

July 20, 2020

Honorable Michael J. Rodrigues  
Senate Chair  
Senate Committee on Ways and Means

Honorable Cindy F. Friedman  
Senate Vice Chair  
Senate Committee on Ways and Means

RE: In Support of S. 2785:  
An Act promoting housing stability and homelessness prevention through a right to  
counsel pilot program in Massachusetts in response to the COVID-emergency

Dear Chairs and Members of the Senate Committee on Ways and Means:

**In 30 days, the eviction moratorium is set to expire and tenants are terrified about what the future holds. We have a long road to recovery and need the right infrastructure in place to protect people's housing.**

The Massachusetts Right to Counsel Coalition urges the Senate Committee on Ways and Means to take swift action and report favorably S. 2785 to establish a statewide right to counsel program. The Coalition is broad with municipal leaders, tenants, front line housing advocates, large property owners, teachers, social workers, unions, faith-based institutions, and many other organizations statewide. **Attached is the list of supporters which grows daily.**

When the moratorium ends, courts will be flooded with eviction cases. Landlord organizations and the Housing Court estimate that 15,000 – 20,000 new evictions will be filed. Massachusetts needs a comprehensive eviction prevention housing stability plan. In addition to rental assistance and building the capacity of non-profits to triage evictions before court, part of the response must be full legal representation in court to stabilize people's housing.

Filed by Senator DiDomenico, S. 2785:

- Provides full legal representation to tenants and owner occupants in eviction proceedings whose incomes do not exceed 200% of poverty.
- Legal representation would be provided by designated non-profit organizations with expertise in housing law and experience representing low-income people.
- Pilots would be statewide within each of the Housing Court's six divisions with geographic locations to be determined by indicators that capture the devastation COVID is having on low-income renters and low-income homeowners.
- The program would be established at the Office of Housing and Economic Development with clear guidelines and quick time frames for rapid implementation.
- Funding for a pilot must come from **new funding** that does not impact state funding for civil legal aid or housing stabilization and affordable housing programs.

Last year **91% of tenants in Housing Court were unrepresented, while 78% of landlords were represented.**<sup>1</sup> When courts are flooded with evictions, this disparity of representation will likely be even greater. Black and Latino households have been disproportionately hit by the pandemic's health, housing, and economic crisis, and will be disproportionately vulnerable to eviction and homelessness. In the seven weeks between the state of emergency in March and the start of the moratorium in April, over 78% of all evictions filed in Boston were in census tracts where the majority of residents are people of color.<sup>2</sup>

New York City, San Francisco, Newark, Philadelphia, and Cleveland have passed right to counsel legislation. Data from New York shows that among the 22,000 New Yorkers represented by right to counsel funded attorneys 84% of these represented tenants were able to remain in their home and eviction filings dropped significantly.<sup>3</sup> **Assistance is making a difference.**

Recently the Boston Bar Association released a report finding that for every \$1 invested in full representation in evictions, Massachusetts can **save at a minimum \$2.40** in shelter, health care, and foster care costs associated with homelessness. As we spend, now more than ever savings are critical. The study further showed that **while it costs \$52,540 a year to shelter a family, it costs \$1,151 on average to provide full legal representation to tenants facing eviction.**<sup>4</sup>

The Right to Counsel Coalition sent Governor Baker a letter urging him to **dedicate \$6 million from the state's Coronavirus Relief Fund (CRF) - approximately 0.003% of the state's remaining CRF allocation of \$1,958 billion - to implement an emergency right to counsel eviction program in areas hardest hit by COVID.** [RTC Coalition's letter](#). The Massachusetts U.S. Delegation of the House of Representatives also sent Governor Baker a letter urging him to dedicate federal CARES Act funds to a statewide right to counsel pilot program. [Mass Delegation's letter](#).

S. 2785 was reported quickly out of the Joint Committee on Housing based on the **overwhelming amount of written testimony submitted (see attached list)**. We are grateful for the urgency with which Chair Crighton and Chair Honan acted and for the leadership of Senator DiDomenico who filed S. 2785 and all of the legislators who co-sponsored it. We are also grateful for the leadership of the Chair of the Committee on Senate Ways and Means to pass protections for low-income tenants and homeowners and urge you to favorably report S. 2785 and quickly navigate it to the Governor's desk. Thank you.

