

Co-Sponsor S.864 and H.1731

An Act promoting access to counsel and housing stability in Massachusetts

In recognition of a housing crisis that has been made worse by COVID-19 and the severe public health consequences of eviction, Senator DiDomenico, Representative Rogers, and Representative Day have filed a bill promoting an **Access to Counsel and Housing Stability in Massachusetts**.

S.864 and HD. 3657 provide legal representation for low-income tenants **and** low-income owner-occupants in eviction proceedings. The bills are supported by a broad-based coalition of over 237 organizations that includes the legal community, housing advocates, health care providers, large property owners, municipal officials, social workers, teachers, the faith-based community, and many others.

Over the past three months, while we still face ongoing spikes in COVID, eviction filings have started to climb beyond what they were in 2019. According to FY2022 Trial Court data, while 86% of landlords are represented, **only 11.5% of tenants are represented**. Tenants facing eviction are overwhelmingly poor, female, and people of color.

It is unacceptable that **9 out of 10 tenants are unrepresented**; that more than 1 in 4 children living in poverty experience eviction by the age of 15; and that evictions are forcing families into shelters and unsafe housing conditions. Evictions negatively affect people's physical and mental health, and result in job loss and decreased school attainment for children.

An Access to Counsel program must be part of a comprehensive strategy to address housing instability. Across the country, 3 states and 15 cities have enacted access to counsel programs and data from these locations is demonstrating that legal representation results in housing stability.

Data from the Massachusetts COVID Eviction Legal Help Project (CELHP), which was part of a comprehensive initiative to keep tenants safely in their homes when the state eviction moratorium expired, resulted in **positive outcomes in 92% of eviction cases receiving extended services**: in 66% of cases the tenancy was preserved and in 26% of cases additional time was received to better enable tenants to successfully relocate.

It is urgent to reduce the trauma caused by evictions for tenants and small landlords

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S.864 and H.1731 provide:

- 1. Who is eligible for legal representation?** Low-income tenants facing eviction **and** low-income owner-occupants of 1 to 3-family homes seeking possession of a unit in their only home, who receive public benefits or are at or below 80% of the [Area Median Income](#), which varies by region.
- 2. What kinds of proceedings are covered?** Evictions, similar court proceedings, and administrative proceedings to terminate a mobile or project-based housing subsidy or public housing tenancy. In addition, low-income owner-occupants of 1 to 3-family homes seeking possession of a unit in their only home.
- 3. What is provided?** Full legal representation for eligible individuals facing eviction in court or through administrative proceedings.
- 4. Who implements the program?** The Access to Counsel Program would be administered by the Massachusetts Legal Assistance Corporation (MLAC). MLAC will designate non-profit organizations to provide full legal representation through a request for proposal process. Organizations must have substantial expertise in housing law.
- 5. Is there an Advisory Committee?**
A 15-member Advisory Committee will advise on matters and policies affecting the Access to Counsel Program. The advisory committee must include low-income tenants and owner-occupants, community-based organizations, statewide advocacy organizations, and municipal officials from diverse regions of the state.
- 6. How do people find out about the Access to Counsel program?**
A form approved by the Supreme Judicial Court would inform individuals about the Access to Counsel program. It must be attached to a notice to quit and an eviction court complaint. The trial court would notify landlords about the required form and of their potential eligibility for legal counsel.
- 7. Funding**
A statewide Access to Counsel program would be funded by the general court through a specifically designated line item in the Judiciary budget. Funding for an Access to Counsel program must not impact state funding for MLAC's line item for essential frontline civil legal aid and housing stabilization programs.

For more information contact:

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