Mediators step in to landlord, tenant conflicts amid coronavirus

KENDRA SITTON | Downtown & Uptown News

After years of a housing shortage crisis, the region is facing a new crisis of missed rent and broken leases amid the economic downturn due to coronavirus.

An analysis from global advisory firm Stout Risisus Ross found 40% of renter households in the U.S. are at risk of eviction as eviction moratoriums wind down. People of color are particularly at risk, with 74% of Black renters and half of Hispanic renters saying they have little to no confidence they will stay in their homes, according to that analysis.

With the fear that this could spur a homelessness crisis, city and county government officials have added new protections, including an eviction moratorium, ban on late fees for rental payments and millions in rental assistance payments. They did not embrace rent cancellation pushed by housing advocates and the full funding of the rental assistance program proposed by Council Member Chris Ward.

As for commercial real estate, experts paint a grim picture. Jason Hughes, the CEO of Hughes Marino, said over one-third of office space in Downtown San Diego is vacant with some buildings 99% empty, which could lead to foreclosures in the future.

Among the county’s efforts to prevent widespread business closures and homelessness is a program with the National Conflict Resolution Center (NCRC). With a grant from San Diego County Health and Human Services Agency (HHS&A), the NCRC has funding to mediate all commercial and real estate rental payment disputes.

“The county recognized that people are in conflict and reached out to us to hire us to facilitate mediation between landlords and tenants, both residential and commercial, recognizing that both sides have real concerns, and we could really help facilitate conversations that they might find alternative solutions,” Chris Huburt, Director of Development at NCRC said.

NCRC has over 100 community members trained as mediators to handle the residential disputes for free. The volunteer mediators come from a variety of backgrounds. The organization has hired lawyers and judges to step in to commercial disputes, currently for a reduced fee.

The goal is to figure out a way for tenants and landlords to maintain relationship and survive the economic impact of the coronavirus. Often that includes negotiating deferred or partial payments because some income is better than no income for the landlord. Huburt said the most important first step is the negotiator learning the unique needs of the people in conflict and treating each tenant as different from the last.

“The most effective agreement is going to be one that everybody participates in shaping,” Huburt said.

The community mediation program has been in existence for 40 years and often dealt with rental disputes. However, there is a significant difference between previous rental disputes and current ones: there is no threat of eviction or late fees.

Huburt also said the shared problems caused by the coronavirus is helping people find common ground during mediations. In the past, according to Huburt, landlords would sometimes get frustrated at their tenants’ inability to pay rent. Now when both sides come together, there is more understanding because they are facing the same issue even though their financial obligations are opposed.

“Everybody’s participating in the same story. That takes out the sense of judgment,” Huburt said. “Here everybody knows that this is happening because of circumstances outside of anyone’s control. So that sense of somebody being the bad actor isn’t present in these negotiations. That’s actually really helpful, because we can really start with the idea that everybody is in this together and therefore, we’re motivated to work together to find the common solution.”

Coronavirus has created new problems for the mediators though. In particular, going virtual makes it more difficult for the mediator to read the facial expressions and nonverbal cues of those involved in the conflict. Still, Zoom has proven to be very convenient and effective for conflict mediation because people no longer need to travel to Downtown San Diego. Breakout rooms in a Zoom meeting also mean the mediator can speak to each participant privately and learn confidential information.

NCRC is still reaching agreements in 85% of cases, the same as before the move to virtual.

Anyone interested in using NCRC’s mediation services for rent disputes can contact 619-398-0494. Commercial tenants can contact the organization’s West Coast Resolution Group at 619-238-7282.

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Landscape architect Michael Brennan has been honored by the American Society of Landscape Architects, San Diego chapter (ASLA), for his pro bono work to make the Hillcrest Pride Flag and LGBT Monument a reality. Brennan was honored on July 9 when the ASLA held their bi-annual Design Awards via Zoom.

Brennan’s involvement began in 2011 with the community idea for a Pride Flag and the Hillcrest Business Association’s (HBA) need for a landscape architect.

Brennan was engaged during the process of synthesizing the community-generated idea into a fully envisioned project proposal as well as garnering public input, fundraising and gaining approvals for construction from the city.

Brennan commented, “This project was a demanding multi-year engagement with our client, the community and contractors, resulting in a transformative space that is evolving to this day toward higher and better uses for the neighborhood.”

Thanks to Brennan’s pro bono work, the San Diego LGBT community now has a permanent public place to assemble, protest, mourn and celebrate with their community.

Since installation, the Pride Flag and Monument have become a regional landmark and gathering point for LGBTQ celebrations, protests and memorial al.

These include impromptu celebrations after the Supreme Court’s marriage decision in 2013, vigils and mourning after the incredible loss of life in the Pulse Nightclub massacre, and recently as a rallying point for the Black Lives Matter protest.

Brennan has also spurred organized community events to gather there including the Pride of Hillcrest Stonewall Rally, Transgender Day of Remembrance, Pride Block Party, and is home to the long-standing weekly farmers market.

The existence of the Pride Flag and Monument inspired the community-driven process to design and fully fund theNormal Street Promenade by converting the western half of Normal Street to pedestrian and cycle use. Brennan was also involved in the early phases of this design.

Said Brett Allen, President of ASLA, “This landmark project correlates directly to one of ASLA’s top priorities of diversity and inclusiveness within our profession.”

Through Brennan’s high-profile involvement the community has seen the potential for landscape architects to imagine built environments reflective of the individuals and community they are in, said Allen.


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