



CITY OF CAMBRIDGE

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July 30, 1997

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

RE: Council Order #008, dated June 9, 1997
How other communities use arbitration or mediation on
landlord/tenant issues

Dear Mr. Healy:

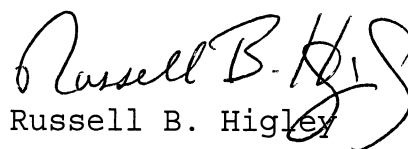
By the above-referenced City Council Order (copy attached), the Council requested a report on how other communities use arbitration or mediation in landlord/tenant issues. In response to this request, I am attaching a summary that we prepared of community mediation programs in several neighboring communities. I am also attaching a list of community mediation programs in Massachusetts and a chart indicating the types of disputes (including landlord/tenant) that each of these programs handles. The list and chart were prepared by the Massachusetts Association of Mediation Programs (MAMPP).

In addition to the community mediation programs that are reported here, all of the Housing Courts including Boston, and certain district courts, although not including Cambridge, provide landlord/tenant mediation services. There is also a relatively new pilot program initiated by the Massachusetts Housing Finance Agency (MHFA) in conjunction with MAMPP to mediate disputes in certain subsidized housing developments.

Finally, be advised that although agreements that are reached pursuant to mediation can be binding, participation in landlord/tenant mediation is always voluntary. These disputes are not subject to arbitration. Disputes that can not be resolved

through negotiations or mediation are ultimately resolved by the courts.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Russell B. Higley". The signature is written in dark ink and is positioned above the printed name.

Russell B. Higley

COMMUNITY MEDIATION PROGRAMS

1. Boston

The City of Boston, through its Rental Housing Resource Center (formerly the Rent Equity Board), contracts with a mediator/consultant to mediate landlord and tenant disputes on an as needed basis. The mediation services are free of charge for all parties. There is no court involvement with this program and the mediation is primarily designed to assist parties who have not reached the litigation phase. Despite considerable outreach, especially to elderly tenants and to landlord groups, this program reports limited success. While many formerly rent controlled tenants are seeking mediation services, the program reports that the primary obstacle is bringing landlords to the bargaining table. They believe that market forces in the post rent-control climate make it difficult to prevent low to moderate-income tenants from being displaced.

2. Greater Boston

The Metropolitan Mediation Services, located in Brookline, MA and funded by a grant from the Massachusetts Bar Foundation, mediates approximately five hundred (500) cases per year, only a portion of which involve landlord/tenant disputes. The program provides three to four mediators on a regular basis in five courts: Brookline, Brighton, West Roxbury, Newton, and Stoughton. The services are free of charge to low-income households, and are provided to higher income households on a

sliding fee basis. The majority of cases are mediated in court on the scheduled hearing date. While not mandatory, mediation is encouraged by the courts. If the parties reach an agreement, the agreements are filed in court.

The program reports a very high satisfaction rate, they claim ninety (90%) percent.

3. Somerville

The Somerville Mediation Program is a community mediation program established by the Somerville Corporation with the assistance of the Massachusetts Attorney General's Office. Funding sources include the Massachusetts Bar Foundation, the City of Somerville and private foundations. The types of cases that are mediated include landlord/tenant disputes. The mediators are community volunteers who meet with the parties together and then individually. If the parties are able to resolve their differences, a written agreement is drawn up and executed by the parties. The program staff make follow-up telephone calls and schedule additional sessions on an as needed basis.

There is no cost for mediation services.

4. Hingham, Quincy, Plymouth

Mediation Works, Inc. is funded by the Massachusetts Bar Foundation and services clients in Kingston, Hingham, Quincy and Plymouth. The program has two full time staff members and between ten and twelve active volunteer mediators who work primarily in three courts: Hingham, Quincy and Plymouth. These

courts require parties to summary process (landlord/tenant) cases to meet with the mediator and receive an explanation about how mediation works. The parties have the right to refuse mediation and proceed with their scheduled court hearing.

Mediation Works, also has an office in Kingston, where landlord/tenant mediation sessions, not involving court, are conducted. The mediation services are free for low income and sliding scale for others. The program reports a high success rate.

5. Berkshire County

The Berkshire County Housing Authority operates a mediation program which is available to all landlords and tenants in the geographic service area. Income guidelines do not apply to the mediation programs. Funding sources include the City of Pittsfield, the Massachusetts Bar Association and the Department of Housing and Community Development. The program offers two types of mediation services. Formal mediation takes place in the district courts on eviction days. The Clerk requests that all parties to landlord/tenant cases meet with a mediator before proceeding to trial.

