage existing community-based infrastructure by expanding it from handling eviction cases in court to also handling upstream housing cases. Mediation services were provided free of charge for all eligible tenants and landlords, which included any tenant or landlord who was directly affected, financially, by the pandemic. To aid in supporting tenants and landlords at earlier stages, Centers and MOPC heavily invested in developing the upstream infrastructure so that parties could take advantage of mediation prior to court. Additionally, the HMP expanded eligibility for free mediation services to those indirectly affected by COVID-19 to account for the continued housing crisis experienced by tenants and landlords across the Commonwealth.

24. The HMP has increased awareness, access and utilization of community mediation. The majority of EDI partner respondents (10, or 67%) stated that their agency works with the HMP mediator when working with the Center. After the mediator, 5 (or 33%) respondents indicated that their agency works with the HMP case coordinator and 4 (or 26%) said that their agency works with the intake worker. EDI partners indicated working with their local Center in the following ways: making occasional referrals (10 or 67%); making regular referrals (7 or 46%); regular meetings (6 or 40%); regular calls and conducting join outreach activities, respectively (4 or 26%); participating in joint events (3 or 20%); and other engagements (1 or 6%). Based on these responses, EDI partners engage with Centers in the HMP primarily by making referrals.

HMP mediator diversity

25. The diversity of the HMP mediator pool may not align with the diversity of communities served. The data on HMP mediator diversity is limited. In the mediator mediation session survey, which was frequently completed by predominantly one mediator from one of the Centers, a large majority of cases (sixty-seven or 87% of seventy-seven) the surveyed mediators identified as female (sixty-seven or 87% of seventy-seven) and white Caucasian/Brazilian/Portuguese (forty or 52%). In fifty-six cases respondents indicated that they were proficient in Portuguese. The majority (71 or 92%) of the parties were proficient in English while 6 or 8% of the parties were not. For parties that were not proficient in English, 2 used an official interpreter, 3 specified that the mediator spoke Portuguese, and 1 used a court interpreter.

Power imbalances, rights, and the role of legal, housing and financial assistance

26. Parties in mediation had knowledge/awareness of legal rights and responsibilities Most respondents (82% of 11) indicated they were aware of their legal rights when mediating. Eight of the 11 respondents professed awareness of the other party's legal rights. Additionally, seven respondents (64% of 11) acknowledged receiving housing counseling or information about financial assistance. Overall, these findings reveal that participants have clarity on the information presented about mediation, are aware of their own legal rights and the other party's legal rights and have received housing counseling and financial assistance information.

27. Housing counseling and financial assistance was generally useful to mediating parties who received such assistance, although a majority did not receive such counseling or information about financial assistance. In terms of housing counseling and financial assistance information, about a third of respondents (27% or 3) found the housing counseling and financial assistance received useful during mediation whereas 73% (or, 8) did not receive housing counseling or information about financial assistance. Additionally, a sizeable portion of 11 respondents (73%) did not obtain legal advice or representation during mediation. The other 3 respondents (27%) did receive such legal assistance.

Defining HMP success

28. The success of the HMP was demonstrated by both quantitative AND qualitative measures. Across responses, case coordinators have a broad understanding of success, not narrowly limited to numbers of referrals and mediated cases. As an example, one case coordinator defines success in terms of how many people are helped by the mediation center, how much outreach is conducted to raise awareness about mediation and make the center's services known in the community, how many resources with which the case coordinator can connect their client, and how many clients are helped to make an informed decision regarding how they want to resolve their housing dispute through mediation. The same case coordinator regards helping clients access resources as a success.

Recommendations for Increasing HMP Utilization and Impact

The following recommendations are supported by the evidence-based findings detailed above and presented in detail in the report appendices.

- 1. Create a HMP marketing and outreach strategy designed by marketing experts to increase housing mediation awareness and utilization.** The HMP should create a professionally developed marketing strategy to further increase public awareness of housing mediation. This may require the services of a marketing professional or assistance from marketing agencies. Funding should be allocated for such an initiative if available, and, if not, negotiations should be undertaken with marketing companies willing to donate their services as part of their corporate social responsibility (CSR).
- 2. Address the lack of awareness among EDI partners through more outreach and education.** Even short of a comprehensive marketing strategy, the HMP should continue to educate EDI partners about mediation and referral processes through targeted presentations and training sessions. These organizations should encourage key personnel to attend such training or informational sessions and provide appropriate incentives for this to be successful. Additionally, circulation of impact data and case studies/mini case studies from the HMP FY2021 and FY2022 evaluations may promote deeper understanding of housing mediation and help motivate organizations to refer more cases to the HMP.
- 3. Prepare for an increased caseload and expanding mediator and case coordinator diversity to reach underserved communities.** The state should continue to fund HMP at current levels despite short-term indications that a housing mediation tsunami is not forthcoming because the housing crisis in the state is continuing. According to DHCD, with the sunset of the federal ERAP program in Massachusetts, there may be more eviction or pre-eviction cases where available rental assistance may not be sufficient to resolve tenant rental arrearage, resulting in the HMP seeing more referrals, particularly from RAFT administering agencies. At the same time, the lower dollar amount of RAFT may make some cases more difficult to resolve, making HMP services simultaneously more vital and harder to resolve. In addition, to truly serve those in need, the HMP must increase services to communities traditionally unserved/underserved by government services by recruiting diverse mediators and case coordinators from those communities.
- 4. Study ways to increase utilization of community mediation-based housing mediation:** The HMP requires more research to identify the reasons for non-participation by potential agencies, communities, groups, and individuals. A survey and/or interviews of agencies who have referred cases to the HMP is recommended as a starting point. An economic analysis/comparison between mediation and other options might also be useful

to further demonstrate impact. To this end, MOPC should investigate appropriate designs to conduct an economic impact assessment of the HMP.

5. Embed mediation as part of other interventions and workflows in addressing the housing crisis in the longer-term. The complexity of the Massachusetts housing crisis is better addressed through collaborative partnerships like those involved in the EDI.¹ Mediation, therefore, is best practiced alongside other initiatives. Housing mediation, as an effective conflict management, communication and joint problem-solving strategy should be written into all relevant current and future government programs and policies that deal with the housing crisis. The HMP should be recognized as a public service for eviction diversion, homelessness prevention and overall housing stabilization.

Several states, including Illinois, Hawai'i, and Minnesota have implemented mediation alongside other initiatives. For example, on May 28, 2021, the 16th Judicial Circuit of Illinois, located in Kane County, launched the Eviction Mediation Program, which involved referrals to financial counseling and legal services as well as mediation. On all metrics, the program has been successful. It has a high rate of referral and program usage and a good agreement rate that has allowed 20% of eligible eviction filings to avoid eviction. The program also helped parties in other ways, referring approximately two-thirds of tenants to legal services, housing services and/or rental assistance. Similarly, Hawai'i created rent relief programs that helped tenants and landlords cover rent shortfalls and a pre-litigation mediation program through enacting Act 57 (2021) to address the COVID-19 pandemic. Of the mediated settlement agreement reviewed in Hawai'i Appleseed's study, 85 percent of Act 57 cases resulted in the tenant remaining in their home, which only occurred 11 percent of the time in the pre-COVID summary possession settlements, and 20 percent of the time in the summer possession settlements during COVID. The outcome data, coupled with the participants' perceptions suggests that the availability of rent relief is a key factor to ensuring housing stability, but combining rent relief with a robust pre-litigation mediation process is likely to lead to significantly better outcomes than rent relief alone. Additionally, after the pandemic, Community Mediation Minnesota combined housing assistance and mediation by administering COVID rent, utility, and mortgage assistance while using mediation skills to center humanity and bridge community by offering mediation services to all applicants.

¹ The Eviction Diversion Initiative ended administratively at the end of FY 2022, with plans to incorporate the learnings into state-funded programs moving forward.
HMP Evaluation Report, MA Office of Public Collaboration, February 2023

Appendix A: Program Management Update

The Massachusetts Housing Mediation Program (HMP) is a comprehensive statewide program that provides free housing mediation services as a tool to prevent homelessness as well as mitigate the costs and negative economic impacts of the COVID-19 pandemic. It is administered by the Massachusetts Office of Public Collaboration at the University of Massachusetts Boston (MOPC) and deploys the community mediation system infrastructure with 11 Community Mediation Centers (Centers) participating and serving all 14 counties of the Commonwealth to provide free conflict resolution services for tenants and landlords with housing disputes at any stage, from the earliest point a problem occurs, up to, and after any eviction action in court.

The HMP was developed in FY2021 and continued in FY2022 as a part of the Governor's Eviction Diversion Initiative, which included a comprehensive and coordinated set of federal and state programs as well as funding sources to support tenants and landlords during the financial challenges caused by the pandemic. The Eviction Diversion Initiative ended administratively at the end of FY 2022, with plans to incorporate the learnings into state-funded programs moving forward. The goal of the initiative was to keep tenants safely in their homes and to support the ongoing expenses of landlords. Through the Department of Housing and Community Development, the initiative brought together a cross-section of agencies and organizations to collaborate on and develop referral processes to fully support tenants and landlords. Partner agencies included housing consumer education centers, regional administering agencies, legal services, agencies administering the Tenancy Preservation Program, and community mediation.

The HMP was designed to leverage existing community-based infrastructure by expanding it from handling eviction cases in court to also handling upstream housing cases. Mediation services were provided free of charge for all eligible tenants and landlords, which included any tenant or landlord who was directly affected, financially, by the pandemic. This provided tenants and landlords with multiple entry points to mediation at earlier stages of a financial and housing crisis. To aid in supporting tenants and landlords at earlier stages, Centers and MOPC heavily invested in developing the upstream infrastructure so that parties could take advantage of mediation prior to court. As necessitated by the pandemic, the Centers also transitioned their services to the virtual environment, providing case management and mediation services by telephone or videoconferencing. Remote services continued in FY2022 and slowly incorporated in-person services as needed. Additionally, the HMP expanded eligibility for free mediation services to those indirectly affected by COVID-19 to account for the continued housing crisis experienced by tenants and landlords across the Commonwealth.

HMP Funding

FY2022 funding from the Legislature allowed MOPC to award \$660,000 in grants to 11 Centers to sustain their staffing capacity in order to continue delivering free housing mediation services to their service area, maintain or strengthen referral relationships with HMP Evaluation Report, MA Office of Public Collaboration, February 2023

partner agencies, and fulfill other duties of the program. The grants enabled Centers to employ one or two staff to serve as liaisons for agency and organizational partners, as well as coordinate the delivery of remote and in-person mediation services. MOPC also spent \$30,000 in Center training and consultation services from the Berkshire County Regional Housing Authority mediation program, which has significant expertise in this area.

HMP Service Delivery

In FY2022, the HMP fielded 937 referrals, of which 812 were screened, resulting in 732 cases. Of these cases, 287 were mediated in 325 mediation sessions, for a total of 990 mediation hours. Additionally, 276 tenancies and 32 subsidies were preserved. Centers served 660 landlords and 733 tenants located in 13 Massachusetts counties. Management of these cases by the HMP coordinators as well as mediation by HMP mediators was done mostly remotely, either over the phone or via videoconferencing tools due to the pandemic. As communities, agencies, and government offices began to open up, services were provided in-person or through a combination of in-person and remote options.

HMP Outreach

As a statewide program delivered by local Centers, HMP outreach occurred at multiple levels during FY2022. At the statewide level, MOPC regularly met with DHCD to discuss opportunities for outreach and ways to refine the message to promote mediation across the Commonwealth. MOPC presented to numerous statewide organizations or at statewide events. These organizations included the Massachusetts Landlords Association, Massachusetts Realtors Association, National Association of Housing and Redevelopment Officials, Massachusetts Association of Regional Service Centers, Age Strong Commission Boston, Massachusetts Community Foundations, Massachusetts Association for Community Action, Massachusetts Volunteer Lawyers Program, and Covid Eviction Legal Help Project.

To coordinate the outreach, MOPC sent communications to the Centers, which included presentation slides and other materials, after the presentations. Centers then coordinated outreach to the local branches of those organizations. In FY2022 Centers collectively outreached to nearly 150 different entities in addition to the EDI partners (legal services, RAAs and HCECs, TPP). A vast majority of the outreach focused on upstream services, which reflected the wide range of entities Centers contacted. These included organizations involved in housing (local housing authorities, apartment complexes, and landlord associations); healthcare (medical practice groups, health services agencies); social services (youth, anti-poverty, arts, adult education); local governments and local media; public places such as libraries and grocery stores; gathering places such as community centers and churches; and colleges and universities. DHCD continued to provide MOPC-developed resources to RAAs and HCECs, 211, and also conducted in-person outreach to targeted neighborhoods in Massachusetts. Furthermore, the community mediation website maintained by MOPC, ResolutionMA.org, continued to see a large and steady stream of unique visits. This collective effort accounted for the non-EDI agency referrals, which was approximately 11% of all referrals, as well as a significant portion of self-referrals, which was approximately 39% of all referrals.

HMP Monitoring - Program Impact and Quality

As MOPC and the Centers transitioned from implementing the HMP to sustaining it in FY2022, efforts focused on identifying areas for innovation or streamlining as well as maintaining quality services. Processes to monitor resource allocation and communicating EDI adjustments were reduced. Weekly communications to Center HMP coordinators shifted to biweekly, as the frequency of changes or updates to the EDI leveled off. Similarly, case reporting shifted from weekly to biweekly as referral and case activity became steadier, reducing the need for such frequent monitoring. Biweekly check-in meetings with the Center HMP coordinators shifted to monthly. The focus of such meetings also changed. Originally set up as a means for communicating updates and problem-solving issues that Centers encountered, the meetings became a learning community, intended to develop coordinators' practice skills, support them, and help them learn from each other through sharing experiences and challenges. MOPC and the Centers co-developed the HMP mediator pool for Centers to share mediators as the need arose. Mediators qualified for the HMP were required to be experienced, skilled mediators and have advanced training in summary process mediation. Because of such strict requirements, Centers could be assured that they were drawing a highly skilled mediator from this pool.

FY2022 streamlining efforts focused on HMP policies and forms. The intake form was updated to reflect the expanded eligibility. The mediated agreement form for upstream mediations incorporated new language that addressed feedback from DHCD and the Centers relating to mediations and court proceedings. Training requirements were also updated and streamlined, based on need and utility. When the HMP was rolled out, HMP mediators were required to review the same orientation videos as HMP coordinators. These videos outlined the program expansions of the various EDI partners. Centers gave feedback that the videos were better suited for the coordinators and their role in connecting parties to resources. Basic awareness of the resources, provided through brief written materials for mediators, was sufficient for mediators to flag those issues for the coordinators to raise with the parties and allow mediators to maintain their neutrality. With this feedback, MOPC eliminated that requirement for mediators and compiled resources that could be shared with mediators for basic awareness.

DHCD and MOPC also collaborated on streamlining referral processes from RAAs. DHCD, reported that the consent requirement for RAA staff (to obtain consent from both the landlord and tenant to refer them to mediation) created a barrier to referring cases. MOPC advised that RAA staff need only obtain consent from one party (the party they have spoken with) to make the referral to case coordinators, who would then do any necessary outreach to the second party, which is an existing case management practice for community mediation. After confirming this process, referrals from housing agencies increased moderately in the following months.