On behalf of the Massachusetts Right to Counsel Coalition,



Annette R. Duke, Housing Attorney

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<sup>1</sup> Housing Court Department, Fiscal Year 2019 Statistics, Percent of Self Represented Litigants in Summary Process Cases Disposed in FY2019 <https://www.mass.gov/doc/2019-housing-court-self-represented-represented-litigants-by-court-location/download>

<sup>2</sup> *Evictions in Boston: The Disproportionate Effects of Forced Moves on Communities of Color*, Report by City Life Vida Urbana in partnership with researchers at the Massachusetts Institute of Technology (June 2020) at: [www.bostonevictions.org/](http://www.bostonevictions.org/)

<sup>3</sup> **NYC Right to Counsel: First year results and potential for expansion** referencing eviction data published by the NYC Department of Investigation. [https://www.cssny.org/news/entry/nyc-right-to-counsel#\\_ednref4](https://www.cssny.org/news/entry/nyc-right-to-counsel#_ednref4).

<sup>4</sup> *Investing in Fairness, Justice, and Housing Stability: Assessing the Benefits of Full Legal Representation in Eviction Cases in Massachusetts* (June 2020) at: <https://bostonbar.org/docs/default-document-library/rtc-report-for-web-or-email.pdf>

# **Preliminary List of Written Testimony Supporting S. 2785**

## **Submitted to the Joint Committee on Housing**

Prepared by the Mass RTC Coalition, July 15, 2020

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1. BEST Hospitality Training, partners of UNITE HERE Local 26
2. Boston Bar Association
3. Casa Myrna
4. Chelsea Collaborative
5. Citizens Housing and Planning Agency
6. City of Boston, Mayor Marty Walsh
7. City of Chelsea, City Manager Tom Ambrosino
8. City of Randolph
9. City of Somerville, Mayor Joseph Curtatone
10. Family Aid Boston
11. Greater Boston Legal Services Access to Justice Fellow Dick Bauer
12. Heisler, Feldman & McCormick, P.C, Joel Feldman and Christa Douaihy
13. HomeStart
14. Inquilinos Boricuas en Accion
15. Jewish Alliance for Law and Social Action
16. Jewish Community Relations Council
17. Julie Flowers, Councilor at Large, Beverly
18. La Comunidad
19. Maloney Properties
20. Mary Ryan, Nutter McClennen & Fish LLP
21. Massachusetts Appleseed Center for Law & Justice
22. Massachusetts Coalition for the Homeless
23. Massachusetts Institute of Technology
24. Massachusetts Law Reform Institute on Behalf of the RTC Coalition
25. Massachusetts Public Health Association
26. Massachusetts Smart Growth Alliance
27. Massachusetts Teachers Association
28. Massachusetts Union of Public Housing Tenants
29. Metro Housing| Boston
30. Metropolitan Area Planning Council
31. National Coalition for a Civil Right to Counsel
32. New England Law School, Russell Engler
33. Project Hope
34. Retired Judges - Hon Geraldine Hines, Supreme Judicial Court; Hon Paul Chernoff, Newton District, Middlesex Superior; Hon John Cratsley, Roxbury District, Suffolk Superior
35. Somerville Homeless Coalition
36. Susan Nicastro, Councilor Ward 4, Brockton
37. Tenant Advocacy Project, Harvard School of Law
38. Town of Randolph, Town Manager Brian Howard
39. United Way of Massachusetts Bay and Merrimack Valley
40. Urban Edge
41. Western Massachusetts Network to End Homelessness
42. WinnCompanies

# Massachusetts Right to Counsel Coalition

*as of July 20, 2020*

- Action, Inc.
- Action for Boston Community Development
- Advocacy Network to End Family Homelessness
- AIDS Action/Fenway Health
- Alliance of Cambridge Tenants
- Allston/Brighton Community Development Corporation
- Amherst Municipal Affordable Housing Trust
- Amherst Town Council (Resolution)
- Arise for Social Justice
- Beacon Communities
- Beacon Residential Management
- Berkshire County Regional Housing Authority
- BEST Hospitality Training
- Black Economic Justice Institute
- Boston Area Rape Crisis Center
- Boston Bar Association
- Boston Housing Authority
- Boston Tenant Coalition
- Brockton Interfaith Community
- Cambridge Health Alliance
- Casa Myrna
- Cathedral Church of St. Paul
- Catholic Charities Worcester County
- Charter Street Tenant Association
- Chelsea Collaborative
- Chelsea City Manager, Tom G. Ambrosino
- Chelsea Police Department
- Center for Human Development
- 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 Cambridge (City Council Resolution)
- City of Lynn, Mayor Thomas McGee
- City Northampton (City Council Resolution)
- City of Springfield (City Council Resolution)
- Codman Square Neighborhood Development Corporation
- Community Action Agency of Somerville
- Community Action Pioneer Valley
- Community Health Network for North Central Mass
- Craig's Doors - A Home Association

