

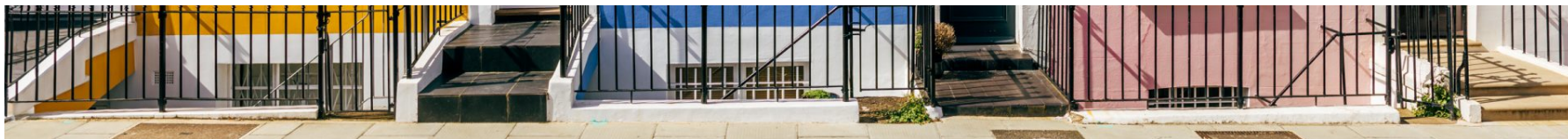
Just Resolutions January 2025 – Early Dispute Resolution Committee

# Advancing Eviction Mediation: HousingShield and Full-Spectrum EDR

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Dec 30, 2024 ⌚ 5 min read





Alexander Spatari via Getty Images

In the wake of *City of Grants Pass v. Johnson*, the already-dire consequences for at-risk U.S. tenants missing rent (or otherwise upsetting management) went from bad to worse. Setting aside support and opposition for the ruling, the bottom line is that the landscape for renters is more perilous, and the need to address eviction wherever possible is greater now than ever because at the end of the day, evictions are lose-lose outcomes. Housing discrimination, as exemplified by the famous *Sarah Sims Garrett et al. v. the City of Hamtramck*, further demonstrates that challenges go far beyond affordability and transcend racial and other demographic boundaries.

As the April issue of *Dispute Resolution Magazine* discussed in several articles, mediation proves to be a prime candidate for offering relief. Dr. Chinwe Egbunike-Umegbolu interviewed principal consultant of [Mosaic Collaborative Consulting Alec Chapa](#) on the [Expert Views on ADR \(EVA\)](#) podcast, elevating high-level trends and real-world experiences, many of which came from Chapa's time as a contract mediator for the [Conflict Intervention Service \(CIS\)](#) program. CIS, a program under the [Bar Association of San Francisco \(BASF\)](#), was pioneered by [Roger Moss](#) and [Carol Conn](#) as early as 2015. Contracted as neutrals, Chapa and Mosaic's associate consultant [Sadie Cort](#) responded to over eight hundred thirty (830) cases. The bulk of the work ended that fall, shortly after the Emergency Rental Assistance Program (ERAP) funding dwindled, and the moratorium came, at last, to an end.

After concluding work with BASF, Chapa delved deep into systems design and ombuds while reflecting on the CIS program design. The program demonstrates the tremendous value of early intervention (or "rapid response," as Moss calls it).

Early intervention does indeed offer tremendous value to all involved, saving huge amounts of time and resources for all involved while laying the groundwork for mutual landlord-tenant buy-in. Moss' design takes this a major step forward with the "rapid response" design, responding to housing disputes within 24 hours of party-initiated help requests via a conflict helpline. Moreover, the program could afford to sustain and develop its professionals, paying for the sweat so often requested as volunteer work.

Two articles from the April edition of the *Dispute Resolution Magazine* have helped inspire this article. Specifically, the article “Sustaining Eviction Mediation Efforts “Post Pandemic”: Out of the Courtroom and Into Public Health?” by [Deanna Pantin Parrish](#) adds insights on funding, while the article “The Future of Eviction Diversion Programs” by [Margaret X. Huang](#) added insights on the value of eviction prevention even without rental assistance. Coupled with these insights, this article proposes that the essential elements of effective EDR-based interventions are present and proven in practice, available to be customized to fit the local social and legal landscape that each city or state requires.

Given that mediation generally retains the strongest blanket protections, building programs around mediation while factoring in negotiation and ombuds functions is prudent. Reducing evictions through mediation as Early Dispute Resolution (EDR) can play a crucial role in minimizing the need for eviction by fostering open communication between landlords and tenants, as well as between roommates and tenants who may also dispute. These processes provide a structured platform for both parties to express their concerns, explore viable options, and negotiate mutually satisfactory solutions. By collaboratively addressing issues such as unpaid rent or lease violations, many disputes can be resolved before escalating to eviction – and the value of doing so proves worthwhile for the direct stakeholders, both landlord and tenant, as well as the broader ecosystem of stakeholders (courts, public health officials, and more). Below are the pivotal design elements for Mosaic’s HousingShield program.

