



Resolution in Support of Right to Counsel in Eviction Cases and Eviction Sealing to Promote Housing Opportunity and Mobility

WHEREAS: Over 40,000 households in Massachusetts were served with eviction notices in 2018; and

WHEREAS: In a one-year period from July, 2018 through June, 2019 there were 74 summary process eviction cases in the Housing Court involving Amherst residents with 71 landlords represented by a lawyer while only 2 tenants were represented by an attorney; and

WHEREAS: Community Legal Aid represents and advises Amherst residents about their eviction cases, but the need is far greater than the funding for Community Legal Aid's services; and

WHEREAS: Many tenants are unaware of their rights and legal protections both in and out of the courtroom; and

WHEREAS: Overall over 92% of Commonwealth tenants received no legal guidance once an eviction notice was delivered, nor assistance from an attorney in defending the eviction in court; and

WHEREAS: Access to critical legal resources, guidance and support from a legal advocate prior to an eviction proceeding can protect people from being displaced by an eviction, prevent homelessness, and create a path to housing stability; and

WHEREAS: The following 'Right to Counsel' bills have been refiled for the 2019-20 Legislative Session and assigned to the Joint Committee on the Judiciary: S.913 by Senator Sal N. DiDomenico and H.3456 by Representative Chynah Tyler, both titled "An Act to Ensure Right to Counsel in Eviction Proceedings," and H.1537 "An Act Establishing a Right to Counsel in Certain Eviction Cases" filed by Representatives David M. Rogers and Michael S. Day; and

WHEREAS: Since 1988, over 1 million such eviction cases have been filed in Massachusetts and once filed become part of that tenant's eviction record, documenting the tenant's history of ever having sued or been sued by a landlord; and

WHEREAS: Regardless of fault, outcome, or underlying basis for a court filing, possessing any record of an eviction filing can affect a tenant's ability to secure housing and may give a landlord reason to reject their application; and

WHEREAS: In 2013, the Massachusetts Trial Court began placing eviction record information online, making a tenant's court record history easily accessible to the public and to tenant screening companies, which routinely recommend rejections of tenants for having been in court, regardless of the outcome of the case or proof of clerical error; and



WHEREAS: Even children and minors named in eviction proceedings risk permanent records that impact their search for housing when they become adults; and

WHEREAS: Many landlords routinely file a notice to quit simply as a matter of course at the conclusion of a tenancy, and are unaware of the collateral consequences of eviction records or of the growing record of evictions they themselves are accumulating; and

WHEREAS: Bills H.3566 and S.824, “Promoting Housing Opportunity and Mobility Through Eviction Sealing (HOMES),” sponsored by Representative Michael Moran and Senator Joseph Boncore, respectively have been assigned to the Joint Committee on the Judiciary; and

WHEREAS: These bills would protect tenants from being unfairly branded with an eviction record by sealing records until a judgment is rendered and ensuring the accuracy of records while not altering the legal rights of landlords, property owners, or tenants.

NOW THEREFORE BE IT RESOLVED that the Amherst Town Council hereby supports the passage of Senate Bill S.913 and House Bill H.3456 both titled “An Act to Ensure Right to Counsel in Eviction Proceedings,” and H.1537, “An Act Establishing a Right to Counsel in Certain Eviction Cases.”

BE IT FURTHER RESOLVED that the Amherst Town Council also hereby supports the passage of Senate Bill S.824 and House Bill H.3566, both titled “Promoting Housing Opportunity and Mobility Through Eviction Sealing (HOMES).”

BE IT FURTHER RESOLVED that the Clerk of the Amherst Town Council shall cause a copy of this resolution to be sent to the state sponsors of the “Acts to Ensure Right to Counsel in Eviction Proceedings,” Senator Sal N. DiDomenico and Representative Chynah Tyler; the sponsors of “An Act Establishing a Right to Counsel in Certain Eviction Cases,” Representatives David M. Rogers and Michael S. Day; the sponsors of the Acts “Promoting Housing Opportunity and Mobility Through Eviction Sealing,” Representative Michael Moran and Senator Joseph Boncore; Chairs of the Joint Committee on the Judiciary, Senator James B. Eldridge and Representative Claire D. Cronin; State Representative Mindy Domb; State Senator Jo Comerford; House Speaker Robert DeLeo; Senate President Karen Spilka, and Governor Charles Baker.

Voted this 24th day of February, 2020.

J. Lynn Griesemer
Town Council President