

September 28, 2021

Honorable Michael J. Rodrigues
Senate Chair
Joint Committee on Ways and Means

Honorable Aaron Michlewitz
House Chair
Joint Committee on Ways and Means

Honorable Daniel Hunt
House Chair
House Committee on Federal Stimulus and Census Oversight

Honorable John Keenan
Senate Chair
Joint Committee on Housing

Honorable James Arciero
House Chair
Joint Committee on Housing

In Support of Passage and Funding of an Act promoting housing stability and homelessness prevention in Massachusetts S. 874 (Sen. Sal DiDomenico), H. 1436 (Rep. David Rogers and Rep. Michael Day)

As members of the racial and economic justice community, we urge immediate **passage of S. 874 and H. 1436 which would create a statewide right to counsel program for eviction cases and fund it with American Rescue Plan Act (ARPA) funds in the amount of \$78 million** over three years (\$26 million/year).

Providing a right to counsel in evictions as part of a comprehensive housing stability strategy is a racial and economic justice priority. The time is now for Massachusetts to seize the opportunity afforded by ARPA funding to launch a statewide right to counsel program.

In August, the U.S. Treasury, Justice, and Housing Departments issued a powerful [joint letter](#) calling on state and municipal leaders to adopt comprehensive housing stability strategies, including a right to counsel, and encouraging states, cities, and counties to “take action to prevent unnecessary evictions, including...using ERA and American Rescue Plan State and Local Fiscal Recovery Funds to support the right to counsel and eviction diversion strategies.”

In June, Connecticut passed a right to counsel bill in eviction cases funded initially over the first two years with \$20 million of ARPA funds. In May, Maryland passed a statewide right to counsel bill, and in April, Washington state became the first state in the country to launch a statewide right to counsel program.

Massachusetts should do the same, and in doing so move another step forward in addressing systemic racism in the Commonwealth. As Sen. Pres. Spilka [stated](#) on April 20, 2021, the Senate is called on to “view all legislation through the lens of racial justice in order to break down the systemic barriers that have unfairly burdened generations of Black and brown people.”

Right to counsel would help address these systemic barriers that Black and brown people face due to inequitable legal representation and provide greater access to justice and housing stability. Evictions, housing stability, and tenancy preservation are a racial equity issue:

- As of August 16th, of the 115,000 renter households behind on rent in Massachusetts, 73% identify as people of color.

- Black renters face deep discrimination trying to rent a home. Studies have found that Black renters experienced discrimination in 71% of cases.
- Black and Latinx renters typically report submitting more rental applications than white and Asian renters, and were almost twice as likely to report submitting five rental applications or more. Renters of color also report paying a higher median application fee than white renters.
- Black renters in Massachusetts are 2.4 times more likely to have an eviction case filed against them than white renters.
- From March 2020 to March 2021, during the first year of the COVID-19 pandemic, 70% of all eviction filings in Boston occurred in census tracts where the majority of renters are people of color, even though less than half of all Boston's rental housing (47%) is located in these neighborhoods.
- As of June 2021, 47% of cases handled as part of a statewide temporary expanded legal assistance project for COVID-related eviction cases were on behalf of people of color.
- Two-thirds of public housing tenants in Massachusetts are people of color. Public and subsidized housing tenants are particularly at risk of eviction. In Boston, more eviction cases are brought against tenants living in subsidized housing than those living in market rate housing.

Evictions fuel racial health inequities. Because evictions disproportionately affect low-income people of color, the health consequences of evictions contribute to widening racial disparities in health and adverse health outcomes from premature birth to increased cases of anxiety and increased hospitalizations. A right to counsel is necessary to address these systemic and persistent inequities, which are pronounced in eviction cases where tenants are almost always unrepresented. In Fiscal Year 2020, only 8.5% of tenants in Massachusetts had legal representation in eviction cases, whereas 81% of landlords had a lawyer. Nine out of ten tenants face a complicated legal system alone.

By adopting a right to counsel as part of a comprehensive response to housing stability, Massachusetts can address these inequities and level the playing field. **We urge the Massachusetts Legislature to make an investment, as other states have done, and through ARPA funds launch a strong Right to Counsel that makes sense for our Commonwealth.**

We thank you for your consideration.

Sincerely,

Cc: Governor Charlie Baker
 Sen. Pres. Karen E. Spilka
 Speaker of the House Ronald Mariano