CIS has great participation, and it’s clear why. By modifying all eviction paperwork to include CIS information, the program (sponsored by city and county funding) integrates well with local legal infrastructure to encourage participation. HousingShield, on the other hand, operates via pre-dispute mediation agreements integrated into leases. Far from a buried agreement, stakeholders are proactively educated on the program and mediation generally to justify program costs (which they bear) as well as demonstrate value. The result is a housing relationship with pre-filing mediation built in, an obligation to mediate prior to litigating and clear protocols on how to engage, as well as stakeholders who see the value of the program long before they need it, and, therefore, engage in good faith.

Funding, as Parrish outlines, is an existential challenge for any mediation program. As Covid-era ERAP funding dwindled, most programs closed; CIS is an exception because the program preceded Covid, and its funding is thankfully more diverse. Aside from the powerful propositions Parrish outlines for tapping potential funding from public health initiatives by positioning eviction mediation as a public health solution, HousingShield taps into the housing stakeholders themselves. Demonstrating the severe eviction-related losses to asset managers (property managers,

landlords) becomes a powerful persuasion mechanism for securing buy-in (psychologically and financially).

By leveraging real eviction data from Princeton's Eviction Lab and nonprofit Texas Housers' Eviction Case Dashboard, combined with uniquely developed risk and cost calculation formulas, Chapa has been successful at distilling the threat of eviction down to the dollar. Once asset managers are aboard, they can mandate program participation for tenants just as they would mandate renter's insurance. The HousingShield Eviction Cost Calculator is free and readily available for all, and the results speak for themselves. For instance, one eviction can drain 25-50% of a rental's annual revenue and, in some cases, more. Combine that with the fact that [half of U.S. renters are living cost-burdened](#)—with only one disruption like a surprise medical bill separating them from eviction—and the scale and severity of the problem becomes abundantly clear. Dire as the reality may be, in every crisis, rest opportunity. Because providers and tenants stand to lose in eviction scenarios, they both stand to gain in prevention, sowing the seeds for mutual buy-in.

Both landlords and tenants share in costs with subscription-based funding, paid annually, which preserves real and apparent impartiality, as well as retains a panel of qualified mediators. The service model is constructed as a unique blend of ombuds and mediation methods: like the CIS program, participants can reach out for help and speak confidentially with a neutral then problem-solve together, as an ombuds would; should it become necessary to involve another stakeholder in decision-making, they shift to a formal mediation. This service spectrum works well for both relational issues (e.g. noise complaints) and financial issues (e.g. rent delinquencies) since neutrals can provide conflict coaching and triage to local resources. Outside of offering service, the program works actively to provide proactive education to stakeholders, such as with short-form social media videos, alleviating the education burden that solo mediators face with pro-se cases.

As evictions are prevented and other disputes are resolved, the program works to quantify the value added, both in terms of soft metrics (e.g. increased morale) and hard metrics (e.g. financial savings), to ultimately demonstrate that promises made were indeed fulfilled, securing subscription renewal and program sustainability—a lot like organizational ombuds do with annual reports. In conclusion, while there are challenges associated with implementing mandatory mediation, the potential benefits for individuals and the broader community merit thoughtful exploration and development of these initiatives directly involved in this process. These initiatives utilize a risk spread and share model, allowing expenses to be allocated over time. This framework fosters fairness and protects the interests of all parties involved rather than placing the financial burden solely on one entity.

# Recommendation

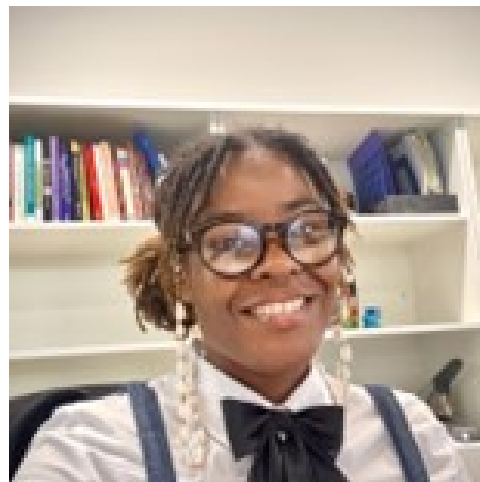
Establishing a robust funding structure via initiatives like HousingShield is essential to ensuring the continued availability of financial incentives for mediation or EDR. This could involve government grants, partnerships with nonprofit organizations, and support from private sector stakeholders who benefit from stable housing conditions. Furthermore, raising public awareness about the advantages of mediation could encourage greater participation. Legal interventions like HousingShield should be integrated into existing housing policy frameworks, ensuring they are adequately funded and accessible to those in need.

## Authors



### Alec Chapa

My life's work is simple: help groups of people work together more collaboratively, transparently, and effectively. I believe in transforming win-lose dynamics into win-win scenarios. I believe in enabling people and...



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