

OFFERED BY COUNCILORS BENJAMIN WEBER, RUTHZEE LOUIJEUNE, LIZ BREADON, COLETTA, DURKAN, FERNANDES ANDERSON, FITZGERALD, FLYNN, MEJIA, MURPHY, PEPÉN, SANTANA AND WORRELL



CITY OF BOSTON IN CITY COUNCIL

ORDER FOR A HEARING TO EXPLORE A RIGHT TO COUNSEL PILOT PROGRAM FOR TENANTS FACING EVICTION IN THE CITY OF BOSTON

- WHEREAS,** The City of Boston is in the midst of a housing crisis, with rising costs and a shortage of available units, putting pressure on the City’s renters; *and*
- WHEREAS,** On a daily basis, tenants from neighborhoods across the City are confronted by the threat of eviction without the necessary tools or knowledge to advocate for themselves; *and*
- WHEREAS,** Current Massachusetts Trial Court data shows that 90.5 percent of landlords had legal representation during eviction proceedings in housing court, while only 3.1 percent of tenants who were facing eviction for nonpayment had representation; *and*
- WHEREAS,** Since the end of the federal eviction moratorium during the COVID-19 pandemic, evictions have increased to pre-pandemic levels. In 2022, there was an average of 64 eviction filings per week. The number of filings rose to 111 per week on average one year later, which represents a 73.8 percent jump in filings, according to data obtained by The Eviction Lab at Princeton University; *and*
- WHEREAS,** Evictions are known to contribute to housing instability and homelessness; disrupting employment and educational opportunities and impacting a tenant’s credit score and ability to get approved for another available unit; *and*
- WHEREAS,** Studies have shown that eviction filings in the City and across Massachusetts are more likely to be made against people of color and single mothers; *and*
- WHEREAS,** Evictions contribute to a drain on City, State, and Federal resources, for example, by requiring increased reliance on shelters, mental health services, and other emergency services; *and*
- WHEREAS,** The complexity of housing law and the legal process of eviction often acts as daunting and insurmountable barriers for individuals without legal training, leading to a significant power imbalance in eviction proceedings; *and*

- WHEREAS,** Granting tenants a right to counsel has been demonstrated to reduce eviction filings, reduce the rate of evictions, and lead to better outcomes for tenants; and
- WHEREAS,** The Baker-Polito Administration established a temporary COVID Eviction Legal Help Project which resulted in 70 percent of tenants remaining in their homes and 20 percent having more time to find a place to live prior to eviction; *and*
- WHEREAS,** Tenants right to counsel programs have been established in at least 17 cities and four states, with New York City becoming the first municipality in the nation to provide legal aid attorneys for low-income residents facing eviction in 2017, with similar results to the Massachusetts pilot program; *and*
- WHEREAS,** Tenants right to counsel programs can also provide counseling and information to small landlords, which further reduces eviction filings, reduces strains on tenants, and preserves municipal resources; *and*
- WHEREAS,** At the federal level, a bill sponsored by Congresswoman Rosa DeLauro and Congressman Bob Casey this past December, known as the “Eviction Protection Act,” would provide financial resources for states and local governments to hire attorneys to represent the neediest of tenants in eviction proceedings; *and*
- WHEREAS,** The cost of providing legal counsel to tenants can be outweighed by the social and economic costs of eviction, including the increased demand on homeless services, lost productivity, health related impacts and the detrimental impact on children's education and family health; *and*
- WHEREAS,** H.B. 1731 and S.B. 864, sponsored by Sen. DiDomenico and Reps. Day and Rogers, would create an access to counsel program for all tenants in the Commonwealth of Massachusetts as a means to support housing stability and prevent homelessness; *and*
- WHEREAS,** A tenant right to counsel pilot program for Boston residents would not only even the playing field for tenants in housing court during eviction proceedings, but could result in fewer filings, ease the strain that evictions have on our City’s institutions, nonprofits and state and local agencies; ***NOW, THEREFORE BE IT***
- ORDERED:** That the appropriate committee of the Boston City Council hold a hearing to discuss ways to establish a tenant right to counsel pilot program for tenants facing the threat of eviction here in the City of Boston.

Filed on: January 31, 2024