



SMART GROWTH AND REGIONAL COLLABORATION

September 26, 2017

Representative Claire Cronin, Chair  
Joint Committee on the Judiciary  
State House, Room 136  
Boston, MA 02111

Senator William Brownsberger, Chair  
Joint Committee on the Judiciary  
State House, Room 504  
Boston, MA 02111

Dear Chairman Cronin and Chairman Brownsberger:

I am writing in support of *H.968/S.831 An Act Promoting Homelessness Prevention in Massachusetts*, filed by Representative Chynah Tyler and Senator Sal DiDomenico. The Metropolitan Area Planning Council (MAPC) serves as the Regional Planning Agency for the people who live and work in the 101 cities and towns in the Metropolitan Boston region, which includes roughly half the state's population and two-thirds of the state's jobs. We are committed to smart growth and regional collaboration. Ensuring access to affordable housing is integral to that commitment.

Rental markets remain extremely tight after more than a decade of soaring demand and rental cost increases. The share of US rental households increased by six percent between 2005 and 2015, its highest level since the mid-1960s.<sup>i</sup> In that same period, the Boston metro area experienced a 70 percent rise in the number of units renting at over \$2,000 per month with virtually no change in the number of units renting below \$1,200 per month.<sup>ii</sup> Just over half of rental households (50.6 percent) are "housing cost burdened," meaning they spend over 30 percent of their income on rent, and about a quarter report paying over 50 percent.<sup>iii,iv</sup> Housing instability resulting from high housing cost burdens can lead to unemployment and homelessness. While chronic homelessness has been declining across the country, the number of families receiving Massachusetts Emergency Assistance more than doubled in the past nine years, a rate much higher than the national average.<sup>v,vi</sup> Roughly half of homeless households cited eviction as the reason they were homeless.<sup>vii</sup>

*An Act Promoting Homelessness Prevention in Massachusetts* affords tenants the right to legal counsel in certain eviction and nuisance proceedings. If an individual or household facing eviction is unable to afford an attorney, then he or she may qualify to have a state-appointed attorney paid for by the Commonwealth. This bill establishes eligibility criteria that take into account the individual's participation in public

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<sup>i</sup> America's Rental Housing (2015), Harvard Joint Center for Housing Studies

<sup>ii</sup> State of the Nation's Housing (2017), Harvard Joint Center for Housing Studies

<sup>iii</sup> U.S. Census Bureau 2011-2015 American Community Survey

<sup>iv</sup> Interactive Map: Nearly Half of All Renter Households Are Cost Burdened (2017), Harvard Joint Center for Housing Studies

<sup>v</sup> State of the Nation's Housing (2017), Harvard Joint Center for Housing Studies

<sup>vi</sup> The Growing Challenge of Family Homelessness (2017), Barr Foundation

<sup>vii</sup> The Importance of Representation in Eviction Cases and Homelessness Prevention (2012), Boston Bar Association Task Force on Civil Right to Counsel

assistance programs, income level, and hardship. While Massachusetts tenants have certain rights, including their day in court, few seek legal remedy either because they do not have legal counsel or do not understand their rights. The limited capacity of existing legal aid services means that very few tenants seeking legal representation actually receive it. Less than six percent of Massachusetts tenants have legal representation in eviction proceedings compared to more than two-thirds of landlords.<sup>viii,ix</sup> Declining budgets and additional proposed cuts to legal aid threaten to undermine equitable legal representation even further.

A 2012 Boston Bar Association report describing the results of two pilot projects in which tenants were provided with a right to legal counsel for eviction proceedings found that legal representation greatly improved tenants' ability to preserve their housing. In the Quincy District Court pilot, over two-thirds of tenants with legal representation were able to stay in their home, compared to one-third of tenants without representation. Even represented tenants who were required to move out were better able to negotiate the timeline and conditions of their eviction.<sup>x</sup> Tenants without legal representation enter eviction proceedings at a clear disadvantage. This bill would provide tenants with greater equity in eviction proceedings, potentially reducing the incident of homelessness and the demand for costly state-funded homelessness expenditures.

Thank you for your consideration of this letter. If you or your staff have any questions, please do not hesitate to contact Lizzi Weyant, MAPC's Government Affairs Manager at (617) 933-0703 or [eweyant@mapc.org](mailto:eweyant@mapc.org).

Sincerely,



Marc Draisen  
Executive Director

cc. Chairman Jeffrey Sánchez  
Chairwoman Karen Spilka  
Representative Chynah Tyler  
Senator Sal DiDomenico

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<sup>viii</sup> An Act Promoting the Prevention of Homelessness and Establishing a Right to Counsel in Certain Eviction Cases FAQs, (2017), City of Boston Office of Housing Stability

<sup>ix</sup> The Importance of Representation in Eviction Cases and Homelessness Prevention (2012), Boston Bar Association Task Force on Civil Right to Counsel

<sup>x</sup> The Importance of Representation in Eviction Cases and Homelessness Prevention (2012), Boston Bar Association Task Force on Civil Right to Counsel