The program mediated agreements in one hundred and thirty-three (133) cases in the last twelve month period or approximately forty (40%) percent of all District Court Summary Process cases. They report that approximately fifty (50%) percent of these agreements allowed tenants to stay in their units for more than a three month period.

Informal mediation involves mediating disputes before the litigation stage. The program mediates approximately five hundred (500) such disputes per year. These cases are referred to the program by all of the local social service agencies.

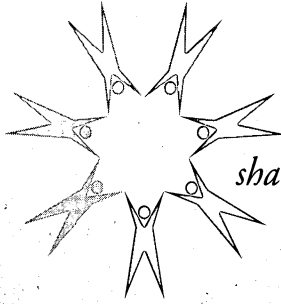
The stated goal of all mediation conducted by this program is homelessness prevention which they try to accomplish through early intervention and systemic support to both landlords and tenants. The paid program staff consists of three and one half full time equivalents. Voluntary mediators are utilized.

MAMPP COMMUNITY MEDIATION PROGRAM SERVICES (12/96)

	TRAINING SERVICES				MEDIATION SERVICES											
	Basic	Advanced	Peer	Conflict Resolution	Civil: Landlord / Tenant	Peer	Parent Child	Criminal	Divorce	Workplace	ADA	Housing	Sm. Claims			
Athol (Quabbin)	X							X	X	X			X	Athol (Quabbin)		
Boston (BMC)				X	X	X		X				X	X	Boston (BMC)		
Boston (UMass)	X	X												Boston (UMass)		
Boston (UCM)	X	X	X			X								Boston (UCM)		
Brockton (District Court)	X		X	X	X	X	X	X		X			X	Brockton (District Court)		
Brookline (MMS)	X		X	X		X	X	X		X	X	X	X	Brookline (MMS)		
Cambridge (CDSC)	X	X	X	X		X		X	X	X			X	Cambridge (CDSC)		
Cambridge (Harvard)	X	X					X	X						Cambridge (Harvard)		
Charlestown (CORE)														Charlestown (CORE)		
Edgartown (MVMP)	X	X				X			X				X	Edgartown (MVMP)		
Fitchburg (NCCS)	X	X	X	X	X	X	X	X	PRE DIVORCE	X		X	X	Fitchburg (NCCS)		
Framingham (District Court)	X	X	X		X	X	X	X	X	X		X	X	Framingham (District Court)		
Med/Train Collab (Franklin)	X	X	X	X	X		X	X	X	X		X	X	Med/Train Collab (Franklin)		
Haverhill (North Essex)	X	X	X	X	X					X		X	X	Haverhill (North Essex)		
Hyannis (CCDRC)	X	X	X				X		X	X			X	Hyannis (CCDRC)		
Hyannis (CCHS)														Hyannis (CCHS)		
Kingston (Mediation Works)	X	X		X	X	X	X	X	X	X		X	X	Kingston (Mediation Works)		
Lowell (Middlesex CC)	X		X			X							X	Lowell (Middlesex CC)		
Lynn (LYRB)	X	X	X				X			X				Lynn (LYRB)		
Marblehead	X					X	X			X				Marblehead		
Pittsfield	X		X	X		X	X		X	X				Pittsfield		
Pittsfield (Housing)	X				X	X	X					X	X	Pittsfield (Housing)		
Provincetown - Truro	X		X		X	X	X		REUNION P	X		X		Provincetown - Truro		
Quincy (District Court)					X	X							X	Quincy (District Court)		
Salem - Peabody	X				X		X	X		X			X	Salem - Peabody		
Somerville														Somerville		
Springfield (DRS)														Springfield (DRS)		
Springfield (NYMP)			X			X								Springfield (NYMP)		
Taunton (ComCare)	X		X			X	X			X				Taunton (ComCare)		
Worcester	X	X		X		X								Worcester		

TOTAL P. 03

Department of Human Service Programs



sharing resources... building community

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OFFICE OF THE CITY MANAGER

Jill Herold
Assistant City Manager

August 28, 1997

TO: Robert W. Healy
FROM: Jill Herold
RE: Council Order #008

Childcare

Commission for
Persons with Disabilities

Community and Youth

Community
Learning Center

Coordinating Council for
Children, Youth and Families
(Kids' Council)

Council on Aging;
Elderly Services

Low Income
Fuel Assistance

Multi-Service Center;
Homeless Services

Office of Workforce
Development

Planning & Development

Recreation

Community mediation services are available to Cambridge residents through the Cambridge Dispute Settlement Center, located at 872 Massachusetts Avenue. Trained volunteer mediators are available to mediate a wide variety of disputes between individuals and groups, including landlords and tenants. There is a sliding scale fee for services.

