

AN ACT PROMOTING HOUSING STABILITY AND HOMELESSNESS PREVENTION IN MASSACHUSETTS

H.1436/S.874

Sponsored by Reps. Rogers, Day and Sen. DiDomenico

Provide legal representation for low-income tenants and low-income owner-occupants in eviction proceedings.

Current problem

When individuals with a behavioral health condition become homeless, it is frequently irreversible. Of the almost 11,000 homeless adults in Massachusetts in January 2020, approximately 60% (over 6,000 individuals) are identified as having a behavioral health condition¹, a known under count. These rates are consistent with those reported by SAMHSA nationally². Evictions for individuals with mental health conditions routinely violate both state and federal laws³. Our NAMI Massachusetts COMPASS line reports that 10% of all calls related to housing are directly concerned with eviction.

In 2020, 91.5% of tenants served with eviction notices were forced to fight their eviction without help from an attorney. Many tenants do not know how to protect themselves and for too many people, an eviction means homelessness. For individuals with a disability, this may become a permanent state of homelessness.

To prevent evictions and promote housing stability, tenants facing eviction need the help of an attorney in legal proceedings.

This legislation Provides full legal representation for eligible individuals facing eviction in court or through administrative proceedings.

- The Right to Counsel Program will designate a qualified legal aid organization to coordinate statewide representation of eligible tenants and owner-occupants.
- A form approved by the Supreme Judicial Court would inform occupants of the right to counsel and would be attached to documents occupants receive pertaining to the termination of the tenancy.

¹ HUD 2020 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations
https://files.hudexchange.info/reports/published/CoC_PopSub_State_MA_2020.pdf

² Current Statistics on the Prevalence and Characteristics of People Experiencing Homelessness in the United States
https://www.samhsa.gov/sites/default/files/programs_campaigns/homelessness_programs_resources/hrc-factsheet-current-statistics-prevalence-characteristics-homelessness.pdf

³ Meghan P. Carter, How Evictions from Subsidized Housing Routinely Violate the Rights of Persons with Mental Illness, 5 Nw.J. L. & Soc. Pol'y. 118 (2010). <http://scholarlycommons.law.northwestern.edu/njls/vol5/iss1/5>