

Access to Counsel Coalition in Massachusetts

March 27, 2024

The Honorable Michael J. Rodrigues
Chair, Senate Committee on Ways and Means
State House Room 212, Boston, MA 02108

The Honorable Aaron M. Michlewitz
Chair, House Committee on Ways and Means
State House Room 243, Boston, MA 02108

RE: Respectfully Requesting your Inclusion of Access to Counsel in the FY25 Budget for \$3.5 million (Line-item 0321-1800) and language of H.4360/S.864, *An Act promoting access to counsel and housing stability in Massachusetts*

Dear Chair Rodrigues and Chair Michlewitz,

We appreciate all that the Legislature is doing to address a shelter crisis on top of a housing crisis. Every day in Massachusetts families and individuals in eviction cases face complicated legal situations that too often end in eviction and homelessness.

On behalf of the Access to Counsel Coalition, which represents over [240 organizations](#), we respectfully urge the House and Senate Committees on Ways and Means to include in your respective FY25 budgets **Access to Counsel Line-item 0321-1800 in the amount of \$3.5 million** to start an Access to Counsel program **with the full Access to Counsel bill language in [H.4360/S.864](#)**.

A Framework Is Essential

In February, the Judiciary Committee reported H.4360, *An Act promoting access to counsel and housing stability in Massachusetts*, favorably to the House Committee on Ways and Means (S.864 is pending before the Joint Committee on Housing). As Attorney General Andrea Campbell said in her testimony to the Judiciary Committee:

*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.** (Emphasis added)*

H.4360 and S.864, sponsored by Representative David Rogers, Representative Michael Day, and Senator Sal DiDomenico, provide for a dedicated line item for an Access to Counsel Program and a framework for a statewide Access to Counsel Program that has been carefully developed and is essential to building a sustainable program. The framework provides:

- Full legal representation to both low-income tenants and owner-occupants in 1-3 family houses in the eviction process;
- That Massachusetts Legal Assistance Corporation (MLAC) will administer the program with responsibility for implementing fiscal control, data collection and ongoing evaluation;
- A clear process for experienced non-profits to apply for funding to become designated organizations to provide legal assistance;
- Clear criteria for becoming a designated organization that includes a plan to reach people with limited English proficiency;
- A process with the Supreme Judicial Court to develop the forms to notify parties about available legal help and rental assistance with a clear process to distribute the forms;
- An Advisory Committee from diverse regions of the state to advise on policy matters; and

- A phase in over 5 years to be determined by MLAC, in consultation with the Advisory Committee and the designated organizations.

Addressing Costs and Sustainability

This session, the sponsors together with coalition input, made important changes to the language of H.4360/S.864 to address questions about cost and sustainability. New language was added which:

- Clarifies that a statewide Access to Counsel Program would be “subject to appropriation,” similar to many jurisdictions across the country, and further clarifies, by changing the words “Right to Counsel” to “Access to Counsel,” that this is not an unequivocal right, but a program for full legal representation; and
- Establishes that an Access to Counsel program is to be phased-in over 5 years to provide stakeholders with the time needed to build a sustainable program.

Phasing in an Access to Counsel Program is critical. To be sustainable, it must be a thoughtful and strategic process. H.4360/S.864 provide a framework for a deliberative process to develop a phase-in plan with clear goals and deliverables for attainment of meaningful housing stability outcomes.

In 2021, Maryland became one of the four states in the country to pass a statewide Access to Counsel Program and also passed legislation to distribute \$14 million from abandoned property funds, a reliable source of funding, to an Access to Counsel in Evictions Special Fund.

Cost Savings

In 2021, Connecticut passed legislation establishing a statewide access to counsel program and in 2023 released data showing cost savings of \$5.8 - \$6.3 million from January 2022 thru November 2022. According to the independent report, that number is likely understated because it does not include costs for children’s services after an eviction, mental health care, or the cost of providing public benefits to people who lose their jobs after an eviction.¹

In 2020, the Boston Bar Association released a report **estimating that an annual investment of \$26 million by the state for representation of low income tenants in eviction cases would result in an annual savings of \$63 million.**² Savings were on direct costs associated with homelessness, emergency shelter, and foster care and did not include additional savings such as: school transportation costs for children experiencing homelessness; the use of judges time and court resources to help self-represented litigants;³ and the cost that landlords bear to execute evictions.⁴

As you consider your FY25 budget, we respectfully request that you include \$3.5 million to start the implementation process for a statewide Access to Counsel Program with the full Access to Counsel framework in H.4360/S.864.

Sincerely,



Annette Duke, Massachusetts Law Reform Institute
With the Access to Counsel Coalition Advisory Committee

¹ [CT right to counsel program for tenants likely saved state millions, report says](#), CT Mirror (Jan. 5, 2023)

² [Investing in Fairness, Justice, and Housing Stability: Assessing the Benefit of Full Legal Representation in Eviction Cases in Massachusetts](#) (BBA Report), Boston Bar Association (June 2020). MLRI updated these numbers in 2022.

