

Co-Sponsor SD.1771/HD.3912

An Act promoting access to counsel and housing stability in Massachusetts

The housing crisis is reaching epidemic proportions in the Commonwealth and we need multiple strategies to address it. One of those strategies is **An Act Promoting Access to Counsel and Housing Stability in Massachusetts** filed by lead sponsors Senator Sal DiDomenico, Representative Dave Rogers, and Representative Mike Day.

SD.1771/HD.3912 provide legal representation for low-income tenants **and** low-income owner-occupants in eviction proceedings. The bills are supported by a broad-based coalition of over [240 organizations](#) that includes the legal community, housing advocates, health care providers, large property owners, municipal officials, and many others.

The inequity of legal representation is stark. Trial Court data in 2024 shows that while upwards of 90% of landlords in eviction proceedings were represented by an attorney, only 6-7% of tenants had legal representation.

Evictions negatively affect people's physical and mental health. Evictions result in job loss and decreased school attainment for children. Tenants facing eviction are overwhelmingly poor, female, and people of color. More than 1 in 4 children living in poverty experience eviction by the age of 15; and evictions are forcing families into shelters and unsafe housing conditions.

18 cities, 5 states, and 2 counties have enacted access to counsel for tenants facing eviction in just the past four years. Data from these locations is demonstrating that legal representation results in housing stability.

Data from the Massachusetts COVID Eviction Legal Help Project, an initiative to keep tenants safely in their homes during COVID, resulted in **positive outcomes in 92% of eviction cases receiving extended services**: in 66% of cases the tenancy was preserved and in 26% of cases additional time was received to help tenant successfully relocate.

On January 22, 2025, Governor Healey included in her proposed FY26 budget a dedicated line item to support Access to Counsel (Line Item 0321-1800). It was level funded at \$2.5 million. Last year, the line item was passed in the FY25 budget as a pilot program, which the Massachusetts Legal Assistance Corporation is implementing. **The work is starting!** SD.1771/HD.3912 would make an Access to Counsel program permanent.

It is urgent to reduce the trauma caused by evictions for tenants and small landlords. Make a statewide Access to Counsel program a comprehensive strategy to address housing.

[SD.1771/HD.3912](#) provide:

- 1. Who is eligible for legal representation?** Low-income tenants facing eviction and low-income owner-occupants of 1 to 3-family homes seeking possession of a unit in their only home, who receive public benefits or are at or below 80% of the [Area Median Income](#) (2024), which varies by region.
- 2. What kinds of proceedings are covered?** Evictions, similar court proceedings, and administrative proceedings to terminate a mobile or project-based housing subsidy or public housing tenancy. In addition, low-income owner-occupants of 1 to 3-family homes seeking possession of a unit in their only home.
- 3. What is provided?** Full legal representation for eligible individuals facing eviction in court or through administrative proceedings.
- 4. Who implements the program?** The Access to Counsel Program is administered by the Massachusetts Legal Assistance Corporation (MLAC). MLAC designates non-profit organizations to provide full legal representation through a request for proposal process. Organizations must have substantial expertise in housing law.
- 5. Is there an Advisory Committee?**
A 15-member Advisory Committee will advise on matters and policies affecting the Access to Counsel Program. The advisory committee must include low-income tenants and owner-occupants, community-based organizations, statewide advocacy organizations, and municipal officials from diverse regions of the state.
- 6. How do people find out about the Access to Counsel program?**
A form approved by the Supreme Judicial Court would inform individuals about the Access to Counsel program. It must be attached to a notice to quit and an eviction court complaint. The trial court would notify landlords about the required form and of their potential eligibility for legal counsel.
- 7. Funding**
A statewide Access to Counsel program would continue to be funded by the general court through a specifically designated line item in the Judiciary budget. In FY25, the Legislature passed a new line item dedicated to Access to Counsel (Line Item 0321-1800). Funding for an Access to Counsel program must be in addition to funding for essential frontline civil legal aid and housing stabilization programs.

Co-Sponsor SD.1771/ HD.3912

An Act promoting access to counsel and housing stability in Massachusetts

For more information contact:

Access to Counsel Coalition: Annette Duke at Massachusetts Law Reform Institute at Aduke@MLRI.org