

House Ways and Means Chair Aaron M. Michlewitz  
State House, 24 Beacon St.  
Boston, MA, 02133

February 26, 2024

**RE: Access to Counsel Program for low-income tenants and owner-occupied landlords**

Dear Honorable House Ways and Means Chair Michlewitz,

We thank you for your longtime commitment to improving life for our most vulnerable residents and your work to prevent homelessness and housing insecurity.

With a housing and homelessness crisis colliding, we are grateful to Governor Healey for seizing this moment to propose a dedicated line-item in the FY25 budget to start an Access to Counsel program (**Line Item 0321-1800**). As Attorney General Andrea Campbell testified in support of Access to Counsel bills filed in the House by Chairs Mike Day and Dave Rogers:

“We are fortunate to have incredible and hard-working legal services attorneys in the Commonwealth. But given that demand for their services exceeds supply, many tenants are unable to secure legal representation. **And, without legal representation, many tenants risk becoming unhoused.**” [Attorney General Andrea Campbell Testimony](#)

**We join together, as organizations in Boston, to urge you to support Line Item 0321-1800 and pass it in tandem with the bill language in H. 4360, passed favorably by the Judiciary Committee, which provides the framework for an Access to Counsel Program.**

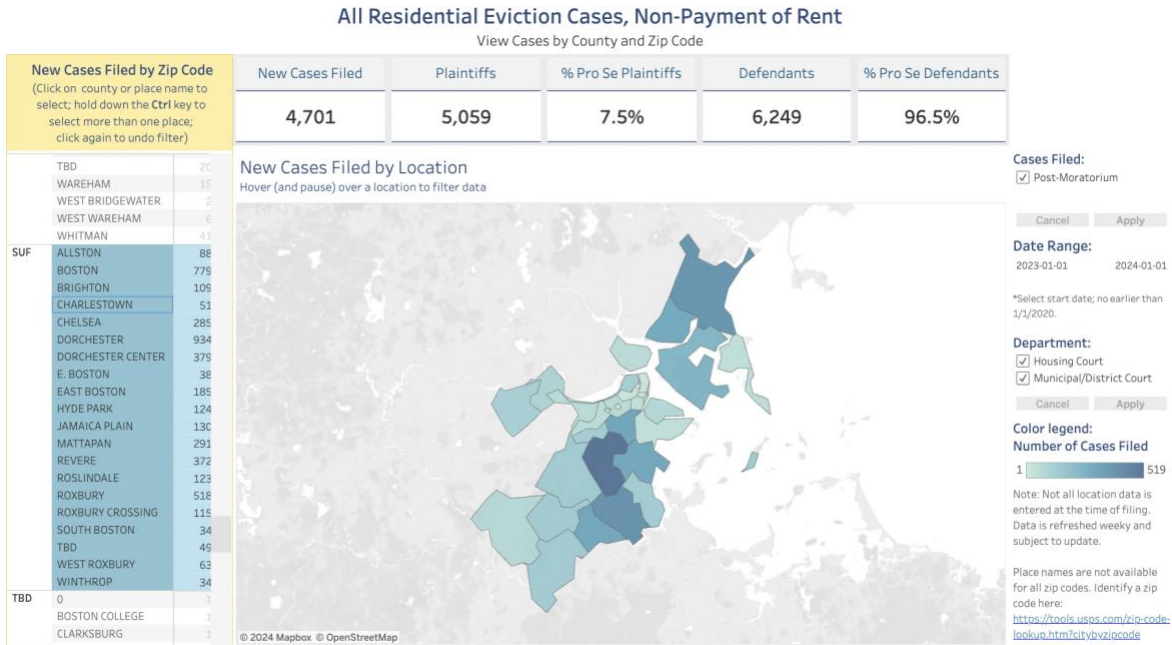
The need is urgent. As reporter Yvonne Abraham wrote after going to housing court in Boston, only a couple of tenants had lawyers, “[t]he rest were flying blind on one of the most consequential mornings of their lives.” Tenants facing eviction need legal representation.

Here are a few cases from the Boston area, which are only the tip of the iceberg:

Andy is a single individual with medical conditions, living in an income-restricted unit in Boston, who missed multiple court dates and defaulted. At the time of his various court proceedings, Andy was in the hospital and not able to file the appropriate motions to remove the default. The landlord was able to move forward and obtained an "execution," the order giving him permission to take possession of the unit. In the hospital, Andy was unable to file a motion to stay (delay) the execution to give him more time to move and was evicted.

Lisa and Paul, working parents of three children, one of whom is autistic, fell behind on rent due to a lapse in work caused by the need to care for their disabled son. Two incomes were needed to cover their \$1,300/month rent. The family was not able to recover and was ultimately physically evicted from their apartment and had to go into the state shelter system. Additionally, the family had to split so that the children could access shelter.