³ The BBA Report noted In a survey to judges conducted by the BBB Statewide Task Force to Expand Civil Legal Aid, that 89% of judges said the lack of legal representation caused an increase in the use of the court’s time.

⁴ The BBA Report found according to the City of Boston the cost of executing an eviction in subsidized housing in 2014 was between \$5,500 - \$8,000, with 1,056 executions suggesting an annual cost between \$5.8 - \$8.5 million.

Access to Counsel Supporters

A broad coalition of municipal leaders, housing advocates, community organizations, health care providers, faith-based organizations, and large property owners have joined together to support a statewide access to counsel program in Massachusetts for low income tenants and owner occupants in eviction proceedings.

- Abundant Housing MA
- Action for Boston Community Development
- Action, Inc.
- Advocacy Network to End Family Homelessness
- AIDS Action/Fenway Health
- Alliance of Cambridge Tenants
- Allston/Brighton CDC
- Allston Brighton Health Collaborative
- American Civil Liberties Union of Mass
- Amherst Family Health Center
- Amherst Municipal Affordable Housing Trust
- Amherst Town Council ([Resolution](#))
- Arise for Social Justice
- Asian Task Force Against Domestic Violence
- Bassuk Center
- Beacon Communities
- Beacon Residential Management
- Berkshire County Regional Housing Authority
- BEST Hospitality Training
- Beth Israel Lahey Health
- Black Economic Justice Institute
- Black Teachers Matter
- Boston Area Rape Crisis Center
- Boston Bar Association
- Boston Health Care for the Homeless Program
- Boston Housing Authority
- Boston Medical Center
- Boston Public Health Commission
- Boston Teachers Union
- Boston Tenant Coalition
- Brockton Neighborhood Health Center
- Brockton Interfaith Community
- Cambridge Health Alliance
- Cambridge Residents Alliance
- Casa Myrna
- Cathedral Church of St. Paul
- Catholic Charities Archdiocese of Boston
- Catholic Charities Worcester County
- Center for Human Development
- Central Massachusetts Housing Alliance
- Charter Street Tenant Association
- Chelsea Police Department
- Chelsea Public School Cmt, Chair, Kelly Garcia
- Children Advocacy Center of Suffolk County
- Children's HealthWatch
- Children's Services of Roxbury
- Chinese Progressive Association
- Citizens' Housing and Planning Association
- City Life/Vida Urbana
- City Mission Boston
- City of Boston
- City of Boston Veterans' Services
- City of Boston ([City Council Resolution 2021](#))
- City of Cambridge ([City Council Resolution](#))
- City Northampton ([City Council Resolution](#))
- City of Salem ([City Council Resolution](#))
- City of Springfield ([City Council Resolution](#))
- Coalition for Social Justice
- Codman Square Neighborhood Development Corporation
- Community Action Agency of Somerville
- Community Action Pioneer Valley
- Community Care Cooperative
- Community Health Network for N. Ctr Mass
- Community Legal Aid Justice Workers Union
- Coalition for a Healthy Greater Worcester
- Cooley Dickinson Health Care, Northampton
- Conference of Boston Teaching Hospitals
- Craig's Doors - A Home Association
- Dana-Farber Cancer Institute
- De Novo Center for Justice and Healing
- Disability Policy Consortium
- DOVE (Domestic Violence Ended)
- East Boston Social Centers
- Easthampton Affordable & Fair Housing Partnership
- Economic Mobility Pathways (EMPath)
- Edward Kennedy Community Health Center
- Eliot Community Human Services
- Elizabeth Freeman Center
- Episcopal Diocese of Massachusetts
- Fall River Confronting Discrimination Cmt
- Fall River Housing Joint Tenant Council
- Family Promise Metrowest
- FamilyAid Boston
- Father Bill's & MainSpring
- Fenway CDC
- Friendly House
- Food Bank of Western Massachusetts
- Framingham Public Health Department
- Greater Boston Labor Council
- Greater Boston Legal Services
- Greater Framingham Community Church

