



Massachusetts | Center for APPLESEED | Law & Justice

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August 26, 2021

Honorable Michael J. Rodrigues, Senate Chair
Honorable Aaron Michlewitz, House Chair
Joint Committee on Ways and Means
State House, Room 212
Boston, MA 02133

Honorable Daniel Hunt, Chair
House Committee on Federal Stimulus and Census Oversight
State House, Room 166
Boston, MA 02133

Re: Testimony in Support of American Rescue Plan Act Funding to Launch a Right to Counsel in Evictions Program, as described in *An Act promoting housing stability and homelessness prevention in Massachusetts (S. 874/H. 1436)*

On behalf of the Massachusetts Appleseed Center for Law and Justice (“Massachusetts Appleseed”) we urge members of the Joint Committee on Ways and Means and the House Committee on Federal Stimulus and Census Oversight to **prioritize American Rescue Plan Act (ARPA) funds to invest in the right to counsel with three years of funding in the amount of \$78 million (\$26 million/year)**. Recently, Connecticut passed a statewide right to counsel program for eviction cases and allocated \$20 million from ARPA funding over the next two years to launch this program while they find a permanent source of funding.

Massachusetts Appleseed’s mission 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 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, 90% of tenants facing eviction from their homes did not have lawyers, while 70% of landlords had representation.¹ This disparity has been exacerbated by the pandemic; less than 10% of tenants have been able to obtain legal representation while 82% of landlords have attorneys.² This inequity 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 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 2016.³ The statewide eviction moratorium had temporarily put these types of evictions on hold; however, the moratorium expired on October 17, 2020.

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

² Ibid.

³ 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>

Unsurprisingly, the pandemic has worsened these racial disparities. Between March 2020 and April 2020, 78% of eviction filings in Eastern Housing Court occurred in communities of color. In fact, since the expiration of the statewide moratorium, 12,562 new cases have been filed—a figure that is significantly larger than the number of new cases filed pre-moratorium. 92% of defendants in these cases are unrepresented.⁴ Unless we take action, thousands of families—a significant majority of which are likely to be from communities of color – will continue to be thrown into Housing Court on their own, without any form of legal representation. A comprehensive legislative response is needed to protect these renters.

Under S. 874 and H. 1436, tenants and owner occupants whose incomes are below 80% of Area Median Income would be eligible for representation, and the Right to Counsel Program would be administered by the Massachusetts Legal Assistance Corporation (MLAC).

Full legal representation has been shown to make a significant impact on tenants’ ability to remain in their homes. One study conducted by the Boston Bar Association Task Force on 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.”⁵ Thus, the Right to Counsel Program will significantly increase the likelihood that vulnerable members of our population will be able to stay in their homes and avoid the destabilizing effects of evictions – including homelessness, poor mental and physical health, unemployment, and family instability. Given the wildly unpredictable nature of this pandemic, now more than ever we must fight to provide stability for those who need it most.

The Right to Counsel program is not only an opportunity to protect at-risk members of our community; it 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.”⁶ The Statewide Right to Counsel Program is 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, we urge your Committees to make an investment, as other states have done, and allocate ARPA funds to launch a strong right to counsel in eviction cases that makes sense for our Commonwealth.

Respectfully submitted,



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

⁴ “All Residential Eviction Cases, Non-Payment of Rent.” Tableau Public. Accessed March 17, 2021.

<https://public.tableau.com/profile/drap4687#!/vizhome/MassachusettsTrialCourtSummaryProcess/SummaryProcess>.

⁵ Boston Bar Association Right to Counsel Task Force, “The Importance of Representation in Eviction Cases and Homelessness Prevention,” March 2020. <https://legalaidresearchnlada.files.wordpress.com/2020/03/bba-crtc-final-3-1-12.pdf>

⁶ 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>