



Testimony in support of An Act Promoting Housing Stability and Homelessness Prevention in  
Massachusetts, S. 874, H. 1436

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To the  
Joint Committee on Housing

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Chairman Arciero, Chairman Keenan, and Members of the Joint Committee, on behalf of MACDC and our members, we join with the Right to Counsel Coalition to urge passage of An Act promoting housing stability and homelessness prevention in Massachusetts, S. 874, H. 1436. This bill is commonly referred to as Right to Counsel legislation and was filed by Sen. DiDomenico and Reps Rogers and Day. S. 874 and H. 1436 would provide for access to legal representation for low income and vulnerable tenants and for owner occupants of 1-3 family homes, which is their sole dwelling, in eviction cases.

MACDC represents all 63 state-certified Community Development Corporations in Massachusetts as well as 37 other non-profit organizations that share our mission of expanding economic opportunity. CDCs work collaboratively with residents and local governments to identify community goals and develop projects with strong local support. In 2020, our members built or preserved 1,043 homes and they had another 1,826 homes in construction at the beginning of this year. These include both rental and homeownership housing and serve a range of incomes and households, from seniors to families to people with disabilities. CDC projects also include new construction, preservation and increasingly acquisition projects where our members purchase existing homes to stabilize and preserve them for long-term affordability. CDCs also own and manage over 18,000 rental apartments across the state.

This Committee knows better than most that Massachusetts faces an extraordinary housing crisis – a crisis made even worse by the COVID-19 pandemic and resulting economic dislocation. We thank you for all the work that you have done with your colleagues in the Legislature and the Administration to establish special tenant protections and rental assistance programs that have helped to dramatically reduce evictions over the past 18 months compared to the number of evictions prior to March 2020. Thanks to your efforts, thousands of families have been able to remain in their homes.

One of the key elements of the state's Eviction Diversion Initiative has been expanded access to legal representation for tenants facing eviction and for low-income landlords who find

themselves in court. Under a temporary expanded legal assistance project in Massachusetts, 90% of cases that received legal representation were successful with the tenancy being preserved or the tenant having additional time to move out. We should build upon these gains by embedding legal representation into statute, through passage of this legislation.

Recently, Connecticut passed a statewide right to counsel program for eviction cases and allocated \$20 million from American Rescue Plan Act funding over the next two years to launch their right to counsel program off the ground while they find a permanent source of funding. Washington State and Maryland likewise passed a right to counsel program in their states. On August 27, 2021, the U.S. Departments of Treasury, Justice, and Housing issued a joint letter supporting right to counsel as an eviction diversion initiative. Massachusetts should not be left behind. We urge the committee to report S. 874 and H. 1436 out favorably.

As owners of more than 18,000 rental apartments in Massachusetts, our members are sometimes faced with situations where an eviction may be necessary. Our members typically do everything in their power to find an alternative solution – helping tenants access emergency rental assistance and taking steps to address any specific challenges faced by that household. Early in the COVID crisis most CDCs adopted voluntary eviction moratoriums. That said, our members, and MACDC, understand that, as responsible property owners, there are circumstances where they must pursue eviction.

Our members also see the eviction crisis in their work assisting tenants in accessing rental assistance and asserting their legal rights. Many of our members administer RAFT, ERMA and other emergency rental assistance programs and other CDCs have been actively involved in local and philanthropic eviction prevention efforts. Our members get calls every day from people facing eviction from private housing and we do what we can to help. Too often, tenants in private housing lack legal representation; over 90% of tenants facing eviction are unrepresented, while more than 80% of landlords have a lawyer.

At the end of the day, Massachusetts needs a fair and reliable eviction process that protects the rights of both owners and landlords and reduces unnecessary and unfair evictions. We believe that process is enhanced when both sides have legal representation. In fact, the legislation also ensures that income-eligible owner-occupants of 1-3 family homes are represented. It is long past time to establish a Right to Counsel in eviction cases, a right endorsed by 200 nonprofit organizations, private property owners, local governments, and social justice advocates

We urge the Joint Committee to report favorably S.874 & H. 1436 and we look forward to working with you to advance this legislation in the coming days.