To maintain quality services in FY2022, MOPC established a minimum yearly continuing education requirement for all qualified housing mediators. Mediators looking to remain qualified had to take at least 4 hours of continuing education, which could be fulfilled in a number of ways, such as taking housing-specific training, coaching other mediators in housing cases, and participating in role plays. MOPC also launched a monthly learning series to support HMP mediators in meeting the requirement. Each session focused on mediation skills and practice in relation to housing matters. These took place over videoconference (Zoom) to make the series accessible to mediators across the state. In September 2021, MOPC organized a summary process mediation training for experienced mediators interested in becoming HMP mediators. Eleven mediators completed the training. In February 2022, MOPC organized a role play training session, open to any HMP mediator and the class of mediators that took the September summary process training. Twelve mediators participated in the session.

MOPC's evaluation team reported a decline in returned mediation participant surveys, which prompted the MOPC HMP program manager to investigate the root causes and develop an approach to address the decline. This resulted in the development of a best practices guide for survey administration, a dedicated learning community session on how to apply these best practices, and a push for Centers to give mediation parties the choice to opt in to be interviewed by the evaluation team. The approach helped increase the number of party interviews completed for the evaluation of the HMP.

MOPC's evaluation team also helped to identify learning opportunities for coordinators and mediators. During an interview, while overall being satisfied with the services, a party mentioned being dissuaded from participating in mediation. The evaluation team reported this to the HMP program management team, while maintaining confidentiality of the participant. In response, the team communicated their concerns about party self-determination and clarified the role of the coordinator with the Centers. This feedback also helped shape the broader case coordinator training plan that MOPC was developing for FY23. MOPC continued to use the monthly case coordinator learning community sessions to emphasize and clarify the roles and responsibilities of case coordinators, as particular issues arose.

HMP FY2023 expansion

Building on the work accomplished in FY2022, the HMP expanded free conflict resolution services to housing case types beyond evictions. Eligible cases now include all housing-related issues, not just rental arrearage issues, as the need for housing stability continues in Massachusetts. Additionally, eligibility for free services has expanded to approaches beyond mediation, such as conflict coaching and restorative or community-building circles. MOPC continues to partner with DHCD to identify ways to support housing stability and promote mediation following the closure of the EDI and is expanding the partnership to the public housing division through a formal program for the local housing authorities.

Appendix B: Evaluation Data and Analysis

The following presentation of data and analysis is organized into two sections. The first section lays out quantitative data from surveys, forms, administrative records and the case management database. The second qualitative section lays out the qualitative data from interviews and mini case studies.

The evaluation data gathered for this report includes data from surveys and interviews with participants who were party to a housing mediation session (i.e., tenants, landlords, and lawyers), housing program mediators and case coordinators, and Eviction Diversion Initiative (EDI) partners (i.e., HCECs, RAAs, TPP providers, and COVID Eviction Legal Help Project), as well as written feedback from one DHCD staff person, an analysis of referral forms to Community Mediation Centers (Centers), screening and intake forms, and mediated agreements. The evaluation examined the achievement of this goal with three research questions in mind:

1. Is MOPC and its community mediation partners implementing a well-designed, “satisfactory” and sustainable Housing Mediation Program?
2. Is the Housing Mediation Program resolving landlord-tenant disputes in ways that is helping to preserve tenancy and/or generating alternative solutions or other benefits to landlords and/or tenants that is helping to ease pandemic-induced eviction/landlord-tenant disputes?
3. Does housing mediation help in preventing homelessness? Can a causal relationship be established between mediation and homelessness prevented?

The evaluation data gathered and analyzed is presented under two sections. The first section includes data and analysis flowing from the following surveys: Participant survey, mediator survey per mediation session, mediator general survey, and EDI partner survey. It also includes an analysis of referral forms to Centers, screening and intake forms, and mediated agreements. The second section includes data and analysis flowing from interviews with participants who were party to a housing mediation session (i.e., tenants, landlords, and lawyers) and case coordinators. With respect to the three questions, we explore the level of mediation party and sponsor satisfaction with the HMP, including the design and implementation of the program, mediator neutrality, mediator and case coordinator roles, addressing power imbalances during mediation, etc., as well as the impact of the HMP on tenancy preservation and other benefits of the program and the causal link or at least the correlation, if any, between the HMP and the prevention of homelessness.

Presentation of Quantitative Data

a) FY22 HMP Party Survey

Description of parties

In terms of participants, tenants made up the majority (55% of 11) of survey respondents, followed by lawyers representing landlords (27%), and landlords/property managers themselves (18%). This means that we are receiving equal feedback from tenants and landlords or their lawyers.

Access to information

The surveyed individuals were unanimous about the clarity of information they received about mediation. Similarly, most respondents (82% of 11) indicated they were aware of their legal rights when mediating. The two respondents that did not indicate they were aware of their legal rights when mediating indicated that they did not have a lawyer, and therefore, did not know all their rights, but felt that the process was fair and that the mediators were fair in helping parties resolve the conflict. Eight of the 11 respondents professed awareness of the other party's legal rights. Additionally, seven respondents (64% of 11) acknowledged receiving housing counseling or information about financial assistance. Overall, these findings reveal that participants have clarity on the information presented about mediation, are aware of their own legal rights and the other party's legal rights and have received housing counseling and financial assistance information.

Mediator assistance

Most of the eleven surveyed individuals were pleased with the assistance they received from mediators. Mediators' listening skills were acknowledged by an overwhelming majority of the respondents (91% of 11). Large majorities also appreciated mediators' help with identifying and clarifying issues (64%), enabling parties to voice concerns and make their own decisions (91%), and assisting with generating new information and helping parties to be open to alternative solutions (55% for both). Smaller majorities recognized that mediators assisted with generating ideas and options (45%).

Process satisfaction

According to the survey results, respondents overwhelmingly approved of the mediation services they received. The problems of the individuals surveyed were handled to the satisfaction of 82% of the 11 respondents. Eighty-two percent indicated that the mediation process was fair to them. And 82% were satisfied with the outcome. All respondents had positive things to say about either the mediation process or the

mediators. The following sample of comments typify respondents' reactions to the mediators:

Approval of the mediation process was widespread. For example,

- “[Mediator’s name] did a great job and kept us up to date and informed the entire process.”
- “I feel that [Mediator’s name] and [their] staff, were very professional and understanding, very helpful. I’m glad that the mediation went so well. It was much better than having to go to court.”
- “[Mediator’s name] was excellent.”
- “[Mediator’s name] was amazing. As a tenant, I wasn’t sure how to proceed, and [they] made me feel safe.”
- “[Mediator’s name] is terrific. [They] are professional, listens to both sides, and is creative in crafting solutions.”

One person was ready to recommend mediation to others:

- “[Mediator’s name] and [their] staff were very professional, understanding, and super helpful. I would recommend mediation to anyone having to go through the Court process.”

These comments suggest that MOPC and its community mediation partners are implementing a satisfactory Housing Mediation Program.

Usefulness and utilization of information

In terms of housing counseling and financial assistance information, about a third of respondents (27% or 3) found the housing counseling and financial assistance received useful during mediation whereas 73% (or, 8) did not receive housing counseling or information about financial assistance. Additionally, a sizeable portion of 11 respondents (73%) did not obtain legal advice or representation during mediation. The other 3 respondents (27%) did receive such legal assistance.

b) FY22 EDI Mediation Partner Survey

Participants

In terms of participants, the majority of respondents (44% or 21 of 48) identified as a staff from an RAA, whereas 33% identified as a staff from an HCEC. 10 (21%) identified as a staff working on the TPP program and only 1 participant (2%) identified as a COVID Eviction Legal Help Project. The majority of respondents (29 or 60%) identified as a caseworker, while the rest (19 or 40%) identified as an agency leader. Therefore, the majority of the responses are coming from the point of view of a caseworker.

Services provided

The top three services provided by EDI partners were financial assistance (e.g., administer RAFT and/or ERAP) (72% of agencies); housing stabilization case management (61% of agencies); and Housing Counseling and Education (55% of agencies). To a lesser degree, agencies convene EDI partners (22% of agencies) and provide Tenancy Preservation Program (TPP)-upstream services (17% of agencies).

Referrals

While most respondents (30 out of 48) did not comment on whether they or their agency referred cases/clients to community mediation for housing mediation, the vast majority of those who did answer responded yes (17 or 94%), while only 1 respondent answered no, indicating that partners often refer cases/clients to community mediation for housing mediation when appropriate.

Agency partnership with Centers

The majority of respondents (10, or 67%) stated that their agency works with the mediator when working with the Center. After the mediator, 5 (or 33%) respondents indicated that their agency works with the case coordinator and 4 (or 26%) said that their agency works with the intake worker.

EDI partners indicated working with their local Center in the following ways: making occasional referrals (10 or 67%); making regular referrals (7 or 46%); regular meetings (6 or 40%); regular calls and conducting joint outreach activities, respectively (4 or 26%); participating in joint events (3 or 20%); and other engagements (1 or 6%). Based on these responses, EDI partners engage with Centers primarily by making referrals.

Strengthen relationship with Centers

When respondents were asked to select what they would need to strengthen their agency's working relationship with their local Center for housing mediation, responses seemed to indicate that while EDI partners tend to engage with their local Center by making referrals (as mentioned above), they seem to require guidance on how to make referrals as just over half of respondents (9 or 56%) stated that they would need help with "concrete examples for case referrals."

Half of respondents indicated that "orientation for staff about mediation" would be helpful to strengthen their agency's working relationship with their local Center for housing mediation, which underscores the continued need of Centers to educate partners about mediation and how their services could benefit partners' clients. 37% of respondents stated that "clear reporting lines/point of contact" with the Center would help to strengthen their agency's working relationship with their local Center. Lastly, a quarter indicated that "more information about mediation" would be helpful, also underscoring the continued need of Centers to educate partners about mediation.

Frequency of referrals

When asked how often their agency received referrals from Centers, respondents' answers varied with 31% saying occasionally, 19% saying rarely, another 19% saying never, 13% saying frequently, and just 6% saying always.

Relationship between agency and Centers

When asked to rate the level of the relationship between their agency and Centers, over half of respondents rated the relationship between their agency and Center as good (56% or 9). 19% (or 3) rated it as excellent, and 12% (or 2) as fair. Only 1 respondent rated the relationship as poor, indicating that most respondents felt positively about their agency's relationship with Centers.

Strengthen relationship with EDI partners

Respondents were asked what the Center could do to strengthen the working relationship between themselves to better serve landlords and tenants. Agencies felt that Centers could do a number of things to strengthen the working relationship with EDI partners. 62% (or 10) said that "more information and outreach about mediation to tenant serving groups and organizations" and "to public housing providers and similar organizations" are needed, respectively. 56% said that "more information and outreach about mediation to landlord associations and similar groups" is needed.

Informal conflict resolution approaches

Respondents described informal conflict resolution approaches that their agency employs with landlords and tenants to support housing stability. Respondents provided the following answers:

"Most often our informal work centers on collaborative meetings with housing providers, tenants and their legal services representative and us in TPP to try to stabilize housing problems. These occur on an intermittent basis in addition to formal court hearings."

"Payment arrangements, mediation, for no cause eviction a suitable timeframe to vacate."

"I am often getting on calls to have the conversations that are specific to the tenant and landlord, utilizing program guidance to maneuver win/win outcomes."

"I would directly speak with both tenants and landlords to assist/guide with resources in hope to stabilize tenancy."

"TPP provides full case management for eligible participants through early intervention, by offer solutions in lieu of court mediation. If we can help apply for HMP Evaluation Report, MA Office of Public Collaboration, February 2023

funds or provide the missing services to help sustain the tenancy, the landlords are generally amenable as long as they know their funds will be recouped or the client will limit behaviors causing issues with their tenancy.”

Reasons for referrals

Respondents commented on some of the reasons why they do and do not make referrals to their local Center for housing mediation. EDI partners make referrals to their local Center for a host of reasons except to reduce caseload at their agency. The main reasons are to “reduce landlord-tenant conflict” (79%) and “improve landlord-tenant communication” (68%). Other reasons are to “increase the speed of resolution,” “address other landlord-tenant interpersonal issues,” and because “amount of funding available for tenant arrears won’t cure the arrears” (42%, respectively). Another reason is “for education about the mediation option.” EDI partners are clear on which mediation center to refer cases to; however, they do not make referrals for a host of reasons. The main reasons are “because the issue is a legal matter” (42%) and “because landlord-tenant conflict is low” (31%). Other reasons are “because landlord-tenant communication is high” (16%), “because I do not have time to refer cases to mediation” (10%), and “because I do not know how mediation can help” (10%). Respondents also offered other, specific reasons: “Housing Court has their own mediators. Anyone in housing court will utilize this.”; “Amount of funding available can resolve the arrears crisis.”; “Clients do not want to risk escalation to mediation as they worry it will make the landlord mad.”; “Clients/landlords are not interested in being referred to mediation. They understand the funds are a resolution to all issues.”; “Both parties do not agree to participate so we are unable to proceed.”; and “Being a TPP provider we use the Housing Court mediators for landlord tenant disputes.”

Effectiveness of mediation

When respondents were asked to comment on their familiarity with the effectiveness of mediation to solve housing disputes, the majority of EDI partners “strongly agree” (47%) or “agree” (37%) with the statement that they are familiar with mediation as an effective way for tenants and landlords to resolve their housing disputes. One respondent responded, “neither agree nor disagree”, another “disagree” and another “strongly disagree.”

Level of working relationship with Centers

To conclude the survey, respondents were asked to rate the level of their working relationship between themselves and Centers. Just under half of respondents rated the relationship between their agency and Center as excellent (42%, or 8). 26% (or 5) rated it as fair, and 16% (or 3) as good. And 2 respondents rated the relationship as poor. This

suggests that overall respondents feel positively about their agency's relationship with Centers, but this relationship can also be improved.

c) FY22 Mediator – General Survey

Intro

To evaluate the extent of HMP's impact on housing stability, the mediators' perceptions of developments in HMP mediations were sought. Accordingly, mediator participants in the HMP were invited to complete a survey that inquired into the responding mediator's general experience with the HMP, such as the kinds of housing issues addressed in mediation and the attendant outcomes, the contrasts between housing mediation and mediation of other types of disputes, and the role of mediator diversity in Centers' HMP practices. When survey questions asked for the mediator's assessment of the incidence of some matter, respondents were informed that the available choices were "often," which meant more than half the mediations, "sometimes," which meant less than half to 10% of mediations, and "rarely," which meant under 10% of mediations. In this analysis "often" was used interchangeably with "frequent" or "frequently" as was "sometimes" with "occasional" or "occasionally."

Mediator survey participants were recruited by their respective Centers at the request of the MOPC Associate Director.²

Respondents

One mediator from one Center, Martha's Vineyard Mediation Center, volunteered to complete the survey. The mediator had a history of conducting about 5 housing mediations.

² An email was sent by the Associate Director to centers asking them to invite at least two of their most experienced mediators to participate in this survey, to wit:
"Dear ____

As part of the evaluation of the Housing Mediation Program (HMP) that MOPC is conducting, a team of researchers from our office at UMass Boston have been interviewing tenants, landlords/property managers, and lawyers to hear their experiences and gather their feedback on several mediated cases. We would also greatly value the perspectives and input of preferably two of your most experienced HMP mediators, as it would shed more light on the impact of mediation on housing stability from their perspective. We are hoping that you will help us recruit two mediators from your center, and that they would consent to the interview.

Please reply to this email indicating who you would like us to interview along with their name and contact information. The information they share will not be shared in ways that identifies them as the source. There is also no foreseeable risk (no foreseeable physical, psychological, economic, or legal risks) to them in participating in this interview. Thanks."

Issues raised in housing mediations

Rental arrearage was the most commonly stated reason for residential eviction filings across the country and in Massachusetts. The problem of rental arrearage was also the issue that was most frequently raised in HMP mediations according to the surveyed mediator. The least frequently raised mediation issue reported by the surveyed mediator concerned premise overcrowding.

