

Opinion

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EDITORIAL

Help needy tenants in eviction cases

There's a sensible way to help low-income tenants facing the threat of eviction. And no, it's not rent control.

Instead, it's a less controversial policy with considerable promise: granting litigants in eviction proceedings the right to a state-appointed lawyer if they can't afford one, similar to what the constitution mandates in the criminal justice system. The legislature held a hearing in July to review a trio of bills that would enact a right-to-counsel law for certain eligible cases in housing court. A few cities have a similar law, but no other state does — Massachusetts would be the first.

More than 90 percent of renters who faced eviction in Massachusetts last year had to represent themselves in housing court, while 70 percent of landlords had a lawyer, according to testimony presented by the Massachusetts Law Reform Institute at the hearing. A Globe Magazine story earlier this year laid bare the injustices that result from such disparity in access to legal help in eviction proceedings, particularly as rents continue to climb. In the most recent report of rental markets, Boston ranked third costliest, trailing only New York City and San Francisco.

Perhaps not incidentally, access to court-appointed counsel for low-income tenants is already available in those two cities. New York City implemented a program to provide taxpayer-funded

legal representation in eviction court in 2017, becoming the first in the nation. San Francisco followed suit last year through a ballot measure.

The results from the first year of the right-to-counsel program in New York City show that legal help is having an impact: More than 80 percent of renters represented by taxpayer-funded attorneys were able to stay in their homes. The city's program is being rolled out in phases

— currently, 30 percent of eligible tenants have access to lawyers — with citywide implementation by 2022. By then, the measure will have a cost of \$155 million a year.

New York City officials decided the cost of the program was well worth it. Eviction carries devastating, often traumatic, consequences for a family, and can often result in homelessness. In 2016, the city did a cost-benefit analysis of funding attorneys for tenants with incomes up to 200 percent of the federal poverty level and found that there would be net cost savings of \$320 million per year, with most of those savings coming from reduced homeless shelter costs.

The bills before Massachusetts lawmakers are very similar. Here's what should be enacted: the

right to taxpayer-funded legal representation to tenants and occupants who receive a notice to quit and are at or below the 200 percent of poverty level. Since some small landlords also struggle to afford legal representation, the law should also apply to eligible owner-occupants of two-family homes who count on rent to make their mortgage payments. The legislation has ample support, including

from Mayor Marty Walsh. And last week, Supreme Judicial Court of Massachusetts Chief Justice Ralph Gants endorsed the idea in his annual state of the judiciary address.

"...[I]t is no surprise that there are various efforts across the country to broaden access to counsel in eviction cases," Gants said. "I know that there are legislative efforts afoot here in Mas-

sachusetts to provide legal counsel for all indigent parties in eviction proceedings . . . and I hope that by next year these efforts may finally come to fruition."

For renters who don't have the financial means, the right to a court-appointed lawyer would level the playing field and offer them a better chance of success at staying in their homes.

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