

OFFERED BY COUNCILORS BENJAMIN J. WEBER AND RUTHZEE LOUIJEUNE



## CITY OF BOSTON IN CITY COUNCIL

RESOLUTION IN SUPPORT OF S.864 AND H.4360, AN  
ACT PROMOTING ACCESS TO COUNSEL AND HOUSING  
STABILITY IN MASSACHUSETTS

**WHEREAS,** According to the Massachusetts Trial Court website, while 90% of landlords have legal representation, only 3% of tenants who are facing eviction for non-payment in Housing and District Court are represented; *and*

**WHEREAS,** According to the Massachusetts Trial Court website, almost 38,530 eviction cases were filed statewide in Housing and District Courts in 2023; *and*

**WHEREAS,** Access to critical legal resources, support, and representation from an attorney can protect families and individuals from being displaced by an illegal or unnecessary eviction, prevent homelessness, and create a path to stability; *and*

**WHEREAS,** On March 21, 2024, the Boston City Council held a hearing sponsored by Councilors Ben Weber, Ruthzee Louijeune, and Liz Breadon that highlighted the urgent need for improved access to counsel in Boston. Among other things, testimony at the hearing demonstrated that Boston residents, especially single mothers, people of color and immigrant workers, are subject to eviction filings at disproportionate and increasing rates; that eviction filings negatively impact residents health, employment, and ability to find replacement housing; that the Boston housing court fails to mitigate the impacts of the disparity in representation rates in eviction proceedings; and that Boston residents increasingly face homelessness following an eviction now because the shelter system is overloaded; *and*

**WHEREAS,** The hearing on March 21, 2024 further demonstrated that access to counsel programs have an established a track record of success in 17 municipalities, including Philadelphia, Pennsylvania, Newark, New Jersey, and New York City, as well as four states, and one county across the country, and that to be successful, such programs should be implemented over the course of several years to allow for the effective build-up of necessary infrastructure; *and*

**WHEREAS,** Two Access to Counsel bills are currently pending before the Legislature in the 2022-23 Session, H.4360 An Act promoting access to counsel and housing stability in Massachusetts filed by Representative David M. Rogers and Representative Michael S. Day, which was reported favorably by the Joint Committee on the Judiciary to House Ways and Means, and S.864, An Act promoting access to counsel and housing stability in Massachusetts filed by Senator Sal N. DiDomenico, which is currently pending in the Joint Committee on Housing, both of which provide full legal representation to tenants and owner-occupants with incomes at or below 80% of Area Median Income; *and*

**WHEREAS,** Governor Healey has included in H2, FY25 Budget a dedicated line item in the amount of \$3.5 million to start to phase in a statewide Access to Counsel Program (Line-item 0321-1800); *and*

**WHEREAS,** The creation of a statewide Access to Counsel Program will take several years to implement and the City of Boston should work with the State now to ensure that its residents can stay housed and to prevent displacement, which can include providing services including rental assistance, advocacy and legal representation; *and NOW, THEREFORE BE IT*

**RESOLVED:** The Boston City Council hereby expresses its full support for the Access to Counsel Program in Massachusetts and urges the State Legislature to pass the aforementioned bills and line item to support the goal of ensuring representation for individuals facing eviction.

Filed on: March 27, 2024