Mediation agreements reached

Agreements were a frequent outcome of HMP housing mediation according to the surveyed mediator. As for housing issues that were resolved through mediation, the mediator reported that rental arrearage, the most prevalent mediation issue, was also the issue most often resolved through mediation. The mediator did not provide insight on the issue least frequently resolved through mediation.

Party communication and conflict

The mediator found that party interactions, such as communication and conflict, often improved or stayed the same due to housing mediation. The mediator found that as a result of housing mediation, communication between parties often improved while conflict between parties often stayed the same.

Issues handled/addressed

The issue of rental arrearage was usually settled through payment. Whether the agreed-upon payments for unpaid rent were complete, partial, or conditional, the mediator reported that payments were frequently involved. Thus, the surveyed mediator indicated the frequent involvement of full payments. Partial payments, however, were involved sometimes. When asked about instances of no agreement being reached, the mediator indicated that this never happened.

The surveyed mediator provided information about the frequency of the different ways that tenant evictions were addressed during their housing mediations. Evictions were initiated during housing mediations often according to the mediator. The mediator found that evictions were prevented during mediations sometimes. Similarly, the mediator noted that a conditional halt to eviction was achieved in mediation occasionally. Delays in the eviction date were accomplished according to the mediator sometimes. Finally, the respondent observed that tenant pre-mediation departures from their premises were rare.

Actual waiver of repair issues by the tenant was rarely observed by the responding mediator. The mediator attested to the frequency of fixing repairs as a mediation issue: The mediator reported that it was common for the issue of repairs to be raised. Accordingly, full repairs were sometimes provided for by the landlord at the mediations,

meaning the landlord agreed to fully repair the issue, while partial repairs were often provided for. The mediator indicated that repairs were rarely a condition of agreements.

For the mediator, issues about the tenant's upkeep of premises were often inapplicable during mediation. The responding mediator indicated that the upkeep issue was never "relevant but not addressed", meaning that in the rare occasions that this issue did come up during mediation, it was addressed. Similarly, according to the mediator, damage considered ordinary wear and tear was never a mediation consideration. Tenants' agreement to fix damages never occurred during mediation as reported by the mediator. Similarly, the mediator indicated that landlords rarely agreed to fix damages.

Occupant behavior was often not an applicable issue at mediations according to the responding mediator. The mediator noted that occupant behavior was never "relevant but not addressed." In other words, in the rare instances that this issue did come up during mediation, it was addressed. The mediator indicated that "the occupant causing the complaint leave the premise" rarely came up. The mediator did not comment on either the frequency of complaints about occupant behavior being unwarranted or that changes in occupant behavior were attributable to mediation.

The issue of overcrowding was often inapplicable in the housing mediations facilitated by the surveyed mediator.

Comparison between housing and other mediations

The mediator was asked to compare housing mediation with mediation of other types of disputes. The mediator found housing disputes more demanding in certain respects than other types of disputes. For example, the frequency and extent of the imbalance of power between parties were higher and greater in housing mediation than for other mediated issues. Similarly, the organizational structure of housing mediation under the HMP was reported by the mediator to be distinguishable from other mediations by increases in both the involvement of other agencies and the call for documentation and reporting to agencies. Additionally, the importance of party knowledge about their rights and defenses and referrals to sources of information about rights and defenses were greater and more frequent in housing mediation.

On the other hand, certain features were common to both the mediation of housing and other disputes. For instance, the mediator considered that the need for a translator during mediation did not consistently differentiate housing mediation from other types of mediated disputes. The mediator did not comment on certain features of housing mediation such as the stakes for parties, intensity of party discussions, limited party proficiency in English, and the frequency of agreements.

Mediator diversity and assignment factors

With respect to such characteristics as racial/ethnic origin, socio-economic class, multiple language proficiency, and gender, the mediator did not comment on which of these features they thought mirrored the population to be served.

In other words, the surveyed mediator did not comment on whether they thought that the actual practice of assigning mediators to cases usually involved factors like race/ethnicity, socio-economic class, multiple language proficiency, or gender. Rather, the impression held by the responding mediator was that mediator availability was commonly considered in mediators' case assignments.

d) FY22 Mediator – Per Housing Mediation Session Survey

Respondents

Through their survey responses, mediators from two Centers provided their insights about the housing mediation sessions that were held in seventy-seven cases under HMP auspices. Seventy-six of the sessions were conducted by mediators from one particular community mediation center while a mediator from another Center conducted one session.

Premises/housing involved in dispute

In 32 or 41% of cases, the premises involved tenancies at will (TAW). In 19 or 25% of the cases, the premises were occupied. Mediators reported that 13 or 17% of cases involved other housing, with most respondents stating that the premises were occupied but not specified if there was a lease or. For the remaining cases, 10 or 13% were under lease and 3 or 4% involved an expired lease or verbal lease.

Language access

The majority (71 or 92%) of the parties were proficient in English while 6 or 8% of the parties were not. For parties that were not proficient in English, 2 used an official interpreter, 3 specified that the mediator spoke Portuguese, and 1 used a court interpreter.

Types of housing crisis

The threat of eviction and rental arrearage brought nearly all the parties to mediation. Sixty-one (or 79% of 77) mediation sessions involved rental arrearage and the threat of eviction loomed over sixty-five (or 84% of 77) sessions. Problems with overcrowding, property damage, the need for repairs, increased rent, unpaid mortgages, unauthorized use of premises, and lease violations were also involved in sessions to a lesser degree. For instance, 5 (or 6% of 77) mediation sessions involved problems with overcrowding; 10 (or 13% of 77) involved problems with property damage; 15 or (19% of 77) involved problems related to the need for repairs; 5 (or 6% of 77) involved problems with

increased rent; 3 (or 4% of 77) involved unpaid mortgages; 5 involved unauthorized use of premises (6% of 77); and 9 (or 12% of 77) involved lease violations. 11 cases involved other problems such as friction between the landlord and tenant, the property being sold, and the landlord moving back.

Role of legal information

To the extent that legal housing information had a role during mediation, mediators were uninvolved with communicating such information to parties.

Twenty-six tenants (34% of seventy-seven) and fifty-two landlords (67% of seventy-seven) obtained legal information before participating in mediation. In twenty-four sessions (31% of seventy-seven), neither party had received such information.

The types of information acquired in these cases included information about the eviction process (18 cases), the rights and responsibilities of landlords and tenants (16 cases), court procedures (20 cases), tenant's affirmative defenses and counterclaims (7 cases), and the remaining cases specified other information such as "landlord has an attorney."

In most cases, parties did not need additional information about their legal housing rights/defenses, 74% to 25% did need additional information.

The need for additional information about legal housing/defenses became evident in 13 sessions. In two of these sessions, the mediator asked parties if they had been informed about legal procedures or their legal housing rights/defenses. Additionally, in another two cases, the mediator noticed that the agreement being considered involved a question of legal housing rights/defenses. Similarly in two cases the mediator noticed that topic of discussion involved a question of legal procedures or legal housing rights/defenses and in two cases parties invoked their legal housing rights/defenses. In five cases, mediators reported other indicators such as lack of understanding of the eviction process and the tenant saying that they would consult their lawyer.

Nevertheless, mediators only made referrals for legal housing information (which included referrals to a legal services organization and HCEC) in four cases (31% of 13). Mediators denied making referrals in nine cases (69% of 13). Mediators were unresponsive to questions about such referrals in the remaining cases (64).

In the four cases that mediators did refer parties to sources of legal assistance, they referred them to legal services organizations, to online resources (e.g., information on government website, online guidance posted by legal services organization), or listing and contact information for organizations offering legal resources. Court materials or written materials containing information about legal procedures, legal housing rights and responsibilities were used.

When mediators were asked how they presented the topic when referring parties to sources for legal assistance regarding legal housing rights/defenses, they responded: emailed contact information of a legal services organization; offered HCEC information; and offered tenant to contact the legal services organization for more information about their rights.

Mediation's impact on parties' relationship

During their mediation session, parties' interactions with one another mostly improved or, to a lesser extent, stayed the same. At the sessions, communication between parties were better in fifty cases (68% of seventy-four) or the same in twenty-one cases (28% of seventy-four), according to mediators.

The improvement in party conflict was widespread. Although mediators reported that in sixteen cases (22% of seventy-four) party conflict was unchanged during mediation, mediators found that in fifty-four cases (73% of seventy-four) conflict between parties was lessened during mediation.

Mediators observed party communication worsen in one session and was inapplicable in two. Similarly, mediators observed party conflict worsen during the mediation and was inapplicable in two cases.

Mediation outcomes

Surveyed mediators reported that issues at mediation produced final agreements in fifty cases (68% of seventy-four); temporary agreement in 10 cases (14% of seventy-four); no agreement in 11 cases (15% of seventy-four); and partial agreement in three cases (3% of seventy). Mediators skipped this question for three cases.

Taking care of issues related to repairs by the landlord (50 or 65% of seventy-seven), occupant behavior (55 or 71% of seventy-seven), tenant upkeep of premises (53 or 69% of seventy-seven), and tenant's departure from premises (48 or 62% of seventy-seven), that were not incorporated into the mediation agreement, were each regarded as inapplicable in the majority of sessions. Taking care of issues related to rental arrearage circumstances were deemed inapplicable in 23 cases or 30% of seventy-seven cases. Similarly, rent adjustments were deemed inapplicable by mediators at 29 sessions while mediators reported that rent stayed the same in 25 sessions. In terms of evictions/move-outs that were not included in the mediated agreement, mediators selected other, explaining that in 22 cases tenant move out was part of the agreement.

Problem-solving

At nearly all sessions, both parties contributed to solving their housing dispute. Tenants came up with ideas for solutions in fifty-seven or 71% of seventy-seven cases according to mediators. Similarly, landlords came up with ideas for solutions in forty-six or 60% of cases. In two cases mediators took credit for problem-solving.

Consequences of mediation

For the most part, mediation led to tenants at thirty-one sessions remaining in their dwelling (40% of seventy-seven). Complaints were addressed in thirty sessions (39% of seventy-seven). Homelessness was averted for tenants at twenty-five sessions (32%). A housing search was avoided in 15 sessions (19%) and referrals for housing assistance and/or counseling were given in 17 sessions (22%).

The complaints of most landlords (39 or 51% of seventy-seven) were addressed in mediation. The original tenancy was stabilized in 16 cases (21% of seventy-seven) and the search for new tenants was avoided for fourteen landlords (18%), and the costs of eviction and a tenant search was averted for twenty-six landlords (34%).

Mediator demographics³

In a large majority of cases (sixty-seven or 87% of seventy-seven) the surveyed mediators identified as female (sixty-seven or 87% of seventy-seven) and white Caucasian/Brazilian/Portuguese (forty or 52%). In fifty-six cases mediators indicated that they were proficient in Portuguese.

Factors influencing choice of mediator

The majority of responses (68 or 88% of seventy-seven) revealed that the availability of the mediator was a key factor in selecting a mediator for a housing mediation. Similarly, 25 or 32% of responses indicated that the experience of the mediator was a key factor in selection. Otherwise, the mediator's proficiency in another language and racial/ethnic origin were also considered influences in eight and four cases, respectively.

Questions regarding mediator selection with respect to the interaction between characteristics of the mediator (e.g., experience, gender, socio-economic class, race/ethnic origin) and characteristics of parties (e.g., gender, socio-economic class, race/ethnic origin, etc.) or other considerations (e.g., equal opportunity to mediate, case difficulty, etc.) elicited no responses, besides one response that indicated none of these characteristics were considered.

e) Data from Centers– FY22

The Centers provided referral forms, screening and intake forms, and mediated agreements for cases that went to mediation. These documents yielded relevant information pertaining to the nature of parties' dispute and COVID-related housing crises.

³ Please note that this data is not representative of all mediators in the HMP. This survey may have been completed by the same mediator multiple times who is from one Center. Therefore, we are unable to draw any conclusions about mediator demographics.

Based on these documents, there is evidence to suggest that the HMP is resolving landlord-tenant disputes in ways that helps preserve tenancy, generate alternative solutions and other benefits to landlords and tenants and aids in easing pandemic-induced evictions and landlord-tenant disputes.

An analysis of a sampling of 148 written mediated agreements reached between landlords and tenants through housing mediation offered by Centers during the 12-month period from July 2021 to June 2022 shows that 83 agreements, a little over one half (56%), resulted in the preservation of tenancy, suggesting a strong correlation between housing mediation and the preservation of tenancy.

Of the 148 written mediated agreements, 65 did not result in the preservation of tenancy. In these cases, the tenant(s) agreed to move out and the landlord regained possession of the property. A closer analysis of the written language in a sample of these non-tenancy preserving agreements reveals solutions that were beneficial to the tenants. Examples of such benefits include landlords agreeing to waive a portion or the entirety of rental arrearage owed, to cover trash removal fees, waive court fees, dismiss cases, not furnish a negative reference or proactively offer a positive reference for tenant(s), and to grant tenants extra time to move out. For the tenant, these non-tenancy preservation agreements can help to provide a “soft landing” into another housing situation. Additionally, some non-tenancy agreements include language indicating that tenants commit to working with either the Center’s case coordinator, housing agency, or non-profit service provider to find alternative housing during the move-out process agreed upon between the landlord and tenant(s).

The following is a sample of excerpts from agreements that indicate the alternative solutions and other benefits that help to create a soft landing for tenant(s):

“Tenants agree to vacating the premises on or before [date]. Provided the conditions are met, the landlord agrees to forgive the outstanding arrearage of [x amount].”

“The tenant agrees to vacate the rental unit on or before [date], leaving the unit in broom swept condition. Once the landlord inspects the unit to make sure it is left broom clean, he will provide a check for the Tenant's daughter in the [x amount]. If the tenant vacates per the mediation agreement, the landlord agrees to waive the [x amount] that is currently owed and release any claim of rental arrearage.”

“Tenant agrees to vacate the rental unit on or before [date] leaving the unit in broom swept condition. Landlord agrees to pay [x amount] to tenants upon vacating the unit as agreed. Waive rental arrearage owed in [x amount].”

“Tenant agrees to move out on or before [date]. Landlord agrees to pay for professional moving services, forgive [x amount] of balance of [x amount] owed and not charge tenant [month’s] rent.”

“Tenant and landlord agreed on a move out date on [date]. Provided the financial assistance is granted, landlord will allow the tenant to move to another unit located at [location].”

“Defendant agrees to vacate the premises on or before [date]. Landlord agrees to help tenant with referral letters for future landlords.”

“Tenant agrees to vacate property on or before [date]. Landlord agrees to forgive all monies owed.”

Qualitative Data Presentation

a) FY22 HMP Program Participant Feedback

This section provides direct participant testimonials about how the Housing Mediation Program impacted them. The researchers conducted 20 interviews over the phone with participants (11 tenants, 7 landlords or property managers, and 2 lawyers representing landlords or property managers). The researchers recruited participants in two of the following ways: either by contacting participants who had provided a phone number or email address on the post-mediation survey indicating their willingness to be contacted for an interview or who had been referred by a Center.

The testimonials are divided into two sections: first, parties who participated in housing mediation, meaning that they sat down to work through their dispute with the other party with the assistance of a mediator or mediators; second, parties who received assistance from a Center about their housing dispute without sitting down for a mediation session.

DISCLAIMER: Please note that these responses indicate the experience/opinion of the participant though there is no way of independently evaluating them.

