

**HARVARD LEGAL AID BUREAU**

23 EVERETT STREET, FIRST FLOOR  
CAMBRIDGE, MASSACHUSETTS 02138

(617) 495-4408

(617) 496-2687 (FAX)

March 26, 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: Access to Counsel Program for low-income tenants and owner-occupied landlords**

Dear Chair Rodrigues and Chair Michlewitz,

Thank you for all your work to prevent homelessness and housing insecurity. Without legal representation, many tenants risk becoming homeless. Too often, the Harvard Legal Aid Bureau (HLAB) has encountered and tried to assist tenants who, on their own, simply cannot navigate the complicated network of housing laws that stand between them and eviction. The time is now to start a statewide Access to Counsel program.

We urge the House and Senate Committees on Ways and Means to include in your respective FY25 budgets \$3.5 Million (Line-item 0321-1800) to start an Access to Counsel program in tandem with the full Access to Counsel bill language in S.864/H.4360, which provides the framework for a statewide program.

The need is urgent. As of March 2024, the Trial Court reported that in non-payment cases in Housing Court, less than 5% of tenants were represented, while over 90% of landlords were represented.<sup>1</sup>

As a student attorney for the Harvard Legal Aid Bureau, I have seen the impact that free or affordable representation has on countless cases. For example, while working in Eastern Housing Court with one low-income tenant who could not otherwise afford an attorney, I helped get his eviction case dismissed within minutes of speaking with him. The court dismissed the case because the landlord failed to follow the legally required steps to evict the tenant. The tenant would not have known that his procedural rights were being violated without having worked with an attorney. This tenant would now receive the due process he was legally entitled to and another opportunity to preserve his tenancy.

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<sup>1</sup> Summary Process, Massachusetts Trial Court, November 4, 2023. Dashboard at: [public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtSummaryProcess/SummaryProcess](https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtSummaryProcess/SummaryProcess)

My fellow S.J.C. Rule 3:03 student attorneys have reported similar outcomes. In HLAB's experience, a landlord is far more likely to deliver eviction notices on tenuous grounds and procedural defects if they know that the tenant is unlikely to be able to afford an attorney. In other words, without the right to counsel, landlords and their lawyers routinely violate tenants' rights.

My HLAB colleagues and I are dedicated to providing zealous advocacy to low-income tenants. However, HLAB and our peer legal aid institutions constantly have to turn away potential clients due to limited capacity. Overall, the current legal aid community is a very limited source of representation in a massive statewide eviction system. The system needs far more funding for far more legal aid.

Appropriations for counsel will substantially benefit the Massachusetts fiscal system. By offsetting public spending on programs like foster care and emergency shelters, every \$1 that would be spent by your government on access to representation saves the state over \$2.<sup>2</sup>

We ask that you recognize the unique challenges that unrepresented tenants face, especially acknowledging that women and racial minorities face an elevated risk of eviction.<sup>3</sup> Therefore, we urge you to take action to help remedy this pressing legal and social issue.

Thank you for your consideration,

Tuhin Chakraborty, S.J.C. Rule 3:03 Counsel  
On Behalf of the Harvard Legal Aid Bureau  
[Tchakraborty.jd25@hlsclinics.org](mailto:Tchakraborty.jd25@hlsclinics.org)

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<sup>2</sup> More information available at: <https://bostonbar.org/wp-content/uploads/2022/06/rtc-report-for-web-or-email.pdf>

<sup>3</sup> For more information, please visit: [evictionlab.org/who-is-evicted-in-america/](https://evictionlab.org/who-is-evicted-in-america/);  
[https://www.massrtc.org/uploads/2/7/0/4/27042339/access\\_to\\_counsel\\_bills\\_fact\\_sheet\\_2-15-24.pdf](https://www.massrtc.org/uploads/2/7/0/4/27042339/access_to_counsel_bills_fact_sheet_2-15-24.pdf)

