

‘Not a fair fight.’ Advocates, officials push to provide free legal aid to low-income tenants fighting eviction.

State, city officials continue push for program to provide free attorneys to low-income renters facing eviction

By [Niki Griswold](#) Globe Staff, Updated March 1, 2024, 5:47 a.m.



Boston city councilors are considering a pilot "right to counsel" program that would fund free legal representation for low-income renters facing eviction. Mary Barrera faced eviction from her three-bedroom apartment in East Boston, where she live for nearly eight years. BARRY CHIN/GLOBE STAFF

When 45-year-old Mary Barrera stood before a judge in the Eastern Division of the Massachusetts Housing Court last year, she was terrified. And she was alone.

Originally from Colombia and living in the United States without legal status, Barrera was facing eviction from her three-bedroom apartment in East Boston, where she and two of her adult children have lived for nearly eight years. They normally split the \$2,500 monthly rent, but after briefly losing their jobs during the pandemic, fell behind for one month.

Barrera said they were able to resume paying the following month, but when they couldn't pay what they owed in full, their landlord moved to evict them.

When the case went to trial, Barrera's landlord had a lawyer with her. Barrera — with limited English, little understanding of the complex legal system, and homelessness a very real threat — was on her own.



Barrera signed in at a meeting of City Life, Vida Urbana, a grassroots nonprofit that connects residents facing eviction with free legal help in East Boston. BARRY CHIN/GLOBE STAFF

“It’s an experience that I don’t wish on anyone,” Barrera told the Globe with the help of a translator. “It causes all kinds of things — worry, desperation, stress.”

Housing advocates say Barrera’s story is all too common and demonstrates a critical inequity in the current housing court system — which is even more dire given the state’s overburdened emergency shelter system.

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The [state’s attorney general testified](#) in October that in Massachusetts eviction cases filed in 2022, about 86 percent of landlords had lawyers compared with about 11 percent of tenants. The disparity was even more drastic in [eviction filings due to nonpayment](#): About 90 percent of landlords had a lawyer while less than 4 percent of tenants did.

Without an attorney, tenants are at a significant disadvantage and left to navigate the complex eviction process on their own, which can be overwhelming and traumatizing.

For years, housing advocates have pushed for a “right to counsel” program that would provide free legal representation to low-income tenants facing eviction. The effort has gained traction on the state level, and now, some Boston city councilors are also exploring the possibility of establishing a pilot “access to counsel” program in the city.

Several nonprofit organizations, including [Greater Boston Legal Services](#) and the [Harvard Legal Aid Bureau](#), offer free legal services for low-income clients, but neither have anywhere near the staff to meet the current need, particularly for eviction cases. Both say a right to counsel program would make an enormous difference in addressing the power imbalance between landlords and tenants.

“It’s unrealistic for people without an attorney to understand exactly what all their legal rights are, and what’s the proper way for them to assert those rights in a court,” said Laura Massie, a senior attorney with the housing unit at Greater Boston Legal Services.

Organizations like [City Life Vida Urbana](#), a Boston-based grass-roots housing justice nonprofit, host weekly meetings in both English and Spanish to help low-income people of color who are facing displacement understand their rights.



A meeting of City Life Vida Urbana, a grassroots nonprofit that connects residents facing eviction with free legal help in East Boston. BARRY CHIN/GLOBE STAFF

Barrera has been attending those meetings to get free legal advice and find social support as she’s fought eviction. But without an attorney to take her case, she still ended up

representing herself at trial.

“It’s terrible to be there without an attorney,” she said. “I was asked so many questions, and I didn’t know the answers because I didn’t know how the law works. At some point I didn’t even know I was allowed to ask questions.”

The stakes for renters such as Barrera are high, and any mistake could mean a tenant loses housing, Massie said. If tenants miss certain deadlines, they lose their right to a jury trial. If they’re unable to get child care or otherwise can’t make it on time to their mediation date, they automatically default and lose the case. Without legal counsel, tenants are also vulnerable to signing an unfavorable agreement they don’t fully understand.

Massie recalled meeting a woman in court who had signed such an agreement and was facing eviction from public housing for violating it. But upon looking into her case, Massie found the woman had a Section 8 housing voucher, and the administrating agency had incorrectly calculated the portion of the rent for which she was responsible.

“There was no way she could’ve known that on her own,” said Massie, who was able to get the woman’s balance paid off, fix the calculation mistake, and get her rent reduced retroactively — all of which would’ve been nearly impossible without a lawyer. “None of that required a ton of heavy lifting legally, but it was all super important for making sure that this family didn’t wind up homeless.”

An eviction judgment makes it exponentially more difficult to find new housing, and the consequences are even more serious for people who live in public housing, where an eviction judgment can jeopardize their eligibility for future housing benefits.

At Barrera’s November trial, the judge ultimately dismissed the case due to a procedural error by her landlord’s attorney. But prior to that, she said her landlord rejected all her attempts to settle the case.

She's spent the last few months dealing with headaches and a lack of appetite, stressed about the possibility that her fight isn't over.

"I worry when I get up in the morning to go to work, I'm afraid I'm going to find a [eviction] letter on my door," she said. "It's a constant feeling that doesn't leave me."

Her landlord filed to evict her again on Monday.

"It's not a fair fight," said Annette Duke, a housing attorney at the Massachusetts Law Reform Institute. "An attorney helps people negotiate a fair agreement that is sustainable, that gets the landlord the back rent, and the tenant stays housed. It's a win-win."

Duke is a leader of the [Massachusetts Right to Counsel Coalition](#), a collection of 240 organizations that include municipal leaders, community groups, and development corporations, that has advocated for a statewide counsel program for years. She argued there's ample evidence of the benefits it would bring.

A [2020 report by the Boston Bar Association](#) estimated that a statewide right to counsel program for eviction cases would cost the state about \$26 million a year but would save the state \$63 million in emergency shelter, health care, and foster care costs. The benefits could include harder-to-quantify benefits, according to the report, such as fewer school interruptions for children and increased job and family stability.

At least [four states and 17 cities](#) have already implemented similar programs and experienced significant reductions in eviction filings and default judgments, according to the [National Coalition for a Civil Right to Counsel](#).

Last year, two Massachusetts legislative committees heard extensive testimony [in support of bills](#) that would establish a statewide program providing free legal representation in eviction cases in which the tenant income is below 80 percent of the

area median income. Governor Maura Healey also proposed [spending \\$3.5 million](#) on such a program next fiscal year.

In Boston, Councilor Ben Weber, with the support of Councilors Liz Breadon and Ruthzee Louijeune, is pushing for a hearing to explore the possibility of establishing a pilot program in the city.

Louijeune, who advocated for families facing eviction and foreclosure as a student attorney with the Harvard Legal Aid Bureau, said it's critical for both the city and the state to invest in eviction prevention, which disproportionately impacts women of color with children.

“The number one call that we get as city councilors from our constituents is about housing,” Louijeune said. “It is easier to save someone’s home than to give them a home.”

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