



Massachusetts | Center for APPLESEED | Law & Justice

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October 7, 2021
Rep. James Arciero, House Chair
Sen. John F. Keenan, Senate Chair
Joint Committee on Housing
24 Beacon St.
State House Room 413-F
Boston, MA 02133

RE: Testimony in Support of H.1436/S.874, *An Act Promoting Housing Stability and Homelessness Prevention in Massachusetts*

The Massachusetts Appleseed Center for Law and Justice (Massachusetts Appleseed) joins with the Right to Counsel Coalition, made up of over 200 diverse organizations including property owners, racial justice groups, municipal leaders, and public health members, to respectfully submit the following letter in support H.1436/S.874, *An Act Promoting Housing Stability and Homelessness Prevention in Massachusetts*, and strongly urge the Joint Committee on Housing to give the bill a favorable report.

The mission of Massachusetts 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, 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.

Unsurprisingly, the pandemic has only worsened these racial disparities. Between March 2020 and April 2020, 78% of eviction filings in Eastern Housing Court occurred in communities of color. In

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>

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 H.1436/S.874, 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 or MLAC.

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 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 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 – 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.

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 A 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, **Massachusetts Appleseed strongly urges you to issue a favorable report for H.1436/S.874, *An Act Promoting Housing Stability and Homelessness Prevention in Massachusetts*.** Thank you for considering this testimony and please do not hesitate to contact me if you should have any questions or require additional information.

Respectfully submitted,



Deborah M. Silva,
Executive Director
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>