



Joint Committee on the Judiciary
May 9, 2023
Testimony of Attorney General Andrea Joy Campbell
As Prepared for Delivery

Thank you, Chairman Day, Chairman Eldridge, and esteemed members of the Committee. Thank you for taking me out of turn. I appreciate the opportunity to appear before you today.

I am joined by Anne Landry, Chief of our Policy and Government Affairs Division, and Cyndi Mark, Chief of the Public Protection and Advocacy Bureau, which is the front lines of my Office's efforts to keep people housed.

I am appearing before this Committee for the first time as your Attorney General- but this will not be the last. I look forward to working closely together with this Committee and the Legislature to solve some of our Commonwealth's most intractable problems. In my short time in the Office, housing has risen to the top of the list of the most pressing issues facing the residents of the Commonwealth.

I am here to convey my strong support for House Bill 1731, *An Act promoting access to counsel and housing stability in Massachusetts*, filed by Chairman Day and Representative Dave Rogers, as well as for the HOMES Act, *An Act promoting housing opportunity and mobility through eviction sealing*, filed by Senator Edwards and Representative Mike Moran.

Access to Counsel

My Office's Consumer Advocacy and Response Division accepts consumer complaints related to rental housing and landlord-tenant issues, including eviction.

In 2022, for the first time ever, complaints about rental housing outpaced all other consumer complaints to my office.

We received more than 600 calls to our consumer hotline from tenants facing eviction, plus over 1,000 written complaints or request for assistance.

Based on the first quarter of this year, we are on pace to exceed those numbers in 2023.

In response to these complaints and requests for assistance with housing, our team of experienced housing specialists works with tenants and landlords to try and prevent eviction. We mediate disputes and connect tenants with resources, such as rental assistance programs. Ultimately, however, my office does not provide direct legal representation to tenants. Therefore, once a landlord files a summary process complaint in court, we refer households to private attorneys.

Because most people facing eviction can't afford to hire an attorney, we often refer complaints about evictions to a legal services organization.

We are fortunate to have incredible and hard-working legal services attorneys in the Commonwealth. But given that demand for their services exceeds supply, many tenants are unable to secure legal representation. And, without legal representation, many tenants risk becoming unhoused.

In Fiscal Year 2020, 81.4% of landlords in housing court had legal representation in eviction proceedings, compared to 8.5% of tenants.

A robust access to counsel program in Massachusetts, like that envisioned by *An Act promoting access to counsel and housing stability in Massachusetts*, can provide this vital help.

This bill will help promote economic stability for countless individuals and families across the Commonwealth, ensuring tenants have an opportunity to be heard and are able to assert their legal rights.

It will provide tenants with meritorious defenses to eviction the opportunity to be heard and the ability to assert their legal rights.

I also applaud the selection of the Massachusetts Legal Assistance Corporation (MLAC) as chief administrator for this program. Using funds from the National Mortgage Settlement, the AG's office partnered with MLAC from 2012- 2015 to provide legal assistance to nearly 2,000 homeowners facing foreclosure. MLAC successfully brought together legal services organizations from across the state to build a state-wide foreclosure prevention program. This program changed the trajectory of people's lives, and Massachusetts can and

should take this opportunity to marshal similar critical resources to assist families who rent their homes.

Eviction Sealing

The HOMES Act offers a critical solution to the enduring impact of eviction for Massachusetts residents, especially women of color, and will help expand access to stable housing and economic mobility for all.

An eviction record – even one that has been dismissed or was brought in retaliation for a tenant exercising her rights – is a barrier to safe and stable housing that can have a long-term and devastating impact on a family. As soon as an eviction case is filed, a tenant has an eviction record even if they later win their case in court.

This legislation would protect tenants by providing a process to petition the court to seal some types of records:

- For tenants facing no-fault eviction: after the conclusion of the case;
- For tenants facing a non-payment eviction: within 14 days of satisfying a judgment or agreement; and
- For tenants facing fault eviction: after 7 years (without another fault eviction case).

This legislation will help address the disparate impact of eviction screening policies on people of color, especially low-income Black women.

In Massachusetts, Black renters are, on average, 2.4 times more likely to have

an eviction filed against them than white renters. And Black women face the greatest risk of having an eviction case filed against them in Massachusetts.

Black women, and other women of color, are especially vulnerable to eviction because of other inequities, including wage and wealth disparities and discrimination against families with children and domestic violence survivors.

We know that housing stability is critical for economic mobility. By limiting damaging eviction records, the HOMES Act reduces barriers to renting or buying a new home in a community where residents want to live and where they can thrive.

With expanded access to stable and affordable housing, individuals and families will be better able to work, care for their families, and provide educational opportunities for their children. Increasing a family's choice to live in the community they want will also help create economic growth by allowing more residents to live closer to their jobs.

I am committed to leveraging the tools of my office to help tackle the urgent housing shortage and affordability crises in the Commonwealth. The HOMES Act represents a critical and practical step we can take to expand access to stable housing, and promote economic mobility, for all Massachusetts residents.

Before I conclude I would be remiss if I did not also encourage the legislature to revive and make permanent chapter 257, contemplated by *An Act relative to summary process and rental assistance*, filed by Senator Miranda and

Representatives Montañó and Capano. Chapter 257 allowed a tenant facing eviction for non-payment of rent to secure a continuance of their case where the non-payment was due to financial hardship and the tenant has a pending application for rental assistance. Chapter 257, which expired on March 31st of this year, was a critical tool in our collective efforts to keep families housed, and we should make it a permanent one.

Thank you again for the opportunity to testify before you today.

As always, my office and I are ready and available to work with you and your staff on this important legislation and to answer any questions you may have.