



**Testimony submitted to the Joint Committee on Housing In support of H.1731 An Act Promoting Access to Counsel and Housing Stability in Massachusetts By Lorelee Stewart, LWVMA Affordable Housing Specialist May 9, 2023**

The League of Women Voters of Massachusetts supports H.1731, An Act Promoting Access to Counsel and Housing Stability in Massachusetts.

We are amid a housing crisis which has been made worse by COVID – 19 and the severe public health consequences of eviction. In recognition of this crisis, Senator DiDomenico, Representative Rogers, and Representative Day have filed a bill promoting Access to Counsel and Housing Stability in Massachusetts.

H. 1731 will provide legal representation for low-income tenants **and** low-income owner-occupants in eviction proceedings. In the past several months, eviction filings have started to climb beyond what they were in 2019. Data from the Trial Court for Fiscal year 2022 shows us the inequity of legal representation that needs to be corrected. While 86% of landlords were represented, only 11.5% of tenants were represented. Tenants facing eviction are overwhelmingly poor, female, and people of color.

This bill is supported by a broad-based coalition of over 237 organizations that includes the legal community, housing advocates, health care providers, large property owners, municipal officials, social workers, teachers, the faith-based community, and many others including the League of Women Voters Massachusetts.

It is unacceptable that 9 out of 10 tenants are unrepresented; that more than 1 in 4 children living in poverty experience eviction by the age of 15; and that evictions are forcing families into shelters and unsafe housing conditions. Evictions negatively affect people’s physical and mental health, and result in job loss and decreased school attainment for children.

An Access to Counsel program must be part of a comprehensive strategy to address housing instability. Across the country, 3 states and 15 cities have enacted access to counsel programs and data from these locations is demonstrating that legal representation results in housing stability.

Data from the Massachusetts COVID Eviction Legal Help Project (CELHP), which was part of a comprehensive initiative to keep tenants safely in their homes when the state eviction moratorium expired, resulted in positive outcomes in 92% of eviction cases receiving extended services. In 66% of cases the tenancy was preserved and in 26% of cases additional time was received to better enable tenants to successfully relocate.

It is urgent to reduce the trauma caused by evictions for tenants and small landlords.

The LWVMA is especially concerned because the National Women’s Law Center stated, “[t]he eviction crisis is a women’s crisis -- the right to counsel can help.” As of August 30, 2021, about 4.4 million women nationally and over 65,000 women in Massachusetts were behind on rent. Women are evicted 16% more often than men, and nearly 2/3 of people aged 65 and older who are living in poverty are women

and are at a high risk of housing instability. Mothers are being evicted far more frequently than others, especially single mothers. The mere presence of children puts one at a significantly heightened risk of being evicted. Domestic violence survivors can face evictions due to that violence and are often unaware of eviction defenses. 92% of homeless women have experienced physical or sexual violence at some point in their lives. These statistics mean that nearly all low-income tenants face the complicated and fast-moving eviction process alone, often going up against savvy landlords' attorneys resulting in swift eviction, and the disparity in representation has been growing. Evictions disproportionately affect low-income renters and communities of color. The ACLU Women's Project found that in Massachusetts, Black tenants are twice as likely as white tenants to face eviction despite making up only 11% of Massachusetts' population. Black women are 2.5 times more likely than white women to face eviction.

Access to counsel will give these community members the legal assistance they need to have a fair chance in asserting their rights in court and staying in their homes, thereby stabilizing housing, and communities in the long term. Evictions lead to homelessness, housing instability, overcrowding, displacement, and disruption of schooling for children, all of which are associated with negative health outcomes. The Boston Bar Association found that by providing full legal representation in eviction proceedings, the Commonwealth ultimately saves on costs associated with homelessness, including emergency assistance and shelter, health care, and foster care. Specifically, in their report, full legal representation in eviction cases would cost the Commonwealth \$26.29 million while the cost savings associated with such representation are estimated to be \$63.02 million. For every dollar spent on full legal representation in eviction cases, the Commonwealth saves approximately \$2.40 on the direct costs associated with homelessness.

The League has long been concerned about the availability of legal representation for both complainant and persons or institutions against whom complaints are lodged. The League, which represents 44 local Leagues from Cape Cod to the Berkshires urges the Joint Committee on Housing to report this bill favorably and quickly out of committee as the next step to addressing the Commonwealth's housing stability problem and to secure funding and enactment this session.