

# Access to Counsel Coalition in Massachusetts

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April 8, 2025

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: Access to Counsel Program (Line-item 0321-1800)

Dear Chair Rodrigues, Chair Michlewitz and Members of the Joint Committee on Ways and Means,

On behalf of the Access to Counsel Coalition, which has over [240 organizational supporters](#), we respectfully urge the Joint Committee on Ways and Means to include **\$5 million for the Access to Counsel Line-item 0321-1800 in FY26** to continue an Access to Counsel program.

The Access to Counsel line item was approved in the FY25 budget and funded at \$2.5 million. The Massachusetts Law Assistance Corporation (MLAC) immediately launched the project in the fall, carefully developing it so that it would succeed moving forward.

At the onset, MLAC reached out to more than 200 stakeholders to solicit input about where to start and how to focus the project. This may be the first time in the country that such a broad survey has been conducted in the context of access to counsel. As a result of the feedback, four preliminary focus areas for representation were identified:

- tenants living in a particular housing authority or managed by a particular housing authority,
- tenants with vouchers facing eviction that could cause the potential loss of their vouchers,
- tenants facing eviction by problematic private landlords, owning a large number of units, and
- low-income owner-occupants in eviction proceedings.

These areas were prioritized because the stakes are so high. If a family loses their housing assistance, it can take years, in some cases, over a decade, to access a housing subsidy.<sup>1</sup>

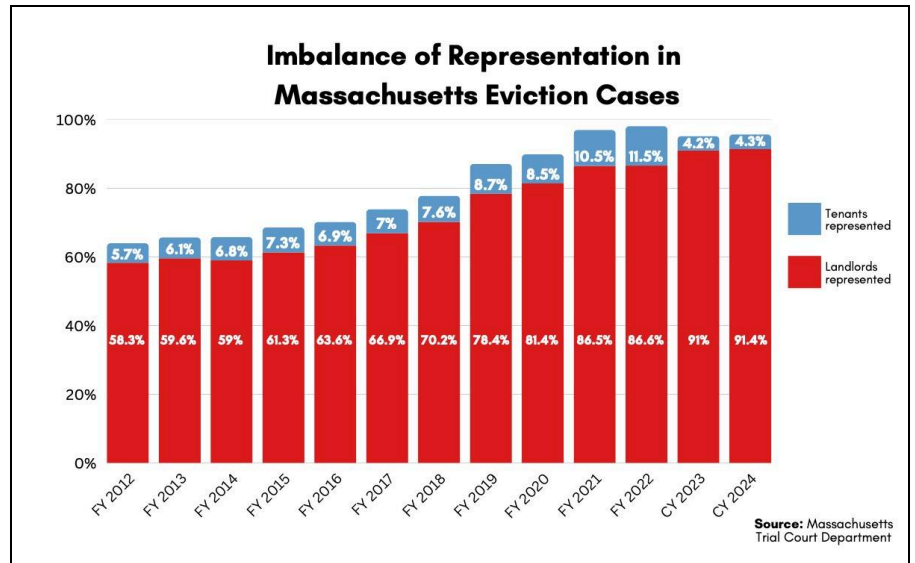
In January, the project was up and running. Staff attorneys started taking cases, filing court papers, appearing in court, and negotiating with landlord attorneys. Cases are being referred from court-based Lawyer for the Day programs. Disabled tenants are getting help to request needed reasonable accommodations. Legal services is partnering with the Massachusetts Union of Public Housing Tenants to do outreach and know your rights forums for tenants in public housing; Mass Law Reform is setting in motion a training program for new lawyers and paralegals; and MLAC is developing the data collection and reporting systems. **The infrastructure for a well built Access to Counsel program is being developed and vulnerable people are being represented.**

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<sup>1</sup> "In the 1990s, the waitlist to get housing through government subsidies was about 6 months. But since 2016, the average waitlist time has been around 3 years. Even older adults, who are normally prioritized, are now waiting more than a year. Some applicants have waited over a decade before getting a place to live." [Boston's Housing Waitlists: Lengthy Lists, Tentative Tenants](#), *PublicHealthPost*, BU School of Public Health (Feb 13, 2024). As of January 13, 2025, the state closed its Section 8 mobile voucher waiting list until further notice. [Executive Office of Livable Communities](#).

## Sustaining the Investment

As the imbalance of representation between tenants and landlords in eviction cases continues to grow (see chart), 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.



The Coalition is requesting an increase of \$2.5 million for a total of \$5 million in FY26 to sustain and incrementally build the program. The additional \$2.5 million will enable legal aid organizations to continue to provide full representation to clients they are already representing whose cases have not yet been resolved, and also allow for organizations to expand and train new staff so that we can continue to grow the program responsibly and increase state investment over time.

## Cost Benefits and Savings

In 2020, the Boston Bar Association released a report estimating that an annual investment of \$26 million by the Commonwealth for representation of low income tenants in eviction cases would result in an annual savings of \$63 million.<sup>2</sup> Data from across the country further demonstrates that where there access to counsel, court filings are going down and tenants are avoiding eviction and involuntary move outs.<sup>3</sup>

**As you consider your FY26 budget, we respectfully request that you include \$5 million for the statewide Access to Counsel Program (Line-item 0321-1800).** Phasing in an Access to Counsel Program is critical to developing a sustainable program.

Sincerely,

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

<sup>2</sup> 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; and the cost that landlords bear to execute evictions. [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).

<sup>3</sup> [https://civilrighttocounsel.org/resources/organizing\\_around\\_right\\_to\\_counsel/#impactdata](https://civilrighttocounsel.org/resources/organizing_around_right_to_counsel/#impactdata)