

OPINION

Tenants facing eviction need lawyers

Proposed legislation would guarantee access to counsel



by **ANNETTE DUKE** and **TREVOR SAMIOS**
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MASSACHUSETTS CAN SAVE millions of dollars, prevent homelessness and help struggling low-income families – both tenants and owner-occupant landlords – keep a roof over their heads by providing legal representation during the eviction process.

Beyond economics, it is simply a matter of fairness. Last year, Massachusetts Trial Court data showed that nine out of 10 tenants facing eviction in court did not have a lawyer – and almost always faced off against landlords armed with experienced housing attorneys.

Since last year, it has gotten worse. In 2023, as evictions increased beyond pre-pandemic levels, the [Trial Court reports](#) that only 2 percent to 3 percent of tenants facing eviction for non-payment have legal representation, while 90 percent of landlords have lawyers.

Anyone who spends time in Housing Court has seen unrepresented tenants – often single mothers – consumed by fear and attempting to keep up as complex legalese is thrown at them rapid fire. Cases move quickly, housing law is complicated, and tenants face pressure to sign agreements that are not fully understood and too often impossible to achieve, but if broken will result in immediate eviction.

New [data](#) paints a disturbing picture of who faces the upheaval and trauma of eviction. Most at risk are children under the age of five. Black children are disproportionately impacted with one out of four Black children under five facing eviction in a given year. Evictions tear children and their families away from not only their home, but their neighbors and schools, turning them into human tumbleweeds who too often land in overcrowded shelters, unsafe conditions, or, in many cases, on the street or in a car. It is a destabilizing trauma that can have a life-long impact on a person's mental health, according to the [Massachusetts Association for Mental Health](#) – a supporter of Access to Counsel.

Attorney General Andrea Campbell and more than 240 organizations, including WinnCompanies and Beacon Communities who, combined, manage 27,000 apartments, are all advocating for a statewide access to counsel program in Massachusetts that can make a huge difference in people's lives. Attorneys for tenants can help families reach workable, fair results that can keep them housed. As the Commonwealth faces one of the most challenging housing crises in our history, Access to Counsel is a critical part of a comprehensive response.

As access to council bills – S864 and H1730 – filed by Sen. Sal DiDomenico and Reps. Dave Rogers and Mike Day are considered by the Judiciary and Housing Committees and the governor's bond bill moves through the chambers, the Access to Counsel Coalition is also [requesting](#) that the governor include in her FY2025 budget \$7 million to start to phase in an access to counsel program. That line item will ramp up over five years to \$26 million at full implementation – a cost which is more than covered by savings on emergency shelter and health care, according to a study by the [Boston Bar Association](#).

Finally, these bills also provide badly-needed free legal help to small owner-occupied landlords who otherwise cannot afford lawyers and – like so many tenants – find themselves overwhelmed by the complexities of the housing court. For years, the Volunteer Lawyers Project has provided legal help to owner-occupant landlords and turned around difficult cases where the owner relies on the rent to pay their mortgage and in some cases both the landlord and the tenant’s housing is stabilized.

Landlords and tenants, organizations fighting homelessness, healthcare leaders, faith-based organizations, and mayors all agree it is time Massachusetts stepped in with legal help for those facing the trauma of eviction.

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