



An Action Plan to Reduce Evictions in Boston

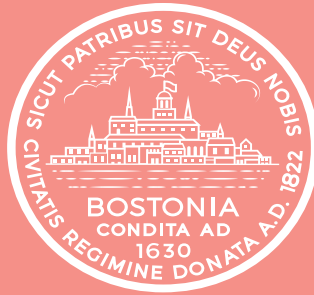
December 2019



City of Boston
Mayor Martin J. Walsh



NEIGHBORHOOD
DEVELOPMENT



Mayor Martin J. Walsh would like to thank the members of the Eviction Prevention Task Force for their willingness to lend their expertise and leadership in the crafting of this Action Plan to Reduce Evictions in Boston.

Task Force Members:

Patricia Baumer, Director of Government Affairs, Greater Boston Real Estate Board

Zoe Cronin, Managing Attorney, Housing Unit, Greater Boston Legal Services

Janet Frazier, President and CEO, Maloney Properties

Soni Gupta, Director of Neighborhoods and Housing, The Boston Foundation

Brian Kean, Executive Vice President, WinnResidential

Sean Kelly-Rand, Small Property Owner

Joe Kriesberg, President, MA Association of Community Development Corporations

Eloise Lawrence, Attorney, Harvard Legal Aid Bureau

Gail Livingston, Deputy Administrator for Housing Programs, Boston Housing Authority

Kathleen McCabe, Managing Director of Policy & Practice, Health Resources in Action

Kelly Mulligan, Chief Program Officer, Homestart, Inc

Susan Nohl, Deputy Director, Metro Housing Boston

Chris Norris, Executive Director, Metro Housing Boston

Matt Pritchard, President and Executive Director, Homestart

Lauren Song, Attorney, Greater Boston Legal Services

Robert Torres, Director of Community Benefits, Beth Israel Deaconess Medical Center

Lisa Owens, Executive Director, City Life/Vida Urbana

Greg Vasil, Chief Executive Officer, Greater Boston Real Estate Board

Eviction Prevention Task Force Co-Chairs

Sheila Dillon, Chief of Housing and Director, Department of Neighborhood Development

Domonique Williams, Deputy Director, Office of Housing Stability

The Task Force would like to acknowledge the contributions of Jessie Dubin, a graduate student at the Boston University School of Public Health, to this report.

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Background

In 2014, one of Martin J. Walsh's first acts as Mayor was to convene a Task Force to create an overarching housing policy for the City of Boston. The Mayor's Housing Advisory Task Force brought together housing development professionals from both the nonprofit and for profit sectors, housing advocates, service providers, academics, legislators, funders, and a broad array of professional staff from across City government. The resulting housing policy, ***Housing a Changing City: Boston 2030***, was released in October 2014 with ambitious goals focused on how Boston's growing population was outstripping its housing supply, leading to escalating need for affordable options in Boston's housing market.

Housing a Changing City: Boston 2030 called for a strong response in housing production to create a more equitable and inclusive city. ***The 2018 Update*** to this plan set a goal of creating 69,000 new housing units by 2030 with specific targets for production at different affordability levels. These 69,000 new units include 15,820 new income-restricted units across a range of incomes, which will elevate Boston's income-restricted inventory total to 70,000, while maintaining Boston's high ratio of income-restricted units. Currently, one in five of all housing units in Boston is income-restricted, a ratio that rises to one in four when only rental units are analyzed.

Although adding to Boston's overall housing stock and its income-restricted housing supply is critical to addressing the chronic undersupply of housing in Boston, Mayor Walsh recognized that new production cannot be the only strategy employed. With low- and moderate-income households in Boston increasingly at risk of displacement due to rising costs and other factors, he announced the creation of the Office of Housing Stability (OHS) in 2016. This office in the Department of Neighborhood Development is the first of its kind in the nation; its mission is to work with other City departments and external partners to prevent displacement and ensure housing stability for Bostonians currently at risk of losing their tenancies.



The Eviction Prevention Task Force

Averting displacement of those already at risk for it requires several different intervention strategies. Tenants in housing crisis often need a combination of services, including legal and financial assistance, dedicated housing search support, landlord-tenant mediation, and assistance to access the network of housing supports across the City and the State.

Preventing displacement on a broader scale requires different interventions. Working as a coalition, the City of Boston, non-profit tenant advocacy organizations, housing service providers, and the real estate community are collaborating on creating effective policies and legislation to reduce displacement. In the 2017-2018 Legislative Session, Mayor Walsh filed a series of bills aimed at preventing displacement by providing a right to legal counsel in eviction, a right for tenants to purchase foreclosed properties, real-time tools to track evictions, and tax relief incentives for landlords who keep properties affordable. Although the Legislature did not pass any of these bills at the time, the tenant protection bills were revised and refiled for the 2019-2020 legislative session. Current organizing efforts have led to additional support and an increased likelihood of passage.¹

The number of tenants coming to OHS seeking relief and assistance from eviction proceedings has continued to increase as the availability of OHS programs and services to help avert eviction became better known. To better quantify the outcomes of these cases, and to get a clearer picture of what was occurring citywide, the City of Boston partnered with HomeStart, Inc. to collect evictions data beginning in 2015. The City's partnership with HomeStart, Inc. is to collect data on every eviction filed in Boston Housing Court, and builds on past data collection efforts by One Family, Inc., Project Hope, and the Dudley Street Neighborhood Initiative.

¹ The Mayor's 2019-2020 Legislative Package will be discussed later in this document.



In the **2018 Update to Housing A Changing City**, Mayor Walsh created the Eviction Prevention Task Force consisting of small property owners, legal services agencies, housing service and rental assistance providers, public health organizations, tenant advocates, community development corporations, and City of Boston staff, including the leadership teams from OHS and the Boston Housing Authority. Their charge was to examine the eviction and displacement landscape and propose practical and implementable policy changes to reduce evictions and promote stable tenancies. The Working Group convened in 2018-2019 to explore best practices in other cities, review and refine policy proposals for the Massachusetts legislature, identify gaps in current eviction prevention resources, and finally, produce a report with recommendations for reducing the number of evictions in Boston.

This Eviction Prevention Task Force Report begins with a summary of the eviction data collected in the Eastern District Housing Court for the years 2015-2017. Next, it offers brief explanations of the effects of evictions, and the existing programs and services that provide impactful solutions. The report concludes with a goal for reducing evictions and recommendations for the expansion of existing programs and new initiatives. This report and its recommendations lay out a blueprint for work that the Eviction Prevention Task Force will undertake.



I. Analysis of Eviction Data: Defining the Landscape

The data utilized for this analysis was collected by HomeStart, Inc. in partnership with the Office of Housing Stability. This data is from the Eastern Housing Court because it is estimated that 90 percent of all eviction cases in Boston go through this division. Prior to July 2017, the Housing Court exclusively covered Boston and was called the Boston Housing Court. In 2017, as part of state-wide expansion, a new Eastern Division of the Housing Court was created, covering Boston

and nearby communities. Data from the Boston Housing Court and the new Eastern Housing Court is amalgamated together for Boston cases.²

The data represents eviction cases opened during 2015, 2016, and 2017. Eviction cases are not resolved within a specific window of time, and many cases are in the system for longer than the calendar year in which they were filed. For example, data for 2015 represents eviction cases that began in 2015 but may have been resolved in 2016. Using this methodology, data for “2017” represents cases opened in 2017 that were being heard in the Eastern Housing Court through 2018. Data from “2018” will be analyzed over the course of the next few months, and will likely be available during the first six months of 2020.

