



CITY OF SOMERVILLE, MASSACHUSETTS
KATJANA BALLANTYNE
MAYOR

May 17, 2023

Hon. Chair Senator Jamie Eldridge

Hon. Chair Representative Michael Day

Members of the Joint Committee on the Judiciary

RE: Testimony in support of H. 1731 (access to counsel), H.1682 (c. 257 protections), H.1690 and S.956 (HOMES Act)

To the Honorable Chairs and Members of the Committee:

I am writing today to offer my enthusiastic support for the above-mentioned bills and ask that each be released from your committee with a favorable recommendation. As Mayor of the City of Somerville I have seen first-hand and heard from an extraordinary number of my constituents the devastating impact that rising rents and home prices have had on our community. As the average two-bedroom apartment now rents for \$3,100¹ and median home sale prices are \$938,000² rents and homeownership are simply out of reach for low- and moderate-income families as well as an increasing number of young professionals who no longer believe they will have a future in our City due to housing prices. Locally we are doing all we can to stabilize tenancies and support the creation of as much new affordable housing as possible. Among other efforts we opened an Office of Housing Stability, created a new early acquisition fund to allow for the quick purchase of property being developed for affordable housing, created important new flexible rental assistance funds, created an Affordable Housing Overlay District, and amended our Zoning to allow for the creation of Auxiliary Dwelling Units. However, despite all these efforts and more, there is simply no way for us to create sufficient new affordable housing to fully meet the needs of Somerville's residents. It is absolutely critical for us to stabilize tenants in their homes or to be able to help them successfully relocate within the City whenever possible. To do this effectively we need your partnership in strengthening tenant protections and strongly urge you to issue favorable recommendations on each of the bills described more fully below.

¹ Zumper <https://www.zumper.com/rent-research/somerville-ma> as of May 12, 2023

² Redfin <https://www.redfin.com/city/16064/MA/Somerville/housing-market> as of May 12, 2023



H. 1731 lead sponsors Rep. David Rogers and Rep. Michael Day (“An Act Promoting Access to Counsel and Housing Stability in Massachusetts”)

Access to Counsel in eviction cases is an absolutely critical component of housing stability. Data shows that the ability to have counsel in summary process cases makes a significant difference in summary process outcomes. Data from the Eviction Legal Help Project showed that where tenants received full representation 92% of the cases had positive outcomes with 66% of cases resulting in preserved tenancies and 26% of cases resulting in obtaining additional time to relocate. Legislators around the country are recognizing the critical importance of counsel as an important hedge against escalating displacement with three states and fifteen cities having now passed Access to Counsel legislation. This bill is supported by a broad coalition of over 200 organizations, and I strongly urge its passage.

H.1682 lead sponsors Rep. Samantha Montano and Rep. Peter Capano (“An Act Relative to Summary Process and Rental Assistance”)

H.1682 is of the utmost importance to the daily work of our Office of Housing Stability (OHS). OHS received over 1500 requests for services over the last twelve months, evidencing an average of approximately thirty new requests for housing stability services each week of the year. H.1682 ensures that if an eviction case is brought for non-payment of rent and if a request for rental assistance has been submitted, that a summary process action will be continued until there is a decision on the rental assistance application. During the pandemic these protections have been an absolutely critical tool to prevent displacement of our most vulnerable residents. In many instances, through no fault of the tenant, and even with assistance from advocates on their rental assistance applications, responses to RAFT applications are frequently delayed for extended periods or denied as “timed out”. Those with limited English proficiency, in particular, face enormous challenges in navigation of a complicated online application system. It would be truly unjust if the time it takes our state and local agencies and their vendors to respond to urgent requests for assistance led to the issuance of judgments against tenants in non-payment cases prior to knowing whether the landlord could be made whole. For these reasons, I strongly urge you to report H.1682 out of your committee favorably.

H.1690 and S.956 lead sponsors Sen. Lydia Edwards and Rep. Mike Moran (“An Act Promoting Housing Opportunity and Mobility through Eviction Sealing”)

Information about evictions is now public and increasingly being used by screening and management companies to screen out tenants applying for rentals. This is the case regardless of whether an eviction is for no fault due to a building sale, an unaffordable rent increase, or non-payment of rent. Even a record of eviction cases that are dismissed or where a tenant wins their case can prevent access to future housing. It is absolutely critical that in this all-out struggle to prevent the homelessness of vulnerable residents and displacement from their cities or towns we must do all we can to ensure that tenants will be able to become rehoused if displaced. If not, the families that are eligible for state funded emergency assistance shelter enter an already overburdened shelter system and face placement anywhere in the state leading to interruptions in schooling, employment, health care and support systems. The families that are not eligible sleep in their cars, on the street or “coach surf” going from place to place, often forced into unsafe living environments.

It is my understanding that the HOMES Coalition and its lead sponsor on the Senate side, Senator Edwards, worked with the Greater Boston Real Estate Board to come to terms on these consensus bills. This is an extraordinary achievement which is rarely replicated in what is often a climate of disagreement and distrust between the landlord and tenant communities. This bill is commonsense, provides for sealing of non-payment cases if the judgment is fully paid or after four years if not paid off, the default was caused by economic hardship, and only if no other evictions have been filed in the interim. So many of our families in Somerville are unable to pay their rent despite working multiple jobs simply because increases in the cost of housing far outpace increases in wages. Most other evictions for cause would be eligible for sealing after seven years. Even those who made a mistake and violated their leases need a second chance. Housing is absolutely essential to breaking the cycles of poverty and desperation that otherwise fill our jails and create the type of encampments we see on Mass and Cass and elsewhere. In conclusion, thank you for allowing me to submit testimony on these critical bills.

Sincerely,

A handwritten signature in blue ink that reads "Katjana Ballantyne". The signature is written in a cursive, flowing style.

Katjana Ballantyne
Mayor, City of Somerville