The City of Cambridge has also for a number of years contracted with the Cambridge Dispute Settlement Center, Just A Start and CEOC to provide counseling and mediation services to landlords and tenants. These services are provided at no cost to landlords and tenants. The Department of Human Services is currently engaged in contract negotiations with the Dispute Settlement Center for this year's contract.



COMMUNITY MEDIATION PROGRAMS IN MASSACHUSETTS**ATHOL**

Sharon Tracy, Director
Quabbin Mediation
PO Box 544
Athol, MA 01331
(508) 544-8822 -or-
(508) 544-6142

BOSTON

Cynthia Brophy, Program Director
Room 388, Old Court House
C/O Judges Lobby
Boston Municipal Court Mediation Prg.
Boston, MA 02108
(617) 725-8483
(617) 725-8438 FAX

David Maltz, Director
Graduate Program in
Dispute Resolution
U-Mass Boston
100 Morrissey Blvd.
Boston, MA 02125
(617) 287-7421
(617) 287-7099 FAX

Denise Gray, President
Urban Community Mediators
185 Ashmont Street
Dorchester, MA 02122
(617) 825-1000
(617) 825-1043 FAX

BROCKTON

Terri Sternfeld, Project Coordinator
Brockton District Court
Mediation Project
155 West Elm Street
Brockton, MA 02401
(508) 587-8000
(508) 588-8853 FAX

BROOKLINE

Joan Seinfeld, Director
Metropolitan Mediation Services
43 Garrison Road
Brookline, MA 02146
(617) 277-8167 -or-
(617) 734-3443 x-235
(617) 277-6632 FAX

CAMBRIDGE

Gail Packer, Director
Cambridge Dispute Settlement
Center
872 Massachusetts Avenue
Suite 2-9
Cambridge, MA 02139
(617) 876-5376
(617) 876-8663 FAX

Gabrielle Gropman, Coordinator
Harvard Mediation Program
Harvard Law School
203 Austin Hall
Cambridge, MA 02138
(617) 495-1854
(617) 495-2294 FAX

CHARLESTOWN

Gregory Lewis, Director
CORE Family Mediation Project
Community Outreach for
Reconciliation & Empowerment
413th Street
Charlestown Navy Yard
Charlestown, MA 02129
(617) 241-0500
(617) 478-3852 FAX

EDGARTOWN

Gayle Siller, Coordinator
Martha's Vineyard Med. Program
Edgartown District Court
Box 1284
Edgartown, MA 02539
(508) 627-3761
(508) 627-3748 FAX

FITCHBURG

Melinda Persons, Director
Northern Central Court Services, Inc.
100 Elm Street
Fitchburg, MA 01420
(508) 345-2111 X-242
(508) 342-2524 FAX

FRAMINGHAM

Carol Brondor, Director
Framingham Court Mediation
Services, Inc.
600 Concord Street
Framingham, MA 01701
(508) 872-9495
(508) 872-9764 FAX

GREENFIELD

Gale Woolner, Director
The Mediation and Training
Collaborative
393 Main St 2nd Flr
Greenfield, MA 01301
(413) 774-7683
(413) 774-7460 FAX

HAVERHILL

Thomas Joy, Director
North Essex Mediators
Community Action, Inc.
25 Locust Street
Haverhill, MA 01832
(508) 373-1971
(508) 373-8998 FAX

HYANNIS

Deborah Fish, Mediation Director
Cape Cod Dispute Resolution Center
387 Main Street
Hyannis, MA 02601
(508) 775-8788 -or-
(800) 339-8857
(508) 775-0316 FAX

Margaret Stevens, Mediation
Coordinator
Cape Cod Human Services
370 Barnstable Road
Hyannis, MA 02601
(508) 790-3200
(508) 790-3307 FAX

KINGSTON

Chuck Doran, Director
Mediation Works, Inc.
169 Summer Street
Kingston, MA 02364
(1-617) 582-1494
(1-617) 585-7483 FAX
E-mail: MWI@lgs.org
Web: www.mwi.org

LOWELL

Kenneth Dunn, Director
Middlesex Community College
Prior to Face Mediation Program
3 Kearney Square
Lowell, MA 01852
(508) 656-3346
(508) 656-3339 FAX