Housing Court case level data from these years cannot be retrieved electronically.³ Instead, legal interns pull each individual paper case file and manually

² As of the fall of 2019, the Housing Court hears East Boston cases in a Chelsea satellite session on Mondays, along with cases from Chelsea, Revere, and Winthrop. Public housing cases are heard on Wednesdays from Boston, Brookline, and Newton. Other Boston eviction cases are heard on Thursdays. Landlords still have the option of filing evictions in the Boston Municipal Court divisions in East Boston, South Boston, Dorchester, Roxbury, West Roxbury, Central, Charlestown, and Brighton, but residential tenants can file to transfer those cases to the Housing Court. The eviction data here does not include the BMC cases which were not transferred.

³ For many cases currently entered with the Housing Court, far more data is accessible on-line via the Attorney Portal, such as the summons, notice to quit, court agreements, motions, and orders. However, this is not uniform, and physical file review often remains necessary for an accurate picture.

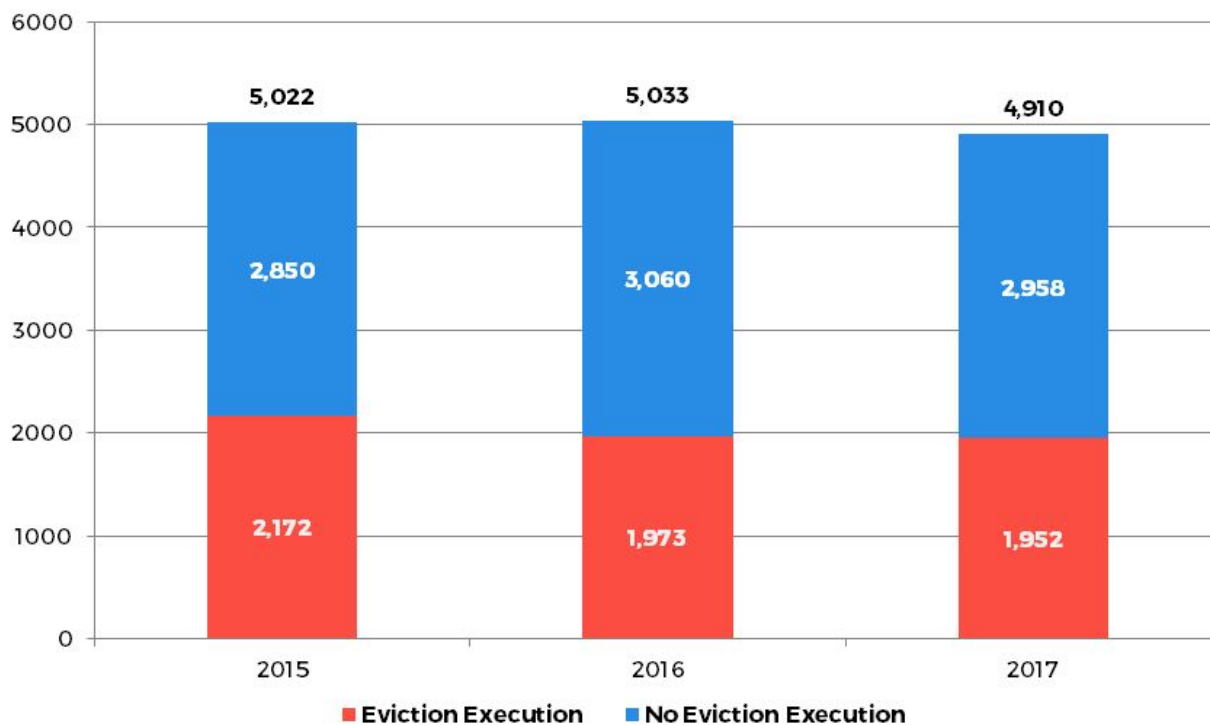


enter case attributes into spreadsheets. Attributes of interest collected include: housing location, landlord type meaning private market vs. subsidized tenancies, arrearage amount, owner/ management company, attorney, neighborhood, and case resolution, if there is one. Attributes that are not available include age, race/ethnicity, disability, English proficiency, family composition and household income. A reasonable assumption of the income level, however, at least for residents of subsidized housing, can be made using the existing data. It is also important to note that the legal and practical definitions of eviction can be somewhat different. The dataset counts as an eviction any case where a court ordered execution was issued. The property owner must request this court order before a tenant can be physically removed from their apartment. It is possible to tell from the available data how many court orders were requested, but the data does not show how many court orders were actually used. Resolution, which allows a tenant to remain housed, can sometimes occur after a court order has been issued. Alternatively, the data does not capture constructive evictions or move outs after the court summons but before an execution is issued.

It should also be noted that the data being reported on is representative of formal evictions filed in the court system only. As such, It cannot account for so-called 'informal' evictions, where a tenant is told their lease will not be renewed and moves out, or when a tenant moves because they cannot afford a rental increase. The total number of eviction cases filed in Eastern Housing Court that were within the city of Boston was approximately 5,000 for each of the three years examined: 2015, 2016 and 2017. Notably, however, the number of eviction executions declined by 10 percent, from a high of 2,172 executions in 2015 to 1,952 in 2017, which represents one percent of all rental households in Boston. ([Chart 1](#))



