

# Investing in Justice and Housing Stability Through Access to Counsel

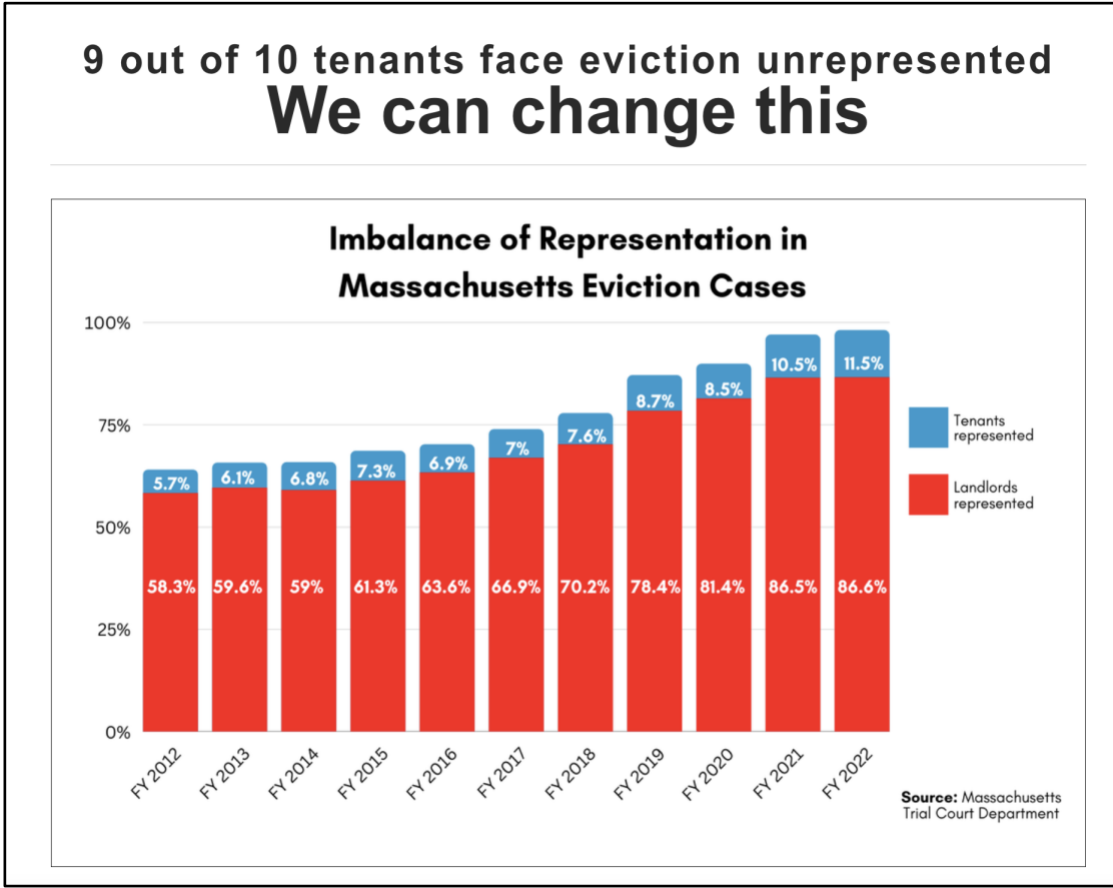


**Briefing Booklet from MetroWest Legal Services**

April 7, 2023

Nine out of ten tenants in Massachusetts facing eviction are unrepresented. They are summoned to court to a complicated process where consequences could be that they will lose their home with no place to go. Landlord attorneys pressure unrepresented, low-income tenants into signing agreements in court hallways that are often unsustainable with terms that go beyond the case which if broken result in immediate possession for the landlord.<sup>1</sup> Tenants are consumed by uncertainty, hopelessness, and fear of becoming homeless.

MetroWest Legal Services supports Access to Counsel because having legal support can be a life changer. With the permission from a few of our clients we share their stories with the hope that Massachusetts will join other states and pass a statewide Access to Counsel program.



<sup>1</sup> [Civil Probation](#) (March 9, 2022), Summers, Nicole, Stanford Law Review, *Forthcoming*

## Foxborough: Single Mom Faces Near Homelessness

Ten years ago, with nowhere to turn and few resources, Mary moved home to Foxborough, Massachusetts with her five children. But without support from her ex-husband she was unable to sustain a tenancy in the private market and was on the verge of becoming homeless.

Fortunately, Mary qualified for a public housing apartment which she and her children were able to move into. Unfortunately, because court ordered child support payments from her ex-husband came in rarely and randomly, her income never matched the rent calculated for the month. With the rising costs of living and the lack of support from her ex-husband, Mary fell behind on her rent. The housing authority took her to court to evict her.

