

Regarding Eviction Mediation, Elderly Tenants, and Elderly Homeowners

Members of the Committee,

Thank you for the opportunity to provide testimony on eviction mediation and related social services. I want to begin by stating clearly that mediation can be an important and humane tool in housing disputes. It has helped prevent wrongful displacement, reduced unnecessary litigation, and given vulnerable tenants time and voice in situations where power is uneven.

That history matters, and it should not be dismissed.

At the same time, the effectiveness of mediation depends entirely on whether it is applied with discernment. When it is applied indiscriminately—without regard to age, health, intent, or urgency—it can produce outcomes that are procedurally correct but substantively unjust.

What concerns me today is not the existence of eviction mediation, but the assumption that it is appropriate in every circumstance.

Recognizing real tenant harm

There are elderly tenants on fixed incomes who have been displaced not because they did anything wrong, but because more money could be made from their unit. There are tenants asked to leave for “family use” that never materializes, or materializes briefly before renovation, re-listing, or higher-yield occupancy replaces it. These practices are widely known, and the complaints that reached both County and State offices over the years were not imagined.

Those tenants deserve protection. They deserved it before mediation existed, and they deserve it now.

Eviction mediation arose, in part, because the system previously failed to distinguish between good-faith housing needs and profit-driven displacement. In that sense, mediation was a corrective measure—and an understandable one.

But a corrective measure becomes a new injustice when it is applied without limits.

When ownership does not mean power

There is another category of cases that is often overlooked in these discussions: elderly homeowners with declining health, no written rental agreements, and an urgent need to sell their home in order to pay for medical care.

In those cases, the issue is not housing instability in the traditional sense. It is forced co-habitation.

An elderly person living in their own home, dependent on that home as their primary asset, and facing mounting medical expenses is not exercising market power. They are attempting to preserve dignity, autonomy, and basic care.

Treating such individuals as interchangeable with commercial landlords collapses important moral distinctions and leads to outcomes that feel compassionate in theory but devastating in practice.

Time is not neutral for everyone

Much of the discussion around eviction mediation assumes that delay is inherently protective. That assumption does not hold when the person seeking possession is elderly or medically fragile.

For seniors in declining health, time is not neutral. Delay is not merely inconvenient. Delay can be physically, financially, and emotionally destructive.

In one case I was directly involved with, an elderly homeowner needed vacant possession of her own home so it could be sold to cover medical bills. There were no written rental agreements. The occupants refused to leave. Because they refused, the matter went to court.

What followed was not resolution, but delay layered upon delay.

One of the occupants died on the property before the process concluded.

That outcome forces a necessary question: when process outlasts health, who has the system actually protected?

Mediation presumes capacity that may not exist

Mediation presumes that both parties can meaningfully participate—that they have the stamina, clarity, and time to engage in repeated discussions about future arrangements.

For an elderly owner facing medical decline, that presumption often fails.

Asking someone of advanced age to mediate whether others may continue occupying their home is not a neutral exercise. It is exhausting. It can be destabilizing. And it ignores the biological reality that health does not pause while negotiations continue.

In these circumstances, discussing “continued occupancy” is not a realistic solution. It simply postpones the inevitable while compounding harm.

Silence should not be the price of survival

There is another aspect of this process that deserves attention.

In navigating eviction procedures, we were advised that **not asserting money owed** would make possession easier and faster.

That advice reveals a troubling dynamic. It suggests that the system rewards silence over truth.

For an elderly person, this creates an impossible choice: either tell the truth and face extended delay, or abandon legitimate claims in order to regain control of their own home in time to survive financially.

Public policy should never place vulnerable people in a position where honesty becomes a liability.

Delay is not the same as accountability

Eviction mediation often delays removal, but delay alone does not answer the core concern raised by many tenants: whether a removal was truly necessary or merely profitable.

For tenants displaced under claims of “family use” or similar justifications, justice does not come from delay alone. It comes from meaningful enforcement after possession is regained—consequences when bad-faith claims are exposed, and accountability when units are quickly re-listed or repurposed.

For elderly owners, justice looks very different. It looks like timely restoration of possession, relief from forced co-habitation, and the ability to access care before health collapses.

A system that relies on delay as its primary safeguard ultimately fails both groups.

The need for distinction, not denial

Nothing I am saying requires weakening tenant protections or abandoning mediation where it is appropriate.

What it requires is distinction.

A humane system must be able to distinguish:

- profit-driven displacement from medical necessity,
- regulated tenancies from no-agreement occupancy,
- and commercial leverage from personal vulnerability.

Absent those distinctions, eviction mediation becomes a blunt instrument—one that protects some people while quietly devastating others.

Closing

The complaints from elderly tenants are real.
The harm to elderly homeowners is also real.

Justice fails when policy forces one group's suffering to justify another's.

The goal should not be to choose sides, but to build a system capable of moral discrimination—one that can tell when someone is being displaced for profit, and when someone is being trapped by time.

If our policies cannot recognize that difference, then we are not protecting the vulnerable. We are merely obscuring vulnerability behind procedure.

Thank you for the opportunity to offer this perspective.

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