Parties who participated in housing mediation (not their real names)

The story of Rachel and Edward (tenant and landlord)

If it were not for housing mediation, “I think I probably would have been evicted,” if not then, then eventually, Rachel, the tenant reflected. Similarly, Edward, the landlord, felt that if the issue had not been resolved as quickly as it had been through mediation, then “I would not have seen my rent and we’d still be going through the eviction process.” For both landlord and tenant, housing mediation coupled with the assistance provided by the HMP Evaluation Report, MA Office of Public Collaboration, February 2023

mediator to navigate the RAFT application process and offer assurances that the application was likely to be approved, helped to avoid a lengthy and costly eviction process. For the landlord, “sitting down [in mediation], the mediator gave me the confidence that this program [i.e., RAFT] could be approved, that the tenant would be approved, and that it’s very viable. In other words, I went in thinking, ‘Ok, the tenant may never get it, let’s keep going forward [with the eviction],’ but the mediator made me feel comfortable with the fact that the tenant could get this, that this was doable, and we trusted the mediator.” For the tenant, housing mediation coupled with accompaniment through the RAFT application process “helped me pay my rent and not get evicted.” This case exemplifies how housing mediation and assistance with navigating the RAFT application process can lead to tenancy preservation. Without mediation, the lengthy eviction process and uncertainty around if or when a RAFT application receives approval can be costly financially and emotionally for both tenants and landlords—whether the outcome is eviction or tenancy preservation.

Like so many during the pandemic, Rachel lost her job and fell behind in rent. She initiated the RAFT application process on her own but was unable to get any information about the status of her application—“I was getting blown off,” she put it bluntly. She informed the landlord that she had applied for RAFT, but unsure if she would even receive it and not seeing his rent coming in, the landlord decided, “I was taking her to court for eviction for non-payment.”

The court referred the case to the mediation center and the mediator contacted both parties to inquire about their interest in resolving the matter through mediation. “The mediator called [me] to say, ‘We have this program [i.e., mediation] and the tenant applied for [RAFT], do you think we can hold off [on the eviction] and see if the tenant gets it?’”, recounted the landlord. And the tenant reported that the mediator contacted her and was able to “expedite the RAFT application process.” Having done the legwork to communicate with both parties and facilitate the RAFT process, the mediator was able to facilitate a conversation between the landlord and tenant when they met in court in which the landlord agreed to go before the judge to ask for a continuance.

In the meantime, the mediator assisted both parties with the RAFT application process through to completion while maintaining fairness and impartiality with both parties. According to the landlord, the mediator helped both the tenant and him with documentation and “did everything they could do to help me fulfill my end and they did everything they could do to help the tenant fulfill her end... and the tenant got it [i.e., RAFT] and the rent came in. It was that simple. The system itself worked beautifully because they paid the rental arrearage and paid forwards.”

Mediation also helped to repair communication between the landlord and tenant, as Edward shared, “I wanted to work with the tenant if I could. She’s not a bad person, she just had trouble finding work.” Similarly, the tenant, having the knowledge that the application was on track to being accepted, was able to go into the mediation confident she could address the issue of non-payment and present herself as a responsible tenant making every effort to get caught up with rent.

Housing mediation, coupled with support to access financial assistance, in this case, led to tenancy preservation. As of the time of writing, the tenant has lost her job for the second time and once again is behind on rent by one month. The tenant reported that she recently spoke with the mediator to update them on her situation and is looking into applying for another financial assistance program. The landlord, too, is apprised of the situation: “I reached out to the tenant, and she is evidently applying again. We’ll see what happens. I’m sure I’ll be hearing from the mediator again.”

Roy’s Story (tenant)

“We were almost living in a tent”—this is how Roy described the situation he and his wife were facing when they fell behind on rent during the pandemic. Diana, his wife, had just retired from a lifelong career working as a nurse and Roy was on disability. When the landlord filed for eviction, the couple searched for financial assistance and the wife went through the lengthy process of re-training to return to work as a nurse. They applied for RAFT, but their application was denied. Without any financial assistance to cover their rental arrearage, the couple had little choice but to negotiate an agreement with the landlord so they could stay in their apartment. Before they went to court, where the judge would then refer them to housing mediation, Diana tried to talk directly with the landlord, without success. She recounts, “I tried to make an agreement with him, and he wouldn’t accept the agreement, which is the same agreement we made with the mediator.” For Diana and Roy, as well as for the landlord, mediation helped them to reach the agreement that they otherwise were unable to reach on their own, as Diana recalls: “The agreement we ended up with is the same one I tried to get without the mediator, but with the mediator I was able to get it. So, that worked out well for us... So, it ended up working out well because the mediator was able to get us together and get us on the same page and get us, you know, an agreement which we both could live with.” Diana and Roy feel that they “could live with” the agreement reached in part because if they moved anywhere else in the area, they would be paying higher rent and they would still owe the landlord rental arrearage. “We like it here, we didn’t want to leave,” Diana shares. The couple is happy with the mediation services received, according to the wife: “I felt it was a good process for us, the mediation itself was fine.” Having the option to resolve their housing situation through mediation was also particularly helpful because the couple did not qualify for any financial assistance that could have helped to alleviate their debt burden. Having the option to mediate when they arrived at court proved a useful venue for the

couple to resolve their issue with the landlord, reach an agreeable payment plan, and remain housed during a difficult financial period in their life.

Tiffany's story (tenant)

Overall, Tiffany communicated satisfaction with the housing mediation process:

“The mediation went well. I’ve never had to deal with anything like that before because I never had to face an eviction. The mediators were very understanding, they clarified everything for me, they were with me every step of the way. If I had any questions, they were always answering my text messages, my emails, and calling me back about it. And they told me that if I ever needed any other assistance to always reach out.”

Never having done mediation before, Tiffany was understandably confused when the district court referred her to mediation, and she received a call from the mediation center’s case coordinator:

“The court never told me that I was going to be dealing with someone to help me through it, so when the center contacted me, I was a little confused. And then the case coordinator broke it down for me, why they were calling me, and that they were there to help me through it all. They put me at ease because obviously I was a little confused and I was nervous about what was going to happen, but they reassured me that everything was going to go well and that they were going to work with me throughout the whole court case.”

Although the case coordinator and mediators worked to inform Tiffany about mediation and allayed her concerns during the difficult process of facing an eviction, Tiffany expressed feeling pressured to reach an agreement with the landlord and the landlord’s lawyer. The mediators laid out Tiffany’s options before her— “In mediation, the mediators told me what my options were, and what could happen if I did leave and everything else”—but she felt that she needed to reach an agreement so that she could stay in her apartment.

Tiffany, a single mother of two children, lost her job when she had a high-risk pregnancy. She filed for unemployment and started to fall behind in rent while waiting for the unemployment checks to arrive. As soon as she missed her rent, the landlord instructed her to apply for RAFT. She applied and, in her words, “waited and waited and waited and waited” for a response, which when it did come, was to inform her that she had been denied. Scared that she would be kicked out of her apartment with her kids, Tiffany used all her unemployment checks toward her rental arrearage. Although she was on track to paying off her debt, the landlord pushed through with eviction and took Trish to court, where she then got diverted to mediation.

In the mediation, sitting across from the landlord and lawyer, Tiffany felt that she was able to negotiate with the help of the mediators to push back the start date of the payment plan by a few months. She agreed to a payment plan and to covering the landlord's legal fees. If she misses one payment the landlord will automatically file for a 14-day notice to quit. Asked if she felt pressured to reach an agreement, Tiffany responds, "Yeah, I did. At that point, I didn't know what else to do because I couldn't financially move with my kids, nor did I want to bring them into a nasty shelter with a whole bunch of problems. So, I just sucked up my pride and agreed to it, just so I know that I have a roof over my kids."

Six weeks after the mediation, Tiffany went into pre-term labor. She now lives in the same two-bedroom apartment with her three children and has just recently been cleared to return to work. By her account, the conditions of her apartment and of the whole building are dismal. Outlets in her children's room do not work and the children have to sleep in the heat without air conditioning. The landlord is slow, if not unresponsive, to the tenants' calls for repairs. Rodents infest the building, "gnawing at the floorboards to get into the apartment." Black mold grows on the windows, which poses a serious health risk to Tiffany's infant and two asthmatic children. Tiffany expressed fear to call inspectors worried that the landlord would retaliate. Tiffany did not feel that she could bring up these issues during the mediation out of concern that she would have nowhere else to go.

With an eviction on her record, Tiffany now feels "stuck in the same spot":

"Now I feel like I'm going to be stuck in this apartment on a third floor with three kids in a two-bedroom forever, because once they see an eviction on my record, I'm not going to be able to go anywhere, even though I was never evicted."

Tiffany remains hopeful and shared that she was considering reaching out to the mediation center to get help on how to approach the landlord about the unit conditions. Cleared to work and having recently completed her CDL training, she is hoping to start earning money and look for another apartment, although the current housing market does not look promising.

Clarissa's feedback (lawyer for property managers)

The lawyer, who only represents landlords, uses the Housing Mediation Program only when directed to do so by the judge: "It wasn't voluntary on my part, the court suggested it." The lawyer's approach to mediation is to represent the client and do all the negotiating at the table. Overall, the lawyer is satisfied with the HMP and finds that the mediators are professional, neutral, do not exert any pressure, and do not overstep their

bounds by providing legal advice to the tenants. The lawyer, however, finds the quality of the mediated agreements that the mediators prepare to be lacking:

“The agreements are not necessarily very good quality, the agreements they [the mediators] prepare, I have to say. The problem is they want to do these very folksy agreements without any teeth in them. When I go to mediation, if my client is going to agree to let the tenant pay over the next year, I want provisions in there that, if they don’t comply, we can go back into court on a motion to get the execution. They [the mediators] resist that type of stuff...they want to make it too, like, ‘Ok, I’m going to do this, you’re going to do this,’ but with no ramifications if they fail to do so.”

When asked how the lawyer amends the agreement to include the desired provisions, they said that is where they experience resistance from the mediators. To overcome mediator resistance to amending agreement language the lawyer said they exercised the option to not continue with mediation. Seeking an agreement that will benefit their client, the lawyer insists on inserting provisions in the event the other party fails to uphold the agreement.

Jaime’s feedback (landlord)

Jamie, a landlord, had no issues with mediation “per se.” She found the mediators to be professional and she was, after all, able to reach an agreement with the tenants, even if the tenants, in the end, did not hold up their end of the bargain by continuing to refuse to pay past rent owed. Interested in receiving RAFT money, the landlord agreed to participate in mediation after being told by a housing advocacy agency that mediation was a necessary step toward getting the financial assistance. Feeling frustrated with the tenants’ lack of responsiveness, Jamie does not feel that negotiation or mediation is the best way to resolve housing issues when tenants have no intention of upholding their end of the agreement. At the time of interview, Jamie is working with lawyers to recoup her rent.

Jack’s feedback (landlord)

Housing mediation was a big help to Jack, a landlord, who thinks that “everyone should do mediation.” The tenant of three years had fallen behind in rent and Jack needed to pay his mortgage. He was preparing to evict the tenant but waited while the tenant applied for RAFT. An employee at the RAA referred the tenant to the Center for housing mediation. Jack was impressed by the mediator and the mediation process: “The mediator was very informative, very professional...I don’t think we could have gotten to an agreement without the mediation. The mediator was unbiased; they didn’t pick a side. In court, tenants always get the right of way. Having the tenant there helped, too. It worked out better than I expected.” Jack also feels that communication and the relationship between himself and the tenant improved because of the mediation. RAFT approved the tenant’s

application and because the rent owed is below \$10,000, RAFT is likely to cover the entirety of the rental arrearage. For Jack, however, mediation was about more than getting an update on a RAFT application: “Mediation was more about understanding why the tenant fell behind [in rent]. It made me look at things from a different perspective. The mediator was asking the tenant questions and I was realizing that the tenant is only making a certain amount a month, and doesn’t have work, so it made be a little bit more understanding and it made me let my guard down because I understood the situation. And the tenant saw that I was understanding of her situation.”

Cindy’s feedback (property manager)

Cindy works for one of the largest property management companies in the state, so she deals with a large volume of tenants and many cases of tenants defaulting on their rent.

She rates her experience with the housing mediation program very highly:

“It’s been great. With COVID, the whole moratorium led people to believe they didn’t have to pay their rent, so we had people with really high balances. So, when it came down to doing the eviction, they were really afraid to talk to us. But, once we got to court and used the mediator, it made things a whole lot easier.”

Cindy also appreciates the assistance from the case coordinator for their help with “getting a RAFT application submitted or finding out if there was one.”

With the Eviction Diversion Initiative, Cindy expresses gratitude for the expansion of access to housing mediation, noting that prior to the pandemic the district court where she takes many of her eviction cases did not have a mediator. Since the pandemic, however, the district court started using a housing mediator.

On the benefit of using housing mediation as opposed to going before a judge, Cindy reflects:

“You are able to talk out. You are able to get a resolution before it gets to the judge, and you can just dismiss it. You’re not wasting all this money paying attorneys. We pay attorneys to go to court. So, it cuts down on the cost if we can go to mediation, talk it out, figure out a solution, and dismiss it before it even gets to a judge. It’s best for everyone.”

As a property manager, she sees the value of housing mediation for her tenants:

“I feel it is beneficial for the tenants because they get an opportunity to tell their side without being intimidated by being before a judge. It’s easier for them to talk it out, to understand what even works best for them, like, can they even afford to stay there?”

Getting an end-date if they can't afford to stay there, like, when can they move out? Those are the kinds of things that you talk about in mediation. So, I feel like it works for them.”

When asked how she sees housing mediation helping tenants preserve their occupancy, Cindy emphasized the tenant-friendly laws in place in Massachusetts and feels that the legal environment sways the mediators to lean toward supporting the tenants, while acknowledging that the mediators help to address the power imbalance between landlords and tenants, especially when tenants come with lawyers:

“I see it [i.e., the connection between housing mediation and tenants preserving tenancy] as in there's a neutral party, but Massachusetts is still a tenant-friendly state, so I don't care how neutral they feel that they are, they always kind of lean toward helping the tenant understand... especially when we come with lawyers, right? So, I feel like it makes the tenant feel a little bit at ease in that sense. They're not, like, they actually do have someone on their side.”

Cindy, who is overall positive about the Housing Mediation Program, appears to think that mediators may perceive her property management company as possessing sufficient resources to waive tenants' debt as a way of reaching an agreement:

“I love the housing mediation program. It makes the tenant feel like they have someone on their side. However, I do wish mediation could understand that, yeah, you might have a big company coming in, like us, and you may think that we all of this money, millions of dollars, but we have more than one tenant that is doing this to us, so it creates a whole...we had a tenant that took advantage of that moratorium, and took advantage of the court process, and two years later, as of last month, owed us \$60,000 in rent. So, you know, I wish they [i.e., the mediators] could be a little more, like, 'yeah, you probably need to pay, or you should probably go.' Give good advice. The tenant I had yesterday, the mediator was trying to get us to waive the \$7,000 off the tenant's bill and get the judgement for \$5,000. Why would you even think to ask a landlord to do that. But what can you do?”

The recent reduction in RAFT assistance also appears to be having an impact on the outcomes of mediation. Cindy recounted a case from just the other day (July 2022) in which the tenant owed \$12,000 in rental arrearage RAFT covered the maximum \$7000 but would not disperse the funds until an agreement had been reached with the property management company or the tenant agreed to pay the remaining difference of \$5000. The tenant did not show up to court and the company could not honor the RAFT application. In another case, however, the tenant owed only \$8,050 in rental arrearage, RAFT covered

\$7000, and the tenant promptly came into the office to pay the remaining difference of \$1050.