As Mary described: “Fearing homelessness with five children is very scary. The fear paralyzes you and it’s very easy to give up.”

Mary searched for a private attorney, but the retainer fees were unaffordable. That’s when she found MetroWest Legal Services (MWLS), and from there her family’s prospects changed significantly. With legal assistance Mary was able to negotiate a reasonable repayment agreement and access rental assistance funds to pay back the housing authority. With the help of her MWLS lawyer, Mary was also able to obtain a repair schedule to address unsafe conditions in her home.

Now, a year later, Mary remains in her public housing apartment. Two of her older children have started college and Mary is

studying to earn her real estate license. She recognizes that had she faced the eviction alone she likely would have lost her public housing apartment.

**“Having legal support is a life changer...and often so out of reach to a single mom [like me] trying to provide for [my] family.”**



## Stow: From Fear to Stable Housing

In November 2020, David, a disabled tenant, found himself facing eviction in the midst of the COVID-19 pandemic. David lived in a small two-family home in Stow. His landlord who lived downstairs had passed away unexpectedly and a new owner, a Limited Liability Corporation, sent him a Notice to Quit, terminating his tenancy for no reason. Within several months, they sent him a court complaint for a no-fault eviction (an eviction that was not his fault). David had heard of multiple landlords in the area that were evicting tenants so that they could renovate the building and increase the rents.

When David tried to pay the rent, the new owner refused to accept it. Confused and without anywhere to go, David reached out to MetroWest Legal Services.

David's legal aid attorney assisted him in obtaining 11 months in his apartment in order to look for a new place to live. He took full advantage of this time and submitted applications for public housing. With very limited income and unable to work, David knew that public housing was likely the only sustainable option as rent prices in the private market were skyrocketing.

Because David had a no-fault eviction he was able to apply for priority status for

public housing. However, when the public housing authorities began screening David's application, there was a misunderstanding over the agreement that David signed to resolve his eviction case. One housing authority alleged that David had made himself homeless by leaving his former apartment without a judge's order. Far from reality, David had not made himself homeless.

Fortunately, the legal aid attorney was able to explain the case to the housing authority in a way that cleared up the misunderstanding and David was placed back on the priority list. A few months later, he was offered a public housing apartment and shortly after moved into his new home.

David recognized without legal representation his life could have been very different. Consumed by uncertainty, hopelessness, and fear of becoming homeless, David - as with most unrepresented tenants - found the eviction process very difficult to navigate and understand. When he was denied priority for public housing, he experienced a similar sense of hopelessness.

But David is now in his new apartment and able to focus on his health while feeling hopeful about his future.

# Marlborough: Family's Health and Housing Inextricably Linked

In August 2021, Marcimery's world fell apart when she was diagnosed with stage four breast cancer. With the unexpected diagnosis came a flood of concerns related to her children's futures.

Marcimery's younger son is only 3 years old and lives with level three autism. Completely dependent on his mother for support, he grew confused when she was suddenly unable to walk unassisted. Julio, Marcimery's husband, worked to make ends meet while her 16-year-old son, Julio Jr., took on the responsibility of looking after both his younger brother and his mother. Meanwhile, Marcimery's husband did his best to find consistent work, but their young son and Marcimery's deteriorating health required more attention at home. He lost multiple jobs and gradually they began to fall behind on all of their bills.

Shortly after the diagnosis came, Marcimery and Julio decided to inform their landlord of the devastating development. Much to their surprise, only days after sharing the information, their landlord asked them to



leave the mobile home where they lived. Soon after, they received a Notice to Quit from their landlord's attorney. With 14 days to leave and absolutely nowhere to go, Marcimery turned to her son's school for support. There, she was connected with a social worker who connected her to MetroWest Legal Services. By this time, Julio's income had stabilized and they would be able to sustain the tenancy moving forward, but they lacked the resources to pay back the rent they owed.

With MetroWest's assistance, they were able to raise counterclaims related to bad conditions and the attorney negotiated an agreement by which the landlord waived \$2,500 in back rent, Marcimery made a payment for \$2,500, and the remaining balance was covered by rental assistance, which she obtained with the assistance of legal aid.

Marcimery and her family are now current on rent and able to focus on Marcimery's ongoing treatment instead of a pending eviction action.



## Norwood: Court Finds Substantial Code Violations

Twenty years ago, Mona, her parents, and her little brother moved into the least expensive apartment that they could find. Her parents had immigrated to the U.S. years earlier. Mona's father worked at the gas station down the street and the family relied on this income to pay the bills. Then the house was sold and their situation changed dramatically.

The new owner began renovating the house immediately and started by replacing the windows, but soon abandoned the project leaving exposed studs and large uninsulated gaps around the windows where cold air leaked in. There were also other issues that Mona, the translator for her family, informed the landlord about. But the problems went unattended and without other affordable housing in the area, the family remained in the home despite the deteriorating conditions.

