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## Bills Aim to Ensure Access to Lawyers in Evictions, De-Leaded Homes for Renters

By Alison Kuznitz and James Sanna | State House News Service and Banker & Tradesman Staff | Oct 2, 2023

Low-income tenants who are at risk of being evicted could gain access to free legal representation through a proposed program that garnered support from housing attorneys during a legislative hearing Wednesday.

The program, outlined in a Sen. Sal DiDomenico bill (S.864), is meant to level the playing field for vulnerable Bay Staters, including people of color and residents with children, who are often not represented in Housing Court – unlike the vast majority of landlords, who have the support of lawyers. The House's accompanying bill filed by Reps. David Rogers and Michael Day (H.1731) had a hearing before the Joint Committee on the Judiciary in May.

DiDomenico told the Joint Committee on Housing on Wednesday afternoon that his bill is a matter of justice and equity, and he signaled the proposal could potentially be incorporated into a more comprehensive housing bill this session. A past version of the bill – which had called for a “right” to counsel program, compared to the latest filing for “access” to counsel – was sent to study last session.

Full legal representation in eviction cases would cost Massachusetts about \$26 million, though it would save the state around \$63 million across various expenses, such as for emergency shelter and health care, [according to a 2020 Boston Bar Association analysis](#).

Danielle Johnson, Boston's deputy director of the Office of Housing Stability, told lawmakers Wednesday the bill would have an “immense impact” on low-income residents, as well as low-income owner-occupants, who must endure “glaring” legal disparities as they look to remain in their homes.

The Massachusetts Access to Counsel Coalition – representing more than 240 organizations, including municipalities, tenant groups, property owners, health care providers, and housing advocates, among other stakeholders – supports the bills, arguing they alleviate the trauma families experience from being evicted and displaced.

Renee Spencer, a resident board member of the Wellesley Housing Authority, told lawmakers she was evicted about a dozen years ago after she fell behind on paying rent – despite working two jobs to try to make ends meet. Spencer, who didn't have a lawyer in court and said she was unable to successfully negotiate a payment plan, found herself homeless and relying on family and friends for shelter.

"I know the difference a lawyer can make," Spencer said at the hearing. "It feels like when you're by yourself in an eviction, you don't have a chance at all."

The same hearing showcased multiple other bills on the Joint Committee on Housing's plate that are angling to be added onto a catch-all housing policy bill the Healey administration is expected to file next month.

Among the most prominent: A bill from the committee's Senate co-chair, Boston Sen. Lydia Edwards, that would establish a state-level office of fair housing to spearhead government-wide initiatives to reduce housing discrimination and disparities in access to quality housing and report on Massachusetts' progress towards that goal, plus help enforce the state's existing fair housing laws

Two other bills – one that would codify the \$200 million Massachusetts Rental Voucher Program in statute and another that would create a fund to remove lead and other pollutants from rental housing – attracted broad support from housing advocates.

Currently the state's main rental assistance program, commonly known by its MRVP acronym, is re-created every year in the state budget said bill sponsor Salem state Sen. Joan Lovely, creating significant uncertainty around the program's rules every year for the roughly 12,000 households that rely on its subsidies to make ends meet. The bill would also write recent changes to the program into law that lowered the share of a recipient renters' income that must go towards rent from 40 percent to the more common 30 percent standard used in nearly all affordable housing units.

"Even though it's a lifeline for so many, it's at risk every year," said Abundant Housing Massachusetts representative Mike Kriesberg.

The apartment de-leading bill, called the Healthy Homes bill and sponsored by Quincy state Sen. John Keenan, Salem state Rep. Manny Cruz and Chicopee state Rep. Shirley Arriaga, would use

state resources to compliment work being done by an existing federal de-leading program, but focus the money on the state's 26 Gateway Cities due to the high numbers of poorer Bay Staters and people of color who live there, Cruz said.

"No one should have to live with the indignity of occupying [an unhealthy] home," he said. Arriaga shared her own story of apartment-hunting in 2015, when her child was very young and encountering some of the roughly 70 percent of the state's housing stock that's not certified as lead-free.

"The landlord said, 'Simply don't let your child touch the walls, windows, or faucet'" because of likely lead paint contamination, she said. "How is that even a thing? This is the sad reality of what's going on in Massachusetts."

**Correction 4:35 p.m. Oct. 2, 2023:** *An earlier version of this story misstated which type of party in an eviction case commonly has access to legal representation. Most landlords in eviction cases have a lawyer, while most tenants do not.*