LYNN

Richard Beehne, Executive Director
L.Y.R.B. Corporation
200 Boston Street Suite 1900
Medford, MA 02155
(617) 306-1180
(617) 306-1190 FAX

MARBLEHEAD

Ina Hoffman
Mediation Coordinator
Marblehead Mediation Services
Marblehead Community Counseling
Center
66 Clifton Avenue
Marblehead, MA 01945
(617) 631-8273
(617) 631-7264 FAX

NORTHAMPTON

Shelly Abend, Director
Hampshire Community Action
55 Vernon Street
Northampton, MA 01060
(413) 582-4233

PITTSFIELD

Virginia Ford
Berkshire Mediation Service
PO Box 3522
Pittsfield, MA 01202
(413) 499-2792
(413) 447-8976 FAX

Brad Gordon, Director
Berkshire County
Regional Housing Authority
150 North Street - Room 42
Pittsfield, MA 01201
(413) 443-7138
(413) 443-8137 FAX

PROVINCETOWN

Marcia Fair, Director
Provincetown / Tisbury Mediation
Service
PO Box 139
Provincetown, MA 02657
(508) 487-0214
(508) 487-0484 FAX

QUINCY

John Dalton
Asst. Clerk Magistrate
Quincy District Court Mediation
Small Claims Program
One Dennis F. Ryan Parkway
Quincy, MA 02169
(617) 471-1650
(617) 472-9924 FAX

SALEM - PEABODY

Michael Weiner, Coordinator
North Shore Community Mediation
Program
16 Front Street
Salem, MA 01970
(508) 741-7648
(508) 822-7773 FAX

SOMERVILLE

Alice Connick, Director
Somerville Mediation Program
One Summer Street
Somerville, MA 02143
(617) 776-5931 -or-
(617) 825-8800
(617) 776-0724 FAX

SPRINGFIELD

Leo Florian, Director
Dispute Resolution Services, Inc.
PO Box 30023
115 State Street
Springfield, MA 01103-0023
(413) 787-8480
(413) 788-0685 FAX

Maria Lipus, Coordinator
Neighborhood Youth Mediation Project
New North Children's Council
2383 Main Street
Springfield, MA 01107
(413) 748-4885
(413) 737-2321 FAX

TAUNTON

Sandy Fyfe, Mediation Director
ComCare Services, Inc.
70 Main Street
Taunton, MA 02730
(508) 821-7777 x-252
(508) 880-8767 FAX

WORCESTER

Carol Bolderelli, Director
Community Mediation Center
WCAC
484 Main Street
2nd Floor
Worcester, MA 01608
(508) 754-1178
(508) 754-0203 FAX

**REGIONAL AND STATEWIDE
AGENCIES AND SERVICES**

Kathleen Grant, Director Mediation
Services
Office of the Attorney General
One Ashburton Place - 19th Floor
Boston, MA 02108
(187) 727-2200
(617) 727-5765 FAX

Melissa Brodick, Director
Massachusetts Association of
Mediation Programs and Practitioners
133 Federal Street - 11th Floor
Boston, MA 02110
(617) 451-2083
(617) 451-0763 FAX

Albie Denis, Director of Mediation
Massachusetts District Court
Mediation Program
Holyoke Building, Holyoke Square
Salem, MA 01970
(508) 745-9010
(508) 745-9019 FAX

Freddie Kay, Director
MA Office of Dispute Resolution
100 Cambridge Street, RM 1408
Boston, MA 02202
(617) 727-2224
(617) 727-6495 FAX

Barbara Stedman, Executive Director
Middlesex Multidisciplinary Court House
40 Thorneike Street
Cambridge, MA 02141
(617) 494-0562
(617) 494-1083 FAX

Martha Lee, Director
NAME / U MASS Amherst
Mediation Project
205 Hampshire House
Box 35635
Amherst, MA 01003-3635
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(413) 545-4802 FAX

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FAX. 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

September 8, 1997

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 12, regarding how other communities use arbitration or mediation in landlord/tenant issues, received from City Solicitor Russell Higley.

Also attached is a response from Assistant City Manager for Human Services Jill Herold concerning what services are available for landlord/tenant issues in the City of Cambridge.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachments

Consent Agenda #3

S-532

Relative to Awaiting Report Item Number
Twelve, regarding how other communities
use arbitration or mediation in landlord/
tenant issues.

In City Council September 8, 1997

PLACED ON FILE