CHART 1. TOTAL FILED EVICTION CASES FROM 2015-2017 HAVE REMAINED LEVEL



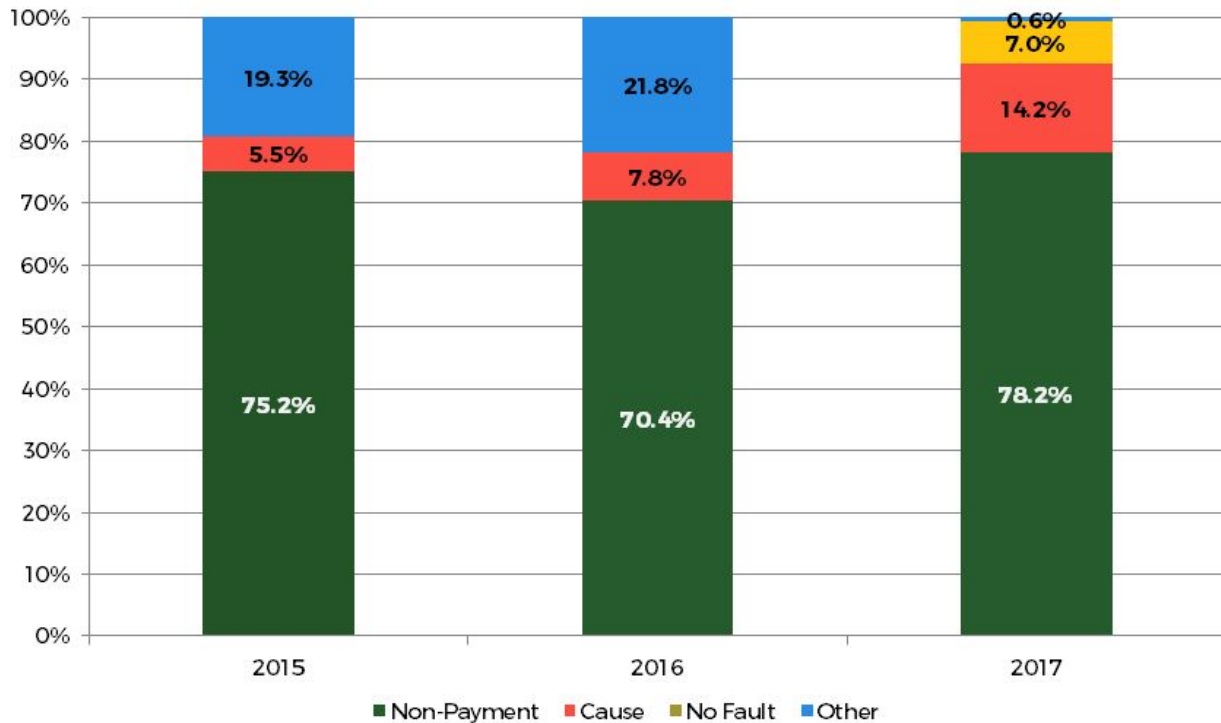
Nonpayment of rent is the primary reason given for filing an eviction case. During the three years examined, nonpayment was cited in 70 percent to 78 percent of cases. (Chart 2) It is also clear that ‘cause’ as a reason for eviction has increased from 5.5 percent to 14 percent. For these purposes cause typically involves violating the terms of the lease with behaviors such as destruction or damage of the unit, nuisance complaints, unlawful conduct including illicit drug use, or an unapproved sublease of the premises.⁴ It should also be noted that sometimes cause is cited for reasons related to non-payment, i.e., chronic late payment of rent. Certain types of cause cases, such as failure to recertify, may also be susceptible to different types of resolution closer to the type of interventions used in nonpayment evictions. In some cases, after a recertification has occurred, the tenant may owe a balance, triggering its placement into the non-payment category even though the tenant had been paying their monthly rent.

⁴ “2017 Eviction Data Report,” Department of Neighborhood Development and Department of Innovation and Technology, City of Boston.



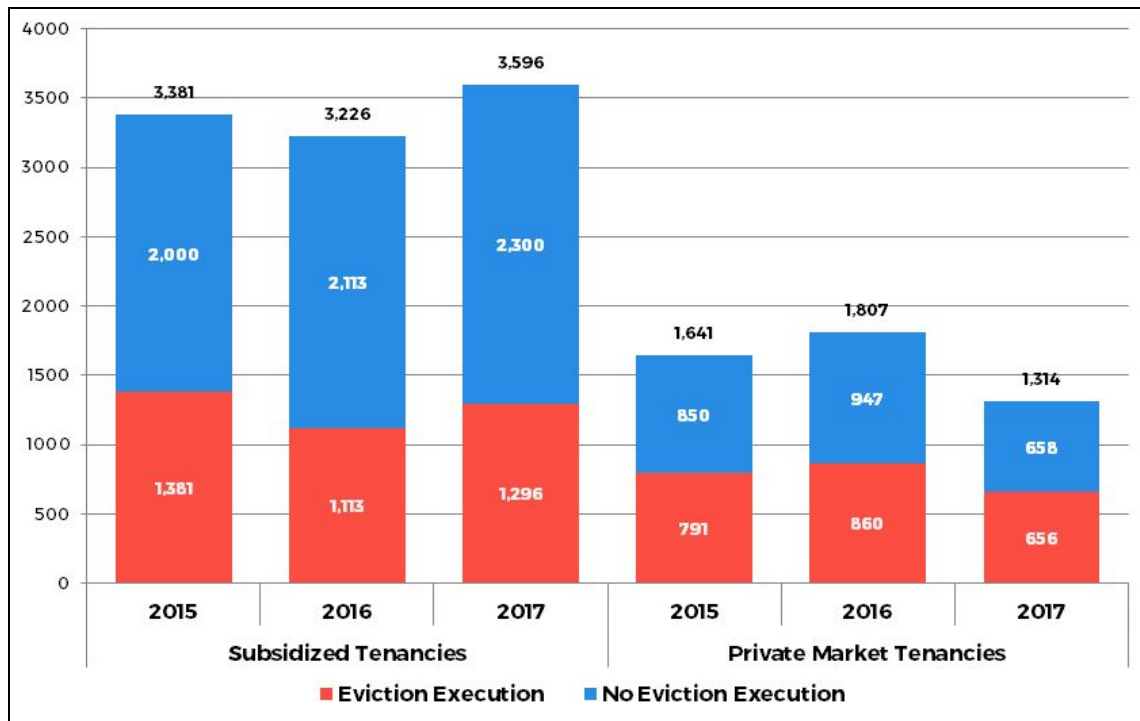
In 2017, the data team added the category ‘no-fault’ to the ‘reasons for filing’ categorization. No-fault evictions are commonly used by new owners of properties to empty buildings and some houses, evicting all tenants, even those with no history of non-payment or other ‘cause’ infractions. It accounted for 7 percent of 2017 cases.

CHART 2. EVICTION CASES: REASONS FOR FILING, 2015-2017



Outcomes of these cases are divided into two categories: subsidized tenancies and private market tenancies (**Chart 3**). To establish the tenancy type, case records are cross-referenced with the City of Boston’s [Income-Restricted Housing Inventory](#) for known addresses of affordable developments, rents that appear to be the result of an income-based calculation, or any other indication of subsidy. Subsidized tenancies also include public housing and tax credit units, tenants with mobile or project-based vouchers, tenants in homeless set-aside units, or other types of affordable units.

CHART 3. EVICTION CASES BY RESULT AND TENANCY 2015-2017



More of Boston’s eviction cases in the Eastern Housing Court are being brought against tenants living in subsidized housing than those living in market-rate housing. Private market eviction filings and executions decreased significantly (20%) from 2015-2017. For subsidized tenancies, although the number of executions and filings decreased 5% from 2015-2016, they increased by 12% from 2016-2017, resulting in a 6% increase over the three year period.

Tenants in subsidized housing are at high risk of homelessness after an eviction because they often have limited financial resources and few other housing options available to them. Still, there are many low-income tenants in market-rate housing who are similarly vulnerable. More than 34,000 low-income non-student renter households are paying more than 50% of their income on rent. These severely rent-burdened households are living in market-rate housing with limited financial capacity and are also vulnerable to eviction.



