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July 24, 2020

The Honorable Charlie Baker
Governor

Commonwealth of Massachusetts
State House, Room 360
Boston, MA 02133

Dear Governor Baker:

As President of the Boston Bar Association (BBA), a volunteer organization of 13,000 members drawn from private practice, corporations, government agencies, legal aid organizations, the courts and law schools, I am writing to urge you to dedicate \$6 million from the state's Coronavirus Relief Fund, as appropriated by Congress under the CARES Act, to implement an emergency right to counsel pilot program for low-income residents facing evictions.

First, let me thank you for your leadership during this pandemic and for extending the statewide eviction moratorium to October 17, 2020. As you may know, it is estimated that as many as 15,000-20,000 eviction actions will flood the courts upon the expiration of the moratorium. We know that before the COVID-19 pandemic, over 90% of tenants in Massachusetts facing eviction did so without a lawyer, while 78% of landlords had the benefit of a lawyer. According to a 2010 study in the Harvard Law Review, when tenants had the benefit of legal representation, there was a 77% decrease in eviction judgments and a 45% decrease in the number of cases in which tenants lost their homes. Thus, when families have lawyers by their side, it is much less likely that they will find themselves out on the street and homeless and much more likely that justice will prevail, whether through a judge's order or through a settlement between the parties. Without counsel, this representational mismatch will have devastating effects on those who can least afford to be rendered homeless during this pandemic.

Senate Bill 2785 provides for a right to counsel pilot program which will provide full legal representation in eviction proceedings through dedicated new staffing to tenants and owner-occupants whose income does not exceed 200% of the poverty guidelines. The pilot program would be established statewide in at least two sessions of each of the Housing Court's six divisions. The pilot program would be based in communities where the COVID-19 pandemic has had the most severe impact on low-income renters and low-income homeowners. However, funding for the pilot program must come from COVID-19 relief and other sources, which is why it is critical for you to dedicate \$6 million from the Coronavirus Relief Fund toward the pilot program. S.2785 was reported favorably out of the Housing Committee on July 13, 2020, and it is now pending before the Senate Ways and Means Committee.

Directing \$6 million toward this program not only addresses the devastating effects of evictions on families during this pandemic, but it also makes smart financial sense for the Commonwealth. Last month, the BBA released a report demonstrating that establishing a right to counsel for low-income tenants in eviction cases will save the state at least \$2.40 for every \$1 invested. This finding is based on a comprehensive review of both the costs – in terms of staff salaries – and the savings in shelter, healthcare and foster-care costs associated with homelessness.

The report – [*Investing in Fairness, Justice and Housing Stability: Assessing the Benefits of Full Legal Representation in Eviction Cases in Massachusetts*](#) – was developed by the nationally-known economic consulting firm, Analysis Group, and shows that while legal representation for eligible eviction cases would cost an average of \$1,151 per case, the benefits would far exceed that amount. Therefore, if you were to direct \$6 million to the pilot program, it could provide full representation for approximately 4,800 households where legal help is so desperately needed now, while also saving more than \$14 million in state-budget expenditures alone.

We know there are multiple and very worthy demands for use of the Coronavirus Relief Fund, but we believe that with so many Massachusetts residents out of work and struggling to pay for basic life necessities, there is no better use of such funds than to offer them a lifeline to remain in their homes through the eviction right to counsel pilot program.

Thank you for your consideration.

Very truly yours,



Christine M. Netski
President

CC: Bob Ross, Chief Legal Counsel for the Office of the Governor
Elizabeth Mahoney, Deputy Chief of Staff for Cabinet Affairs and Policy