



THE COMMONWEALTH OF MASSACHUSETTS
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Senator Lydia Edwards
Chair, Joint Committee on Housing
State House, Room 413-C
Boston, MA 02133

Representative James Arciero
Chair, Joint Committee on Housing
State House, Room 146
Boston, MA 02133

Dear Chair Edwards and Chair Arciero:

I write to convey my strong support for Senate Bill 864, *An Act promoting access to counsel and housing stability in Massachusetts*, filed by Senator DiDomenico. This legislation, which is critical for ensuring housing and economic stability for renters throughout the state, will help provide low-income tenants with access to legal services during evictions and other administrative proceedings that affect an individual's housing.

Evictions have long-lasting economic and social impacts on individuals and their families, particularly children and people of color, especially Black women. Families and households with children are more likely to receive an eviction judgment and suffer long-term consequences. Aside from the immediate trauma and financial insecurity posed by an eviction, individuals and families will often experience continued employment instability, increased risk of homelessness, and physical and mental health issues. Providing tenants with access to legal counsel throughout the eviction process will protect their legal rights and help individuals and families maintain stable and secure housing.

The Consumer Advocacy and Response Division ("CARD") within my office accepts consumer complaints related to rental housing and landlord-tenant issues, including eviction. In 2022, for the first time ever, complaints about rental housing outpaced all other consumer complaints received by CARD. Last year, my office received more than 600 calls to our consumer hotline from tenants facing eviction, plus over 1,000 written complaints or requests for assistance. These numbers reflect the sobering challenge facing tenants throughout the state, but this is just a small sampling of individuals and families in the state who are in the midst of eviction proceedings.

The need for this legislation is especially urgent in light of the strain on our emergency shelter system for homeless families. Based on the eviction filings to date, housing courts are experiencing a significant increase in eviction filings. In 2022, there were more than 33,000 eviction filings and already this year more than 30,000 cases have been filed. This is over a 30% increase in filings and with more than two months left of the year, this year eviction filings are expected to significantly exceed 2022 filings. Ensuring that families have robust protections in

the eviction process will prevent families from needlessly becoming homeless at a time when the shelter system faces an unprecedented rise in demand that the state cannot currently sustain.

In response to complaints and other requests for assistance with housing matters, CARD's team of experienced housing specialists work with tenants and landlords to try to prevent eviction by facilitating negotiations between landlords and tenants and connecting tenants with resources, such as rental assistance programs. However, the Attorney General's office does not provide direct legal representation to tenants, meaning that once a landlord files a summary process complaint in court, housing specialists must refer households to private attorneys.

As evictions typically affect low-income and disproportionately marginalized populations, the majority of whom are unable to afford private legal representation, complaints about evictions are typically referred to legal services organizations. While Massachusetts is fortunate to have incredible and hard-working legal services attorneys, demand for their services continues to exceed supply, leaving many tenants unable to secure legal representation. And, without legal representation, many tenants risk becoming unhoused in circumstances where they may have valid legal claims to prevent eviction. Providing tenants with access to counsel will also allow tenants to better protect themselves against unscrupulous landlords who may use the eviction process to harass or exploit tenants and will provide a needed safeguard against unjustified eviction notices and illegal lockouts

Pro se tenants entering housing court face considerable challenges. In addition to dealing with the prospect of losing their home, they are navigating an unfamiliar legal system on their own. In Fiscal Year 2022, 86% of landlords in housing court had legal representation in eviction proceedings, compared to 11.5% of tenants. A robust access to counsel program in Massachusetts, like that envisioned by *An Act promoting access to counsel and housing stability in Massachusetts*, can help address this inequity in representation and ensure the legal claims of tenants are protected. Tenants with counsel are significantly more likely to remain in their homes, obtain rent modifications or receive additional time to move.

As we continue to witness the struggle that residents in the Commonwealth face with regard to housing insecurity, it is clear that the access to counsel program envisioned in this legislation would provide needed protections to individuals and families in the Commonwealth. I thank Senator DiDomenico for his leadership on this issue and I hope that the members of the committee will support a favorable report of this legislation. If you should have any questions or need additional information, please contact Lisa Sears, Assistant Attorney General and Senior Policy Advisor, at (617) 963-2056.

Very truly yours,



Andrea Joy Campbell
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