

## **WHAT WILL A MEDIATED EVICTION SETTLEMENT LOOK LIKE? WHATEVER THE PARTIES WANT!**

Although it might sound obvious to say that a negotiated resolution in an eviction mediation can and will look however the parties want it to look, that statement is also fundamentally true.

Like any negotiated settlement, the parties' ultimate agreement will be dictated by the things that are important to them – their needs, values, goals – and by whatever they are willing and able to offer and accept. So there really is no standardized, one-size-fits-all formula. Each negotiation and resolution will likely be wholly unique to the landlord and tenant involved.

But there are some points of negotiation that landlords and tenants frequently consider when discussing settlement. These points can serve as the building blocks to a well-crafted agreement that benefits both the landlord and the tenant. For example,

- Whether the amount of rent claimed in landlord's eviction notice is accurate or subject to offsets or other defenses
- A firm move out date by which tenant will leave the property
- Tenant's agreement that the property will be left cleaned and in good repair
- Security deposits held by landlord to be returned, applied, or waived
- No referral to collections or reflection on tenant's credit report
- No eviction on tenant's record (remember that eviction cases that are denied or dismissed are automatically sealed)
- Positive references given to future landlords
- Agreement to waive or reduce rent or other amounts claimed owed (to either landlord or tenant)
- Release of potential claims for violations of federal or state eviction moratoria, the federal Fair Housing Act, etc.
- Renegotiation or consolidation of previously executed repayment plan(s)
- Exchange of goods and/or services for rent
- Pledge of future unemployment payouts or stimulus payments
- Pledge to cooperate to apply for rental assistance
- Agreements regarding subleasing, assignment, roommate(s)
- Reduction in monthly rent amount, temporary or permanent
- Termination of lease without penalty and release of potential claims
- Repayment agreements to repay back rent and other amounts

Finally, every negotiation should include a discussion of sustainability. No repayment or other agreement makes sense if it's only destined to result in breach, nonpayment, and eviction.