

IRC Eviction Prevention & Diversion Mediation Proposal

With approximately 150 eviction cases pending in Indian River County, a CDC moratorium extended through June 30, 2021, and resources designated to avoid COVID related evictions, we have the opportunity to address this issue in a meaningful way in order to avoid the most damaging impacts on our neighbors and our community. Mediation for tenants and landlords is one powerful mechanism we can employ.

Goals

The primary goals of mediation include keeping tenants housed and adequately compensating landlords. Additional benefits will be to improve judicial efficiency and promote the efficient and effective use of county resources.

Available Resources

In order to incentivize landlord participation, an increase in the “cap” of county resources available for purposes of negotiation will be central to the success of mediation. Based on models reviewed from around the state, many counties are providing back and future rent at the maximum federally allowed of up to 12 months, with the possibility to consider an additional 3 months. We propose that IRC provide funds for back rent and funds for 3 months of future rent, not to exceed \$7,500 per landlord tenant case. However, the amount provided per case could be increased up to a maximum of \$9,000 as approved by the County Administrator. A maximum of \$2 million would be set aside for the program

Mediation Process

There will be two avenues for arriving at mediation: before cases are filed with the court and after cases are filed with the court. Whichever avenue brings the parties to mediation, once there, the support and incentives will be the same. IRCBA pro-bono attorneys will be recruited and trained to act as mediators for the parties. FRLS and its HEART team will provide support for the pro-bono attorneys. Ideally, a representative from the county will be on-site to build efficiency for the county in disbursement of the funds while increasing confidence for the landlords regarding the available compensation. United Way resources will be available through September 30, 2021 for any filing/court fees if the parties reach an agreement. Standard forms will be used for consistency and so that parties can review them prior to mediation if desired. These forms will include: waivers by both parties allowing a neutral 3rd party to act as mediator; a settlement agreement discharging up to 6 months back rent and providing up to 3 months future rent; a lease for 180 days; an order dismissing the case without prejudice.

Pre-Litigation Avenue

Robust outreach to both tenants and landlords will be key to developing pre-litigation mediation. Identifying and educating landlords before they file eviction notices is the most pro-active, efficient use of human, institutional, and financial resources. Optimally, parties will begin to avail themselves of this path rather than filing eviction claims in order to maximize the benefit to their specific situation while increasing system efficiency by avoiding judicial backlogs and unnecessary use of judicial resources. Opportunities for outreach include: informational flyers

regarding available relief and resources in utility bills; marketing by the United Way regarding available relief and resources; direct outreach to known landlords and their attorneys; inviting landlords to an informational forum hosted by the United Way.

All outreach will direct tenants and landlords to the county website and/or phone number where they can qualify for the program and register for a monthly mediation date. Potential locations for mediation include the County Administration conference rooms, the public library, and the women's center. Ideally, there will be a minimum number of registrants for a date to maximize the efficiency of resources, however, at the outset the program will be prepared to accommodate fewer participants in order to cultivate success and generate awareness.

Litigation Avenue

There will be a special docket call for eviction cases, initially once a month, that will require mediation before the parties can pursue their claims before the judge. This model is similar to that used currently with Small Claims Court. Conference rooms in the Courthouse will be available for use as mediation spaces.

Conclusion

Without an adequate community system to address this complicated issue, more and more people are being evicted in spite of the CDC moratorium and the available resources. We know that when tenants are unhoused they have been unable to find affordable housing alternatives in our community. IRC's profound affordable housing crisis has been exacerbated by the pandemic. It is incumbent upon us to stem this crisis wherever we can while longer term solutions are being developed. Implementing a mediation process around evictions provides one such critical and feasible opportunity.