**CHART 4. SUBSIDIZED TENANCY CASES
BY PROPERTY MANAGER, 2015-2017**

Property Manager	Cases 2015	Cases 2016	Cases 2017	Change 2015-2017	Evictions 2015	Evictions 2016	Evictions 2017	Change 2015-2017
Beacon	231	188	151	-34.6%	83	63	45	-45.8%
Boston Housing Authority	251	276	386	53.8%	78	93	62	-20.1%
Cruz	129	129	81	-37.2%	36	23	20	-44.4%
Maloney	225	222	124	-44.9%	62	58	38	-38.7%
Trinity	207	227	189	-8.7%	84	67	63	-25.0%
Winn	380	397	401	5.5%	133	115	126	-5.3%
Other*	1804	1,662	2,124	17.7%	864	660	899	4.1%

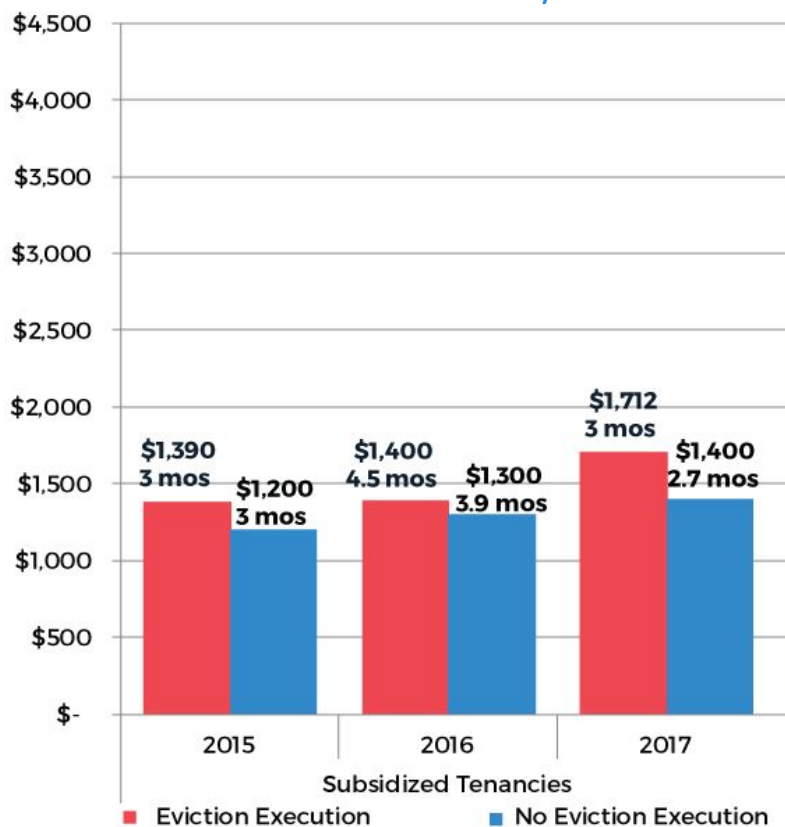
Despite the increase in filings and executions for subsidized tenancies, larger property management companies, responsible for managing most income-restricted affordable housing developments in Boston have realized significant decreases in evictions. These decreases can be credited to additional financial and legal support, the sharing of eviction data and increased awareness of the issue, participation in workshops on best practices, and the City’s efforts to link future funding to eviction prevention efforts. For example, Greater Boston Legal Services (GBLS) identified that there were public housing tenants in “mixed finance” sites being redeveloped who were not receiving uniform protection of public housing grievance rights as required by law. The BHA’s Mixed Finance Resident Group of resident leaders, BHA staff, and private partners developed a new standard set of procedures and protocols to address this gap. In 2019, this strategy was expanded to include any affordable/replacement unit, including Section 8 Project Based Vouchers or Rental Assistance Demonstration (RAD) units. Going forward,



these kinds of procedures and protocols need to be made available to small landlords, in particular those with subsidized tenancies, so they have increased awareness of the resources that they can access.

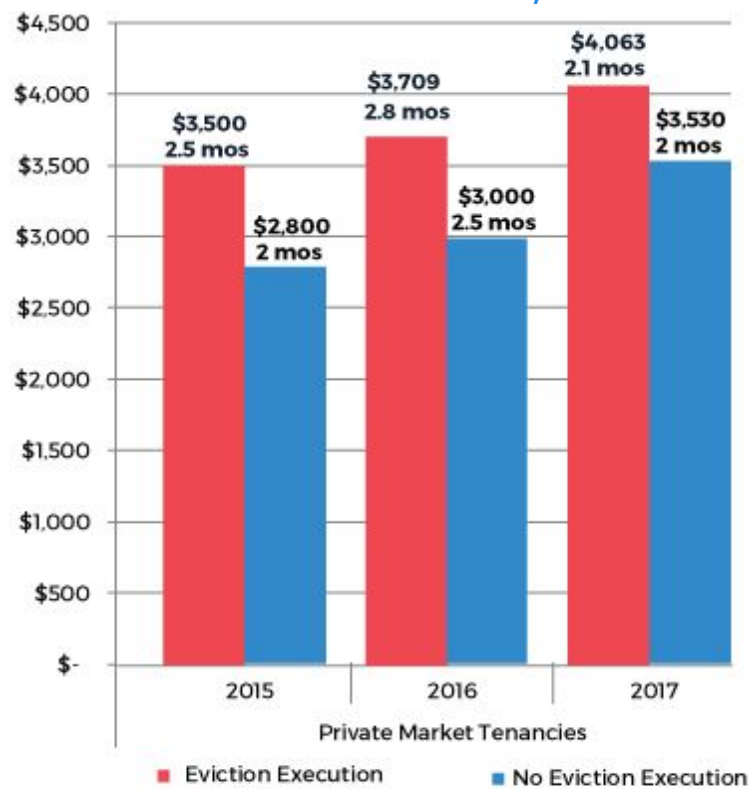
Analysis of nonpayment cases reveals that the amount owed has increased year over year. In non-payment cases with evictions executed on subsidized households, the median rent owed in 2017 was \$1,712 for about 3 months of back-rent (Chart 5). Paying 35% of income on rent, the estimated annual income of that household would be \$19,400, or extremely low income. With the awareness, however, that many cases of non-payment in subsidized housing are due to an arrearage from recertification and represent a partial payment, the annual income of households cannot be deduced with complete certainty.

CHART 5. MEDIAN OWED FOR NON-PAYMENT CASES IN SUBSIDIZED TENANCIES, 2015-2017



Private market executed evictions for non-payment, on the other hand, averaged a significantly higher \$4,063, for a shorter term of about two months of back rent. It is difficult to estimate the average incomes of households evicted from private market rentals because the percentage of their income spent on rent is unknown. If these households are paying between 35 and 50 percent of their income on rent, however, their annual incomes would range between \$48,000-70,000, or just slightly higher than Boston’s median income of \$62,021 in 2017 at the upper end.