They were then served with a Notice to Quit for a no-fault eviction. Immediately, they began looking for housing, but with soaring

rents across the state, they could not find a suitable apartment. They were then served with a court eviction complaint and reached out to MetroWest Legal Services who helped them file an Answer with claims against their landlord for violations of the State Sanitary Code.

Based on these claims, the court found that the windows were faulty, the bedroom ceiling was sagging and on the verge of failing, the bathtub was severely chipped, the bathroom sink was separating from the wall, and there were exposed wires. The court awarded the family damages that enabled them to prevent the eviction.

Mona's landlord must also correct the bad conditions in the home before starting a new eviction case against them. With no eviction pending, Mona said:

**"I truly believe that if I hadn't found the attorney when we did, we definitely would have already been evicted."**



# Framingham: Pandemic-Driven Isolation

## Impacts Elder's Housing

When Caryl from Framingham first learned that her landlord intended to start an eviction action against her, it was not the first time that she had faced housing instability in her adult life. Years earlier, Caryl's apartment had burnt down, leaving her homeless. Caryl and her son stayed in their car for nine months before being placed in a shelter locally. From there, Caryl was connected with a rooming house in Framingham where she was eventually offered a subsidized room to rent.

Caryl had struggled with mental health issues throughout her life. When the pandemic hit, she was forced to spend a majority of her time within the four walls of her one room. While she invited her disabled son to her room to eat, the seclusion had an even further deteriorating impact on her mental health.

When Caryl received a Notice to Quit stating that her landlord was evicting her due to problems related to her illness, she was deeply saddened. She had set out to be a good tenant, but constantly battled her mental health challenges that were exacerbated by the isolation that accompanied the COVID-19 pandemic. Soon after receiving the eviction notice to go to court, Caryl reached out to MetroWest Legal Services.

**“The eviction was overwhelming. I was in hysterics over it. The attorney helped explain the process to me in a way that made more sense.”**



In preparation for the first court event, Caryl's attorney sat down with her to discuss the case. Primarily, Caryl and her attorney discussed her involvement with healthcare providers and additional services that may be necessary. From there, Caryl was connected to more resources and developed a treatment plan to address her mental health issues. In court, Caryl's attorney helped her negotiate an agreement by which she was able to remain in her home so long as she adhered to the treatment plan.

The agreement has since expired and the eviction case has been dismissed. Caryl is feeling more secure in her housing and is taking the steps necessary to prioritize her health. Reflecting on the eviction case, Caryl mentions that she “felt safe when [she] had an attorney, like [she] wasn't by [her]self anymore.”

## Lexington: Three-Generational Family Faces Eviction

Caroline from Lexington moved into a subsidized single-family home thirteen years ago with her mother and two daughters. Caroline's elderly mother, Ellen, handled the recertification paperwork and other rental responsibilities with their landlord.

Everything was going smoothly until the pandemic hit and there was confusion about Caroline's unemployment checks during the annual recertification. Soon after, the family was blind-sided by an eviction and as Caroline drove home from work one day, her twin daughters called to let her know that the constable had come by to serve them with a court summons.



The family's landlord alleged non-payment of rent, an overdue recertification, and unreported income. While Caroline does not remember exactly how she was connected to MetroWest Legal Services, she is abundantly grateful that she was.

