

Access to Counsel Coalition in Massachusetts

February 8, 2023

Her Excellency Maura Healey
Governor of the Commonwealth of Massachusetts
State House Room 280
Boston, Massachusetts 02133

RE: Access to Counsel Program for Evictions
Dedicated Line Item FY24 Budget Request of \$7 million

Dear Governor Healey:

On behalf of the Massachusetts Law Reform Institute and the Access to Counsel Coalition, congratulations on your election. We are excited to work with you and your administration as we seek to expand access to affordable and safe housing for all.

At this time, we write to respectfully urge you to include **\$7 million in your FY24 House 1 budget to start to phase in an Access to Counsel Program** for low-income tenants and owner occupants in eviction proceedings. The need is urgent.

During the state COVID eviction moratorium there was a temporary reduction in the number of eviction cases filed in Massachusetts. But in October, November, and December of 2022, eviction filings in Massachusetts have now surpassed the number of pre-pandemic eviction filings. Between 2021 and 2022, the number of *no-fault* evictions, where a tenant is facing eviction not for anything they did wrong, spiked from 4,777 to 7,520 cases - a **57% increase**.

Data demonstrates that access to counsel results in greater housing stability and saves money. Recently, under the COVID Eviction Legal Help Project, a temporary program created in October 2020 in response to the COVID-19 pandemic, seven legal services providers handled 4,698 cases statewide. **Positive outcomes were obtained in 92% of cases receiving extended services:** in 66% of the cases the tenancy was preserved and in 26% of the cases additional time was received. The Boston Bar Association further reported that through legal intervention the state can save an estimated \$41 million in reduced emergency shelter costs.

Tenants facing eviction are overwhelmingly individuals living in poverty, females, and people of color. Evictions have far-reaching consequences beyond housing insecurity, and negatively affect people's physical and mental health. By the age of 15, more than 1 in 4 children living below the federal poverty line experience an eviction. Evictions lead to decreased engagement in school and an increased risk of dropping out.

When people come to court they are often scared and the stakes are high. The eviction process moves quickly. And despite the efforts of judges and court staff, the high number of tenants without lawyers creates a process that can be unfair and leave tenants signing agreements that are not sustainable and put them at risk of homelessness.

While 86% of landlords are represented in Housing Court, **only 11.5% of tenants are represented**. Beyond putting a large strain on families and children, evictions are putting a strain on our municipalities, the healthcare system, and the state's shelter system. The COVID-19 pandemic has continued to have rippling economic impacts throughout the Commonwealth.

In Massachusetts, over 230 organizations, including health care providers, large property owners, municipal officials, teachers, and faith-based organizations, are supporting a statewide access to counsel program. Three states and 15 cities have passed programs to provide tenants with full representation in eviction proceedings. In 2021:

- Washington State Governor Jay Inslee signed into law the first statewide right to counsel program in the country.
- Maryland became the second state to pass an Access to Counsel Program and passed legislation requiring the Comptroller to distribute \$14 million from abandoned property funds to an Access to Counsel in Evictions Special Fund.
- Our neighboring state, Connecticut, became the third state and Connecticut Governor Ted Lamont allocated \$20 million of ARPA funds over 2 years to launch a program.

[SD1082](#), *An Act promoting access to counsel and housing stability in Massachusetts* filed by Senator Sal DiDomenico, and [HD3657](#) filed by Representative Dave Rogers and Representative Michael Day, in Section 2, provide that a statewide Access to Counsel program would be funded by the general court and administered by the Massachusetts Legal Assistance Corporation through a specifically designated separate line item in the Judiciary budget. It is essential that Access to Counsel funding be provided in addition to MLAC's FY24 budget request of \$49 million to fund civil legal aid (Massachusetts Legal Assistance Corporation line item 0321-1600).

We believe it is urgent to pass a statewide Access to Counsel program as part of a comprehensive approach to preventing homelessness and providing housing for all. **As you consider your FY24 budget, we hope that you will include \$7 million for an Access to Counsel Program.**

Thank you for your leadership and for making housing a priority of your administration.

Sincerely,



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

Cc: Lieutenant Governor Kim Driscoll
Secretary Matt Gorzkowicz, Executive Office of Administration and Finance
Kate Cook, Chief of Staff, Office of Governor Maura Healey
Kristian Hoysradt, Deputy Chief of Staff to the Lt. Governor
Alicia Rebello-Pradas, Deputy Chief of Staff for Legislative Affairs
Cecilia Ugarte Baldwin, Deputy Chief of Staff for Policy & Cabinet Affairs
Sarah Sabshon, Associate Chief of Staff for Policy & Cabinet Affairs
Bran Shim, Budget Director, Office of Administration and Finance
Senator Sal DiDomenico
Representative David Rogers
Representative Michael Day

Access to Counsel Advisory Committee

La Colaborativa

Gladys Vega, Executive Director
Norieliz DeJesus, Policy & Organizing Director

City of Boston

Sheila Dillon, Chief of Housing
Danielle Johnson, Office of Housing Stability
Diego Huezos, Deputy Director of State Relations