CHART 6. MEDIAN OWED FOR NON-PAYMENT CASES IN PRIVATE MARKET TENANCIES, 2015-2017

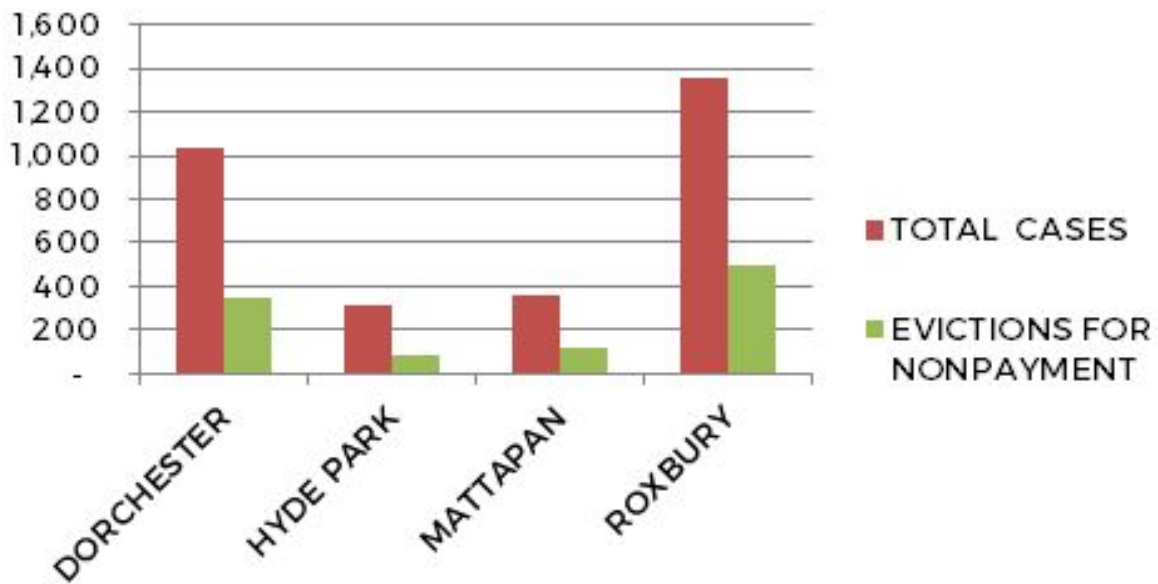


Further analysis shows that 60 percent of the evictions filed in 2017 occurred in just four of Boston’s neighborhoods: Roxbury, Dorchester, Mattapan, and Hyde Park⁵, although only 32 percent of the city’s housing stock is in these neighborhoods.

⁵ DND Neighborhood boundaries

These four neighborhoods are also home to 80 percent of the city's African- or Caribbean-American residents, and include significant populations of Bostonians who identify themselves as Latino/Hispanic, Vietnamese, or Thai in Census data.⁶ These neighborhoods also have a noteworthy amount of income-restricted housing, and a considerable number of households that are utilizing mobile vouchers. Roxbury alone has 11,065 units of income-restricted housing, Dorchester 4,130 units, Mattapan 2,783 units, and Hyde Park has 1,876 units. In addition, Boston's households of color, on average, have incomes under the citywide median. In 2017, the median income for all household types was \$62,021, while the median income for African American households was \$40,507, and \$32,780 for Hispanic/Latino households. Because of their lower incomes, and because of the significant number of evictions occurring in neighborhoods where they live, it is clear that persons of color are disproportionately vulnerable to evictions. It follows that the communities where these Bostonians live also suffer long-lasting negative impacts.

CHART 7. EVICTIONS FOR NON-PAYMENT OF RENT BY NEIGHBORHOOD: 2017



⁶ American Community Survey, 2017



Even as the real estate market remains heated, however, both the total eviction case rate and the number of executions have not increased -- in fact, they have decreased slightly. This decrease is likely the result of programs and services being offered by the Office of Housing Stability and its nonprofit partners who work directly with tenants and landlords to avert eviction, in concert with the expansion of the Residential Assistance for Families in Transition (RAFT) program, funded by the MA Department of Housing and Community Development. There is also a likely positive impact from wage gains and Boston's very low unemployment rate. As of April 2019, Boston's unemployment rate was 2.2%, and the lowest paid workers, who commonly work in the service industries and retail, showed modest gains in wage growth, likely attributable to an increase in the Massachusetts minimum wage⁷.

II. Effects of Eviction

Each year, thousands of people are evicted from their homes in Boston, primarily due to their inability to afford rent.⁸ Housing instability, coupled with other forms of hardship like incarceration and joblessness, most severely affect Boston residents who have extremely low incomes and the least ability to recover from a financial downturn and disruptive life events. This instability is further compounded by the rising cost of living, and diminished federal assistance programs.⁹ Compounding these factors, most low-income families live in private, market-rate homes without governmental housing assistance to stabilize their income or prevent eviction.¹⁰

Until recently, the effects of eviction were understudied by sociologists, researchers, and policy-makers despite the known long term and generational consequences of evictions in perpetuating cyclical poverty.¹¹ Evictions are

⁷ From the Boston Planning & Development Agency "[Boston's Economy 2019](#)," April 2019

⁸ This report.

⁹ Matthew Desmond, Rachel Tolbert Kimbro, "Eviction's Fallout: Housing, Hardship, and Health," *Social Forces*, 2015.

¹⁰ *Ibid.*

¹¹ *Ibid.*



consistently associated with negative outcomes in both mental and physical health,¹² such as increased depression, anxiety, and frequency of experiencing traumatic events.¹³ These effects are exacerbated by the fact that eviction can lead to chronic homelessness, with the ultimate consequence of high morbidity and premature death.¹⁴ Homelessness has such a severe negative outcome on physiological health that children who only experienced homelessness while in-utero suffered worse health outcomes after birth than compared to their stably housed peers.¹⁵ The worsened health outcomes following eviction represent preventable costs to human health directly caused by eviction.¹⁶ Finally, research has shown that people who have been evicted once are much more likely to be evicted again, compounding their trauma, and further driving them into intergenerational cycles of homelessness, poverty, and disease.¹⁷

The aftermath of eviction has impacts for more than just the physical health of tenants. In Massachusetts, evictions filed in Housing Court become permanent, publicly accessible records which can undermine the evicted tenant's ability to be re-housed. The children of evicted tenants can be similarly affected by an eviction record, as the inclusion of a child's name in the eviction filing will burden the child with a permanent eviction record regardless of age, or the outcome of the proceeding. For evicted adults named in eviction filings, whether or not they were responsible for the lease, the eviction can tarnish their credit rating and impair their future ability to access crucial financial necessities.¹⁸ Many families who are evicted from subsidized housing are then barred from receiving state shelter for a period of

¹² Ana Población, Allison Bovell-Ammon, Richard Shepard, et. al., "Stable Homes Make Healthy Families," *Children's HealthWatch: What If? Series*, July 2017.

¹³ Lauren A. Taylor, "Housing and Health: An Overview of the Literature," *Health Affairs*, June 2018.

¹⁴ Amanda M. Stewart, Mia M. Kanak, Alana M. Gerald, Amir A. Kimia, Assaf Landschaft, Megan T. Sandel, and Lois K. Lee, "Pediatric Emergency Department Visits for Homelessness After Shelter Eligibility Policy Change," *Pediatrics* vol.142, no. 5 (November 2018).

¹⁵ Lauren A. Taylor, "Housing and Health: An Overview of the Literature," *Health Affairs*, June 2018.

¹⁶ Ana Población, Allison Bovell-Ammon, Richard Shepard, et. al., "Stable Homes Make Healthy Families," *Children's HealthWatch: What If? Series*, July 2017.

¹⁷ Matthew Desmond, *Evicted: Poverty and Profit in the American City*, New York: Broadway Books, 2016.

¹⁸ Matthew Desmond, Carl Gershenson, "Who gets evicted? Assessing individual, neighborhood, and network factors," *Social Science Research*, 2016.



three years and thus more likely to experience chronic homelessness. Tenants with vouchers who are evicted face a significant risk of loss of the voucher.

