



**Remarks of Mayor Martin J. Walsh
Joint Committee on the Judiciary, Massachusetts General Court
July 16, 2019**

As prepared for delivery

Good afternoon: Chairman **[James] Eldridge**, Chairwoman **[Claire] Cronin**, and members of the Committee. My name is **Martin J. Walsh** and I am the Mayor of Boston. I am here today to testify in support of legislation that would strengthen legal protections for elderly and low-income tenants of rental housing.

The first is H.3373, An Act Relative to the Just Cause Eviction of Elderly Lessees, sponsored by Rep. **Adrian Madaro**. The second is S. 913 and H. 3456, An Act to Ensure Right to Counsel in Eviction Proceedings, sponsored by Sen. **Sal DiDomenico** and Rep. **Chynah Tyler**.

These bills rank among the highest priorities for the City of Boston this legislative session. They advance our commitment to being a city where everyone has access to a stable and secure home—regardless of income, age, or family situation. And they reflect our belief that a successful city must be a caring community, where nobody is left behind or forced to leave.

That's why we're building more subsidized housing than ever before. We're continually working with nonprofit partners on creating and preserving senior housing. We created an Office of Housing Stability to support tenants facing displacement. And we're investing city funds in public housing.

But in light of increased housing demand and continual pressure on rents, our most vulnerable elders and families need protections—protections from eviction, from homelessness, and from all the traumas these crises inflict on our communities. That's what these bills provide.

H. 3373 would allow municipalities to protect our most vulnerable elderly residents from unfair evictions. Boston's Age Strong Commission answers several calls each week from distraught seniors facing eviction—with an increasing number from seniors over the age of 75. These seniors call us because they have nowhere else to turn, and nowhere else to live. In one case, a 77-year-old man has lived in his home in the Fenway for over 40 years, but this summer received notice to quit, with no cause given. In another, an 88-year-old lives in a building that was sold, and the new landlord wants a big rent increase that he can't

possibly afford. This treatment is not acceptable for seniors who spent their lives here and helped build our communities.

Our legislation would provide tenants over the age of 75 with “just cause” protection. This term simply means that landlords must provide a legitimate reason for eviction, such as failure to pay rent, damage to the property, or illegal activity. Landlords could still raise rents each year by as much as five percent. And the bill exempts properties with five or fewer units—because we know that some small property owners are renting at below-market rents to long-term elderly tenants. We want to protect those arrangements and we want to protect our most vulnerable seniors.

For the wider population of tenants who face eviction, right-to-counsel legislation would provide much-needed access to justice. It would make legal representation in eviction proceedings a right, just like it is for defendants in criminal cases. If a tenant could not afford their own attorney, one would be appointed for them by the Massachusetts Committee for Public Counsel Services.

This is not about stacking the deck in favor of a tenant—it’s about ensuring equal justice under the law. Currently, there is a large imbalance in access to counsel between landlords and tenants. In the most recent data, landlords were represented by counsel in over 58% of cases, while tenants were represented in just eight percent of cases.

That means over 9 out of 10 tenants facing eviction do not have a lawyer present for one of the most life-altering and potentially damaging legal situations they will ever face.

Evidence from other cities, including New York, shows that right-to-counsel reduces evictions and has a positive impact on court efficiency. Counsel can help negotiate mutually beneficial outcomes, such as a payment agreement or an extension of time to find alternative housing.

One recent case came to the attention of our Office of Housing Stability. A tenant had been evicted after 21 years, with no legal representation. He had missed a few hundred dollars of rent—but at the same time, the landlord had failed to repair faulty windows. If he had counsel, they could have argued that these conditions deserved more lenient treatment, and worked out an agreement that helped both sides meet their obligations.

Finally, the cost of providing counsel would be at least partially offset by savings in homeless services. According to a 2014 study, 15% of evicted families and 20% of evicted individuals in Massachusetts wind up in shelter. With up to 43 evictions happening in our state every day, we could save from \$12 to \$35 million on emergency housing and shelter costs annually.

Right to counsel is a significant step, and this legislation would not take it lightly. It calls for a public task force, reporting back to the Legislature on an implementation plan that takes into account recruitment, standards, data sharing, and cost. The right to counsel would not go into effect until two years after the task force’s report.

Eviction was once considered an inevitable outcome of poverty. Today, experts like Harvard’s **Matthew Desmond** have shown that eviction, in fact, perpetuates poverty and deepens inequality. Evictions disproportionately harm women of color, especially single mothers. They disrupt children’s education, health, and social development. They trap

families in poverty and block upward mobility. It's no exaggeration to call eviction a national social crisis. Here in the Commonwealth, we should maintain our national leadership by responding to this crisis with just, humane, and effective policies.

Before I close, I want to add my support to another piece of legislation you will hear today. The HOMES Act is filed by Majority Leader **Mike Moran** and Sen. **Joseph Boncore**, as H. 3566 and S. 824, and it enjoys the support and advocacy of Boston City Councilor **Lydia Edwards**. It would seal court records from landlords and prohibit asking applicants about housing history—when applying for housing, shelter, jobs, credit, or employment. It's another way we can limit the damage caused by evictions, support economic mobility, and strengthen our communities.

I respectfully ask you to recommend passage of the bills I've mentioned today. I welcome continued conversation and discussion of these and related pieces of legislation. I thank you for the opportunity to speak and I'm happy to answer any questions you may have.