

Eviction Mediation

By: Elias Arnold and Missy Greathouse

In response to the potential flood of Covid-19 related evictions, many new eviction mediation programs have been launched across the State of Illinois. Dispute Resolution Institute, Inc. (DRI), a nonprofit community mediation center, has been funded by the Illinois Equal Justice Foundation (Eviction Help Illinois) to launch court-based eviction mediation programs across Central and Southern Illinois. DRI's mission is to help people in conflict find common ground, resolve disputes, and reach agreement. Since 2009, DRI has helped thousands of people resolve their disputes by providing free mediation services.

Mediation gives people with a disagreement or problem an opportunity to talk about it, brainstorm possible solutions, discuss if those solutions will work, and possibly come to an agreement. The mediation is led by a mediator, who is an impartial third-party trained in conflict resolution skills. The mediation process encourages the landlord and tenant to engage in an honest and respectful conversation with each other, with the assistance of the mediator. The process may assist in repairing a relationship that has broken down or give the chance for a dignified exit from situations that are no longer working for the parties.

Eviction mediation cases involve issues between landlords and tenants. Generally, landlords file an eviction case to take possession of the property and/or to collect past due rent. In most eviction cases, the landlord will file a complaint to start the case and serve a copy of the complaint and an eviction notice on the tenant. Once the tenant is served, a court date is set for the parties first appearance. The first appearance will be held in front of the eviction judge and is used by the Court to determine if the tenant was properly served. If properly served, the Court will review the case and assess whether it is a good fit for eviction mediation. Please note, landlords and tenants have the option to enter mediation prior to the Court involvement if they request mediation prior to filing the complaint. Eviction cases enter the eviction mediation program either by agreement of the parties or by order of the Court. Once in the program, DRI employees will collect their contact information and schedule a date for mediation. All eviction mediations are provided by mediators using Zoom, making it an easy and convenient method for all parties involved.

At mediation, parties are encouraged to consider all possible options to settle their case. Mediation can assist in working out payment plans, move out dates, and pay and stay agreements. Additionally, parties can learn about rental assistance options available, whether from a state agency such as the Illinois Housing Development Authority (IHDA), a county funded program, or from a nonprofit organization. Eviction mediation allows the parties to choose an agreement that works best for them, instead of relying on a decision from the Court. The Court is limited on how it can decide an eviction case. In mediation, the parties have the opportunity to discuss what is the best way to move forward and to reach an agreement that may benefit all parties. However, like all mediations, any agreement reached by the parties is dependent on their willingness to engage in the mediation process.

Allowing the parties to mediate an agreement can benefit both landlords and tenants. While the Court may have required the tenant to move within the next few days, in mediation the tenant may be able to negotiate a move out date that gives them adequate time to find new housing. A move out agreement can benefit the landlord by including a requirement that the tenant leave the property in a certain condition. If a tenant is interested in staying in the property, they may be able to create a payment plan to catch-up on their rent, enter into a pay and stay agreement, or apply for rental assistance. These options allow the tenant to stay housed, while ensuring the landlord receives the past due rent.

Once mediation is concluded, with or without an agreement, the parties return to Court for a status check on the case. DRI provides a mediation report to the Court reporting whether an agreement was reached by the parties. If an agreement has been reached, the Court may dismiss the case or enter a status date to ensure the agreement is completed before closing the case. If an agreement has not been reached, the case will be set for a bench trial.

While mediation can be an intense process depending on the current relationship between the landlord and tenant, our hope is the parties will leave the mediation with either an agreement or more information than they had prior to mediation. DRI currently provides free mediation services to landlords and tenants in the First Judicial Circuit, Sixth Judicial Circuit, and Twentieth Judicial Circuit. To date, DRI has provided mediation to over 1,700 landlords and tenants throughout these three Circuits.

Landlords and tenants who are interested in free mediation services, both prior to court filing or after, can contact our office at case@dri-inc.org or 618-549-1200. Anyone interested in learning more about mediation or conflict resolution services is welcome to contact our office at info@dri-inc.org or 618-549-1200.

Elias “Eli” Arnold serves as the Programs Manager of Dispute Resolution Institute, Inc., a nonprofit community mediation center. Eli has been employed with DRI under multiple titles since starting as an undergraduate intern in 2012. Eli has had an essential role in the administration of the First Judicial Circuit Family Mediation Program, the Illinois Agricultural Mediation Program, the Jackson County Small Claims Mediation Program, and the First Judicial Circuit Eviction Mediation Program. Additionally, Eli has served as a mediator for DRI since completing his training in 2018. Eli received a Bachelor of Science in Paralegal Studies and a Bachelor of Arts in Anthropology from Southern Illinois University – Carbondale, and a Juris Doctor degree from Southern Illinois University School of Law. Eli resides in Murphysboro, IL, with his partner and two dogs.

Melissa “Missy” Greathouse is the executive director of Dispute Resolution Institute, Inc., a nonprofit providing conflict resolution services throughout Illinois, both within and outside of the court system. Missy is a licensed attorney, mediator, facilitator, trainer, and trained social worker. Additionally, Missy is an adjunct clinical assistant professor at Southern Illinois University School of Law where she teaches Alternative Dispute Resolution and Mediation Skills. She serves in many leadership roles in ISBA including as the Ex-Officio Chair of the Child Law Section, CLE Coordinator of the Alternative Dispute Resolution Section, Third Judicial

Circuit Assembly member, member of the Special Committee on Racial Inequality, member of the Bar Elections Supervision Committee, and member of the Standing Committee on Women and the Law. Outside of her ADR work, Missy serves as the Treasurer of Illinois State CASA and as the Treasurer of Girl Scout Troop #765. Prior to law, Missy was a foster care case manager and specialized foster home licensing worker in St. Louis, MO. She received a Bachelor of Science in Social Work from Saint Louis University, and a Juris Doctor degree from Southern Illinois University School of Law. Missy resides in the metro-east with her husband, daughter, and two cats.