Massachusetts Union of Public Housing Tenants

Renee Spencer, Assistant Treasurer

Greater Boston Legal Services

Zoe Cronin, Managing, Housing Unit Attorney

Citizens Housing and Planning Association

Eric Shupin, Director of Public Policy
Abhidnya Kurve, Senior Policy Advocate

Western Massachusetts Network to End Homelessness

Pamela Schwartz, Director

Metro Housing | Boston

Chris Norris, Executive Director
Steven Farrell, Director of Communications, Development and Policy

New England Law-Boston

Russell Engler, Director of Clinical Programs

Jewish Alliance for Law and Social Action

Cindy Rowe, Executive Director
David Albright, Legislative Director
Julia Schlozman, Staff Attorney

City of Somerville

Ellen Shachter, Director Office of Housing Stability
Susan Chimene, Co-Deputy Director Office of Housing Stability

Housing Families in Malden

Laura Rosi, CEO
Jayna Stafford, Director, Homelessness Prevention and Legal Services

Massachusetts Coalition for the Homeless

Kelly Turley, Associate Director

HomeStart

Vincent Wisniewski, Program Manager

Conn Kavanaugh Rosenthal Peisch & Ford LLP

Katie Forde, Paralegal

Access to Counsel Supporters

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.

- Abundant Housing MA
- Action for Boston Community Development
- Action, Inc.
- Advocacy Network to End Family Homelessness
- AIDS Action/Fenway Health
- Alliance of Cambridge Tenants
- Allston/Brighton Community Devel Corp,
- Allston Brighton Health Collaborative
- American Civil Liberties Union of Massachusetts
- Amherst Family Health Center
- Amherst Municipal Affordable Housing Trust
- Amherst Town Council (Resolution)
- Arise for Social Justice
- Asian Task Force Against Domestic Violence
- Bassuk Center
- Beacon Communities
- Beacon Residential Management
- Berkshire County Regional Housing Authority
- BEST Hospitality Training
- Beth Israel Lahey Health
- Black Economic Justice Institute
- Black Teachers Matter
- Boston Area Rape Crisis Center
- Boston Bar Association
- Boston Health Care for the Homeless Program
- Boston Housing Authority
- Boston Medical Center
- Boston Public Health Commission
- Boston Teachers Union
- Boston Tenant Coalition
- Brockton Neighborhood Health Center
- Brockton Interfaith Community
- Cambridge Health Alliance
- Cambridge Residents Alliance
- Casa Myrna
- Cathedral Church of St. Paul
- Catholic Charities Worcester County
- Center for Human Development
- Central Massachusetts Housing Alliance
- Charter Street Tenant Association
- Chelsea Police Department
- Chelsea Public School Cmt Chair, Kelly Garcia
- Children Advocacy Center of Suffolk County
- Children's HealthWatch
- Children's Services of Roxbury
- Chinese Progressive Association
- Citizens' Housing and Planning Association
- City Life/Vida Urbana
- City Mission Boston
- City of Boston
- City of Boston Veterans' Services
- City of Boston (City Council Resolution)
- City of Cambridge (City Council Resolution)
- City Northampton (City Council Resolution)
- City of Springfield (City Council Resolution)
- City Manager of Cambridge, Louis DePasquale
- City Manager of Chelsea (formerly), Tom G. Ambrosino
- Coalition for Social Justice
- Codman Square Neighborhood Development Corporation
- Community Action Agency of Somerville
- Community Action Pioneer Valley
- Community Care Cooperative
- Community Health Network for North Central Mass
- Coalition for a Healthy Greater Worcester
- Cooley Dickinson Health Care, Northampton
- Conference of Boston Teaching Hospitals
- Craig's Doors - A Home Association
- Dana-Farber Cancer Institute
- De Novo Center for Justice and Healing
- Disability Policy Consortium
- DOVE (Domestic Violence Ended)
- East Boston Social Centers
- Easthampton Affordable and Fair Housing Partnership
- Edward Kennedy Community Health Center
- Eliot Community Human Services
- Elizabeth Freeman Center
- Episcopal Diocese of Massachusetts
- Fall River Confronting Discrimination Committee
- Fall River Housing Joint Tenant Council
- Family Promise Metrowest
- FamilyAid Boston
- Father Bill's & MainSpring
- Fenway Community Development Corp
- Food Bank of Western Massachusetts
- Framingham Public Health Department

