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10/2/23

Senate Chair, Senator Lydia Edwards
Joint Committee on the Housing

House Chair, Representative James Arciero
Joint Committee on the Housing

In support of Senate Bill S. 864, An Act Promoting Access to Counsel and Housing Stability in MA

My name is Vinny Wisniewski and I work for HomeStart, Inc. For the past 15 years I have been a part of our Homelessness Prevention Program. We are a team of non-attorney advocates who assist low income households in Boston facing eviction for non-payment of rent in housing court to preserve and stabilize their tenancies. HomeStart is proud to join with the Massachusetts Access to Counsel Coalition, a broad based coalition of over 240 organizations, in strongly supporting S. 864, An act promoting access to counsel and housing stability in Massachusetts and to urge the Housing Committee to report favorably on it. Being on the front lines of eviction prevention and seeing first hand the devastation that being evicted can cause, we feel it is impossible to overstate the value of having legal representation. We know that represented tenants achieve more favorable resolutions in their eviction cases. At a time when we are facing an affordable housing crisis and our shelter system is quite literally in a state of emergency, every effort should be made to help ensure housing stability for as many people as possible.

Witnessing the power imbalance in courts every week between pro se tenants and represented landlords can be jarring. Few aspects of our lives are as important to our overall health and well-being as having a safe, stable place to call home. Yet, when the most vulnerable households among us are faced with the loss of that stability, they are expected to navigate a difficult legal process on their own. Pro se tenants are often scared, confused, intimidated and are not aware of their rights or how to assert them. They are at the disadvantage of negotiating with experienced housing attorneys representing their landlords or, even more intimidating, trying to argue their case before a judge.

The legal services that exist at this time are invaluable but inadequate compared to the need. Likewise, programs such as ours at HomeStart are not a true substitute for the value of having full legal representation. It is time to change this.

In trying to identify one particular client story from the past 15 years that would illustrate the impact of tenants having legal representation, it was too difficult to pick just one. We have seen countless cases where tenants who procured legal representation were unknowingly

overcharged for rent, where procedural defects in the eviction action were identified, where the need for reasonable accommodation requests were identified, where tenants were helped in asserting protections under the Violence Against Women Act, and many other examples. If not for being lucky enough to receive the aid of legal services, these issues would have been left unaddressed and these households would have been evicted and displaced. It is unnerving to consider the number of vulnerable tenants who were not so lucky and who have been evicted and displaced due to not having access to adequate legal representation.

But whether someone is evicted or not should not be left to luck. The stakes are too high. This legislation would help bring balance to an unbalanced system and ensure that all eligible tenants who are facing eviction are able to fully assert their rights and navigate a legal system that is complex and fast moving. This is a chance to make this part of the justice system a little more just. We urge the committee to favorably report out this important legislation. Thank you.

Sincerely,

Vinny Wisniewski

Homelessness Prevention Program Director

HomeStart, Inc