Cindy does assist tenants with RAFT applications and contacts them before starting the eviction process. She utilizes housing mediation only when the parties are in court. She does not use housing mediation as an upstream intervention in part because she seems to think that such a service would come with a fee. If she can resolve the issue on her own, with the tenant, then she will not pursue eviction; otherwise, if tenants are nonresponsive, she files for eviction and then prefers to go to mediation.

Parties who did not participate in housing mediation, but who received services from HMP staff at a Center

Rick's Story (tenant)

During the pandemic, the property managers of a multi-unit building raised Rick's rent. Thinking it was against the law to raise the rent during the pandemic, Alan chose not to pay the rental increase. At the end of the year, however, Rick settled up with management. The following year, management contacted him again telling him he owed more money. This time, Rick went to the office with receipts and bank statements showing that he had paid all his rent in full. Management apologized. Then, in January of this year, management raised rent again, which Rick paid. In March, management sent another letter to Rick stating he owed \$550 in rental arrearage, which was quickly followed up by a letter from the management's lawyer with a 14-day notice to quit.

According to Rick, though new to town, he had gotten to know people on city council, and gets to meet people around town at work events. So, when he found himself in this situation with his building's management, Rick asked around about what he should do. Someone on city council recommended that he to talk with someone at the local mediation center:

"I was told to talk to someone...who deals with mediation...I was told to talk with them first, and basically, they talked me out of having a mediation, because they said, 'You know, it's not really worth it. You're going to have to talk time off, you're going to have to pay a fee. Nine times out of ten, they don't settle these cases, they don't,' uh—I don't remember their exact words—but their advice to me was because it was only \$500, not \$2500, just to pay it."

Rick continues:

"They were not helpful. They did not look through any of my receipts or anything. And they say, 'Do you really want to fight these people? It's only about \$550? Why don't you

just pay it? Do you want to take time off from work, you know, and lose pay, and you may lose the case anyway?”

Rick thought it over and agreed, recounting, “I said, ‘You know what, [name redacted], you’re right, I’ll just pay him.’ So, I did. But I didn’t owe that money. So, I paid up the five hundred dollars. I still have all my receipts to prove I don’t owe them. But I don’t have time to fight these people. I’m working too much. I don’t have time to take a day off to fight these people. But I had time to take off one day to meet those people at court.” Reflecting further on his interaction with the mediation center, Rick said, “It might have been decent advice. I felt that they were right in some ways.” Rick had started a new job and was in the probationary period, so keeping his job was the most important thing to him at that moment, and he did not want to ask for another day off from work to deal with his issue.

Before going back to management to pay the money, Rick tapped into his network again to speak to a lawyer friend of the family who advised him to draw up a letter for management to sign stating that after paying the \$550 he owes no more money.

Management has not bothered Rick since, but Rick says that there are many other issues with management—and he’s not alone. Others in his building have been having issues with management, and Rick has passed along what he has learned to others: “People don’t always know who to speak to or where the resources are. I have shared some of this info with other people in the building because they’ve had problems with management, too.”

Management does not give more than a day’s notice, sometimes less, before entering tenants’ apartments. The garage door is broken, and intruders have entered the building through it. A neighbor had her medication stolen and management has refused to hand over surveillance video to the police. “It’s a security issue,” Rick laments.

Rick wishes he could live somewhere else, like Boston, but rent is too high.

Matt’s Story (tenant)

Sometimes when a participant responds to a call to participate in an interview with the evaluator(s), they are still in the middle of a housing crisis, and they are more interested in trying to find help (or figure out why they are not receiving the help they need) than in providing feedback about the HMP. This was the case when Matt answered the evaluators’ phone call. “I am trying to keep a roof over me and my son, trying to get things done, it’s not fair,” Matt lamented. He shared that he was trying to find an apartment so as not to end up homeless. When asked if he had participated in a housing mediation, Matt responded that he had lost phone service (or was in a location where

service was poor) and so was not able to join the mediation remotely. He said that he tried reaching out to the mediation center again, but his calls were not being returned: “It’s kind of rude. I am in desperate, dire need here. The mediator, I don’t ever want to deal with them again. The case coordinator was great, but they are not taking my calls anymore. I don’t know what happened. I always wrote good things about them, and I don’t understand why I am getting stonewalled.”

Melissa’s Story (tenant)

Melissa and her husband, along with her cousin who shared the apartment, were worried when they did not receive a renewed lease from their landlord. Shortly after, they received a notice to quit in April and were expected to move out by June 1st. Melissa visited the housing authority to apply for emergency housing. She was also given the number of a mediation center. Melissa called the mediation center because “I was looking for information on what to do and how to proceed, and they didn’t have any of that, because they basically aren’t allowed to take sides, or do anything, they can’t even give any advice.” So, Melissa turned to her brother-in-law for advice because he was a landlord and had handled evictions, and he advised her to deal directly with the landlord through a letter asking for an extension on the move-out-date. The landlord replied, agreeing to push the move-out-date to August 1st. Melissa called the case coordinator back at the mediation center to give her an update.

Melissa and her husband are both retired, living off their pensions and social security. Their rent doubled in just the past two and half years and were priced out of the market. They waited and waited on a response about emergency housing. They also applied for housing in Illinois, close to where her youngest son and daughter-in-law live with her grandchildren. They were able to find a more affordable apartment and plan to move out of state by August 1st.

During the months as all of this unfolded, Melissa and her husband applied for ERAP and “called and called, but never got through.” “Housing, RAFT, and all those agencies are a trip,” Melissa laughed exasperatedly. By the time staff managing ERAP eventually returned her call, Melissa had already made the decision to move out of state. “Three people [in the ERAP program] told me that if I was moving out of state, then they couldn’t do a thing for me.” Recently, right up to her moving date, Melissa received an email from the ERAP program informing her that she is eligible for financial assistance to help with moving and with covering the first and last month of rent at the new apartment in Illinois. Her cousin, who decided to stay, finally heard back from the housing authority three months after applying for emergency housing that she did not qualify. At the time of writing, Melissa and her husband are packing to move to Illinois and trying to figure out the assistance from ERAP on their own, and the cousin is moving

forward with the eviction process while trying to find housing in Massachusetts. It was not clear whether her cousin would reach out to the mediation center.

Shannon’s Story (landlord)

Shannon, a landlord who rents out an apartment in her house, had trouble with the tenants as soon as they moved in three years ago. Among the many issues she had with the family upstairs, getting them to respect quiet hours in the evening was the main concern that drove her to file a notice to quit. Before that point, she tried to find mediation services but for whatever reason she never found anything until one day an acquaintance pointed her toward housing mediation at a Center. “I even looked into getting trained as a mediator myself,” Shannon mused. Shannon was exceedingly grateful for the assistance the mediator provided, especially at a moment in the conflict where she was on the brink of evicting the tenants:

“The situation, when we finally found a mediator, was such that I was ready to shut off the utilities and abandon the building. I was so done. So, from that, the mediator was able to convey to me the options of how a temporary agreement might help me—because in the beginning I was like, how is a temporary agreement going to help me? —and they were able to convey my concerns very seriously to the family. And, I think pretty importantly, they were—from a knowledge of the housing process—able to convey to them how deeply at risk they are for homelessness. I gave them a notice to quit for August 1st and like I could go any day. I could lose my temper and go down to the courthouse and they would be in really deep trouble. I feel like the mediator understood that this was not like family therapy. This is just developing a temporary agreement and I feel like they did a really good job of talking me down off my really heightened emotions and rage and it’s been very, very quiet. The tenants did understand a lot of what I was saying because they have complied with the temporary agreement which was mostly about noise going on during quiet hours. [The situation] is still precarious because it is not a long-term situation, but it has talked me off the ledge of not escalating to the next step of eviction... “Without the help of the mediator, I absolutely would have gone to court [to start the eviction process] because there was no way to talk to the tenants.”

The tenants never failed to pay their rent. The landlord-tenant dispute had nothing to do with rental arrearage, and everything to do with communication and relationship. The landlord was impressed by the skills of the mediator:

“The mediator had both the grounding in the law, how the courts work, how vouchers work, and understood that this was really about getting people to hear about their own bad behavior, and they got through. I appreciate it. I was ballistic, one minute away from going down to the courthouse. The mediator was able to take my extreme emotions and turn it into something practical. I felt so hopeless. That the mediator could see that there

was a solution that they put forward to both sides—that’s really precious, that’s not something that just like a friendly person could figure out. That really took skill.”

Additional Testimonials from Clients who received assistance from Centers without going to formal mediation:

Tenants

“Well, I think first, of all, [mediation center], from the very beginning, was responsive. They responded right away, and that's super helpful because then you know that-- and I think it was even on a weekend, or it's been late in the day, they would respond right away, which was so helpful because when you have a problem on the scale of housing, which is huge, right, it's like your life, your whole life is sort of hanging in the balance, right, it's so great to have someone who really cares. You could tell they really, really care and really want to help. So that's phenomenal, first of all, their response.

And then when they did respond, it was like everything was very clear and direct and helpful and, ‘I can do this for you,’ and just helping me navigate. This was a huge help, just navigating all of the rent assistance things that I didn't even know were available. I forget how I found [the mediator], but once I got to [the mediator], they just helped me navigate all of the ERAP and RAFT and all those things. You have no idea what they are. And you're like, "Well, this is the same thing? Are they the same thing, or, well, they're not? Yes, they are," [laughter] that kind of stuff. And then all the different applications. And then once I would contact them and say, "Well, I haven't heard back from them." And then they would get in contact with them, and then they would get back.

I mean, they were a really great facilitator, I guess, would be the word for making it happen. I don't know. [laughter] For a facilitator for me gaining access to rent assistance. And also, I was struggling with my landlady... So [the mediator] was there just to listen, number one, to what I had to say. And then number two, they offered to mediate, which I never did because I thought it best because no one likes my landlady, and they’re the neighbor. So, there's sort of no mediating with her [inaudible], [laughter] not rational. So, I felt it was better just to leave it until something blew up again when and if it did. But they were there. They offered to help. And I felt as if they were going to be there. You know what I mean?

[The mediation center] did do some mediation between me and my landlady because what happened is - now I remember - when I received the rent assistance, it was paid directly to the landlady. And she didn't tell me that she had received a check for the rent. She didn't tell me when it came in. And then when that month came due, which was a couple of months later, she said that I owed the rent. And I said, "Well, didn't you receive the rent for this amount?" And she's like, "No." So, I went to [the mediator], and I'm like,

"[the mediator], they say this money, at some point, didn't she receive it?" because we saw the approval letter. And so [the mediator] checked it out. And they called my landlady. And my landlady told them, oh, she had forgotten that she got the check. And there were two checks that she had forgotten about that I didn't know that she'd gotten. So [the mediator] really helped in that one, straightened it all out, what really was owed, nothing, and how it all fit into the months and stuff."

"I was late for my rent due to COVID, and I have two special needs kids, and my job doesn't pay enough for me to cover my rent. When I was in court, the mediator was there for me. They helped me out until I got the money (RAFT), and my back rent is all paid in full. The mediators, they fight for me, they fight for me."

"It was great [my experience with the Center] --it is a great experience instead of going through the process [in court]. The mediator gives their whole attention at all times, and you can't put a price on that level of service."

On receiving assistance with accessing RAFT:

"They sat down, took me through it, made sure that my communication with the RAFT folks was up to speed. They did follow up for me because I couldn't get through to them; they reach out to them and get the information, so I could get back in touch with the rental people to make sure that they're not having any technical difficulty. I mean, they were on point at every step of the way."

For reasons unknown to the tenant, she got kicked off her SSI benefits. On top of that, she was battling cancer. After 30 years in the residence, she fell behind in rent. The landlord reached out to her to ask why was struggling to pay the rent. On her own initiative, the tenant went to a local nonprofit whose mission is to help struggling neighbors and learned about RAFT. She applied, but the landlord was reluctant to participate. That is when the nonprofit referred the tenant to the local Center because the friction between the landlord and tenant was holding up the RAFT application, which risked bringing the tenant closer to eviction. The tenant reported that the mediator served as a "go-between for me and the landlord, because I was really upset, I was coming up to end of my lease and I knew the landlord would not renew it because I'd been having trouble paying the rent and I really, honestly, didn't have any place else to go." An administrative issue resulted in a delay in the financial assistance from RAFT getting dispersed to the landlord, so the landlord issued a 14-day notice to quit. The mediator was able to speak directly with a contact in the RAA to inquire about the application and have it resolved. The mediator also informed the tenant about ERAP, for which the tenant applied and received an additional 18 months of rental assistance. Heading into a surgery to address the cancer, the tenant was relieved to have the housing issue resolved. The

tenant had felt embarrassed to fall behind in rent and it led to her avoiding the landlord; the mediator was able to help facilitate dialogue while also checking on the status of the RAFT application and connecting the tenant and landlord to additional rental assistance through ERAP.

Landlords

“My experience was amazing. I got help that I didn't expect. I was in tears when I called [the mediator/case coordinator]. My God, I was in tears. The tenant was so abusive, disconnected communication, blocked my calls. And they talked to him, and my rent is being paid although I still have big problem with the tenant. But on the side of the assistance from [the mediator/case coordinator] was amazing, was amazing. Yeah. It was really amazing because we both had respect for them, and the tenant also was very respectful to them because they were going to help pay for his rent. So, there was a real breakthrough, and I am very, very appreciative.”

The mediator also helped with the RAFT application:

“That experience, [the mediator/case coordinator] made it so easy for me. I'm not very, very learned. And I really needed help, any help that I could get. And the mediator/case coordinator] really helped me. They went way over beyond to help me to type out. I would give them the information, but they would [inaudible] on my behalf. I was very, very happy. And they followed it [the RAFT application] up to the end. They did follow up to the end.”

Comments on the Housing Mediation Program:

“The program is really, really amazing for people who are genuinely in trouble.”

Stories of clients receiving assistance without mediation as told by Center HMP staff

In this story, the mediator assisted a tenant with submitting paperwork to RAFT because the tenant had barriers to accessing technology.

“So, there's one tenant. she came to us through a referral from others. She didn't have a vehicle, she didn't have a job, and she worked for hotel housekeeping before and then was never asked back. So that one, we helped her on a Saturday and at one point I asked her, ‘You know, I can just send you the link and you can apply.’ And she said, ‘I got to go to the library.’ I said, ‘Why do you have to go there?’ She said, ‘I sold everything. I sold my laptop to pay for everything. So that when we already submitted, and I will actually reach out—this was this past weekend—so we'll reach out to the landlord to have the landlord upload their part of the documents soon.’”

This story, like the previous one, highlights helping tenants who face barriers to navigating the bureaucratic system of obtaining documents or filing applications, a seemingly small but significant support that results in tenants being able to maintain their housing:

“The other tenant I also helped over the weekend is, you know, he's a night shift security guard. So that's the only time and we make time to and then he doesn't have a computer. And he needed help to apply and had some issues with the landlord, who is at a complex where I worked on multiple other cases. And it was also referred by the management to us. It was not in court, actually, it was in housing court that we had nothing to do with it. So, we helped with that. And then he needed a Social Security letter to renew the lease and Social Security office never called him back to schedule an appointment because COVID, you cannot just walk in. He kept telling me, ‘See, this paper. This is how I got it last time. I just knock on the door.’ I'm like, ‘You can't knock on the door anymore because they won't let you in without an appointment.’ And nobody calls him back to schedule the appointment. So, I was able to help him to download his benefits letter and so he can submit it to the landlord for renewal of his own lease.”