- Greater Lawrence Community Action Council
- Grow A Strong Family
- HarborCOV: Communities Overcoming Violence
- Harvard Legal Aid Bureau
- Heading Home
- Health Care For All
- Health Resources in Action
- Heisler, Feldman & McCormick
- Holland & Knight LLP
- HomeStart
- Homes for Families
- Horizons for Homeless Children
- Housing Families
- Immigrant Service Providers Group/Health
- Inquilinos Boricuas en Accion
- Institute for Community Health
- Inter-Church Council of Greater New Bedford
- Jane Doe, Inc.
- Jewish Alliance for Law and Social Action
- Jewish Community Relations Council of Greater Boston
- Jewish Family & Children's Service
- JP Progressives
- Justice Center of Southeast Massachusetts
- La Collaborativa
- La Comunidad
- Latinos Unidos En Massachusetts
- Law Office of Laura M. Unflat
- Lawyers Clearinghouse
- Lawyers for Civil Rights in Boston
- Lawrence Community Works
- League of Women Voters Massachusetts
- Legal Services Center of Harvard Law School
- LEO, Inc.
- Lexington Housing Partnership Board
- LivableStreets
- Live Well Springfield Coalition
- Local Initiatives Support Corporation - Boston
- Lynn Community Health Center
- Lynn Housing Authority & Neighborhood Development
- Lynn United for Change
- Maloney Properties, Inc.
- Mandela Residents Cooperative Association,
- Mass Alliance of HUD Tenants
- Mass Alliance of Portuguese Speakers
- Mass Appleseed Center for Law and Justice
- Mass Association for Mental Health
- Mass Association of CDCs
- Mass Association of Community Health Workers
- Mass Bar Association
- Mass Catholic Conference
- Mass Coalition for the Homeless
- Mass Communities Action Network
- Mass Fair Housing Center
- Mass General Brigham
- Mass General Hospital Center for Community Health Improvement
- Mass Housing and Shelter Alliance, Inc.
- Mass Law Reform Institute
- Mass League of Community Health Centers
- Mass LGBTQ Bar Association
- Mass Political Cooperative
- Mass Public Health Association
- Mass Senior Action Council
- Mass Smart Growth Alliance
- Mass Teachers Association
- Mass Union of Public Housing Tenants
- Mayor Gary Christenson, Malden
- Mayor Katjana Ballantyne, Somerville
- Mayor Carlo DeMaria, Everett
- Mayor Paul Heroux, Attleboro
- Mayor Jared Nicholson, Lynn
- Mayor Joseph M. Petty, Worcester
- Mayor Dan Rivera, Lawrence
- Mayor Sumbul Siddiqui, Cambridge
- Mayor Robert F. Sullivan, Brockton
- Mayor Linda M. Tyer, Pittsfield
- Medical-Legal Partnership|Boston
- Mental Health Legal Advisors Committee
- Metro Boston Alive
- Metro Housing|Boston
- Metropolitan Area Planning Council
- Metropolitan Mayors Coalition
- MetroWest Legal Services
- Middlesex Community College
- NAACP New Bedford Branch
- National Assoc. of Social Workers, Mass
- National Lawyers Guild, Mass. Chapter
- Neighborhood Assistance Corp. of America
- NeighborWorks Housing Solutions
- New Bedford Community Health Center
- Northampton Human Rights Commission
- Northampton Survival Center

- Northeast Justice Center
- NuLawLabs, Northeastern School of Law
- Nuestra CDC
- One Family
- Open Sky, Worcester
- Our Father's House
- Pioneer Valley Workers Center
- Preservation of Affordable Housing, Inc.
- Progressive Democrats of Massachusetts
- Progressive Mass
- Project Hope
- Public Health Institute of Western Mass
- Public Interest Law Foundation at Boston College Law School
- Regional Housing Network of Massachusetts
- Residents Council for the Senior & Disabled Tenants of Quincy Housing Authority
- Right to the City Boston
- Rosie's Place
- Roxbury Community College
- Samaritans Southcoast
- Senior Residents Council
- ServiceNet
- Somerville Dept. of Veterans' Services
Director, Ted Louis Jacques
- Somerville Homeless Coalition
- Society of St. Vincent de Paul Boston
- Solidarity Lowell
- South Middlesex Opportunity Council, Inc.
- Springfield Dementia Friendly Coalition
- Springfield Food Policy Council
- Springfield No One Leaves
- Springfield Partners for Community Action
- St. Francis House
- Stop Bullying Coalition
- Temple Sinai of Sharon
- Tenant Advocacy Project at Harvard Law School
- The Neighborhood Developers
- The Second Step
- Three Pyramids
- Town Manager of Amherst, Paul Bockelman
- Town Manager of Danvers, Steve Bartha
- Town Manager of Randolph, Brian Howard
- Town Manager of Winthrop, Austin Faison
- Trinity Financial
- Urban Edge
- UNITE HERE Local 26
- United Food & Commercial Union Local 1445
- United Way of Massachusetts Bay and Merrimack Valley
- University of Massachusetts School of Law - Dartmouth
- Veterans Legal Services
- Volunteers of America
- Way Finders
- Western Massachusetts Network to End Homelessness
- WATCH Community Development Corporation
- WinnCompanies
- Womanshelter/ Compañeras
- Women's Bar Association
- Women's Fund of Western Massachusetts
- Worcester County Food Bank
- Y2Y Network
- YWCA Cambridge
- 123 Up And Adam, Inc.