



**Testimony Submitted to the Joint Committee on Housing
In Support of H4138, The Affordable Homes Act
By Lori Stewart and Lucy Kennedy, LWVMA Affordable Housing Legislative Specialists
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The League of Women Voters of Massachusetts (LWVMA) applauds the all-of-government approach and commitment to addressing the urgent housing crisis through the vehicle of the housing bond bill, H4138, The Affordable Homes Act. LWVMA supports the outside section amendments on real estate transfer fees, asks you to strengthen the eviction sealing provisions, and urges you to add an Access to Counsel program.

LWVMA supports the real estate transfer fee outside section amendment numbers 18-20 and we have submitted written testimony in support of H2747/S1771 An Act Granting a Local Option for a Real Estate Transfer Fee to Fund Affordable Housing.

LWVMA supports H1690/S956 An Act Promoting Housing Opportunity and Mobility through Eviction Sealing (HOMES) and we applaud the inclusion of outside section amendment numbers 27, 47 and 112. But we must do more to protect tenants, and ask you to add the following provisions:

1. If a case is dismissed, a tenant wins, or the eviction is not their fault, the court automatically seals the case.
2. In non-payment cases, tenants can seal after 14 days of paying a judgment and after 4 years if they were unable to pay because of economic hardship or other good cause reasons.
3. LWVMA has advocated tirelessly this session to add necessary legal protections to the statute for domestic violence survivors and applauds the passage of H4241, An Act to prevent abuse and exploitation. We urge you to ensure the court has the direction to consider disability and domestic violence issues in fault cases and to adjust the sealing process accordingly.

An Access to Counsel program must be part of a comprehensive strategy to address housing instability and we request the addition of such a program to the bill. LWVMA supports [H1731/S864](#), An Act promoting housing stability and homelessness prevention in Massachusetts (Access to Counsel). 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.

Data from the Trial Court for Fiscal year 2022 shows us the inequity of legal representation that needs to be corrected. While 86% of landlords were represented, only 11.5% of tenants were

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 especially as we see temperatures drop into the teens every night this week. Evictions negatively affect people's physical and mental health, and result in job loss and decreased school attainment for children.

It is urgent to reduce the trauma caused by evictions for tenants and small landlords. LWVMA is especially concerned because 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 $\frac{2}{3}$ 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 eviction 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. These statistics mean that nearly all low-income 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. Access 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. The League has long been concerned about the availability of legal representation for both complainant and persons or institutions against whom complaints are lodged.

For these reasons, LWVMA, representing more than 3,000 members in 43 local Leagues within 110 municipalities from Cape Cod to the Berkshires, urges you to add Access to Counsel and strengthen eviction sealing before reporting this bill favorably and in a timely manner.