Evictions place a considerable financial burden on landlords, tenants, housing authorities, municipal governments, medical institutions, and society as a whole.¹⁹ Eviction cases often cost considerably more than the amount owed in non-payment of rent cases, as an eviction typically costs the landlord between \$5,500-\$8,000 in lost rent, attorney's fees, repairs, and turnover costs for the unit.²⁰ One study by Children's HealthWatch concluded that national housing instability, including eviction, would contribute to the development of preventable health conditions in 10.2 million children, costing the healthcare system \$34.3 billion over the next ten years.²¹

In addition to treating children and families with health conditions, Boston's hospitals are often called upon to provide temporary shelter to Bostonians suffering from eviction and chronic homelessness.²² Families turn to local hospital emergency rooms for a safe place to sleep. A Boston Children's Hospital study found that a change in eligibility for emergency shelter access led to the use of more than 8,500 hours of emergency department resources and \$200,000 of state Medicaid funds to temporarily house people experiencing homelessness.²³ While this policy was initially implemented to reduce emergency shelter spending, it had the unintended consequence of increasing overall spending through hospital staffing hours and government spending.²⁴

¹⁹ *Ibid.*

²⁰ "Eviction Report," Office of Housing Stability, Department of Neighborhood Development, City of Boston, 2015.

²¹ Ana Población, Allison Bovell-Ammon, Richard Shepard, et. al., "Stable Homes Make Healthy Families," *Children's HealthWatch: What If? Series*, July 2017.

²² Amanda M. Stewart, Mia M. Kanak, Alana M. Gerald, Amir A. Kimia, Assaf Landschaft, Megan T. Sandel, and Lois K. Lee, "Pediatric Emergency Department Visits for Homelessness After Shelter Eligibility Policy Change," *Pediatrics* vol.142, no. 5 (November 2018).

²³ *Ibid.*

²⁴ *Ibid.*



III. Existing Supports

Financial Assistance

Massachusetts and Boston both have existing resources and supports to help prevent evictions, including, but not limited to: financial assistance, tenant and landlord mediators, in-court resources for dispute resolution and workshops to educate tenants about their rights and responsibilities. Unfortunately, the majority of resources for tenancy preservation are unable to meet the demand.

There are two primary funding sources that tenants rely on when they are facing evictions for non-payment of rent. The first is the Residential Assistance for Families in Transition (RAFT) program. Administered by Metro Housing|Boston and funded by the State through the Department of Housing & Community Development (DHCD), RAFT provides eligible applicants with up to \$4,000 in emergency assistance to help retain existing housing, obtain new housing, or otherwise avoid becoming homeless. Eligible participant families can receive up to \$4,000 within a twelve month period, and program funds may be accessed more than once per year as long as the total dollars received do not exceed \$4,000. RAFT funds can only be accessed for utility expenses once per 12 months (but only the same utility expenses once per 24 months). Households residing in subsidized housing cannot receive RAFT assistance for subsidized rent arrears twice in 24 months. RAFT funding follows the Massachusetts legislative year, and begins on July 1st.

In FY2017, the RAFT program was expanded to include households of all sizes. RAFT is the largest eviction prevention program in the city.²⁵ Between FY2015 and FY2019, statewide funding for RAFT grew from \$11 million to \$20 million.²⁶ Chart 8 documents the total amount of RAFT funds expended in Boston.

²⁵ "Metro Housing|Boston RAFT in Review Fiscal Year 2019," p. 7, November 2019.

²⁶ *Ibid*, p. 6.



As of FY2020, households can qualify for assistance by demonstrating that they are behind on their rent, and a court action does not need to be filed.

CHART 8. RAFT ASSISTANCE TO BOSTON HOUSEHOLDS, FY15-FY19

FISCAL YEAR	NUMBER OF HOUSEHOLDS SERVED	TOTAL FUNDING EXPENDITURES
FY2015	690	\$1,838,620
FY2016	970	\$2,598,409
FY2017	1,063	\$2,709,122
FY2018	1,041	\$2,723,856
FY2019	1,269	\$3,186,121

The second source of funding comes from the City of Boston Office of Housing Stability. These City Flex funds cap at \$2,000, and are administered by a variety of non-profit housing service providers across the city. In 2018, \$460,566 was provided to 292 Boston families, resulting in preserved tenancies.

Legal Representation and Mediation

Analysis of the collected eviction data shows that legal assistance in eviction proceedings is extremely rare and often limited: only seven percent of tenants facing eviction in the 2017 dataset were represented by counsel.

Organizations that provide legal assistance include Greater Boston Legal Services (GBLS) who assist tenants in eviction proceedings if their income is less than



200 percent of the Federal Poverty Limit,²⁷ or if they are otherwise Title 3 eligible (age 60 or older). GBLS is limited by the fact that it only takes on a case once the tenant has received the summons and complaint. This means they only have ten days to build a case, file an answer to the court, and submit a request for discovery.

Harvard Legal Aid Bureau and WilmerHale Legal Services Center are also available to help constituents in court, but they generally serve as Limited Assistance Representation, i.e., day of court representation. As a result, neither of these teams are able to follow a case that continues. In addition, clinical programs' capacity is affected by the cycle of the academic year.

If tenants can access legal advice further upstream, the tenancy may be preserved without an eviction case being filed. To try and fill some of this gap, HomeStart contracts with a GBLS attorney in-house to provide legal assistance further upstream, but more needs to be done to truly affect the outcomes in court, and preserve tenancies.

Mediation can be a critical service for helping landlords and tenants communicate better and address concerns long before court proceedings begin. The Office of Housing Stability provides funding for landlords and tenants to access mediation services at no cost. Mediation provides an opportunity for parties with opposing views to feel heard, and to learn to communicate their needs and understanding of landlord/tenant laws and lease terms more effectively. Often, the disagreements stem from a lack of understanding regarding the rights and responsibilities of the two parties. Mediators can facilitate conversations that lead to mutually beneficial outcomes.

²⁷ 200% of the Federal Poverty Limit 2017: 1 person household: \$24,120; 2 persons: \$32,480; 3 persons: \$40,840, 4 persons: \$49,200.



Other Innovations

Community-based providers are also exploring other innovative solutions to prevent eviction. One example is HomeStart's per-intervention reimbursement rate model for eviction prevention services. After research data showed that tenancy preservation services are more cost-effective for property owners than executing the evictions, HomeStart was able to establish a unique partnership with Boston Housing Authority in which the housing authority reimburses HomeStart for each tenancy successfully preserved. Based on the effectiveness of this partnership, HomeStart has expanded this model to include an agreement with Beacon Communities to provide these services to the residents of the income-restricted Georgetowne Homes development and is working in concert with Metro Housing|Boston, who is co-locating services at Georgetowne, in addition to six other sites across the city.

In 2019, the Department of Neighborhood Development created an Eviction Plan Policy requirement for any developer applying to the City of Boston for funding to create income-restricted housing. All developers and their property management teams are required to submit an Eviction Prevention Plan that provides details on what steps will be taken by the management company in eviction scenarios. The plan must consist of:

- A plan for conflict resolution and mediation procedures as well as repayment plans for tenants behind in rent (rental arrears) or with minor lease violations (recertifications, minor noise complaints, etc.)
- A plan to address other serious lease violations (criminal activity) including opportunities to maintain tenancies when possible
- Designation of a tenancy preservation team that includes an on-staff Eviction Prevention coordinator. The team will be proactive in early intervention by identifying residents who are at risk of being evicted through monitoring and intervention.



