



**PRÓSPERA ARBITRATION CENTER (PAC)  
RULES OF THE EVICTION, LABOR AND HAZARDOUS ACTIVITY DIVISIONS**

**Contents**

<b>Article 1: Scope of These Rules.....</b>	<b>1</b>
<b>Article 2: Notice of Arbitration.....</b>	<b>1</b>
<b>Article 3: Answer and Counterclaim .....</b>	<b>1</b>
<b>Article 4: Hearing and Decision.....</b>	<b>2</b>

Under Review by SCEC

## Article 1: Scope of These Rules

Where the parties are subject to an action brought to recover possession arising under the Próspera Landlord-Tenant Statute, §§2-3-29-0-0-0-1, et seq. or Próspera Mortgage Foreclosure Sale Statute, 2-3-20-0-0-0-1, et seq., a labor dispute arising under the Próspera Labor Statute, §§2-3-68-0-0-0-1, et seq., OR a dispute regarding a Hazardous Activity and Condition under the Próspera Hazard Precaution Statute, §§2-2-\_\_-0-0-0-1, et seq., available at <https://pzgps.hn/statutory-enactments/>, the public precedential arbitration shall take place in accordance with these Rules pursuant to §2-3-68-0-0-0-5(c) and Próspera Arbitration Statute, §§2-1-37-1-0-0-1, et seq., as amended. The PAC through its website-designated process recipient is the Administrator of these Rules. To initiate and participate in a private arbitration or mediation under these Rules, the parties must have paid or caused to be paid the privacy surcharge as may be posted from time to time at <https://pzgps.hn/arbitration/>. These Rules of the Eviction, Labor and Hazardous Activity Division shall utilize the PAC Rules of Evidence for Minor and Small Claims.

## Article 2: Notice of Arbitration

1. The party initiating arbitration (Claimant) shall give written Notice of Arbitration to the Administrator and at the same time to the party against whom a claim is being made (Respondent). The Claimant may also initiate the arbitration through the Administrator's online filing system located at <https://pzgps.hn/arbitration/>. The arbitration shall be deemed to commence on the date on which the Administrator receives the Notice of Arbitration.
2. The Notice of Arbitration shall contain the following information:
  - a. a demand that the dispute be referred to arbitration;
  - b. the names, addresses, telephone numbers, fax numbers, and email addresses of the parties and, if known, of their representatives;
  - c. a copy of the entire arbitration clause or agreement being invoked, and, where claims are made under more than one arbitration agreement, a copy of the arbitration agreement under which each claim is made;
  - d. a reference to any contract out of or in relation to which the dispute arises;
  - e. a description of the claim and of the facts supporting it;
  - f. the relief or remedy sought, and any amount claimed; and
  - g. proposals as to the language(s) of the arbitration.
3. The Notice of Arbitration shall be accompanied by the appropriate filing fee.
4. Upon receipt of the Notice of Arbitration, the Administrator shall communicate with all parties with respect to the arbitration, confirm receipt of the Notice of Arbitration by each Respondent, and shall acknowledge the commencement of the arbitration.

## Article 3: Answer and Counterclaim

1. Respondent shall submit to Claimant, to any other parties, and to the Administrator a written Answer to the Notice of Arbitration as follows:

- a. In an action to recover possession, within two (2) days after commencement of the arbitration; or
  - b. in a labor dispute or hazardous activity or condition dispute, within fourteen (14) days after the commencement of the arbitration.
2. Failure of Respondent to submit an Answer shall not preclude the arbitration from proceeding.

## **Article 4: Hearing and Decision**

1. **Procedural Order or Default.** If the Answer is timely filed, the Administrator shall establish a procedural order, including a timetable, to ensure that: (a) any action to recover possession is finally decided within seven (7) days after the date the Administrator received the Notice of Arbitration; (b) any labor dispute is finally decided within thirty (30) days after the parties' detailed submissions are filed with the Administrator; and (c) any hazardous activity or condition dispute is finally decided within sixty (60) days after the date the Administrator received the Notice of Arbitration. If the Answer is not timely filed, the Administrator shall submit the matter to a sole arbitrator of the Administrator's choice to consider whether to issue a default award in favor of the complainant and to issue such award within five (5) days after the submission.
2. **Appointment and Qualifications of the Arbitrator.** If the parties timely file their detailed submissions, a sole arbitrator shall be appointed as follows.
  - a. Upon filing of the parties' detailed submissions,
    - i. In an action to recover possession, the Administrator shall make the appointment within three (3) days after the date the Administrator received the Notice of Arbitration; or
    - ii. in a labor dispute or hazardous activity or condition dispute, the Administrator shall simultaneously submit to each party an identical list of five proposed arbitrators. The parties may agree to an arbitrator from this list and shall so advise the Administrator within three (3) days after the submission of the list. If the parties are unable to timely agree upon an arbitrator, each party may strike two names from the list and return it to the Administrator within four (4) days from the transmittal date of the list to the parties. The parties are not required to exchange selection lists. If the parties fail to agree on any of the arbitrators or if acceptable arbitrators are unable or unavailable to act, or if for any other reason the appointment cannot be made from the submitted lists, the Administrator may make the appointment without the circulation of additional lists within five (5) days from the transmittal date of the list to the parties. The parties will be given notice by the Administrator of the appointment of the arbitrator, together with any disclosures.
3. **Oral Hearing.** The Administrator shall set the date, time, and location of the hearing in his procedural order. In an action to recover possession, the oral hearing shall take place within six (6) days after the date the Administrator received the Notice of Arbitration. In a labor dispute or hazardous activity or condition dispute, the oral hearing shall take place within fifteen (15) days of the date of the procedural order unless the arbitrator deems it necessary to extend that period. Hearings may take place in person or via video conference or other suitable means, at the discretion

of the arbitrator. Generally, there will be no recording, transcript or stenographic record. Any party desiring a recording may pay the necessary fee and any party desiring a stenographic record may arrange for one. The oral hearing shall not exceed two hours unless the arbitrator determines otherwise. The Administrator will notify the parties in advance of the hearing date.

4. Awards shall be made in writing and shall be final and binding on the parties and without reconsideration. Unless otherwise agreed by the parties, specified by law, or determined by the Administrator, the award shall be made not later than: (a) seven (7) days after the date the Administrator received the Notice of Arbitration in the case of an action to recover possession; (b) thirty (30) days after the parties' detailed submissions are filed with the Administrator in the case of a labor dispute; or (c) sixty (60) days after the date the Administrator received the Notice of Arbitration in the case of a hazardous activity or condition dispute. The prevailing party may request a supplement to the award to require the losing party to pay its reasonable attorney's fees, arbitration costs and litigation expenses, which supplemental award shall be granted by the arbitrator if the arbitrator agrees that the losing party's case was frivolous.
5. Either party may appeal an award to the arbitral tribunal of appeals by filing a Notice of Appeal from the Award with the Administrator, together with necessary fees and a detailed submission explaining the nature of the error justifying appellate review and reversal or modification, within ten (10) days of the award date. All appeals from the Eviction Division and Labor Division shall thereafter be governed by the PAC Rules of Appellate Procedure for Minor and Small Claims and all appeals from the Hazardous Activity Division shall thereafter be governed by the PAC Rules of Appellate Procedure for Moderate, Major, Extraordinary and Equitable Claims, with the arbitral tribunal of appeals to resolve the parties' dispute by issuing a public precedential decision accordingly.