



May 9, 2023

The Hon. Michael S. Day, Chair  
The Hon. James B. Eldridge, Chair  
Joint Committee on the Judiciary  
State House  
Boston, MA 02133

**Re: H.1690/S.956 (The HOMES Act), H.1731 (access to counsel in eviction proceedings) and H.1682/S.1048 (eviction protections)**

Dear Chairman Day and Chairman Eldridge:

I am writing on behalf of One Family, Inc. to respectfully urge the Committee to favorably report H.1690/S.956, *An Act promoting housing opportunity and mobility through eviction sealing* (the "HOMES Act"), H.1731, *An Act promoting access to counsel and housing stability in Massachusetts*, and H.1682/S.1048, *An Act relative to summary process and rental assistance*.

### **Background - One Family**

One Family, Inc. was founded in 2000 with a mission to prevent homelessness and break the cycle of family poverty in Massachusetts by promoting pathways to economic independence through advocacy, education, and innovation. We currently serve about 500 families across Massachusetts through three direct service programs - One Family Scholars, Credential to Career Coaching (C2C), and Family Self-Sufficiency (FSS). The underlying philosophy of all three programs is that long-term housing stability is built on a foundation of education and career success. Through each we help parents with low-incomes throughout Massachusetts identify and pursue education and career goals, and increase their income to achieve economic independence and housing stability.

In addition to our direct service work, we also help state agencies and nonprofit organizations incorporate education coaching and career coaching into their housing and asset-building programs. Finally, we advocate for policies that support housing stability and economic opportunity; importantly, we engage the families we serve in that advocacy.

### **H.1690/S.956 - The Homes Act**

**One Family strongly supports H.1690/S.956 - the HOMES Act - which would protect tenants from being unfairly marked for life with an eviction record**, by establishing a process for tenants to petition the court to seal an eviction record on a case-by-case basis. As you know, a

previous version was passed by the House and Senate in the 2019-2020 legislative session, but it was vetoed by Gov. Baker.

**The need for this legislation is illustrated by the story of Nakita**, a single mother raising three children in Dorchester, who graduated from the One Family Scholars program with a bachelor's degree from Springfield College in 2019, and is now working as a crisis intervention mental health professional in a major hospital in Boston. Nakita and her children were stuck for years in a vermin-infested, substandard apartment in a crime-ridden neighborhood. They found themselves in this predicament due to old eviction case records available online for anyone to see. The court records became a barrier to finding safe housing for herself and her children - in spite of the fact that the rent arrears were paid in full years ago, and the court cases were resolved amicably. In fact, Nakita has been a model tenant ever since resolving the court cases, who any landlord would be fortunate to have as a tenant.

This past fall, Nakita and her children finally moved into a beautiful three-bedroom apartment in Dorchester's Savin Hill neighborhood. Moving to a new home in a safe neighborhood has been nothing short of life-changing. But the lack of a mechanism to seal court eviction records resulted in years of unnecessary suffering and trauma for Nakita and her children.

**Unless and until the HOMES Act is passed into law, thousands of families in Massachusetts like Nakita's will be forced to live with the scarlet letter of a past eviction action**, and will continue to face barriers to safe housing and the ability to find new homes as their needs change.

#### **H.1731 - Access to counsel in eviction proceedings**

**One Family strongly supports H.1731, *An Act promoting access to counsel and housing stability in Massachusetts*. Ensuring families and individuals facing the possibility of eviction have meaningful access to legal representation is not only a matter of basic fairness; it is also a vital homelessness prevention tool.** In some cases, those facing eviction have a valid legal defense, but cannot effectively raise it without legal counsel. In many other cases, having legal representation opens the door to a resolution that is far better than eviction for both the tenant and the landlord. By establishing a right to counsel in eviction proceedings, and ensuring access to legal representation without regard to the ability to afford an attorney, we believe that the Commonwealth will take an important step towards the elimination of homelessness.

**The stories of two families served by One Family illustrate the need for H.1731.** V [REDACTED] is a One Family Scholar at Salem State University. In 2008, she was a single parent of a then eight year-old son. V [REDACTED] fell behind on child care tuition, which resulted in the loss of after-school care. This in turn required her to leave work early every day to pick up her son from school. Rather than being flexible and understanding, V [REDACTED]'s employer terminated her employment. With no income, she soon began to accrue rental arrears, and her landlord filed an eviction action against her.

