



**Testimony submitted to the Joint Committee on Housing
In support of H.1436 /S.874 An Act promoting housing stability and homelessness prevention
in Massachusetts
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The League of Women Voters of Massachusetts supports H.1436/S.873, An Act promoting housing stability and homelessness prevention in Massachusetts.

Right to Counsel is gaining support across the country. In June, Connecticut adopted a right to counsel bill and funded it initially with American Rescue Plan Act (ARPA) funds in the sum of \$20 million over two years while a permanent source of funding is located. Maryland recently passed a right to counsel bill this year as did Washington state.

The federal government in a joint letter from the United States Treasury, Housing, and Justice Departments is calling on states to take action and use ARPA, and other federal COVID relief funds, to support eviction diversion strategies, including the right to counsel.

We in Massachusetts have a critical opportunity now to launch a right to counsel and provide legal counsel to help very low income and vulnerable tenants facing loss of their housing and homelessness.

As the National Women's Law Center stated, "[t]he eviction crisis is a women's crisis -- the right to counsel can help."

- As of August 30, 2021, about 4.4 million women nationally and over 65,000 women in Massachusetts were behind on rent. Women are evicted 16% more often than men, and nearly 2/3 of people aged 65 and older who are living in poverty are women and are at a high risk of housing instability.
- Mothers are being evicted far more frequently than others, especially single mothers. The mere presence of children puts one at a significantly heightened risk of being evicted.
- Domestic violence survivors can face evictions due to that violence and are often unaware of eviction defenses. 92% of homeless women have experienced physical or sexual violence at some point in their lives.

In 2020 there were 29,164 eviction cases filed in Massachusetts courts, and 91.5% of the tenants in those cases did not have legal representation while 81% of landlords had a lawyer. There could be many more eviction cases following the overturning of the CDC moratorium due to the pandemic, and there is much confusion surrounding the constant change in the law. These statistics mean that nearly all tenants face the complicated and fast-moving eviction process alone, often going up against savvy landlords' attorneys resulting in swift eviction, and the disparity in representation has been growing. Evictions disproportionately affect low-income renters and communities of color. The ACLU Women's Project found that in Massachusetts, Black tenants are twice as likely as white



tenants to face eviction despite making up only 11% of Massachusetts' population. Black women are 2.5 times more likely than white women to face eviction.

A right to counsel will give these community members the legal assistance they need to have a fair chance in asserting their rights in court and staying in their homes, thereby stabilizing housing, and communities in the long term. Evictions lead to homelessness, housing instability, overcrowding, displacement, and disruption of schooling for children, all of which are associated with negative health outcomes. The Boston Bar Association found that by providing full legal representation in eviction proceedings, the Commonwealth ultimately saves on costs associated with homelessness, including emergency assistance and shelter, health care, and foster care. Specifically, in their report, full legal representation in eviction cases would cost the Commonwealth \$26.29 million while the cost savings associated with such representation are estimated to be \$63.02 million. For every dollar spent on full legal representation in eviction cases, the Commonwealth saves approximately \$2.40 on the direct costs associated with homelessness.

Right to Counsel programs in other states show great success in keeping renters in their homes. New York City's right to counsel program recently announced that 86% of tenants represented through the program in housing court were able to remain in their homes and 98% in administrative proceedings could remain. San Francisco's Right to Counsel program specifically found that 80% of African American tenants who received help through their program were able to stay in their homes.

The League has long been concerned about the availability of legal representation for both complainant and persons or institutions against whom complaints are lodged. In May, President Biden instructed Attorney General Garland to submit a plan outlining how the DOJ will expand access to legal representation in both the criminal and civil legal systems, which would include evictions, within the next 120 days. The President's memo acknowledged the huge numbers of people every year who face civil legal problems without access to any legal assistance and the compounding effect that COVID-19 has had on the people who face these access issues, particularly low-income people and people of color. The White House considers this a major issue which should energize Massachusetts in the fight to ensure a civil right to counsel in eviction cases.

The League, which represents 47 local Leagues from Cape Cod to the Berkshires urges the Joint Committee on Housing to report this bill favorably and quickly out of committee as the next step to addressing the Commonwealth's housing stability problem and to secure funding and enactment this session.