In this third story, the mediator was able to resolve an issue not between the clients but with the status of a RAFT application:

“And the other story, the third story, was about a Portuguese speaking lady, the tenant. Both the landlord and the tenant thought they got approval letter in April, but never got any payment. And they reached out to us through [a community-led agency], and we were able to use the contact we have, we work with through MOPC as well as [RAA] to track it down and then update with the new ledger and, boom, like within the day, everything just kind of approved and everyone's happy. All the pressure's gone and the case is in a happy place.”

Case coordinator's assistance without mediation helped to resolve a housing case

There are ways in which a case coordinator may help support the resolution of a housing case short of mediation. For example, Part of the case management process involves the mediation center speaking with both parties about mediation to help them decide whether they want to mediate. At times, in speaking with the mediation center, parties can gain insight into the conflict and in doing so decide that they want to resolve the situation on their own without the need for mediation. Also, a common issue between landlords and tenants is non-payment of rent. If this is the only issue, coordinators and/or mediators can provide information about rental assistance which might resolve the issue or by speaking to each party individually, the issue may be resolved. One mediator recounts a time when

the case coordinator scheduled a mediation, but the mediator was able to help the parties resolve the issue of non-payment by speaking with each individually:

“She [the case coordinator] already scheduled them for a mediation and I'm like, ‘We're mediating what content?’ And she says, just non-payment. I said, ‘Well, maybe I can have a conversation, do the intake first, and maybe we don't even need to get everybody on Zoom to do mediation.’ When I talked to the lawyer for the landlord first, he was very standoffish. He didn't want to work with us, he said, ‘We already worked with the tenants in the past. And then she fell behind again. This is the second time we can take this to eviction. This is it.’ And I'm like, ‘You know, we can try to get everybody stable. How long have they been living there? And then she goes, well, seven years. ‘Has she been a good tenant all along?’ ‘Yes.’ ‘So, is the relationship worth preserving? Why don't you talk to your client if the client is willing to work together? And then they came back via email saying, yes, my client says they will work with you, but not necessarily, you know, depending on the tenant, per se. I say, that's fine. Let me talk to the tenant. And so, we got all the applications submitted, all the documents all uploaded on the landlord side also as of last night. So, everybody should be pretty happy.”

b) FY22 Case Coordinator Interview Findings

This section provides a synthesis of findings from interviews conducted with 6 case coordinators organized by the interview questions.

1. Can you briefly describe your work as your center's HMP case coordinator and how you see your work supporting housing mediation?

Case coordinators support housing mediation administratively by receiving referrals, screening and intake, scheduling mediation, following up with parties, setting up remote mediation, and reporting, among other administrative tasks. Operationally, case coordinators play a key role in supporting housing mediation. They conduct outreach to raise awareness about housing mediation among the community. In addition to receiving referrals, case coordinators field inquiries from landlords and tenants looking for resources, such as financial and legal assistance. Inquiring parties also seek general advice about how best to resolve their housing issue. As one case coordinator explains, they provide information so that parties can make informed decisions about participating in mediation:

“We make sure everyone has informed consent, like I said. We make sure that people have the resources that they need to know. We make sure people understand the process. We make sure they understand what it is that they're volunteering for before they come into a mediation session and have all the resources. And not just resources, but-- The word escapes me right now. I guess just the knowledge. I don't know if protection is the HMP Evaluation Report, MA Office of Public Collaboration, February 2023

right word. But just make sure they have everything that they need in order to make those informed decisions, whatever that may be.”

Another case coordinator described their role as an educator, educating parties—from landlords and tenants to courts, from roommates and advocates to agents and TPP representatives—about the mediation process. Educating about mediation is far from a rote exercise of elucidating the principles of mediation; rather, case coordinators use tact and empathy when explaining how mediation can be a helpful way to resolve a dispute. According to one case coordinator, landlords make the majority of self-referrals. When the case coordinator reaches out to the tenants, they tend to be apprehensive, worried that they did something wrong or perceive that the case coordinator is calling on the landlord’s behalf. Case coordinators must address that apprehension and build trust through the explanation of mediation. Another case coordinator recounts how some landlords call “at their wit’s end” and “they don’t even want the tenant in their building—whether RAFT can help them or not.” In these cases, fielding inquiries requires active listening and calming emotions to start the referral process and ultimately helping parties prepare to mediate.

Facing staffing shortages and a short list of available mediators, some case coordinators who are trained in mediation also find themselves mediating cases, as well, another way they support housing mediation.

2. Which factors do you think are usually considered by your center when assigning a mediator to a housing case, e.g., availability of mediator, experience of mediator, racial/ethnic origin of mediator, socio-economic class of mediator, gender of mediator, language proficiency of mediator, other?

For the most part, case coordinators consider availability of the mediator as the main factor when assigning a mediator or mediators to a housing case. When mediation shifted from in-person to virtual, some centers lost their mediators, seeing their pool of mediators trained in housing mediation shrink. When possible, case coordinators take other factors into consideration such as language if a mediator is available who speaks the same language as one or more of the parties.

A case coordinator recounted one case where they took gender dynamics into consideration when assigning the mediators. The case coordinator described the tenant and landlord as “both males, a little dominant.” One party came to the mediation with his wife and the case coordinator assigned a male and female mediator, intuiting that the gender balance might help.

3. How has your experience been with receiving referrals to housing mediation as well as referring parties (both landlords and tenants) out to other agencies, service providers, etc.?

Overall, case coordinators report having a satisfactory experience with receiving referrals to housing mediation as well as referring parties (both landlords and tenants) out to other agencies and service providers. There seems to be variation among the centers in terms of which referral source is the main one. For some, courts constitute the bulk of the center's cases, whereas for others, RAAs or housing agencies refer the bulk of cases. At other centers, self-referrals are outpacing other referral sources.

Case coordinators were very knowledgeable and up to date on the status of their respective referral sources, aware of trends and adjusting their outreach strategies accordingly. Outreach strategies involve sending emails, distributing flyers, establishing and cultivating contacts in agencies, speaking at events, and case coordinators reported being in contact with MOPC to discuss outreach efforts. Some case coordinators shared wanting to make inroads with new referrals sources, such as larger property managers and landlord associations. Across the board, however, housing courts remain an elusive partner for the mediation centers.

When appropriate, case coordinators refer out cases to other agencies, such as for legal and/or financial assistance. One case coordinator, however, saw a “drawback” in sending out referrals because often those same parties do not then return to housing mediation because of the assistance they received, especially financial in the form of RAFT, resolved the housing dispute: “I feel like I have guided them with the resources, but then they don't need the mediation...So, I think 99% of the times I have referred, they don't come back to mediation.” In these cases, the case coordinator adds, the main issue fueling the housing dispute was typically financial. Another case coordinator shared a different perspective on their experience with receiving and sending referrals: citing a good working relationship with the local RAA, the case coordinator likes “working in tandem,” and adds, “I like the concept of that circular motion for all the organizations working together for the greater good of the community. I really like that. I have some cases now that I have to refer to legal aid based on our conversations. They don't need mediation. They really need legal help.”

4. Are you satisfied with the level of housing mediation utilization by these agencies?

To this question, some case coordinators respond, ‘yes’ while others say ‘no.’ One case coordinator, unsatisfied with the level of housing mediation utilization, shared that they expected that at some point there would be an influx of referrals. Perhaps when the

eviction moratorium was lifted or when the financial assistance was reduced, then referrals for housing mediation would pour in once the other supports aimed to mitigate eviction fell away. However, that has not yet seemed to materialize. The case coordinator did not have an explanation, just hypotheses, one being a lack of referral system: the housing authority in the area does not send many referrals and staff might not know how to vet cases for referral to housing mediation. Another hypothesis offered: overworked staff processing a high volume of ERAP applications are not going to take the extra step to make a referral to mediation, as the case coordinator explained:

“People are losing their jobs; they can't pay their mortgages. Tenants can't pay their rent because they're not working because of the shutdown. So, it's not really in anyone's control, but I think that's the reality of the situation and how it ended. Right. You could have had 100 applications ERAP, and I'm sure you have more than that [inaudible], now you have 1,000 applications a month, right. And you have the same amount of workers so who's processing all these applications, and then who is taking the extra step to refer them to mediation, especially if the referral process is a three-page referral letter.”

Other case coordinators concurred with this explanation: staff at other agencies are busy processing applications and do not have the time to communicate with the mediation centers. Also, unfamiliar with what mediation is and how it might benefit parties, referrals are not made by agency staff. High staff turnover was cited as another factor.

Of note, one case coordinator observed that with the skyrocketing cost of housing, some landlords are forcing out their tenants so they can either rent at a significantly higher rate or sell their property. Tenants are coming to the mediation center asking for help to negotiate later move-out dates needing more time because of the challenge of finding anything affordable in the area. In these cases, the case coordinator refers the tenants to legal assistance as often the landlord is not interested in mediation.

5. Has your center engaged in outreach efforts that were particularly directed at groups at high risk of eviction, such as people of color/ethnicity (e.g., Black, Latinx, Indigenous, etc.), households with children, women, low-income households? If so, please describe these efforts. How successful are these efforts?

Case coordinators report that their respective centers have engaged in outreach efforts that were particularly directed at groups at high risk of eviction. One case coordinator recounts how they have done outreach to organizations such as the People’s Fund, opioid task forces, and have put flyers in goods bags at distribution sites, as well as reached out to people transitioning out of prison. Another case manager, however, did not explicitly target specific groups for outreach because in their work they have seen how the

pandemic has impacted multiple cross-sections of society. Rather, they try to seek anyone who needs housing mediation instead of outreach to groups based on a specific identity marker.

6. Which characteristics of the population to be served do you think is reflected in the overall pool of housing mediators at your center: e.g., racial/ethnic origin, socio-economic status, language proficiency, and gender.

To this question, one case coordinator responded that the pool of mediators does not reflect the population served: “There are a lot of old white men, old white women mainly.” The center has been intentional in recruiting mediators who speak different languages other than English and has been trying to add to its short roster of mediators dedicated to housing mediation. At another center, the case coordinator believes that the mediator pool is diverse, but the center does struggle to find Spanish-speaking mediators. One case coordinator was inspired by this question to research agencies that serve different populations and did outreach to ten new contacts.

7. How do you describe mediation to parties, especially if they are unfamiliar with mediation? Has your center engaged in outreach efforts directed at tenants in particular? Has your center engaged in outreach efforts directed at landlords in particular?

What have you found to be the most effective way to communicate what mediation is in terms of language / framing / marketing / educational materials and how it can benefit both parties? What has worked? What hasn’t worked?

Case coordinators’ description of mediation to parties is consistent and emphasizes trying to make mediation accessible and understandable to a diverse range of individuals and communities.

One case coordinator frames mediation as a cost-free service to the parties, which resonates with low-income individuals. They also use a reassuring tone to allay any concerns or worries that tenants especially may have about using a service they may have never heard of before at a time of considerable stress such as an eviction. The case coordinator explains mediation to parties “in a way that makes them feel safe”:

“I think once they get it, that makes them feel safe. It makes them feel a lot safer than the court process. It makes it feel like, yeah, they have power in this, but sometimes it takes a while to get them to that place... It's a win-win situation for all parties. It is an option that

they have available to them, so they don't have to go through the courts. That take a longer time. And sometimes your case can be in the courts for a very long time. You don't get to hear anything. So that's usually our pitch when we went to these spaces.”

In other spaces, case coordinators offer PowerPoint presentations on mediation, explaining the main principles, that solutions come from the parties, and that the service is cost-free to parties. This case coordinator, too, found that in explaining mediation to tenants, other concerns and questions arising from their housing crisis also emerged. While presenting to tenants at a housing authority, one case coordinator recounts feeling that what tenants were worried about was beyond the scope of mediation:

“I think I just did the principles, and before I could go into something else, they were so upset that there's no one helping them. They're having so much trouble with the management, and they can't do anything. They're like, "Everyone is--" and literally, I saw tenants were in tears, and they felt like mediation is not going to help, that they need something more has to be done by the management. They said a lot of people have come towards this, but the management just doesn't budge, and this, that, and all that. So, they were just like-- they didn't want to hear anything more about mediation. I just felt they just wanted someone to just sit there and listen to them, their troubles, their problems. I felt after listening to them, it was so much out of my scope that whatever I could do was just talk about this in the MOPC meetings. I told my agency, and something had to be done in a much higher level to get involved to do something, which was way out of my scope. So, I felt that was one place where I felt like even if I spoke about mediation, it was not what-- people would just get up and walk off, and I felt that when I was doing that particular outreach.”

Despite these challenges, case coordinators invest considerable time and energy in outreach and explaining mediation to parties both as a way of educating the public and bringing more parties to mediation to address their housing issues.

8. How do you measure success? Please describe the measures, if any, taken by your center to determine:

Across responses, case coordinators have a broad understanding of success, not narrowly limited to numbers of referrals and mediated cases. One case coordinator defines success in terms of how many people are helped by the mediation center, how much outreach is conducted to raise awareness about mediation and make the center’s services known in the community, how many resources with which the case coordinator is able to connect their client, and how many clients are helped to make an informed decision regarding how they want to resolve their housing dispute through mediation. The same case coordinator regards helping clients access resources as a success:

“Because if people don't need mediation because their RAFT money came through, and now for the next 18 months, their rent has been paid, and then for the next three months going forward, their rent is going to be paid and they have funds for relocation, and they're confident that they're going to be able to start working now because the job market has opened up in whatever field they work in, I consider that a success.”

Again, looking beyond numbers, another case coordinator states that success is not measured by how many cases get mediated, “but it’s about help, how many people get help...if parties can have a conversation about their dispute after an intake call and come to some kind of resolution, that is success to us.” If parties opt to go before a judge rather than resolve their dispute through mediation, the case coordinator regards that as a success because, in their opinion, parties make the informed decision after learning about mediation to pursue a resolution through court. In other words, success is “whatever it is that is in [the] best interest [of the individual], and that’s for both parties.” Echoing the same sentiment, another case coordinator expressed referring parties to other agencies, even if they do not return to mediation, as a success, as long as they are served well and receive the assistance they need.

One case coordinator measures success in terms of personal accomplishments, noting that since starting in the role the number of referrals increased as a result of their outreach efforts. Feeling more confident speaking about mediation and building new partnerships also constituted success for this case coordinator.

- 9. In your role of mediation case coordinator have you noticed gaps in services available to landlords or tenants and if so, what? What steps have you taken (if any) to fill those gaps and has this changed your anticipated role as a mediation case coordinator? How have you balanced your wish to fulfill that need with your Center's role as a neutral non-advocacy mediation center? (e.g.: 1) assistance with filling out forms/documentation 2) providing/sharing information/advocacy 3) assistance with translating/interpretation 4) assistance to parties to address lack of familiarity with bureaucratic systems, lack of technological literacy, inability to access information from housing agencies).**

Rather than see their activities as filling gaps, many case coordinators regard their work as supporting housing mediation without compromising their center’s role as a neutral non-advocacy mediation center. Some case coordinators report assisting their clients with navigating the application process, if needed, without necessarily filling out the application. Others mostly point their clients to resources. Given that there are clients who face barriers to access technology and therefore struggle with navigating the RAFT

application process, some case coordinators offer the guidance necessary to file the application and then follow up on the status of the application. A case coordinator gives the example of an elderly tenant who was unable to navigate the RAFT application process without the guidance of the case coordinator.

