

METROPOLITAN MAYORS COALITION

a local initiative facilitated by METROPOLITAN AREA PLANNING COUNCIL

January 13, 2020

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Town Manager of Arlington

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Mayor of Boston

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Mayor of Braintree

MEL KLECKNER
Town Administrator of Brookline

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City Manager of Cambridge

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City Manager of Chelsea

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BRIAN ARRIGO
Mayor of Revere

JOSEPH A. CURTATONE
Mayor of Somerville, Chair

AUSTIN FAISON
Town Manager of Winthrop

Representative Claire Cronin, Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02111

Senator Jamie Eldridge, Chair
Joint Committee on the Judiciary
State House, Room 320
Boston, MA 02111

RE: HOMES bill (S.824 and H.3566)

Dear Chairwoman Cronin and Chairman Eldridge:

I am writing today on behalf of the Metropolitan Mayors Coalition to express our support of S.824/H.3566, *An Act promoting housing opportunity and mobility through eviction sealing (HOMES)*, filed by Senator Joseph Boncore and Representative Michael Moran.

The Metro Mayors Coalition, an organization of 15 cities and towns in the urban core of metropolitan Boston, is a voluntary forum where members exchange information and create solutions to common problems. The municipal officials comprising this group represent over 1.4 million constituents in Arlington, Boston, Braintree, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, Newton, Quincy, Revere, Somerville, and Winthrop.

The Boston region is facing a housing crisis. Sale prices and rents in our communities are among the highest of any large metropolitan area in the country. Just over half of rental households (50.6%) are “housing cost burdened,” meaning they spend over 30% of their income on rent, and about a quarter report paying over 50%, which we define as “severely cost-burdened.”^{1,2}

Housing instability resulting from high housing cost burdens can lead to unemployment and homelessness. That is why our Coalition announced a goal of producing 185,000 housing units in our region by 2030 to meet housing demand and to reduce housing costs in our communities, or at least stabilize those costs. This commitment also includes building various types of housing, at various price points, to meet the diverse needs of our residents.

The mayors and managers of the Coalition feel strongly that our commitment to building more housing must be paired with anti-displacement strategies to protect our residents and neighborhoods.

¹ U.S. Census Bureau 2011-2015 American Community Survey

² Interactive Map: Nearly Half of All Renter Households Are Cost Burdened (2017), Harvard Joint Center for Housing Studies

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While chronic homelessness has been declining across the country, the number of families receiving Massachusetts Emergency Assistance more than doubled in the past nine years, a rate much higher than the national average.^{3,4} Roughly half of homeless households cited eviction as the reason they were homeless.⁵ According to the Eviction Lab, over 37,100 eviction cases were filed in Massachusetts in 2016 and over 15,700 households were actually evicted.⁶

While the most common reason for an eviction is non-payment of rent, there are many reasons that a tenant might withhold rent. Tenants often face exorbitant rent increases, forcing them to choose between paying rent and meeting other necessities. Sometimes, these increases have the intent of “emptying” a building to make a sale of the property easier, thereby victimizing tenants who have paid rent consistently over time.

In 2013, the Massachusetts Trial Court implemented an online system to post eviction record information. The initial intent was to make it easier for parties to manage their cases. However, publication of eviction cases, which are free to access, has essentially resulted in creating a tenant screening resource that works against the interests of tenants seeking housing in an extremely constrained housing market. Regardless of whether the underlying issue was resolved, or the tenant met the agreements, the tenant’s record remains visible on the site without any explanation of the final outcome. If a case was transferred from one housing court to another, the tenant’s file will show two separate cases, further adding to that person’s record.

The Massachusetts Law Reform Institute’s 2019 report, *Evicted for Life*, highlights that “court records simply do not tell a complete story of a tenancy. . . . The result is that landlords may deny prospective tenants an apartment simply because their names appear on MassCourts without understanding the context or final outcome on the case.”⁷

S.824/H.3566 seeks to provide tenant protection and to create a process for sealing eviction records. This legislation would seal all eviction cases as soon as they are filed until fault evictions are finalized and proven. Additionally, all eviction records will be sealed after three years, and the bills would make it illegal for landlords or companies to use or report a sealed court record. Importantly, S.824/H.3566 prohibits minors and others not primarily responsible from being listed on eviction records. Children’s names have been listed on eviction files, making it difficult for them to find housing as adults, further exacerbating the housing crisis. This bill would help to level the playing field for tenants searching for apartments, potentially reducing incidents of homelessness and the demand for costly state expenditures.

³ State of the Nation’s Housing (2017), Harvard Joint Center for Housing Studies

⁴ The Growing Challenge of Family Homelessness (2017), Barr Foundation

⁵ The Importance of Representation in Eviction Cases and Homelessness Prevention (2012), Boston Bar Association Task Force on Civil Right to Counsel

⁶ “Eviction Map & Data.” *Eviction Lab*, Princeton University, evictionlab.org/map/#/2016?geography=states&bounds=-157.939,10.513,-44.648,60.47&locations=25,-70.822,41.25.

⁷ *Evicted for Life* (2019), Massachusetts Law Reform Institute

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We respectfully ask that your committee offer a favorable report for S.824/H3566.

Thank you for your consideration. If you have any questions, please contact Lizzi Weyant, MAPC's Director of Government Affairs, at 617-933-0703 or eweyant@mapc.org.

Sincerely,



Joseph A. Curtatone
Mayor, City of Somerville
Chair, Metropolitan Mayors Coalition

cc: Senator Joseph Boncore
Representative Michael Moran