- De Novo Center for Justice and Healing
- DOVE (Domestic Violence Ended)
- East Boston Social Centers
- Easthampton Affordable and Fair Housing Partnership
- Eliot Community Human Services
- Elizabeth Freeman Center
- Episcopal Diocese of Massachusetts
- FamilyAid Boston
- Father Bill's & MainSpring
- Fenway Community Development Corporation
- Food Bank of Western Massachusetts
- 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
- Heisler, Feldman & McCormick
- Holland & Knight LLP
- HomeStart
- Homes for Families
- Housing Families
- Inquilinos Boricuas en Accion
- Immigrant Service Providers Group/Health
- Jane Doe, Inc.
- Jewish Alliance for Law and Social Action
- Jewish Community Relations Council of Greater Boston
- Jewish Family & Children's Service
- Justice Center of Southeast Massachusetts
- Latinos Unidos En Massachusetts
- Law Office of Laura M. Unflat
- Lawyers Clearinghouse
- Lawyers for Civil Rights in Boston
- Lawrence Community Works
- Legal Services Center of Harvard Law School
- Lexington Housing Partnership Board
- LivableStreets
- Local Initiatives Support Corporation - Boston
- Lynn Housing Authority & Neighborhood Development
- Lynn United for Change
- Maloney Properties, Inc.
- Mass Alliance of HUD Tenants
- Mass Appleseed Center for Law and Justice
- Mass Association of Community Development Corporation
- Mass Association of Community Health Workers
- Mass Communities Action Network (MCAN)

- Mass Fair Housing Center
- Mass Senior Action Council
- Mass Coalition for the Homeless
- Mass General Hospital Center for Community Health Improvement
- Mass Housing and Shelter Alliance, Inc.
- Mass Law Reform Institute
- Mass Alliance of Portuguese Speakers
- Mass Public Health Association
- Mass Smart Growth Alliance
- Mass Teachers Association
- Mass Union of Public Housing Tenants
- Mayor Joseph A. Curtatone, Somerville
- Medical-Legal Partnership| Boston
- Metro Housing| Boston
- Metropolitan Area Planning Council
- Metropolitan Mayors Coalition
- MetroWest Legal Services
- National Assoc of Social Workers, Mass. Chapter
- National Lawyers Guild, Mass. Chapter
- Neighborhood Assistance Corporation of America
- NeighborWorks Housing Solutions
- Northampton Survival Center
- Northeast Justice Center
- NuLawLabs at Northeastern University School of Law
- Nuestra Comunidad Development Corporation
- One Family
- Our Father's House
- Progressive Democrats of Massachusetts
- Project Hope
- Regional Housing Network of Massachusetts
- Residents Council for the Senior & Disabled Tenants of Quincy Housing Authority
- Right to the City Boston
- Rosie's Place
- Senior Residents Council
- ServiceNet
- Solidarity Lowell
- Somerville Homeless Coalition
- Society of St. Vincent de Paul Boston
- Solidarity Lowell
- Springfield Dementia Friendly Coalition
- Springfield No One Leaves
- Springfield Partners for Community Action, Inc.
- St. Francis House
- Stop Bullying Coalition
- Temple Sinai of Sharon
- Tenant Advocacy Project at Harvard Law School
- The Neighborhood Developers

- Three Pyramids
- Trinity Financial
- Urban Edge
- UNITE HERE Local 26
- United Food and Commercial Union Local 1445
- United Way of Massachusetts Bay and Merrimack Valley
- Way Finders
- Western Massachusetts Network to End Homelessness
- WATCH Community Development Corporation
- WinnCompanies
- Womanshelter/ Compañeras
- Women's Fund of Western Massachusetts
- Worcester County Food Bank
- 123 Up And Adam, Inc.