



# Massachusetts APPLESEED | Center for Law & Justice

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July 9, 2020

Senator Brendan Crighton, Senate Co-Chair  
Representative Kevin Honan, House Co-Chair  
Joint Committee on Housing  
State House, Room 38  
Boston, MA 02133

**RE: Massachusetts Appleseed letter in support of SD2971, *An Act Promoting Housing Stability and Homelessness Prevention through a Right to Counsel Pilot Program in Massachusetts in Response to the COVID Emergency***

Dear Chairman Crighton, Chairman Honan, and Honorable Members of the Committee:

The Massachusetts Appleseed Center for Law & Justice (“Massachusetts Appleseed”) respectfully submits the following testimony in support of SD2971 *An Act Promoting Housing Stability and Homelessness Prevention through a Right to Counsel Pilot Program in Massachusetts in Response to the COVID Emergency* and requests that the Joint Committee on Housing give the bill a favorable report.

The mission of the Massachusetts Appleseed Center for Law and Justice (MA Appleseed) is to promote equal rights and opportunities for Massachusetts residents by developing and advocating for systemic solutions to social justice issues. Appleseed centers across the country work both collectively and independently to build a society in which opportunities are genuine, access to the law is universal and equal, and government advances the public interest.

Central to this mission is ensuring that all residents of Massachusetts, especially low-income court users and Self-Represented Litigants (SRLs), are provided equal access to justice in a variety of areas including housing. Before the COVID-19 pandemic, 92% of tenants facing eviction from their homes did not have lawyers, while 70% of landlords had representation.<sup>1</sup> This disparity is especially prevalent in communities of color. For example, according to a study conducted by MIT, one in 10 private rental units had an eviction filing within the last three years

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<sup>1</sup> Massachusetts Right to Counsel Coalition, “Why” <https://www.massrtc.org/why.html>

in the Roxbury neighborhood, as compared to the primarily white neighborhood of Beacon Hill where just one in 100 units had an eviction filing between 2014 and 2016.<sup>2</sup> The statewide eviction moratorium has temporarily put these types of evictions on hold, keeping struggling families in their home. However, the governor's order has allowed eviction filings to continue, and the moratorium is set to expire on midnight on August 18, 2020.

Unsurprisingly, the pandemic has only exacerbated the racial disparities already prevalent within eviction cases. Between March 2020 and April 2020, 78% of eviction filings in Eastern Housing Court occurred in communities of color. It is estimated that as many as 15,000 new evictions will be filed when the moratorium ends.<sup>3</sup> Unless we take action, thousands of families—a significant majority of which are likely to be from communities of color—will be thrown into Housing Court on their own, without any form of legal representation. A comprehensive legislative response is needed to protect these renters. The Statewide Right to Counsel Pilot proposed in SD 2971 will allow non-profits to provide full legal representation in eviction proceedings for both tenants and landlords whose incomes do not exceed 200% of the federal poverty level.

Full legal representation has been shown to make a significant impact on a tenant's ability to remain in their home. One study conducted by the Boston Bar Association Task Force on the Right to Counsel found that in Quincy Massachusetts, “two-thirds of the tenants who received full representation were able to stay in their homes, compared with one-third of those who lacked representation.”<sup>4</sup> Thus, the Right to Counsel pilot created by SD 2971 will increase the likelihood that vulnerable members of our population will be able to stay in their home and avoid the destabilizing effects of evictions – including homelessness, poor mental and physical health, unemployment, and family instability – by an incredible margin. Given the wildly unpredictable nature of this pandemic, now more than ever we must fight to provide stability for those who need it most.

Yet the pilot program in SD 2971 is not only an opportunity to protect at-risk members of our community; this pilot program would also be financially beneficial for the Commonwealth. Another, more recent report from the Boston Bar Association estimated that “for every dollar spent on full legal representation in eviction cases, the Commonwealth saves approximately \$2.40 on the direct costs associated with homelessness.”<sup>5</sup> The Statewide Right to Counsel Pilot is

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<sup>2</sup> Simon Rios, “MIT Study: Boston Evictions Happening 'Orders Of Magnitude' More In Low-Income Neighborhoods” November 13, 2019. <https://www.wbur.org/news/2019/11/13/boston-eviction-rental-housing-disparity>

<sup>3</sup> Massachusetts Right to Counsel Coalition, “RTC Fact Sheet” [https://www.massrtc.org/uploads/2/7/0/4/27042339/rtc\\_fact\\_sheet\\_9-14-20.pdf](https://www.massrtc.org/uploads/2/7/0/4/27042339/rtc_fact_sheet_9-14-20.pdf)

<sup>4</sup> Boston Bar Association Right to Counsel Task Force, “The Importance of Representation in Eviction Cases and Homelessness Prevention,” March 2020. <https://bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf>

<sup>5</sup> Boston Bar Association, “Investing in Fairness, Justice, and Housing Stability: Assessing the Benefits of Full Legal Representation in Eviction Cases in Massachusetts” June 2020. <https://bostonbar.org/docs/default-document-library/rtc-report-for-web-or-email.pdf>

therefore a cost-effective measure that would protect the most vulnerable of our population from homelessness, and the many other debilitating effects of evictions, during the COVID-19 pandemic. For all of these reasons, **Massachusetts Appleseed strongly urges you to issue a favorable report for SD2971.**

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah Silva". The signature is written in a cursive style with a large initial "D".

Deborah M. Silva,  
Executive Director  
Massachusetts Appleseed Center for Law & Justice