To the question of filling gaps, one case coordinator found that the presence of mediators in the court made them the “face” or “point of contact” for parties in need of a resolution to their housing dispute and judges, especially, who want up-to-date information on the status of parties’ RAFT application before making a judgment:

“So, they have this issue, and they see me. I am attending court, so I see these people. The judge gives them our number, so they write [inaudible] on their hands the telephone number. I am the only person from all these people-- they don't have the phone of the court. They know where the court is, but they don't-- the court is foreign and not working towards a solution. They're - how do I say? - not against them per se, but just an enemy, a conflict there with the court. And I am seen as a friendly person, that mediation is there to help you... So listening to what the judge say and sometimes-- so the judge is there and there are several cases there, summary process, and he wants us to have a mediation with the parties, but sometimes he wants us to find out about the status of a RAFT application because the judge is tied up to-- his decision is tied up to, and particularly upon whether or not the result of the RAFT application. So not only the status but the existence of a RAFT application. So, who is he going to go to? We are there in court, we have a face, a name, a number, a contact person. So, the parties look at us. The clerk magistrate looks at us. The judge looks at us and say, "Can you please find out what's happening with their RAFT application?" So even before those people accepted a mediation, we have a task in place that has been asked by the judge in court, and we're not going to say no because the judge is basically giving us-- it's not an order, it's a request, but it's an important component.”

Given this experience, the case coordinator recommends that a staff member from the housing agency attend court as they would be able to provide information about the status of RAFT applications:

“I would say that perhaps it would be great if the housing agency attended court, which was where most of our cases come from, because they should be the face that those people should be looking to and the immediate resource that those people should be seeking... So, if the RAFT person—if the housing agency was at court, and they would go to them, they might just decline mediation altogether, which is detrimental to our services, right, because people don't want to discuss issues. They just want to get the money and get it resolved and not be bothered anymore. Mediation is a much more complex way of dealing with the issue of ‘I'm not paying my rent.’”

The case coordinator stressed, however, to be fair, that this experience is not necessarily representative of all RAAs. With EDI, “there are a lot of moving pieces--mediation, court process, RAFT...and frustration with the process.”

10. Can you share any stories about how your work has had an impact on the parties you encounter, both landlords and tenants, in particular, and/or lawyers? Have you received any positive feedback from other agencies for your services/mediation services? Any other success stories? Any stories that have led to reflections on how services could be improved for landlords and tenants?

One case coordinator recounts two stories in which housing mediation had a positive impact on the parties:

“Yeah, there's a case recently, one where the RAFT application got approved. The landlord learned about mediation from Mass.gov. He called our center and wanted to know more. He was ecstatic, like, ‘I can't believe something like this actually exists.’ So, I got him to fill out an intake. The next day, the tenant filled out an intake. I think that was one of the fastest processes for me because they were both ready. And then in two days, I had assigned a mediator for them. They went into mediation, had a conversation. And then throughout that process, I was checking in with [the RAFT agency] about their case. And so, tenancy was preserved in that particular instance. And he has now three months of stipend. I had another case where the landlord was getting ready to file a notice to quit, and we went all the -- we went all the way up to mediation to help them out. They were not able to mediate. But however, something about the process, I don't know what it was, but just something about the process of the conversation, the communication, coming to mediation, it helped them have a conversation to try to figure out what they wanted to do. So, we've had a number of cases, good outcome.”

Another case coordinator tells a story of how clients who approach the Center to learn about housing mediation or start the intake process, and end up resolving their dispute without going to mediation, but nonetheless the information and initial conversations they have with the case coordinator about mediation seems to help motivate the parties to find a solution:

Q: “And do some of these cases, these problems that are brought to you by landlords and tenants, do they get resolved without going through mediation or before going through mediation? Have you seen that happen?”

A: "I have. I've seen a number of them. Sometimes I've seen just in having the initial mediation conversation between parties, that educational piece, the next time I call them, they're like, "Oh, you know what? We sat down, we talked about it, we figured it out," and it's on one end, it's like, "Whoa, we would have really liked to have this mediation in our records, but I'm glad. I'm glad that you took what was given you and you did something amazing with it and you figured it out." Yeah. So, we definitely have had people that have talked things over with each other before it goes to mediation. So, in some ways, *the intake process is just as essential as the mediation itself*... And some of that is because of their calling, or maybe because they feel like that initial conversation is enough for them to say, "Oh, I think I can go and have a constructive conversation with the tenant or landlord to resolve this issue on their own." or, and "Oh, there is financial assistance available I didn't know about." and okay."

This particular case coordinator believed that about 30% of referrals received do not go to mediation, but have a positive outcome, meaning that the parties find a resolution to the housing issue. The role of the coordinator providing information about mediation process and about resources available to parties—financial, legal, social, etc.—and the intake process, which involves not only gathering relevant information, but also an opportunity to listen to the parties, talk through concerns, answer questions, explain mediation, especially when parties are hesitant or nervous, are equally as important as the mediation itself. The case coordinator added that people in the community see the mediation center not only as a provider of alternative dispute resolution, but more broadly “as a place where they can get help.”

Another story illustrates how the case coordinator, by emphasizing how mediation is an opportunity for both parties to discuss their concerns and interests was able to motivate the landlord and tenant to talk to one another when before they had not to resolve their issue:

“[They] didn't go to mediation, but I had only talked to both the parties, just communicating. They were not communicating with each other. I tried this thing, but they just didn't want to sit face to face and do a mediation. They didn't want to do that. And then I was like, "Okay, you tell me what is going on." When I told the other person what they said, they said, ‘Oh, that is what is going on? Why didn't they just tell me?’ And then they were fine. They were like, "Okay. We will work it." And then she was so happy that she talked to us. She was like, "I'm so happy that you talk to us about it, and we could get this resolved. I'm going to definitely refer you to anyone who is in need with any housing situation." So, I felt like I did make an impact there, even if it didn't go to mediation. But if someone felt that they could refer someone back to me, that something has worked out, I was there for them.”

Appendix C: Survey Results

FY 2022 HMP Party Survey

Q1. Centers and mediation participants:

Based on mediation case number identifications, 11 surveyed respondents participated in housing mediations from four Centers under the auspices of the Housing Mediation Program (HMP).

Q2. Description of parties:

Out of the 11 respondents, 6 (55%) were tenants and 2 (18%) were landlords/property managers. 3 were lawyers representing landlords. 27% or 3 of the respondents were lawyers representing the landlord side.

Q3. Clarity of information about mediation:

The 11 surveyed individuals were unanimous about the clarity of the information they received about mediation.

Q4 & Q5. Awareness of legal rights at mediation:

Most respondents (9 or 82% of 11) indicated they were aware of their legal rights when mediating. The two respondents that did not indicate they were aware of their legal rights when mediating indicated that they did not have a lawyer, and therefore, did not know all their rights, but felt that the process was fair and that the mediators were fair in helping parties resolve the conflict. 8 of the 11 respondents professed awareness of the other party's legal rights.

Q6. Receipt of housing counseling and financial assistance information:

7 respondents acknowledged receiving housing counseling or information about financial assistance. The remaining 4 respondents were not recipients of such services.

Q7. Mediator assistance:

All 11 surveyed individuals were pleased with the assistance they received from mediators. Mediators' listening skills were acknowledged by an overwhelming majority of the respondents. Large majorities also appreciated mediators' help with identifying and clarifying issues, enabling parties to voice concerns and make their own decisions, and with generating ideas and options. Respondents also recognized that mediators assisted with generating new information and helped parties be open to alternative solutions.

Q8. Process satisfaction:

Respondents approved of the mediation services they received. 82% of the 11 respondents were satisfied with how their problem was handled, indicated that the mediation process was fair to them, and were satisfied with the outcome.

Q9. Comments about mediation experience:

All comments from respondents were positive either about the mediation process or the mediators. The following sample of comments typify respondents' reactions to the mediators:

“[Mediator’s name] did a great job and kept us up to date and informed the entire process.”

“[Mediator’s name] and [their] staff were very professional, understanding, and super helpful. I would recommend mediation to anyone having to go through the court process.”

“I feel that [mediator’s name] and [their] staff, were very professional and understanding, very helpful. I’m glad that the mediation went so well. It was much better than having to go to court.”

“[Mediator’s name] was excellent.”

“[Mediator’s name] was amazing. As a tenant, I wasn’t sure how to proceed, and [they] made me feel safe.”

“[Mediator’s name] is terrific. [They] are professional, listen to both sides, and are creative in crafting solutions.”

Q10. Housing counseling and financial assistance information:

About a third of respondents (27% or 3) found the housing counseling and financial assistance received useful during mediation whereas 73% (or, 8) did not receive housing counseling or information about financial assistance.

Q11. Legal advice or representation:

A sizable proportion of 11 respondents (73%) did not obtain legal advice or representation during mediation. The other 3 respondents (27%) did receive such legal assistance.

FY 22 EDI Mediation Partner Survey

There were 48 responses to this survey.

Q1: Please identify your agency

21 respondents (44%) identified as an RAA, 16 (33%) as an HCEC provider, 10 (21%) as a TPP provider, and 1 (2%) as a COVID Eviction Legal Help Project.

Q2: What role do you play in your agency – case worker or agency leader

29 respondents (60%) identified as a caseworker, while the rest (19, or 40%) identified as an agency leader.

Q3: My agency provides the following services as part of the EDI.

The top three services provided by EDI partners were financial assistance (e.g., administer RAFT and/or ERAP) (72% of agencies); housing stabilization case management (61% of agencies); and Housing Counseling and Education (55% of agencies). To a lesser degree, agencies convene EDI partners (22% of agencies) and provide Tenancy Preservation Program (TPP)-upstream services (17% of agencies).

Q4: Do you (or your agency) refer cases/clients to community mediation for housing mediation?

Most survey respondents skipped this question (30 out of 48) The vast majority of respondents (17, or 94%) responded yes, while 1 respondent answered no.

Q5: Which Center(s) does your agency make referrals to?

All community mediation centers listed on the survey were selected by respondents as centers to which their agencies make referrals. 40% of respondents selected Berkshire County Regional Housing Authority and MetroWest Mediation Services, respectively, and 26% selected Mediation Services of North Central Massachusetts, Middlesex Community College Law Center, and North Shore Community Mediation, Inc, respectively. All others were indicated by either 13% or 6% of respondents.

Q6: Whom does your agency normally work with at the Center?

The majority of respondents (10, or 67%) stated that they work with the mediator when working with the Center. After the mediator, 5 (or 33%) respondents indicated that they work with the case coordinator and 4 (or 26%) said that they work with the intake worker.

Q7: Please indicate how your agency works with your local Center.

EDI partners work with their local community mediation center in the following ways:

- 10 respondents (67%) said by making occasional referrals
 - 7 (46%) by making regular referrals
 - 6 (40%) through regular meetings
 - 4 (26%) through regular calls and conducting joint outreach activities,
- respectively

3 (20%) by participating in joint events
 1 (6%) indicated 'other'

Q8. If you would like to strengthen your agency's working relationship with your local Center for housing mediation, what would you need?

Just over half of respondents (9, or 56%) stated that they would need help with "concrete examples for case referrals" to strengthen their agency's working relationship with their local Center for housing mediation.

Half of respondents indicated that "orientation for staff about mediation" would be helpful to strengthen their agency's working relationship with their local Center for housing mediation.

37% of respondents stated that "clear reporting lines/point of contact" with the Center would help to strengthen their agency's working relationship with their local Center.

And a quarter indicated that "more information about mediation" would be helpful.

Q9: How often does your agency receive referrals from Centers?

Respondents' answers vary: 31% say occasionally; 19% say rarely and another 19% say never; 13% say frequently; and just 6% says always.

Q10: How would you rate the level of the relationship between your agency and Centers?

Over half of respondents rate the relationship between their agency and Center as good (56%, or 9). 19% (or 3) rate it as excellent, and 12% (or 2) as fair. Only 1 respondent rates the relationship as poor.

Q11: What could the Center do to strengthen the working relationship between you to better serve landlords and tenants?

62% (or 10) say that "more information and outreach about mediation to tenant serving groups and organizations" and "to public housing providers and similar organizations" are needed, respectively. 56% say that "more information and outreach about mediation to landlord associations and similar groups" is needed.

Q12: Describe any informal conflict resolution approaches your agency employs with landlords and tenants to support housing stability.

Respondents provided the following answers:

“Most often our informal work centers on collaborative meetings with housing providers, tenants and their legal services representative and us in TPP to try to stabilize housing problems. These occur on an intermittent basis in addition to formal court hearings.”

“Payment arrangements, mediation, for no cause eviction a suitable timeframe to vacate.”

“I am often getting on calls to have the conversations that are specific to the tenant and landlord, utilizing program guidance to maneuver win/win outcomes.”

“I would directly speak with both tenants and landlords to assist/guide with resources in hope to stabilize tenancy.”

“TPP provides full case management for eligible participants through early intervention, by offer solutions in lieu of court mediation. If we can help apply for funds or provide the missing services to help sustain the tenancy, the landlords are generally amenable as long as they know their funds will be recouped or the client will limit behaviors causing issues with their tenancy.”

Q13: Which Center(s) do you make referrals to?

Berkshire County Regional Housing Authority - 36.84% (7)
 Community Dispute Settlement Center - 10.53% (2)
 Collaborative Resolutions Group – 0.00% (0)
 Family Services of Central Massachusetts - 15.79% (3)
 Greater Brockton Center for Dispute Resolution - 0.00% (0)
 Martha's Vineyard Mediation - 5.26% (1)
 Mediation Services of North Central Massachusetts - 0.00% (0)
 Metropolitan Mediation Services - 21.05% (4)
 MetroWest Mediation Services, INC - 15.79% (3)
 Middlesex Community College Law Center - 0.00% (0)
 North Shore Community Mediation, INC - 15.79% (3)
 Other (please specify) - 10.53% (2)

Q14: Whom do you normally work with at the Center?

Over half of respondents (10, or 53%) stated that they work with the mediator when working with the Center. After the mediator, 8 (or 42%) respondents indicated that they work with the case coordinator and 5 (or 26%) said that they work with the intake worker. Only a few, 2 (or 10%) indicated the executive director.

Q15: What are some of the reasons why you make referrals to your local Center for housing mediation?

The main reasons are to “reduce landlord-tenant conflict” (79%) and “improve landlord-tenant communication” (68%). Other reasons are to “increase the speed of resolution,” “address other landlord-tenant interpersonal issues,” and because “amount of funding available for tenant arrears won’t cure the arrears” (42%, respectively). Another reason is “for education about the mediation option.”

Q16: What are some of the reasons why you do not make referrals to your local Center for housing mediation?

The main reasons are “because the issue is a legal matter” (42%) and “because landlord-tenant conflict is low” (31%). Other reasons are “because landlord-tenant communication is high” (16%), “because I do not have time to refer cases to mediation” (10%), and “because I do not know how mediation can help” (10%). Respondents also offered other, specific reasons:

“Housing Court has their own mediators. Anyone in housing court will utilize this.”

“Amount of funding available can resolve the arrears crisis.”

“Clients do not want to risk escalation to mediation as they worry it will make the landlord mad.”

“Clients/landlords are not interested in being referred to mediation. They understand the funds are a resolution to all issues.”

“Both parties do not agree to participate so we are unable to proceed.”

“Being a TPP provider we use the Housing Court mediators for landlord tenant disputes.”

Q17: To what extent do you agree or disagree with this statement: “I am familiar with mediation as an effective way for tenants and landlords to resolve their housing disputes?”

The majority of EDI partners “strongly agree” (47%) or “agree” (37%) with the statement that they are familiar with mediation as an effective way for tenants and landlords to resolve their housing disputes. One respondent responded, “neither agree nor disagree”, another “disagree” and another “strongly disagree.”

