

August 18, 2020

The Honorable Charlie Baker  
Governor  
Commonwealth of Massachusetts  
State House, Room 360  
Boston, MA 02133

Dear Governor Baker,

Thank you for your Administration's efforts to keep the Commonwealth healthy and safe during these challenging times. We appreciate that you have made your leadership team regularly available to work with local leaders, answering our questions, and responding to our concerns.

As municipal leaders we would like to bring your attention to another important matter and we urge you to take swift action to dedicate \$6 million from federal CARES Act funds to establish a statewide right to counsel pilot program for low-income tenants and homeowners in eviction proceedings.

We are facing unprecedented challenges in our communities to keep people safe and stably housed; and we strongly urge the Commonwealth to put in place every solution possible to prevent evictions during this pandemic. Your affirmatively extending the eviction and foreclosure moratorium and providing increased emergency rental assistance have been essential lifelines to many of our residents.

The Metropolitan Area Planning Council (MAPC) estimates that 65,000 Massachusetts renter households receiving unemployment benefits will not have enough money to pay their rent after the eviction ban and federal subsidies expire. This does not include workers who are ineligible for regular unemployment benefits, including undocumented workers or self-employed workers who receive benefits through PUA (Pandemic Unemployment Assistance).<sup>1</sup> Another report by the Census Bureau found that 315,000 Massachusetts residents have little confidence they will be able to pay their August rent.<sup>2,3</sup> If we can prevent evictions from ever getting to court – that is a priority.

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<sup>1</sup> MAPC. The COVID-19 Layoff Housing Gap. June 15, 2020. <https://www.mapc.org/covid19-layoffs/>.

<sup>2</sup> <https://www.census.gov/programs-surveys/household-pulse-survey/data.html>

<sup>3</sup> <https://www.statehousenews.com/news/20201711>

But with tens of thousands of new eviction filings predicted, we will also need to be prepared for when the moratorium ends. We cannot afford to wait and see what happens. We know what will happen – tens of thousands of vulnerable families in our state will be facing eviction, the majority will face it alone, and this next wave of evictions will fall disproportionately on communities of color, immigrants, and low-income families who have been hardest hit by COVID.

While landlords are represented in 78.4% of eviction cases in Housing Court statewide, only 8.7% of tenants have legal representation.<sup>4</sup> Nine of out ten tenants do not have a lawyer for one of the most life-altering legal proceedings where their housing is at stake. The law is complicated, deadlines are fast, and the process can be confusing. Tenants without legal representation are at a clear disadvantage and they are terrified. This disparity of representation will be even more pronounced during the pandemic as unrepresented tenants face attorneys representing landlords in virtual mediation hearings and trials. There are new barriers posed by the technology.

But when both sides are represented by counsel and know of available resources and how to navigate court processes, outcomes are better and fairer. It can be a win-win solution where tenancies are preserved not ended. In New York City, which is the first city in the country to adopt a right to counsel, 84% of tenants who received legal representation were able to stay housed.

Both the Judiciary Committee and the Housing Committee have reported right to counsel bills out favorably to Senate Ways and Means. S. 913, reported out favorably by the Judiciary Committee, was filed pre-COVID and would provide a statewide right to counsel program. S. 2785, reported out favorably by the Housing Committee, was filed post-COVID and would establish a statewide emergency right to counsel pilot program in areas hardest hit by COVID. A statewide pilot could also be developed by the Executive Office of Housing and Economic Development without legislation.

Data further shows that investing in full legal representation cannot only keep thousands of families housed, it can save state budget expenditures. A report by the Boston Bar Association documents 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>5</sup> Based on this data, by dedicating \$6 million to a pilot, the state could provide

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<sup>4</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-selfrepresented-represented-litigants-by-court-location/download>

<sup>5</sup> [\*Investing in Fairness, Justice and Housing Stability: Assessing the Benefits of Full Legal Representation in Eviction Cases in Massachusetts\*](#), Boston Bar Association (June 2020)

full representation for approximately 4,800 households in urgent need of representation, while saving more than \$14 million in state-budget expenditures. Now more than ever savings are critical.

This pilot project would provide tenants with greater equity in eviction proceedings, potentially reducing the incidence of homelessness and the demand for costly state-funded homelessness expenditures. It can also help to prevent homeless shelters from becoming even more crowded as cases will likely surge again in the fall or winter of 2020-21.

Time is needed to scale up a right to counsel pilot. With the eviction moratorium in place at least until October 17, 2020, every day is important so that we can be ready. We hope that you will take action to dedicate \$6 million in funding to start this pilot and signal to all that this is part the Commonwealth’s strategy to preserve tenancies and stabilize people’s housing.

Sincerely,

Paul Bockelman, Town Manager  
Town of Amherst

Adam W. Chapdelaine, Town Manager  
Town of Arlington

Mayor Paul Heroux  
City of Attleboro

Mayor Martin J. Walsh  
City of Boston

Mayor Robert F. Sullivan  
City of Brockton

Mel Kleckner, Town Administrator  
Town of Brookline

Louis A. DePasquale, City Manager  
City of Cambridge

Mayor Sumbul Siddiqui  
City of Cambridge

Thomas G. Ambrosino, City Manager  
City of Chelsea

Steve Bartha, Town Manager  
Town of Danvers

Mayor Carlo DeMaria  
City of Everett

Mayor Yvonne M. Spicer  
City of Framingham

Mayor Alex Morse  
City of Holyoke

Mayor Daniel Rivera  
City of Lawrence

Mayor Thomas M. McGee  
City of Lynn

Mayor Gary Christenson  
City of Malden

Mayor David J. Narkewicz  
City of Northampton

Mayor Linda M. Tyer  
City of Pittsfield

Mayor Kim Driscoll  
City of Salem

Mayor Joseph A. Curtatone  
City of Somerville

Austin Faison, Town Manager  
Town of Winthrop

Mayor Joseph M. Petty  
City of Worcester

cc: The Honorable Karen E. Spilka  
The Honorable Robert A. DeLeo  
The Honorable Michael J. Rodrigues  
The Honorable Aaron Michlewitz