V [REDACTED] described her predicament in her own words:

*I couldn't afford a lawyer. I had no prior experience with the eviction process, and I didn't understand what my options were, if any. The process was not easy to navigate or understand. I experienced shame during the eviction and court process (having to explain my financial hardship in a full courtroom made up of people in my community – some of whom I knew – court staff, and other complete strangers). I felt shame and judgment, which led me to just accept the terms of being evicted and becoming homeless. I just wanted the process to be over. I felt shameful and like an inadequate parent. **Having a lawyer might have made all the difference in the world.***

Predictably, the court ordered V [REDACTED] and her son evicted from their apartment. According to V [REDACTED],

*I had expressed to court staff that I had nowhere to live, but they did not offer any suggestions or shelter as an option, so I just assumed it wasn't an option for families who are evicted. My son and I bounced around for about a year. We stayed with various people ranging from estranged family members to a friend.*

*Eventually, I was able to find employment, save enough money for a security deposit, and move into a moderate-income two-bedroom apartment. But it wasn't easy. I had a hard time getting approved for an apartment because, after the eviction, the leasing office or landlord would check my records, and see the eviction. I had to set up a payment plan to pay about \$4,500 in arrears and eviction fees. **The eviction records were a huge barrier, and significantly delayed being able to secure stable housing for myself and my son.***

**Elaine** is a single parent of three children who graduated from the One Family Scholars program in 2022, with a bachelor's degree from Worcester State University. But well before she achieved academic success, she went through her own experience with eviction. In 2013, multiple factors led to Elaine falling behind on rent on her three-bedroom apartment in Hanover, Massachusetts. An eviction action was filed against her, which resulted in Elaine and her children (ages 9, 14 and 15 at the time) being evicted.

Here's how Elaine describes what happened:

*When I arrived at housing court, I had no idea what was going on, or what to do. When my case was called, I just stood there, like a deer in the headlights. Without an attorney, I didn't stand a chance. The next thing I knew, the judge ordered me and my three children evicted.*

*A constable came to our apartment, and escorted us out. Without a home, I lost custody of my children. I jumped from place to place, at one point living in a van, and at another point sleeping in an abandoned barn. I couldn't afford a storage unit, so I lost all of our personal belongings. I truly hit rock bottom.*

If V. [REDACTED] and Elaine had been represented by counsel, things might have turned out very differently for them and their children. Both of them feel strongly that no family should ever have to go through what they and their families experienced. **Enactment of H.1731, *An Act promoting access to counsel and housing stability in Massachusetts*, is a critical step toward helping Massachusetts parents and children avoid homelessness and the life-long trauma inflicted by eviction.**

#### **H.1682/S.1048 - Additional protection from eviction**

**One Family strongly supports H.1682/S.1048, *An Act relative to summary process and rental assistance*.** This legislation would put into statute the two-tier process for residential summary process (eviction) cases, and would also restore Chapter 257 eviction protections on a permanent basis, by reinstating a pause in eviction proceedings while an application for rental assistance is pending.

We are encouraged by steps taken by the House to restore Chapter 257 protections, through an outside section in its budget bill, H.3901. However, these protections have lapsed, and currently there is no across-the-board mechanism to pause an eviction action pending an application for rental assistance.

The bill also includes language that would make the two-tier eviction process permanent, and prevent tenants from being evicted if they default at the tier-one mediation. The two-tier system has been critical in providing landlords and tenants the opportunity to sit down with a housing specialist or mediator to attempt to resolve the case. The tier-one mediation is also critical in making sure tenants can understand their rights, and are aware that rental assistance may be available. While the Housing Court has temporarily extended the two-tier system via standing order, this legislation would keep it in place permanently.

Thank you for this opportunity for One Family to share our strong support for H.1690/S.956, *An Act promoting housing opportunity and mobility through eviction sealing* (the “HOMES Act”), H.1731, *An Act promoting access to counsel and housing stability in Massachusetts*, and H.1682/S.1048, *An Act relative to summary process and rental assistance*, all of which would represent significant steps toward eliminating homelessness in the Commonwealth.

Sincerely,



Valerie Paric  
Executive Director

cc: Rep. Peter Capano, Sen. Lydia Edwards, Sen. Liz Miranda, Rep. Samantha Montañó, Rep. Michael Moran, Rep. David M. Rogers