

July 16, 2019

Senator James B. Eldridge
Senate Chair
Joint Committee on the Judiciary
State House, Room 320

Representative Claire D. Cronin
House Chair
Joint Committee on the Judiciary
State House, Room 136

Re: S. 824 (Sen. Joseph Boncore) and H.3566 (Rep. Michael Moran), The HOMES Act
S. 913 (Sen. Sal DiDomenico) An Act to ensure right to counsel in eviction proceedings
H. 3456 (Rep. Chynah Tyler) An Act to ensure right to counsel in eviction proceedings
H. 1537 (Rep. Dave Rogers and Rep. Michael Day) An Act establishing a right to counsel
in certain eviction cases

Dear Chair Eldridge and Chair Cronin:

I am pleased to submit this testimony on behalf of the Western MA Network to End Homelessness in support of the HOMES Act and Right to Counsel in eviction cases.

The Western MA Network to End Homelessness (“Network”) supports collaborative solutions across Hampden, Hampshire, Franklin and Berkshire Counties to prevent and end homelessness through a Housing First approach. It includes hundreds of partners from virtually every community sector – housing, child care, health care, education, workforce development – who are committed to making homelessness rare, brief and non-recurring.

The Network has identified both right to counsel and the HOMES Act as top priorities to prevent homelessness and to make re-housing possible in the face of homelessness.

On the HOMES Act: Families and individuals living in shelter are frequently denied housing due to the mere fact that they were party to an eviction when they did nothing wrong or were not evicted. This barrier creates prolonged shelter stays, increased instability and additional trauma for children and adults alike. This bill will seal eviction records and these records will stay sealed if the eviction case is not the fault of the tenant, is dismissed or resolves with a tenant satisfying an agreement. All records will be sealed after 3 years regardless of outcome to allow tenants the opportunity to move on with their lives, and children will not carry eviction records into adulthood. **This bill’s passage is a critical component to ending homelessness in Western Massachusetts and across the Commonwealth.**

On Right to Counsel: One of the Network’s primary goals is to prevent homelessness from ever happening. In 2018, over 92 per cent of tenants who faced eviction went to court without a lawyer, while the majority of landlords were represented by counsel. MA housing law is complicated and presumes representation on both sides. Without a right to counsel, tenants are without protection and face evictions that would otherwise be prevented. **The Network supports a hybrid of the 3 Right to Counsel bills to accomplish the goal of providing**

appropriate legal assistance to tenants. Right to Counsel affords us an opportunity to bring greater justice to a system that is intended to prevent unbalanced and unfair results but currently produces the opposite. With greater justice, we will also bring greater housing stability in Western Massachusetts and across the Commonwealth.

We urge you to issue a favorable report on the HOMES Act and Right to Counsel in eviction cases.

Thank you for your consideration.

Best,
Pamela

Pamela Schwartz, Director
Western Massachusetts Network to End Homelessness
pschwartz@westernmasshousingfirst.org
413-219-5658