



TESTIMONY OF
MIKE FESTA, STATE DIRECTOR, AARP MASSACHUSETTS
REGARDING HOUSE BILL NO. 1731
AN ACT PROMOTING ACCESS TO COUNSEL AND HOUSING STABILITY IN
MASSACHUSETTS
BEFORE THE JOINT COMMITTEE ON THE JUDICIARY
BOSTON, MA
MAY 9, 2023

Good afternoon Chairmen Eldridge, Day, and members of the committee. My name is Mike Festa. I am the State Director of AARP Massachusetts. AARP is a nonprofit, non-partisan membership organization for people 50 and over. We have nearly 38 million members nationwide and 760,000 members in the Commonwealth. On behalf of AARP members and older residents of the Bay State, AARP Massachusetts urges you to favorably pass ***HOUSE BILL NO. 1731 - AN ACT PROMOTING ACCESS TO COUNSEL AND HOUSING STABILITY IN MASSACHUSETTS.***

We urge you to take steps to prevent an immediate state housing crisis. According to the National Low-Income Housing Coalition's (NLIHC) 2021 Out of Reach Report, housing in Massachusetts, ranked as 3rd most expensive in the nation, remains unaffordable for many – making it all the more important to ensure that people have access to supports to help them remain in their homes.

It is important to develop safeguards to make sure individuals and families remain securely housed. We encourage you to fund services that increase housing stability such as establishing a right to counsel for low-income people facing the loss of their homes. Strengthening access to legal resources before a court eviction can prevent families from becoming homeless, prevent illegal or unnecessary evictions, prevent displacement, and create a path to housing stability. We know that the vast majority of

individuals who don't have a lawyer in housing court lose, while the vast majority who do win.

AARP has a few recommendations for your consideration to strengthen the bill:

- o Under Section 16 (c) while selecting a designated organization for providing legal assistance for eligible individuals it is important that such organizations go through background checks, conflict checks (so that a particular organization is not favored), and regular evaluation, since they will be receiving funding from the state to perform legal representation.

- o In relation to regular evaluation, under Section 16 (f) the Massachusetts Legal Assistance Corporation shall be responsible for exercising oversight, implementing fiscal controls, and for all data collection, deliverables, and ongoing programmatic evaluation. However, the bill does not require the Massachusetts Legal Assistance Corporation to submit annual reports delineating the success/challenges to the right to counsel program to the Legislature or the Executive of the Commonwealth of Massachusetts or such other governmental body that would exercise oversight over the right to counsel program since the Massachusetts Legal Assistance Corporation is an independent body not a governmental agency. It is important not only to collect data but also to report such data to improve performance.

- o Under Section 16 (b), there is supposed to be dedicated state funding for the right to counsel program. The Commonwealth of Massachusetts can use the funding available under the Emergency Rental Assistance Program as an initial startup fund. There are other jurisdiction using the federal fund for tenant protection programs, including right to counsel programs.

We urge you to favorably pass ***HOUSE BILL NO. 1731 - AN ACT PROMOTING ACCESS TO COUNSEL AND HOUSING STABILITY IN MASSACHUSETTS*** to protect vulnerable residents of the Commonwealth from losing the protections afforded by stable and secure housing.

Thank you.