- A tenant education and communication plan that at a minimum includes a resource list provided to all tenants which will include tenant advocacy contacts and other resources that can provide rental assistance and legal counsel for evictions. The list shall be displayed on a public board that is accessible to all tenants.
- A plan for referrals for tenants who wish to move from their unit
- Identify who is responsible for the implementation of the tenancy preservation program and compliance with this policy.
- Identify how the owner/asset manager of the property is monitoring the eviction proceedings of the management company

When applying to the City of Boston for funding, developers are now required to submit an updated report to DND that lists all eviction and displacement risk data on a yearly basis. The developer must keep documentation on all evictions for each affordable housing project in their portfolio, and may be required to submit documentation upon request from DND.

No project will be able to close if a developer or property management company does not comply with the requirement to provide eviction documentation. If a developer or property management company is found to be out of compliance with this policy, then the award of funds may be withdrawn from the current project.

For a full list of existing eviction prevention supports, programs, and services, refer to the Appendices.



IV. Recommendations: Expansions, Improvements, and New Ideas

National rankings of eviction execution rates for large cities [place Boston at number 178](#), when compared to cities of similar size. (Chart 9) Even within the state of Massachusetts, Boston ranks 4th on the list of eviction execution rates, behind Lowell (2.42%), Springfield (2.06%), and Worcester (1.97%).

CHART 9. EVICTION RATES IN LARGE U.S. CITIES, 2016²⁸

CITY	EVICTION RATE
Atlanta	5.12%
Providence	3.82%
Philadelphia	3.48%
Washington, DC	2.59%
Houston	2.30%
Denver	2.29%
Miami	2.01%
Boston	1.30%
Chicago	1.10%

This 1.3 percent eviction rate means that slightly more than one in every 100 renter households received an eviction execution judgment in 2016. This low score may mean that we are doing better than other major cities, but it by no means represents a stopping point. Instead, this data represents an achievable goal to measure ourselves against. Eviction is a problem that can be solved.

With the problem identified, and the will to address it, the Eviction Task Force recommends the following steps: 1) set a goal; 2) determine the interventions and actions to take to achieve the goal, which may include money, policy or legislative changes necessary to make them available; 3) track and report on the results; and 4) adjust or change course as needed.

²⁸Eviction Lab Eviction Rankings, evictionlab.org

Goals:

- Reduce the total number of eviction cases and eviction executions in subsidized housing by 33 percent within five years, from 3,596 and 1,296 to 2409 and 868 respectively.
- Reduce the total number of eviction cases and eviction executions in private, market-rate housing by 25 percent within five years, from 4,910 and 1,952 to 1,227 and 488 respectively.

Interventions:

Increase Production and availability of housing that is affordable to households with very low and extremely low incomes

- Build additional housing affordable to households with low and extremely low-incomes
- Implement a cost-burden preference which would provide low-income households with demonstrated cost burdens priority for new affordable housing opportunities

Rent Arrearage: Increase, and make more widely known, the resources to reduce the number of evictions due to rent arrearages.

- Support increased funding for the Residential Assistance for Families in Transition program
- Maintain City funding for eviction prevention
- Increase awareness of the financial resources available to both landlords and residents
- Explore expanding the per-intervention reimbursement rate model for eviction prevention services at the BHA to include Mixed Finance BHA units.
- Work with the housing court, legal services, and property owners to draft a sample arrearage agreement with budgetary guidelines to create sustainability, and make that agreement available to landlords in housing court



Legal Representation & Mediation Services: Expand capacity and access to legal representation via new legislation and funding

- Support and gain passage of “Right to Counsel” legislation, and ensure that households and certain landlords who have low, very low, or extremely low incomes have legal representation in housing court
- Increase funding and expand capacity for legal representation to include assistance for program administration and program participants with MRVP and Section 8 voucher retention in administrative procedures
- Increase opportunities for and usage of pre-court dispute mediation programs
- Explore options to alter the Summary Process Complaint Form to require the landlord to identify if the tenant is using some form of subsidy, and specify what subsidy it is, i.e., project-based, tenant-based, LIHTC, etc.

Information and Best Practices: Improve and disseminate information on best practices, tenant and landlord rights and responsibilities

- Make “Legal Tactics: Tenants’ Rights in Massachusetts” available to all housing service providers in the city of Boston
- Re-establish the online resource originally developed by the Boston Homelessness Prevention Clearinghouse aka Front Door Collaborative
- Facilitate Learning Labs to teach eviction prevention best practices
- Send a mailing to all rental property landlords and management companies annually informing them of programs available to prevent evictions and how to access them
- Do a yearly review of other major cities to ensure that we are employing all newly evolving best practices available



Upstream Improvements: Design early warning protocols and educate property managers and owners on how to utilize them to prevent eviction

- Require owners of housing subsidized with city dollars to provide and document eviction prevention assistance (either self or third-party) to all tenants who reach 30-days delinquent
- Support existing programs with new resources to expand capacity to provide real time assistance for landlords with tenants who have mental health issues, hoarding, etc. and track the outcomes

Improve Data Collection and Sharing: Improve data collection and use eviction data to understand current trends, impactful interventions, and resource needs

- Secure de-identified aggregate MassCourts data as an electronic file provided by the Court system, rather than depending upon legal interns to cull information from paper files
- Obtain real-time data to track emerging hot spots, which includes data from district courts as well as Eastern Housing Court
- Develop method of recording number of levied executions in Boston, through potential partnerships with constables and the sheriff's office
- Cross reference addresses of households seeking tenant preservation assistance with eviction data
- Explore partnering with DHCD to share data about who enters shelter and if they have also accessed RAFT

Replicate Successful Models: Through intentional information sharing and the creation of learning labs.

- HomeStart's Eviction Prevention Reimbursement Rate Program
- Metro's Co-location Partnership
- Urban Edge's Tenant Support Methodology



Track Results: The City of Boston, in collaboration with its nonprofit partners, will continue to collect, make available, and analyse this data to evaluate plan progress

- The Eviction Task Force will utilize this eviction data to assess which interventions are working to reduce evictions, and monitor progress against stated goals
- The Eviction Task Force will utilize this data to pinpoint any negative trends and design impactful responses to address them
- The Eviction Task Force will report progress against goals to the public on an annual basis



Appendix A. RESOURCE GUIDE: Financial Assistance

Agency	Service Description	Eligibility/ Maximum \$ Assistance
City Mission of Boston	Limited funding for back-rent, some heating	Low-income/1mo rent; fuel up to \$500
Project Hope	Eviction Prevention Services, housing search assistance, case management services for Project Hope families	Very low-income, sustainable after funding
Neighborhood of Affordable Housing	Emergency housing funds	Very low-income families or individuals displaced from home due to fire or other emergency. Funding can be used for deposits / \$1800-\$2000
Metro Housing Boston	Residential Assistance for Families in Transition and other city and state plus privately raised funds	Household income <50% AMI for RAFT; individuals or families of at least 2 people, 1 of whom is a dependent <21y/o; pregnant mother as head of household experiencing housing crisis; domestic violence / \$4000
Lend a Hand Society	Help meet basic emergency needs of low-income individuals and families	Live inside Route 128; can only be referred once; must be low-income
Boston Tenancy Preservation Project	Housing stabilization for households facing eviction due to lease violation and a disability	Must have a disability



