

Enact H.4360/S.864: An Act promoting access to counsel and housing stability in Massachusetts

In recognition of a housing crisis and the need to keep people who are facing the trauma of eviction stably housed, Representative Dave Rogers, Representative Michael Day, and Senator Sal DiDomenico this session filed a bill *Promoting Access to Counsel and Housing Stability in Massachusetts (H.4360/S864)*.

Momentum is growing

The Judiciary Committee reported H.4360 out **favorably** to House Ways and Means and Governor Healey is proposing the establishment of an Access to Counsel Program through a dedicated line item in her FY25 House 2 budget funded at \$3.5 Million (Line-item 0321-1800). We are urging the House Ways and Means Committee to include this line-item in its FY25 budget in tandem with the full bill language in H.4360.

Providing legal representation keeps people housed

H.4360 provides legal representation for low-income tenants **and** low-income owner-occupant landlords in eviction proceedings. The bills are supported by a broad coalition of [240 organizations](#) which includes the legal community, health care providers, large property owners, municipal officials, and the faith-based community.

The inequity of legal representation in evictions in Massachusetts is stark

In February 2024, the Mass. Trial Court reported that in non-payment cases in Housing Court, while 90% of landlords were represented, **only 3.5% of tenants were represented**. This imbalance has persisted for years, resulting in an imbalance of power where landlords have attorneys who can navigate a complicated process and tenants do not.

Tenants facing eviction are overwhelmingly poor, women, people of color, & children

Data shows that 11% percent of all children under the age of 5 face eviction every year. That rate almost triples for Black children, where **27% of Black children under the age of 5 face eviction every year**. Evictions lead to decreased engagement in school and increased dropout rates. Evictions negatively affect people's physical and mental health.

Eviction filings in Massachusetts are going up

Trial court data shows that eviction filings in Massachusetts in 2023 surpassed pre-COVID eviction filings. In places with access to counsel programs have been established in other parts of the country, eviction filings go down and people's housing is stabilized. Now is the time to pass a statewide Access to Counsel Program, so we can lower the eviction filings.

Evictions are forcing families into shelters and unsafe housing conditions

In Massachusetts, under the COVID Eviction Legal Help Project, a temporary project quickly scaled up in response to COVID, legal services providers handled 4,698 eviction cases over a 14 month period. Overall, **positive outcomes were obtained in 87% of cases**; in 61% of the cases the tenancy was preserved and 26% of the cases received additional time.

H.4360/S.864 Overview:

- 1. Who is eligible for legal representation?** Low-income tenants facing eviction and low-income owner-occupant landlords of 1 to 3-family homes seeking possession, who are at or below 80% of the [Area Median Income](#), 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?** An Access to Counsel Program would be administered by the Massachusetts Legal Assistance Corporation (MLAC). MLAC will designate 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.
- 7. Funding**
A statewide Access to Counsel program would be funded by the general court through a specifically designated line item in the Judiciary budget. Funding for an Access to Counsel program must not impact state funding for MLAC's line item for essential frontline civil legal aid and housing stabilization programs.

We must act now to establish an Access to Counsel program. This program results in immense cost savings, while also reducing the trauma caused by evictions for tenants and small landlords.

For more information contact: [Access to Counsel Coalition](#): Annette Duke at Massachusetts Law Reform Institute at Aduke@MLRI.org