



MASSACHUSETTS COALITION FOR THE HOMELESS

Committed to ensuring that everyone has a place to call home

**Testimony in Support of Key Bills to Promote Housing Stability and Prevent Homelessness:  
An Act Relative to Summary Process and Rental Assistance,  
An Act Promoting Access to Counsel and Housing Stability in Massachusetts, and  
An Act Promoting Housing Opportunity and Mobility through Eviction Sealing (HOMES)**  
Prepared for the Joint Committee on Judiciary by Kelly Turley, Associate Director  
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Thank you to Chairs Eldridge, Chair Day, and the members of the Joint Committee on Judiciary for this opportunity to testify today in support of key bills that would protect families, youth, and adults who are experiencing/have experienced housing instability.

As the Commonwealth continues to emerge from the COVID-19 pandemic, Massachusetts remains engulfed in a housing crisis, with hundreds of thousands of families and individuals insecurely housed and tens of thousands of our neighbors thrust into homelessness each year. The traumas of homelessness and housing instability are disproportionately experienced by Black and Brown residents, LGBTQ folks, older adults, unaccompanied youth, and newly arrived immigrants in Massachusetts.

**Several bills before the Judiciary Committee today provide us with an opportunity to promote housing stability, reprioritize our efforts to prevent homelessness, address historical and ongoing racism and discrimination in housing, and uphold housing as a human right.**

**House Bill 1682/Senate Bill 1048, An Act relative to summary process and rental assistance, filed by Representative Sam Montañó and Senator Liz Miranda**

This bill would put into statute the two-tier process for residential summary process (eviction) cases and make so-called Chapter 257 eviction protections permanent. The bill would ensure that eviction cases cannot be defaulted or dismissed because a party missed a first-tier event, where the case status is determined and mediation is offered, and that all parties receive written notice of the date of any second-tier events/trials. The bill also seeks to restore Chapter 257 eviction protections and make them permanent. The bill would provide continuances and stays of execution on judgments for possession in cases where tenants have pending applications for rental assistance through programs such as the Residential Assistance for Families in Transition (RAFT) homelessness prevention program.

As you know, the House of Representatives included an outside section in their version of the FY24 budget last month that would make the Chapter 257 eviction protections permanent, and we are thrilled to see that the Senate Committee on Ways and Means did the same today. While we await the final FY24 budget and its implementation, we call on the committee to take swift action to restore Chapter 257 protections before the July 1<sup>st</sup> start of FY24 and to codify the two-tier process.

The restoration of Chapter 257 protections is critical to making the RAFT homelessness prevention program as impactful as possible. The state has made historic investments in RAFT, with both the House and Senate proposing needed increases for FY24, but RAFT alone often cannot save tenancies. Although the Department of Housing and Community Development (DHCD) has made efforts to streamline the program, the RAFT application process is complex and can require a significant amount of time for a tenant to gather their paperwork, the property owner to input their information, and the administering agency to process each application. Without Chapter 257 protections in effect, families and individuals now can be evicted while waiting

for the approval on their RAFT application, even if they ultimately would have been approved for funds. The unfortunate reality is that many landlords are simply unwilling to wait for RAFT funds — even if the result could be receiving money they are owed and preventing families and individuals from experiencing homelessness.

Between its January 2021 implementation and March 2023 sunset, more than 9,000 eviction case continuances were granted under Chapter 257, and untold numbers of tenants were able to stabilize their housing and prevent eviction simply by having the chance to complete the rental assistance process. At a time when housing instability is on the rise and the state is struggling to provide adequate shelter to families and individuals who are unhoused, Chapter 257 is a key homelessness prevention tool that we know worked and can work again. Restoring Chapter 257 and making it permanent is a simple and commonsense action that will prevent unnecessary evictions, as the state works to address the broader housing crisis that has enveloped the Commonwealth.

On a technical note, we ask the committee to amend language in the final line of the bills so as to *require* stays of execution on judgments for possession in cases where tenants have pending applications for rental assistance. With that change, we request a swift and favorable report on the two-tier/Chapter 257 bills.

**House Bill 1731, An Act promoting access to counsel and housing stability in Massachusetts, filed by Representative Dave Rogers and Representative Michael Day**

This bill seeks to expand access counsel and level the playing field by increasing the number of low-income tenants, occupants, and certain owner-occupants with representation in court during eviction proceedings. This is especially critical at a time when over 90% of tenants facing eviction in Massachusetts lack legal representation.

We request a swift and favorable report of the access to counsel bill.

**House Bill 1690/Senate Bill 956, An Act promoting housing opportunity and mobility through eviction sealing (HOMES), filed by Representative Mike Moran and Senator Lydia Edwards**

We ask the committee to strengthen this bill by setting timelines for *automatic* eviction record sealing, instead of the current proposal to require tenants to petition the court, and expanding which tenants would be eligible to seal their eviction records. With those changes, we also request a swift and favorable report on the HOMES bills.

Thank you again for your thoughtful consideration of our recommendations and for your leadership on deepening Massachusetts' commitment to ending housing instability and ensuring that everyone has a safe and permanent place to call home.

If you have any questions or feedback, please reach out to us at the Coalition: [kelly@mahomeless.org](mailto:kelly@mahomeless.org) or 781-595-7570 x17.