Agency	Service Description	Eligibility/ Maximum \$ Assistance
HomeStart, Inc	Eviction Prevention Services, assistance for rent arrears, housing court advocacy	City of Boston residents; gross income <60% AMI; rent <50% of net monthly income; must have received at least a notice to quit; arrearage <\$2,500 or 3 months' rent (whichever is greater); typically assist non-payment cases already in court process, but the hotline at 857-415-2900 offers suggestions and assistance to callers in need of eviction advice
Hearth, Inc	ESG funding to provide intervention in cases where rental assistance would preserve tenancy/prevent homelessness. Weekly walk-in hours to assess eligibility under guidelines of ESG contract	Over 50 years old, in Boston area, at risk of homelessness.
Boston Home Center	Rental Rehab Loans for landlords wanting to rehab their home, including de-leading programs	Landlord must agree to income-restrict the rehabilitated unit for subsequent 10 years / \$30,000



Appendix B. RESOURCE GUIDE: Resources/Supports at Housing Court

Organization	Capacity	Services Offered
Age+ Strong Boston	<ul style="list-style-type: none"> -1,000+ people annually -People who are at any stage of the eviction process -Funding is generally designated for hoarding cases 	<ul style="list-style-type: none"> -General housing search for Bostonians 55 years and older -Senior homeowners who need help with home repairs -Accommodation to seniors with housing subsidies -In court: advocacy, not general intake
Asian American Civic Association	<ul style="list-style-type: none"> - >3,000 people annually -Inclusive of Latinx people 	<ul style="list-style-type: none"> -In court: advocate for its clients in court; no legal services -All programming also offered in Chinese: ESL, job training/prep/placement, housing stability/homelessness prevention
BMC: Elders Living At Home	<ul style="list-style-type: none"> -55 people annually -No income limit -Elders (50+) facing eviction or other cause that would lead to eviction 	<ul style="list-style-type: none"> -In court: advocate on behalf of its clients, not others -Advocate for more subsidized housing
City Life/Vida Urbana	<ul style="list-style-type: none"> -1,000 people annually -People who are at any stage in eviction process (must attend its weekly workshops) -People facing displacement 	<ul style="list-style-type: none"> -In court: advocacy, not general inquiries or intake
Court Services Center	<ul style="list-style-type: none"> -Tenants and landlords in the housing court 	<ul style="list-style-type: none"> -Provide computers, printing services, general directions and help to tenants/landlords navigating housing court



Organization	Capacity	Services Offered
Disability Law Center	<ul style="list-style-type: none"> -50 families annually -Any stage in the eviction process 	<ul style="list-style-type: none"> -Not present in court (unless to represent a client) -Accept referrals from “Attorney for the day” programs -Paralegal refers to a staff attorney, external legal org, or will write a letter to landlord explaining laws regarding disability accommodations
Eastern Region Legal Intake, Volunteer Lawyers Project of the Boston Bar Association	<ul style="list-style-type: none"> -4,600 people annually -Any stage in the eviction process -Eligibility: living in service area, <200% of FPL, immigration status, criminal record of drug crimes, other conflicts 	<ul style="list-style-type: none"> -Refers clients to GBLS, Tenant Assistance Program, City Life/Vida Urbana, HomeStart, ABCD, OHS -In court: aids in Volunteer Lawyers Project; provides legal advice, mediation assistance
Greater Boston Legal Services	<ul style="list-style-type: none"> -Low-income individuals and families (<125% of FPL, <200% in limited circumstances) -Tenants 	<ul style="list-style-type: none"> -Full representation and partial representation client advocacy, attorney for the day assistance with advice/mediation -Legal advice, help with court appearances, weekly legal clinics, legal services referrals,intervention for subsidy preservation - Massachusetts Defense for Eviction (MADE) App: an online interview tool that helps unrepresented individuals prepare answers and other court documents; explains next steps in the eviction case; translated into 5 different languages



Organization	Capacity	Services Offered
Harvard Legal Aid Bureau	<ul style="list-style-type: none"> -Mostly public housing clients (private market with subsidy) -No income cap 	<ul style="list-style-type: none"> -Law students very occasionally represent clients in court, including full and partial representation, attorney for the day
HomeStart	<ul style="list-style-type: none"> -400-450 clients annually -People being evicted for non-payment of rent with reasonable possibility of re-stabilization -Income restricted to 30-50% AMI 	<ul style="list-style-type: none"> -In court: Non-legal advocates, providing coaching and emotional support -One on one case management support -Short-term/one-time financial assistance, up to ~\$700
Housing Court Specialists	<ul style="list-style-type: none"> -10-20 cases for mediation per day 	<ul style="list-style-type: none"> -Facilitate mediation
Legal Services Center (Harvard Law School Housing Clinic, Jamaica Plain)	<ul style="list-style-type: none"> -150 families annually -Summons and Complaint stage -Families with children, people withholding rent to enforce sanitary code, DV survivors 	<ul style="list-style-type: none"> -In court: participates in Attorney for the Day program
Nuestra Comunidad	<ul style="list-style-type: none"> -150 people annually -“11th hour” cases - Summary eviction process 	<ul style="list-style-type: none"> -Provide individualized coaching -Build 3-6 month stabilization plans
Rosie’s Place	<ul style="list-style-type: none"> -over 12,000 women annually 	<ul style="list-style-type: none"> -Coordinate/provide legal aid -Court appearance prep, hoarding prevention/ intervention, housing search, rent payment service referral, short-term/long-term case management, RAFT intake, shelter women in summary eviction process



Appendix C: Resource Guide: Supports Outside of Housing Court

Organization	Capacity	Services Offered
Cardinal Medeiros Center	<ul style="list-style-type: none"> -100+ per year -Homeless -Low-income - 45+ 	<ul style="list-style-type: none"> -Job training, clothing, food
Lawyer’s Clearinghouse	<ul style="list-style-type: none"> -100 clients annually -Those beyond eviction process -Homeless 	<ul style="list-style-type: none"> -Visit homeless shelters and other service centers to offer pro bono legal services; represent clients who have been denied tenancy or priority status
Massachusetts Office of Victim Assistance		<ul style="list-style-type: none"> -Provides referrals to other eviction prevention programs: HomeStart, Civil Legal Aid for Victims of Crime, RAFT, Lend a Hand, GBLS, Volunteer Lawyers Project, Harvard Legal Aid Bureau, OHS
Metro Housing Boston	<ul style="list-style-type: none"> -8,000 year -Summons/complaint stage -Income eligibility: <50% AMI for RAFT. Provided cash assistance to 1,500 households in FY18 -Housing support services to all without income requirements 	<ul style="list-style-type: none"> -Financial coaching, other legal services -Uses flexible funds from the city and state to assist Boston residents -Provides RAFT assistance of up to \$4,000 for eligible households
Project Hope	<ul style="list-style-type: none"> -Families facing homelessness in Dorchester and Roxbury 	<ul style="list-style-type: none"> -Housing search, adult education, employment training for entry-level

