



CITY OF SOMERVILLE, MASSACHUSETTS
KATJANA BALLANTYNE
MAYOR

October 2, 2023

The Honorable Lydia Edwards, Senate Chair

The Honorable James Arciero, House Chair

Joint Committee on Housing

RE: S.864 Access to Counsel filed by Sen. DiDomenico
S.865/H.1349 Housing Data Legislation filed by Sen. DiDomenico/Rep. Lipper-Garabedian

Dear Chair Edwards and Chair Arciero,

I write today as Mayor of Somerville to ask with the utmost urgency that the Housing Committee issue a favorable recommendation on S. 864, An act promoting access to counsel and housing stability in Massachusetts and S.865/H.1349, An Act improving municipal access to general existing housing data.

The City of Somerville, like so many cities and towns of the Commonwealth, has faced enormous pressures from rapidly rising rents and home sale prices. Currently, median rents for a two-bedroom apartment have soared to \$3,000/month and the median home sale price is a staggering \$941,000- a 17.6% increase year over year. These escalating housing costs have been highly destabilizing for many vulnerable members of our community. As many Somerville tenants cannot afford their escalating rents, the City of Somerville is doing everything it can to invest in affordable housing opportunities. These efforts include establishing and updating linkage fees, increasing inclusionary housing requirements and starting a new early acquisition fund, all of which are designed to encourage and fund as much development of new affordable housing as possible. However, it is imminently clear that Somerville cannot produce enough new affordable housing quickly enough on its own. As a result, we are struggling to maintain the vibrant racial, ethnic and socioeconomic diversity that is essential to the spirit, health and well-being of Somerville residents.

We know that in addition to producing enough new housing, we need to see tenant protections expanded to better enable tenants to remain in their existing homes. Access to Counsel is a critical component of any housing stability strategy. This is particularly true for what is referred to as “naturally occurring affordable housing” rather than new units, as those tend to be cost prohibitive from the outset.

As you heard in testimony at your hearing last week regarding S. 864, there is a huge discrepancy between the rate of representation for landlords versus tenants around the Commonwealth. This large disparity also exists in Somerville. We know that representation by counsel makes a huge difference in outcomes for tenants. Data from the Eviction Legal Help Project showed that where tenants received full representation, 92% of the cases had positive outcomes with 66% of cases resulting in preserved tenancies and 26% of cases resulting in obtaining additional time to relocate.

In 2018 Somerville opened an Office of Housing Stability (OHS) to assist our most vulnerable residents to achieve and retain housing stability. OHS works with approximately 1500 housing instable households per year.

Unfortunately, it is all too frequent that we hear from seniors, persons with limited English proficiency, those with disabilities and other vulnerable tenants that they were terrified when they were being evicted and didn't have an attorney, so they signed an Agreement saying they would move out of their apartment. We see many cases where we know that a tenant would and should have been able to assert a valid legal defense, potentially received the time and resources to remain in their home or received enough time to successfully relocate had they had counsel prior to the court judgment.

Additionally, when these families do get evicted, they often end up in the Emergency Assistance Shelter system, which is current overflowing as you are aware. We know that it is far less costly to keep tenants in their homes than to provide them with emergency shelter. We know that many other states and cities are enacting Access to Counsel legislation as part of their housing stability efforts. We strongly urge that Massachusetts should do the same.

In addition to critical tenant protections, it is vital that there is understanding of the regions housing stock and where gaps in development exist. S.865/H.134 directs the Executive Office of Housing and Livable Communities (EOHLC) to establish a statewide database available to municipalities and regional public entities. For new developments, this data base would include: 1) the total unit count, 2) the total count of units with affordability restrictions, 3) the unit count affordable respectively at 30, 50 and 80 percent of area median income, 4) terms and end dates of affordability restrictions, 5) per unit bedroom and bathroom count, 7) per unit livable square footage, and 8) location. Each datum included here is already collected by EOHLC for all new developments listed on the SHI. These requirements would not require EOHLC to undertake any new data collection, but rather would oblige the Executive Office to make available these already-collected data.

As Co-Chair of the Metro Mayor's Coalition Housing Task Force, I have seen the value of the work the Metro Area Planning Council (MAPC) has done to collect and analyze data, which Somerville and the region has benefitted from. This bill will empower municipalities across the Commonwealth to better understand their current and future housing landscape and take proactive action to ensure adequate affordable housing supply in our communities.

Municipalities need every tool possible on both sides, tenant protections and housing development, if we are going to be able to stabilize our most vulnerable tenants and build sufficient housing for all of our residents' needs.

We hope that the Housing Committee will act early in the 2023-24 session to report S. 864 and S.865/H.134 out favorably.

Sincerely,

Mayor Katjana Ballantyne