Q18: How would you rate the level of your working relationship between you and Centers?

Just under half of respondents rate the relationship between their agency and Center as excellent (42%, or 8). 26% (or 5) rate it as fair, and 16% (or 3) as good. And 2 respondents rate the relationship as poor.

FY 2022 HMP mediator survey – per housing mediation session survey

During FY2022, MOPC administered a survey—the HMP mediator survey per housing mediation—to mediators to provide data on housing mediation. The survey received a total of 77 responses, all of them from Martha’s Vineyard Mediation Program, except one from Greater Brockton Center of Dispute Resolution. The following is an analysis of the survey by questions.

Q3. Premises/housing involved in dispute were:

The types of premises/housing involved in dispute varied. Most (41%) were tenancy-at-will and occupied (25%). Others were under lease (13%), or the lease had expired (4%).

Q4. Were all parties proficient in English?

The vast majority of parties were proficient in English (92%)

Q5. If interpretation was needed during the mediation, what method was used?

In two cases where interpretation was needed, an official interpreter was used. Three cases had mediators who spoke Portuguese and in one case a court interpreter was used.

Q6. What housing crisis triggered the dispute being mediated? Please check all that apply.

A variety of housing crises triggered disputes being mediated. Threat of eviction and rental arrearage were the top two types of housing crises that triggered the dispute being mediated (84% and 79%, respectively). Other crises, though to a lesser degree, triggered disputes being mediated: need for repairs (19%), other (14%), property damage (13%), lease violation (12%), overcrowding (6%), unauthorized use of premises (6%), rent increase (6%), and unpaid mortgage (4%).

Q7. Did the tenant raise any housing rights/defenses during the mediation session?

Tenants did not raise any housing rights/defenses during most mediation sessions, 64% compared to 23%. 13% of respondents said this was “non applicable”.

Q8. Which, if any, of the parties received legal information before the mediation?

Landlords, more so than tenants, received legal information before mediation, 67% to 34%; and, in 31% of cases, neither party received legal information before mediation.

Q9. What legal information was provided to the party?

In cases where legal information was provided to a party, the types of information provided varied: information about court procedure (26%); information about the eviction process (23%); information about the rights and responsibilities of landlords and tenants (21%); and information about tenant's affirmative defenses and counterclaims (9%).

Q10. Did any of the parties need additional information about their legal housing rights/defenses?

In most cases, parties did not need additional information about their legal housing rights/defenses, 74% to 25% did need additional information.

Q11. How did you determine whether more information about legal procedures or housing rights/defenses was needed by a party?

How determination was made whether more information about legal procedures or housing rights/defenses was needed by a party is fairly evenly distributed among the following: mediator asked parties if they had been informed about legal procedures; mediator noticed that topic of discussion involved question of legal procedures or legal housing rights/defenses; mediator noticed that agreement being considered involved question of legal housing rights/defenses; or party invoked their legal housing rights/defenses (in 15% of cases, respectively).

Q12. Did you explicitly refer parties to sources of information on legal procedures or about parties' legal housing rights/defenses?

Though in some cases, referral of parties to sources of information on legal procedures or about parties' legal housing rights/defenses were needed, mediators did not explicitly refer parties in most cases (69%); whereas in 31% of cases, mediators did explicitly make referrals.

Q13. What sources of legal assistance did you refer parties to?

When mediators did refer parties to sources of legal assistance, which only happened in 4 out of 77 cases, mediators referred them to legal services organization, to online resources (e.g., information on government website, online guidance posted by legal services organization), or listing and contact information for organizations offering legal resources. Court materials or written materials containing information about legal procedures, legal housing rights and responsibilities were used.

Q14. When you referred parties to sources for legal assistance regarding legal housing rights/defenses, please briefly describe how you presented the topic.

To this question, there were three responses: emailed contact information of SCCLS; offered HCEC information; and offered tenant to contact the SCCLS for more information about their rights.

Q15. In the mediation session, communication between parties...

Mediators report that in the majority of cases, communication between parties in the mediation session “improved” (68%). In 28% of cases, communication “remained the same”, and only “worsened” in about 2% of cases.

Q16. In the mediation session, conflict between parties...

Similarly, in the majority of cases (73%), conflict between parties “decreased”; remained the same in 22% of cases, and only increased in about 3% of cases.

Based on these responses, in the majority of cases, communication between parties improved and conflict decreased.

Q17. With respect to the issues discussed during the session, mediation resulted in...

In the majority of cases, mediation resulted in final agreement (68%). In other cases, mediation resulted in no agreement (15%), temporary agreement (14%), or partial agreement (3%).

Q18. Did the mediation result in repairs by landlord that were not included in the mediated agreement?

In the vast majority of cases (65%), this question was non-applicable, which would seem to indicate that in most disputes being mediated, repairs were not raised as an issue and, if they were raised, were not included in the mediated agreement. In a about 6% of cases, mediators indicated that repairs by landlord were “relevant but not addressed.” In a

minimal percentage of cases (1%, respectively) either “repair defense was waived” or “tenant blamed for damages.”

Q19. Did the mediation result in rental arrearage circumstances that were not included in the mediated agreement? Please check all that apply.

This question was non-applicable in 30% of cases mediated. In 10% of cases, respectively, mediation resulted in complete payment from tenant or partial payment from tenant. In 8% of cases, rental arrearage was eliminated if stipulated conditions were met and in 5% rental arrearage remained, and in 6% of cases mediators did not know if mediation resulted in rental arrearage circumstances.

Q20. Did the mediation result in circumstances relating to occupant behavior that were not included in the mediated agreement, if a mediated agreement was reached? Please check all that apply.

In 71% of cases, this question was non-applicable. In 4% of cases, mediated agreement resulted in the occupant causing complaint to move. In another 4% of cases, occupant behavior was relevant but not addressed. And, in 1% of cases, respectively, mediation resulted in occupant promising to change behavior or complaint about behavior were not warranted.

Q21. Did the mediation result in tenant upkeep circumstances that were not included in the mediated agreement? Please check all that apply.

In two cases, the tenant agreed to fix damage; and in four cases, tenant upkeep circumstances were deemed relevant, but not addressed. For the majority of cases (69%), respondents found this question non-applicable. Other upkeep circumstances not included in the mediated agreement were as follows:

Landlord made repairs and asked the tenant to be more careful.

Repairs waived in lieu of an extended stay, discount and agreed move out date.

Tenant allowed landlord to access property, cats removed.

Tenant removed couch disposed on the parking area.

Return keys, remove garbage

Q22. Did the mediation result in occupancy circumstances that were not included in the mediated agreement?

In most cases (62%), responses revealed this question was non-applicable. In only 18% of cases, did the mediation result in all occupants authorized agreeing to move out, and in only 2 cases did the mediation result in unauthorized occupant agreeing to move out. This issue was deemed relevant but not addressed in 5 (or 6%) cases.

Q23. Did the mediation result in rent adjustments that were not included in the mediated agreement? Please check all that apply.

In just 5% of cases, the rent amount was lowered, and only increased in 3% of cases. Mostly, rent stayed the same (32% of cases), but seems to have been non-applicable in 38% of cases. This issue was relevant but not addressed in 4 cases. Respondents who selected other (5), commented:

Rent increased but lowered in agreement

Rental arrearage was forgiven and RAFT check was returned, but 3 months until move out is owed and expected to be covered by RAFT

All rent issues (arrears and future) included in the agreement

Now tenants are responsible for utilities

Waiting for RAFT for rent payments

Q24. Did the mediation result in evictions/move-outs that were not included in the mediated agreement?

In 19% of cases, mediation resulted in the tenant moving out, a result not in the agreement. In 30% of cases, respondents selected other, explaining that tenant move out was part of the agreement. In 18% of cases, eviction date was delayed upon conditions and in 13% of cases eviction date was delayed. In 18% of cases, eviction discontinued upon conditions, and in 4%, simply discontinued. In just 8% of cases, eviction was continued. And, in 18% of cases, respondents responded to this question as non-applicable.

Q25. Who came up with ideas for solutions? Please check all who provided these ideas.

In 71% of cases, the tenant came up with ideas for solutions and landlords came up with ideas in 60% of cases. In 41% of cases, the landlord's attorney came up with ideas for solutions. In just two cases did the tenant's attorney generate ideas; however, in only a very few circumstances do tenants have an attorney. In two cases, the mediator came up with ideas for a solution.

Q26. Did the mediation result in any of the following situations for the tenant? (Please check all that apply.)

In 40% of cases, mediation resulted in the tenant remaining in dwelling. The tenant having to search for alternative housing was avoided in 19% of cases. In 22% of cases, tenants were referred for housing assistance and/or counseling. Homelessness was avoided in 32% of cases and complaints addressed in 39% of cases. In 23% of cases, mediators reported "other". Mediators reported that tenants were given extra time / extended stay, but with an agreement to move out.

Q27. Did the mediation result in any of the following situations for the landlord? (Please check all that apply.)

Having "complaints addressed" was the main situation that resulted from mediated cases (51% of cases). Landlords avoided costs of eviction and having to search for new tenants in 34% of cases. In 20% of cases, mediation resulted in original tenancy stabilized and in 18% of cases it resulted in landlords avoiding having to search for a new tenant. In just 2 cases, rent was increased. In no cases did mediation result in a new tenant being found. For about 12% of cases, mediation resulted in none of the above situations for the landlord. 19% of respondents selected "other" to this question; here is a sampling of their comments:

Got a move out date

Payment plan for arrearage and a move out date

Communication regained

Possession granted; other issues not met even though they had an agreement

Possession granted in near future. relationship still tarnished

Landlord will move back in

Avoided costs of eviction but will have to look for new tenant

Q28. Demographic details (gender / racial/ethnic origin/identity)

In 67 cases, the mediator identified as female; in 3 cases, the mediator identified as male. In the other 7 cases, the mediator did not respond.

In 40 cases, the mediator identified as white/Brazilian/Portuguese; in 7 cases the mediator identified as white/Latin; in 13 cases, as white/Caucasian; and in 2 cases, as multicultural.

Q29. Language proficiency

In 56 cases, the mediator identified being proficient in Portuguese: in 2 cases, Spanish, and in 8 cases, non-applicable or none.

Q30. From your perspective, please indicate from the following factors, what you think is your organization's priority in allocating a mediator to housing mediation.

The majority of responses (68 or 88% of seventy-seven) reported that the availability of the mediator was a key factor in selecting a mediator for a housing mediation. Similarly, 25 or 32% of responses indicated that the experience of the mediator was a key factor in selection. Otherwise, the mediator's proficiency in another language and racial/ethnic origin were also considered influences in eight and four cases, respectively.

Q31. Availability of mediator

In 92% of cases, organizations prioritized the availability of mediator when assigning a mediator to housing mediation.

[Note: all but one respondent skipped Q32-35; insufficient data for analysis]

Q32. Was the mediator's experience considered in relation to:

Q33. Was the mediator's racial/ethnic origin considered in relation to:

Q34. Was the mediator's socio-economic class considered in relation to:

Q35. Was the mediator's gender identity considered in relation to:

Appendix D: Evaluation Methodology

The aim of this evaluation is to examine the implementation and effectiveness of the state-funded Housing Mediation Program (HMP) through an explicit study of the complexity of the HMP, its impact on users (mediation parties), experts (mediators/Centers) as well as reflections and learning of program administrators through the systematic collection and analysis of data and to measure effectiveness based on indicators developed in consultation with state sponsors.

This evaluation sets out to answer four research questions overtime:

1. Are MOPC and its community mediation partners implementing a well-designed, “satisfactory” and sustainable Housing Mediation Program?
2. Is the Housing Mediation Program resolving landlord-tenant disputes in ways that are helping to preserve tenancy and/or generating alternative solutions or other benefits to landlords and/or tenants that are helping to ease pandemic-induced eviction/landlord-tenant disputes?
3. What are the cost benefits of mediation, increasing access and utilization of mediation/community mediation in landlord-tenant/housing mediation?

To answer these questions, data was collected through the following methods:

- Post-mediation participant surveys
- Mediator surveys
- Survey to EDI partners
- Semi-structured interviews with housing mediation participants (i.e., tenants, landlords/property managers, and lawyers)
- Semi-structured interviews with mediators and case coordinators
- Housing Mediation Program feedback questionnaire administered to DHCD.

A mixed-methods approach was utilized, combining quantitative and qualitative analysis of the data collected, to measure effectiveness according to indicators (e.g., number of mediations resulting in tenancy preservation) and to provide an in-depth analysis of the multiple factors impacting the success of the HMP. For example, evaluators analyzed mediated agreements and intake forms provided by Centers to measure the percentage of mediated agreements resulting in tenancy preservation and conducted a qualitative analysis of the language in these documents to identify elements in the agreements that led to tenancy preservation or, in cases where tenancy was not preserved, identify elements in the agreements that created a soft-landing for the tenants.

Another methodology used for this evaluation is the use of mini case studies/vignettes that provide a narrative description of the Housing Mediation Program, relying on information gathered from the following data sources: referral forms to Centers, HMP screening and intake forms, mediated agreements, participant surveys and interviews. The Centers provided the referral forms, the screening and intake forms, and the mediated agreements. These documents yielded relevant information pertaining to the nature of parties’ disputes and COVID-related housing crises. Surveys conducted at the

conclusion of mediation sessions gleaned participants' level of satisfaction with the HMP and collected their feedback and comments.

The post-mediation participant survey also asked participants if they would be willing to talk with a researcher/evaluator about their mediation experience. The researcher/evaluator then contacted the participant by phone within a 4–10-week period after the mediation session to conduct a semi-structured interview.

There was a total of 11 respondents to the post-mediation party survey. Of those, over half of respondents indicated that they would be willing to talk about their mediation experience with a researcher/evaluator. The researcher/evaluator(s) managed to interview 23 respondents by phone (13 tenants, 7 landlords, 2 lawyers for landlords). Multiple attempts were made to reach participants if they did not respond to a cold call the first time. In some cases, respondents answered the phone, but declined to participate or said that they were not available.

In addition to party interviews, the evaluator/researcher also interviewed mediators who mediate cases through the HMP. To date, 6 interviews with either one or two mediators from 6 of the 11 Centers across the state were conducted. To recruit mediators for the evaluation, the researcher/evaluators contacted the directors of Centers to inquire about setting up interviews with mediators.

To make comparisons across cases, the researcher/evaluator asked participants the same questions, while also allowing for flexibility by asking questions based on the direction of the participants' responses and the specifics of the case. The researcher/evaluator devised and carried out a research/evaluation plan approved by the Institutional Review Board at UMass Boston and took all steps to minimize the risk of compromising participants' confidentiality.

By providing an in-depth account of specific cases drawn directly from the experiences of participants (i.e., tenants, landlords, mediators, and lawyers), the case studies complement the quantitative data and statistical analysis by highlighting the voices and experiences of individuals directly impacted by COVID-related housing crises and who benefited from the HMP and related EDI-services. Some of the case studies incorporate findings from the housing literature to contextualize observations made in specific housing mediations. The case studies also add value by offering a means to examine hypotheses about correlations between housing mediation and the preservation of tenancy and housing stability within the context of individual cases. Not every case study presented, however, results in the preservation of tenancy; rather, agreements reached between the landlord and tenant may reflect a mutual desire for the tenant to move out of the property. By interviewing the parties, the researcher/evaluator can pick up the story where the written agreement left off to learn how the parties are faring and how mediation may have helped to create a soft landing for the tenants—that is, the means with which to move out and into another property that suits their needs and meets their interests.