In 2023, the Trial Court reported that there were 4,701 non-payment cases from Suffolk County filed in housing and district court and **while 96.5% of tenants were unrepresented only 7.5% of landlords were unrepresented** (see data below). The inequity of representation is stark.



H. 4360 would provide both tenants and owner-occupants whose incomes are at or below 80% of Area Median Income with full legal representation in the eviction process. The Access to Counsel Program would be phased in, subject to appropriation, and administered by the Massachusetts Legal Assistance Corporation, which would designate experienced non-profit organizations to provide legal representation. A 15-member Advisory Committee would be established to help determine how to phase in the program over 5 years.

**We firmly believe that a phased-in Access to Counsel Program will keep families and individuals housed who would otherwise face homelessness.** The data supports this. In 2020, the Commonwealth implemented an emergency temporary program under the COVID Eviction Legal Help Project, providing legal aid to households facing eviction during the pandemic. Of the 4,698 cases that received extended services **92% resulted in a positive outcome** (in 66% of cases tenants remained in their homes, and in 26% they had additional time to find new housing).

In addition to being sound public policy, the data shows that a robust Access to Counsel program that is smartly phased in results in a strong return on investment and cost savings.

- Connecticut adopted an Access to Counsel statute similar to that under consideration in Massachusetts. That law has already seen millions in savings. According to an independent report, **Connecticut saved between \$5.8 and \$6.3 million between January and November 2022.** That number is likely understated, because it does not

include certain costs for children's services after an eviction, mental health care, or public benefits to people who lose their jobs after an eviction. See [Connecticut and other reports](#).

- A Boston Bar Association report estimates that the cost for full representation to low-income tenants in Massachusetts would be \$26 million a year, and that the annual savings would conservatively be \$63 million for the Commonwealth on direct costs associated with homelessness, emergency shelter, and foster care. There are additional cost savings from Access to Counsel to schools and landlords, as well as greater efficiency and administration of justice that could result in cost savings to the court system. See [Boston Bar Association report](#).

Massachusetts is facing an unprecedented housing crisis, exacerbated by a continued lack of affordable housing options and increasing stress on our emergency shelter system. Eviction case filings are on the rise, exceeding pre-pandemic levels. Access to counsel is a tool that works.

We join with a broad-based coalition of over [240 organizations](#) that includes municipal officials, faith-based organizations, tenant groups, large property owners, hospitals, healthcare organizations, and a multitude of housing organizations **to respectfully ask you to consider passage of both funding and language to establish an Access to Counsel program.**

Thank you.

Sheila Dillon, Chief of Housing and Director of the Mayor's Office of Housing  
**City of Boston**

Danielle Johnson, Director  
**Boston Office of Housing Stability**

Kenzie Bok, Administrator & CEO  
**Boston Housing Authority**

Robert Santiago, Commissioner  
**Boston Office of Veterans' Services**

Hannah L. Kilson, President  
**Boston Bar Association**

Andrea Pessolano, Senior Manager of State Advocacy  
**Boston Medical Center**

Karen Chen, Executive Director  
**Chinese Progressive Association**

Maria Rios, Director of Equity & Community Health Policy, Office of Government Affairs  
**Mass General Brigham**

Clare Namugga, Case Management Program Director  
**Boston Area Rape Crisis Center**

Geraldine S. Hines, Huber Distinguished Visiting Professor  
**Boston College Law School**

Alan Minuskin, Director, Civil Litigation Clinic: Housing Justice  
Associate Clinical Professor of Law  
**Boston College Law School**

Matt Pritchard, Executive Director  
Vincent Wisniewski, Director of Prevention  
**HomeStart**

Jacquelynne J. Bowman Executive Director  
Hed Erlich, Interim Managing Attorney of the Housing Unit  
**Greater Boston Legal Services**

Tri Tran, Director of Public Policy  
**Rosie's Place**

Maureen McDonagh, Samir Hanna, Julia Devanthery, Housing Law Clinic  
**Legal Services Center of Harvard Law School**

Peg Drisko, Phd, CEO  
**ESAC Boston**

Kathy Brown, Executive Director  
**Boston Tenant Coalition**

Larry Seamans, President & CEO  
**FamilyAid**

Chris Norris, Executive Director  
**Metro Housing | Boston**

Mike Leyba and Denise Denise Matthews-Turner, Executive Directors  
**City Life/Vida Urbana**

Patricia McMullin, Executive Director  
**Conference of Boston Teaching Hospitals**

Sharon Scott-Chandler, President/CEO  
**Action for Boston Community Development**

Karen LaFrazia, President and CEO  
**St Francis House**

cc: Representative Michael Day  
Representative Dave Rogers