

Congress of the United States
Washington, DC 20515

July 13, 2020

The Honorable Charlie Baker
Governor
Commonwealth of Massachusetts
State House, Room 360
Boston, MA 02133

Dear Governor Baker,

The COVID-19 pandemic has pushed our country to the brink. With more than 47 million people filing for unemployment and several states now experiencing record high positive cases and hospitalizations, it is clear we are far from the end of this pandemic. In Massachusetts, we have made great strides in protecting the health and safety of our residents, but a new crisis is looming in the housing sector. On August 18, 2020, when the current statewide eviction moratorium is set to expire, an estimated 15,000 households will face eviction. As you consider allocating the federal assistance provided to the Commonwealth pursuant to the CARES Act, we urge your support for programs that would provide families facing eviction with access to legal counsel. Such a program would ensure equal justice under the law does not depend on income level, help families continue to practice social distancing by staying in their homes, and save money.

Before the COVID-19 pandemic, over 90 percent of tenants in Massachusetts facing eviction did so without legal representation while 78 percent of landlords did.¹ The already high number of tenants facing eviction without representation will likely increase due to the economic consequences of the pandemic. A 2010 Harvard Law Review study found a 77 percent decrease in judgments for eviction and a 45 percent decrease in the number of cases in which tenants lost their home when tenants had legal representation.² Not only is ensuring access to legal representation the best way to save as many as an estimated 15,000 households from losing their homes, it is the most cost-effective approach to this crisis. A new Boston Bar Association Study found that every \$1 invested in legal representation for eviction proceedings saves the Commonwealth \$2.40 in health care, shelter, and foster care costs associated with homelessness.³ A \$6 million investment, less than one percent of Massachusetts' CARES Act funding, could save the Commonwealth approximately \$14.4 million in costs associated with homelessness. With a potential \$6 billion state budget deficit, this is an investment we should not pass by.

The State Legislature is currently considering legislation to address this crisis. S. 2785 by Senator Sal DiDomenico would protect households facing eviction by establishing an emergency statewide right to counsel pilot program to protect renters and owner-occupants. The pilot program would provide legal representation to owner occupants and tenants in eviction

¹ <https://www.mass.gov/doc/2019-housing-court-self-represented-represented-litigants-by-court-location/download>

² <https://www.americanprogress.org/issues/poverty/reports/2019/10/02/475263/right-counsel-right-fighting-chance/#:~:text=One%20proven%20means%20of%20curbing,landlord%20sues%20them%20for%20eviction>

³ <https://bostonbar.org/docs/default-document-library/rtc-report-for-web-or-email.pdf>

proceedings whose income does not exceed 200 percent of the poverty line. This pilot could help approximately 4,800 households if funded at the requested level. Factors such as poverty rate, COVID-19 infection rate, concentration of people of color, unemployment rate, and concentration of renters would be used to determine the location of the pilot programs and at least two programs would be located in each of the Housing Court's six divisions. Communities of color have borne the brunt of the health and economic effects of the pandemic. In the seven weeks between the state of emergency in March and the start of the eviction moratorium in April, over 78 percent of all evictions filed in Boston were in census tracts where the majority of residents are people of color.⁴ Targeting the programs to the communities most in need will support their financial recovery and protect their health as our nation prepares for a second wave of infections.

In Congress, our delegation has supported efforts to address this crisis at the federal level. In April, Congress passed the CARES Act, which appropriated \$3 billion for rental assistance to help renters stay in their homes, provided \$4 billion for the Emergency Solutions Grants (ESG) program to provide shelter and services to individuals experiencing homelessness, and implemented a 120-day eviction moratorium for all properties that receive federal assistance. In May, the House of Representatives passed the HEROES Act, which would provide \$100 billion to establish an Emergency Rental Assistance Program, infuse the ESG program with \$11.5 billion, and extend the eviction moratorium for one year and broaden it to cover all renters.

Providing the right to counsel to families facing eviction has proven to be effective. A critical aspect of keeping residents safe from the pandemic is making sure they have a safe place to live. As the Commonwealth begins to reopen and takes steps to prevent the transmission of COVID-19, there are a myriad of worthy causes facing insufficient funding. We urge you to allocate \$6 million in federal funds to establish a statewide right to counsel pilot program for low-income residents facing eviction. This investment will keep people in their homes, save money, reduce strain on the social safety net, and help ensure that approximately 4,800 Massachusetts residents are truly equal under the law.

We look forward to your response.

Sincerely,



Joseph P. Kennedy, III
Member of Congress



Richard E. Neal
Member of Congress

⁴ <https://www.bostonevictions.org/>



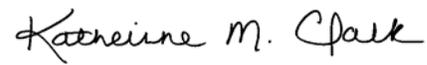
James P. McGovern
Member of Congress



Stephen Lynch
Member of Congress

/s/

William R. Keating
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Seth Moulton
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Lori Trahan
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Ayanna Pressley
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