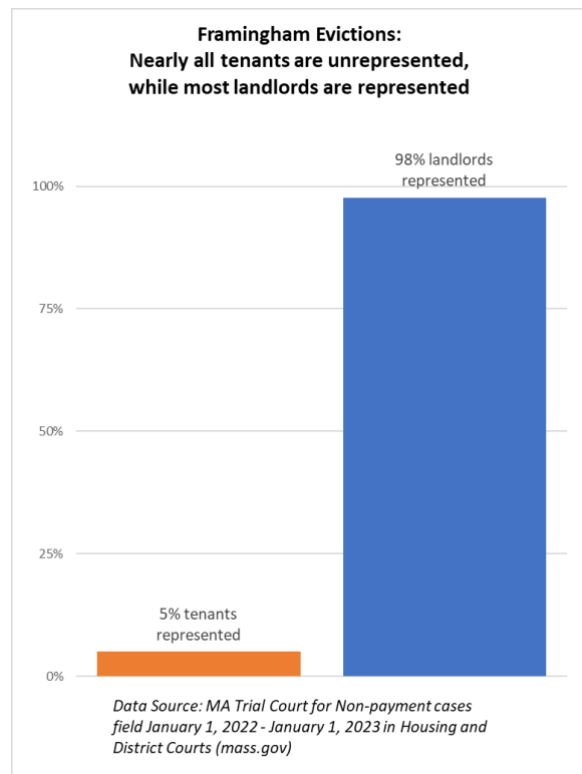
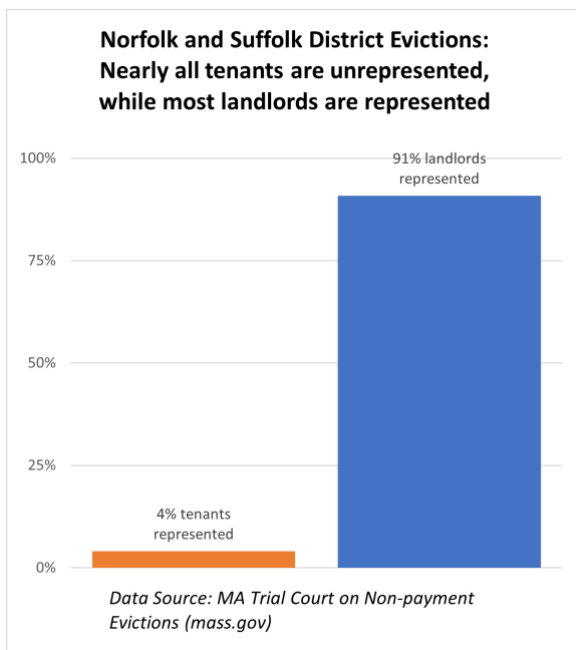
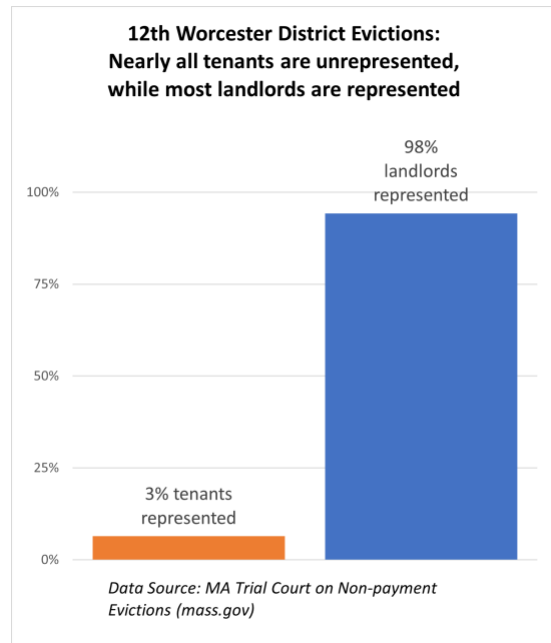
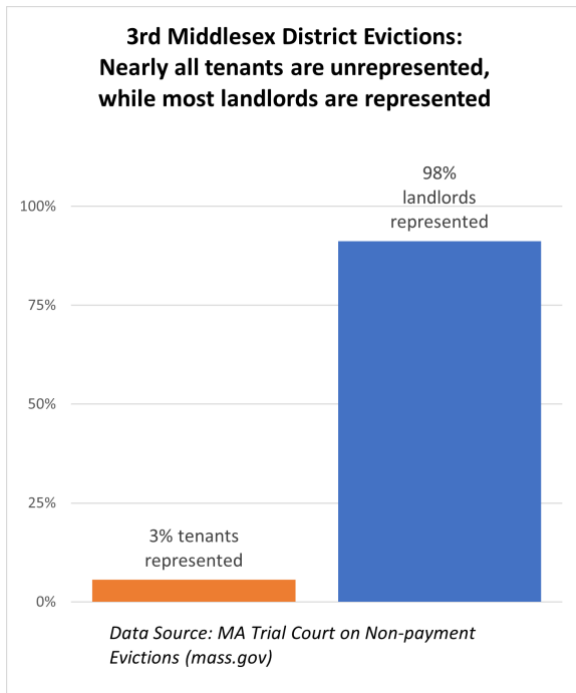
Initially, the attorney helped connect them with resources to pay off the back rent owed. The family also sat down with the attorney to review the recertification paperwork and income history. A breakdown in communication between the landlord and the family during the pandemic meant they weren't able to receive the clarification they needed on the paperwork. The family's attorney helped facilitate this conversation with the landlord and their attorney to explain the confusion regarding the recertification.

While the eviction case is still ongoing, MetroWest Legal Services has been working toward a resolution with the landlord, who recently agreed to renew the lease for the subsidized apartment.

"When your family gets an eviction notice it is probably one of the scariest moments, especially when you have young children to think about," said Caroline. "Without an attorney, I don't think our family would have been able to keep our home. Knowing that our home is now secure sets my family at ease again."



# Local Representation Data



**Credits:** Emily Mooers, Paralegal at MetroWest Legal Services, developed this booklet with support from the Massachusetts Law Reform Institute and Emma Caviness who developed the Local Representation Data charts.