- Greater Boston Labor Council
- Greater Boston Legal Services
- Greater Lawrence Community Action Council
- Grow A Strong Family
- HarborCOV: Communities Overcoming Violence
- Harvard Legal Aid Bureau
- Heading Home
- Health Care For All
- Health Resources in Action
- Heisler, Feldman & McCormick
- Holland & Knight LLP
- HomeStart
- Homes for Families
- Horizons for Homeless Children
- Housing Families
- Immigrant Service Providers Group/Health
- Inquilinos Boricuas en Accion
- Institute for Community Health
- Inter-Church Council of Greater New Bedford
- Jane Doe, Inc.
- Jewish Alliance for Law and Social Action
- Jewish Community Relations Council of Greater Boston
- Jewish Family & Children's Service
- JP Progressives
- Justice Center of Southeast Massachusetts
- La Collaborativa
- La Comunidad
- Latinos Unidos En Massachusetts
- Law Office of Laura M. Unflat
- Lawyers Clearinghouse
- Lawyers for Civil Rights in Boston
- Lawrence Community Works
- League of Women Voters Massachusetts
- Legal Services Center of Harvard Law School
- LEO, Inc.
- Lexington Housing Partnership Board
- LivableStreets
- Local Initiatives Support Corporation - Boston
- Lynn Community Health Center
- Lynn Housing Authority & Neighborhood Development
- Lynn United for Change
- Maloney Properties, Inc.
- Mandela Residents Cooperative Association
- Mass Alliance of HUD Tenants
- Mass Alliance of Portuguese Speakers
- Mass Appleseed Center for Law and Justice
- Mass Association for Mental Health
- Mass Association of Community Development Corporation
- Mass Association of Community Health Workers
- Mass Bar Association
- Mass Catholic Conference
- Mass Coalition for the Homeless
- Mass Communities Action Network (MCAN)
- Mass Fair Housing Center
- Mass General Brigham
- Mass General Hospital Center for Community Health Improvement
- Mass Housing and Shelter Alliance, Inc.
- Mass Law Reform Institute
- Mass League of Community Health Centers
- Mass LGBTQ Bar Association
- Mass Political Cooperative
- Mass Public Health Association
- Mass Senior Action Council
- Mass Smart Growth Alliance
- Mass Teachers Association
- Mass Union of Public Housing Tenants
- Mayor Gary Christenson, Malden
- Mayor Katjana Ballantyne, Somerville
- Mayor Carlo DeMaria, Everett
- Mayor Kim Driscoll, Salem
- Mayor Paul Heroux, Attleboro
- Mayor Jared Nicholson, Lynn
- Mayor Joseph M. Petty, Worcester
- Mayor Dan Rivera, Lawrence
- Mayor Sumbul Siddiqui, Cambridge
- Mayor Robert F. Sullivan, Brockton
- Mayor Linda M. Tyer, Pittsfield
- Medical-Legal Partnership|Boston
- Mental Health Legal Advisors Committee
- Metro Housing|Boston
- Metropolitan Area Planning Council
- Metropolitan Mayors Coalition
- MetroWest Legal Services
- Middlesex Community College
- NAACP New Bedford Branch
- National Association of Social Workers, Mass. Chapter
- National Lawyers Guild, Mass. Chapter
- Neighborhood Assistance Corporation of America

- NeighborWorks Housing Solutions
- New Bedford Community Health Center
- Northampton Human Rights Commission
- Northampton Survival Center
- Northeast Justice Center
- NuLawLabs at Northeastern University School of Law
- Nuestra Comunidad Development Corporation
- One Family
- Open Sky, Worcester
- Our Father's House
- Pioneer Valley Workers Center
- Preservation of Affordable Housing, Inc.
- Progressive Democrats of Massachusetts
- Progressive Mass
- Project Hope
- Public Health Institute of Western Massachusetts
- Public Interest Law Foundation at Boston College Law School
- Regional Housing Network of Massachusetts
- Residents Council for the Senior & Disabled Tenants of Quincy Housing Authority
- Right to the City Boston
- Rosie's Place
- Roxbury Community College
- Samaritans Southcoast
- Senior Residents Council
- ServiceNet
- Solidarity Lowell
- Somerville Dept. of Veterans' Services Director, Ted Louis Jacques
- Somerville Homeless Coalition
- Society of St. Vincent de Paul Boston
- Solidarity Lowell
- South Middlesex Opportunity Council, Inc.
- Springfield Dementia Friendly Coalition
- Springfield No One Leaves
- Springfield Partners for Community Action
- St. Francis House
- Stop Bullying Coalition
- Temple Sinai of Sharon
- Tenant Advocacy Project at Harvard Law School
- The Neighborhood Developers
- The Second Step
- Three Pyramids
- Town Administrator of Brookline, Mel Kleckner
- Town Manager of Amherst, Paul Bockelman
- Town Manager of Arlington, Adam W. Chapdelaine
- Town Manager of Danvers, Steve Bartha
- Town Manager of Randolph, Brian Howard
- Town Manager of Winthrop, Austin Faison
- Trinity Financial
- Urban Edge
- UNITE HERE Local 26
- United Food and Commercial Union Local 1445
- United Way of Massachusetts Bay and Merrimack Valley
- University of Massachusetts School of Law - Dartmouth
- Veterans Legal Services
- Volunteers of America
- Way Finders
- Western Massachusetts Network to End Homelessness
- WATCH Community Development Corporation
- WinnCompanies
- Womanshelter/ Compañeras
- Women's Bar Association
- Women's Fund of Western Massachusetts
- Worcester County Food Bank
- Y2Y Network
- YWCA Cambridge
- 123 Up And Adam, Inc.