

NOLSW 2320 – Community Legal Aid Justice Workers

The Honorable Michael J. Rodrigues
Chair, Senate Committee on Ways and Means
State House Room 212, Boston, MA 02108

The Honorable Aaron M. Michlewitz
Chair, House Committee on Ways and Means
State House Room 243, Boston, MA 02108

Dear Chair Rodrigues and Chair Michlewitz,

We are attorneys and members of NOLSW 2320, Community Legal Aid Justice Workers and work as housing attorneys. Our chapter of NOLSW joins with the Massachusetts Access to Counsel Coalition, a broad-based coalition of over 240 organizations, to urge this Joint Committee to fund Line-item 0321-1800 to establish and fund an Access to Counsel program and to include the full Access to Counsel bill language contained in S.864/H.4360.

Providing vulnerable people with access to legal representation in the eviction process must be part of a comprehensive housing solution to keep people stably housed.

Every day, our colleagues in Western and Central Massachusetts represent tenants who are facing eviction. Our clients are being evicted for no fault of their own, or because they cannot pay their rent or have disabilities which have led to lease violations. Too often, we are forced to turn away tenants whose homes we could have preserved using defenses that this legislature has given them, because we do not have enough resources to ensure that tenants receive the representation they need.

While the Commonwealth has made a great effort to preserve tenancies by creating the Tenancy Preservation Program and providing rental assistance funding through RAFT, too often these measures are not enough. Tenants need attorneys to assert defenses on their behalf that can be used to keep tenants housed.

Across the country, 17 municipalities and 4 states have implemented right to counsel bills that ensure access to justice for tenants who are at risk of losing their home. Time and again, these programs have demonstrated that when there is an attorney for the tenant, the outcome for tenants is far better.

Evictions are putting a strain on our municipalities, the healthcare system, and the Commonwealth's shelter system. Every individual in Housing Court faces the possibility that they will lose their home and their community. Likewise, children are often forced to disrupt their education due to displacement. Currently, for the first time since the Right to Shelter law was passed, the Commonwealth has needed to turn away residents from shelters. As has been shown across the

Country, providing counsel prevents individuals from becoming homeless and needing to go for shelter.

It is for these reasons that this Committee must ensure that the playing field in Housing Court is even between landlords, who hire attorneys because they can afford them and know that an attorney will help them evict tenants, and tenants, who cannot afford an attorney. Tenants deserve access to an attorney who can interpret and utilize existing legal rights to preserve their tenancies and should not lose their homes because of lack of attorney access.

Funding this bill will begin to even the playing field for tenants, will reduce shelter costs and keep families' stable. It is for this reason that we urge the House and Senate Committees on Ways and Means to include in your respective FY25 budgets \$3.5 million (Line-item 0321-1800) to start an Access to Counsel program, and to support the full Access to Counsel bill language in S.864/H.4360, which provides the framework for a statewide Access to Counsel program.

Thank you for your consideration.

Sincerely,

Benjamin Levine

Gabriel Fonseca

Kate Mieher