

September X, 2021

The Honorable Michael J. Rodrigues
Senate Chair, Joint Committee on Ways & Means
State House, Room 212, Boston, MA 02133

The Honorable Aaron Michlewitz
House Chair, Joint Committee on Ways & Means
State House, Room 243, Boston, MA 02133

The Honorable Daniel Hunt
Chair, House Committee on Federal Stimulus and
Census Oversight
State House, Room 166, Boston, MA 02133

The Honorable John Keenan
Senate Chair, Joint Committee on Housing
State House, Room 413-F, Boston, MA 02133

The Honorable James Arciero
House Chair, Joint Committee on Housing
State House, Room 277, Boston, MA 02133

Re: Municipal Support for passage and funding of H.1436/S.874, *An promoting housing stability and homelessness prevention in Massachusetts*

Dear Chairs Rodrigues, Michlewitz, Hunt, Keenan and Arciero:

As municipal leaders across the Commonwealth, we write to urge swift passage of H.1436/S.874, *An Act promoting housing stability and homelessness prevention in Massachusetts*, filed by Representatives David Rogers and Michael Day, and Senator Sal DiDomenico, which would create a statewide right to counsel program for eviction cases. Additionally, we request that the Legislature fund this program with American Rescue Plan Act (ARPA) funds in the amount of \$78 million over three years.

In June, **Connecticut** passed a statewide right to counsel program for eviction cases and funded it with ARPA dollars over the next two years while a permanent source of funding is located. In May, **Maryland** passed a statewide right to counsel program, and in April, **Washington** state passed a statewide right to counsel program.

Massachusetts must seize this critical opportunity to do the same.

Last year, municipal leaders joined with members of the health care and public health community and other community advocates and [urged](#) Governor Baker to fund an emergency statewide access to counsel pilot program during the pandemic. The Governor answered the call and created a temporary program with COVID relief funding. Quickly scaling up during the fall of 2020, by the end of June 2021, the COVID Eviction Legal Help Project helped over 7,700 people, of which at least 2,600 were children, and resulted in positive outcomes 90% of the time.

Although this is a temporary project, Massachusetts should not lose the investments that have been made through these successful efforts.

Through ARPA funding, we now have a critical opportunity to launch a right to counsel program in Massachusetts and provide low-income and vulnerable tenants and owner-occupants with the legal help they need to avoid the trauma of losing housing and becoming homeless. With the CDC eviction moratorium overturned by the Supreme Court, state leadership is critical to provide long-term housing stability strategies to our constituents.

In August, the U.S. Departments of Treasury, Justice, and Housing sent a [joint letter](#) to municipal and state leaders urging the use of ARPA funding to implement comprehensive housing stability strategies, including a right to counsel in eviction cases. As the letter states:

Tenants are more likely to avoid eviction and remain stably housed when they have access to legal representation.

We urge the Legislature to seize this opportunity to implement a right to counsel program as other states and municipalities have done nationwide.

Right to counsel programs have demonstrated that legal representation prevents homelessness and results in people staying housed. New York City, the first place in the country to pass a right to counsel bill, reported that 86% of represented tenants were able to remain in their homes. San Francisco, which passed a right to counsel bill three years ago, reported that representation resulted in households in 67% of closed cases staying in their homes.

Right to counsel in eviction cases would have significant social and financial benefits to the state and municipalities. Evictions completely disrupt people's lives, remove people from their support systems, cause illness and depression, uproot children from schools, send families into shelters, and have a significant public health cost. Adopting the right to counsel program would decrease these social costs while also resulting in significant monetary savings to the Commonwealth. The estimated minimum annual savings in Massachusetts of a right to counsel in eviction cases is conservatively estimated at \$63 million or \$2.40 for every \$1.00 spent.

We strongly urge the Massachusetts Legislature to make an investment, as other states have done, and through ARPA funds launch a strong Right to Counsel program that makes sense for our Commonwealth.

We thank you for your consideration.

Sincerely,

[municipal signatures]