



People First. Housing Always.

**Metro Housing|Boston's Testimony
Joint Committee on the Judiciary
An Act Promoting Access to Counsel
and Housing Stability in Massachusetts (H.1731)**

May 10, 2023

Chairman Eldridge, Chairman Day, and members of the Judiciary Committee. Thank you for the opportunity to testify in support of An Act Promoting Access to Counsel and Housing Stability in Massachusetts (H.1731).

Metro Housing serves the housing needs of more than 25,000 Greater Boston households annually. In addition to voucher administration, we also provide walk-in and other supports to more than 14,000 housing-insecure residents, swiftly dispense emergency transition funding to more than 10,000 in-crisis households, and co-locate services with nine community stakeholders including hospitals, housing providers, and direct service organizations. Our programming works in concert with colocation partners and external partners to put at-risk residents on the road to housing stability and financial self-sufficiency.

Our participants are almost universally families and individuals with low to moderate incomes, with an average annual income of \$17,980, including 82% who have household incomes under \$30,000. Our constituency is majority-minority: 49% of our participants are Black/African-American, and 29% identify as Hispanic.

Most of our participants live in Boston, one of the most expensive rental markets in the country. These participants exhibit many factors that correlate with housing instability: single parenthood, minority status, physical and/or mental disabilities, and limited English proficiency. The widening wealth gap coupled with a general lack of affordable homes presents a significant challenge for these disadvantaged residents, putting many at imminent risk of eviction and homelessness.

In 2021, the Federal Reserve reported that 32% of adults nationwide did not have sufficient savings to overcome an unexpected \$400 expense. While that alone indicates the scope of the situation faced by our participants, subsequent studies have shown that ballooned to 49% in 2022 following the expiration of pandemic-related stimulus programs and renter protections.

At a time when evictions are returning to pre-pandemic levels, lack of financial security puts at-risk low-income Massachusetts residents at a particular disadvantage in our legal system as the vast majority simply cannot bear the out-of-pocket costs for a lawyer. According to FY22 trial court data, eight of 10 landlords have legal

representation in eviction court while nine out of 10 tenants do not. This disparity in representation often results in the execution of evictions that could otherwise be prevented or mediated.

Evictions have severe consequences for community health and well-being, negatively impacting physical and mental health outcomes, educational attainment, and future earnings. Even an eviction filing without an execution can be devastating, as the filing itself often serves as a roadblock for future housing opportunities. Once initiated, the eviction process can be a downward spiral that often results in disrupted lives and long-term negative impacts.

Conversely, pro-bono access to counsel has a well-documented history of substantive impact on eviction executions, including in high-rent metropolitan areas such as San Francisco and New York City. Here in Massachusetts, the COVID Eviction Legal Help Project (CELHP) achieved successful outcomes in 92% of cases, preserving the tenancy in 66% of instances, and delaying an additional 26% long enough for the tenant to move to more stable accommodations.

Consider the case of Lisa (name withheld for privacy purposes), a Metro Housing participant who had been served with a Notice to Quit by a property owner acting in bad faith over an unrelated administrative issue. Because Lisa could not afford a lawyer, she had no one to advise her of her rights or contest the eviction. Lisa was vacating the premises – with the movers scheduled – when Metro Housing connected her to pro-bono representation. Thankfully, legal counsel was able to step in, convince the court to preserve the tenancy by setting aside the eviction judgment, and successfully file a motion for dismissal. Absent representation that day, Lisa would have been evicted. Instead, she is still living in her same home, months later.

But Lisa is one of the lucky few. Access to counsel makes a seismic difference in the lives of our at-risk neighbors, but they are insufficiently resourced in the face of the ongoing torrent of preventable evictions. While our Fair Housing team makes regular referrals to the Disability Law Center, Volunteer Lawyers Project, Metro West Legal Services, Greater Boston Legal Services, and other invaluable resources regularly, these organizations simply do not have the capacity to help all the families that need their assistance.

Metro Housing joins more than 240 Massachusetts organizations in calling for the passage of H.1731. We urge you to pass this legislation and fund Access to Counsel so that Massachusetts can begin to address this glaring inequity in our legal system.

Thank you.