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January 9, 2024

The Honorable Maura Healey  
Governor of Massachusetts  
State House Room 360  
Boston, MA 02133

Secretary Matthew Gorzkowicz  
Executive Office of Administration and Finance  
State House Room 373 Boston, MA 02133

RE: Access to Counsel Program for Evictions  
Dedicated Line Item FY25 Budget Request of \$7 million

Dear Governor Healey and Secretary Gorzkowicz,

On behalf of the Harvard Legal Aid Bureau (HLAB), we respectfully urge you to include funding of \$7 million in the FY25 budget to phase in an Access to Counsel Program for low-income tenants and low-income owner-occupants in eviction proceedings.

The need is urgent. As of 2023, the Trial Court reported that in non-payment cases in Housing Court, only around 2.5% of tenants were represented, while 90% of landlords were represented.<sup>1</sup>

As a student attorney for the Harvard Legal Aid Bureau, I have seen the impact that free or affordable representation has on countless cases. For example, while working in Eastern Housing Court with one low-income tenant who could not otherwise afford an attorney, I helped get her eviction case dismissed within minutes of speaking with her. The court dismissed the case because the landlord failed to follow the legally required steps to evict the tenant. The tenant would not have known that her procedural rights were being violated without having worked with an attorney. This tenant would now receive the due process to which she was legally entitled and another opportunity to preserve her tenancy.

My fellow S.J.C. Rule 3:03 student attorneys have reported similar outcomes. In HLAB's experience, a landlord is far more likely to deliver eviction notices with tenuous grounds and procedural defects if they know that the tenant is unlikely to be able to afford an attorney. As a result, without right to counsel, tenants' rights are routinely disregarded.

My HLAB colleagues and I are dedicated to providing zealous advocacy to low-income tenants. However, HLAB and our peer legal aid institutions constantly have to turn away clients due to

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<sup>1</sup> Summary Process, Massachusetts Trial Court, November 4, 2023. Dashboard at: [public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtSummaryProcess/SummaryProcess](https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtSummaryProcess/SummaryProcess)

limited capacity. Overall, the current legal aid community is a very limited source of representation in a massive statewide eviction system. The system needs far more funding for far more legal aid.

Appropriations for counsel will substantially benefit the Massachusetts fiscal system. By offsetting public spending on programs like foster care and emergency shelters, every \$1 that would be spent by your government on access to representation saves the state over \$2.<sup>2</sup>

We ask that you recognize the unique challenges that unrepresented tenants face, especially acknowledging that women and racial minorities face an elevated risk of eviction.<sup>3</sup> Therefore, we urge you to help remedy this pressing legal and social issue and fund access to counsel in the FY25 budget.

Thank you for your consideration,

Tuhin Chakraborty, S.J.C. Rule 3:03 Counsel  
On Behalf of the Harvard Legal Aid Bureau

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<sup>2</sup> More information available at: [bostonbar.org/docs/default-document-library/rtc-report-for-web-or-email.pdf](https://bostonbar.org/docs/default-document-library/rtc-report-for-web-or-email.pdf)

<sup>3</sup> For more information, please visit: [evictionlab.org/who-is-evicted-in-america/](https://evictionlab.org/who-is-evicted-in-america/)