



LANDLORD-TENANT MEDIATION

(An alternative to eviction)

The Federal Government, through an Order issued by the Center for Disease Control (“CDC”), issued a moratorium on evictions for ***non-payment of rent only***. The Order allows a Tenant to submit a ***Declaration*** under the penalties of perjury to its Landlord that, ***if submitted***, will stop, or prevent, an eviction filing. In light of the new moratorium Landman Beatty Lawyers has examined options for Landlords to move forward in the event a Tenant submits such a Declaration before the CDC Order expires on December 31, 2020.

The Indiana Supreme Court recently implemented the “*Landlord and Tenant Settlement Conference Program*” (the, “Settlement Conference Program”). This program provides a way forward, before or after filing an eviction towards the recuperation of unpaid rent. If the parties (Landlord and Tenant) agree to participate in the program, a mediator is appointed by the State of Indiana, at no cost to either party, to facilitate a non-binding (no agreement must be reached) settlement conference for the purpose of attempting to reach a binding agreement for the payment of rent and to resolve any other issues resolvable, at that time, by law. **Mediation is an option at all times, regardless of whether or not a Tenant Declaration has been received. Landman Beatty Lawyers welcomes an opportunity to assist you with your mediation needs.**

A successful mediation would allow the Landlord to begin receiving payments of rent and, perhaps, an opportunity to verify a Tenant Declaration submitted pursuant to the CDC’s Order. Further, a successful mediation would allow the Tenant to avoid an unmanageable debt once the eviction moratorium expires. No additional court costs are incurred for mediations conducted prior to, or after filing for eviction. Mediation, generally, also has the benefit of letting the parties, rather than a judge, control the situation.

Landman Beatty Lawyers fee for a Landlord-Tenant Mediation pursuant to the Settlement Conference Program will be a flat fee of approximately one hour of work (\$300.00) even if the mediation extends beyond that hour (which may often be the case). To begin the Landlord-Tenant Mediation Landman Beatty Lawyers simply needs the following:

- a copy of the Tenant’s current ledger;
- a copy of the Tenant’s Lease;
- the payment parameters.

We recommend keeping payment arrangements within the end of the year for Tenants whose lease expires prior to December 31, 2020 or within the end of the Tenant’s current lease for Tenants whose lease expires after that date.

For additional information and updates please visit our website at www.landmanbeatty.com