

# THE RIGHT TO COUNSEL AND OWNER-OCCUPANTS

## *About Right to Counsel*

S.874 and H.1436 would ensure that low-income tenants and owner-occupant landlords of 1 to 3 family homes receive **full** legal representation during the eviction process. Like low-income tenants, low-income owner-occupants face housing instability, such as where they are unable to pay the mortgage because the tenant is unable to pay the rent.

Under S.874 and H.1436, unlike any other right to counsel program in the country, eligible owner-occupants would qualify for free legal representation to prevent them from losing their home.

## *Landlords' Cost Savings*

As indicated by the Boston Bar Association in a recent report, the cost of executing subsidized evictions in Boston was estimated between \$5.8 and \$8.5 million a year. Executions are the last step in an eviction. Costs to evict a tenant and execute an eviction include attorneys fees, constable costs, and movers.

In areas where right to counsel programs are being implemented, execution rates are going down. By decreasing the number of evictions, local housing authorities and property owners statewide would realize a significant cost saving from a right to counsel program.

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## *The Benefits of Legal Assistance*

Under an emergency COVID eviction legal help project funded by the state, the Volunteer Lawyer Project (VLP) provided free representation to owner-occupant landlords. The assistance made a difference. Here are just two examples:

*The tenant and the landlord each spoke different languages and could not communicate with one another. The landlord was going into foreclosure. With legal representation on both sides, the landlord received help applying for mortgage assistance and the tenant received help with his rental assistance application. The foreclosure was prevented and both the landlord and the tenant's housing were stabilized.*

*The landlord did not speak English. With VLP's legal help, rent assistance and mortgage assistance were secured. The landlord and tenant were able to come to an agreement that kept the tenant in place and improved the household living conditions.*

## *The Right to Counsel Program is Supported by:*



## *The Importance of Right to Counsel*

“We have an opportunity to launch a right to counsel program in Massachusetts, like Connecticut has done, and to **reimagine the future of this state** and to implement what is not only good business but what is fair, what is right, and what we know from other states can work to stem the tide of homelessness so our communities have the opportunity to be both resilient and grow.”

- **Trevor Samios, Senior Vice President of WinnCompanies.**

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