



CITY OF SALEM

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

WHEREAS:

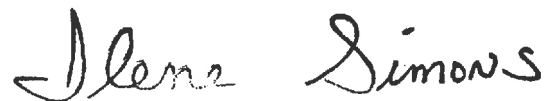
- Eviction case filings between January - June 2023 in Housing Court statewide are surpassing the number of eviction filings pre-pandemic;
- Over 96% of tenants in the Commonwealth facing a non-payment eviction in Housing Court are unrepresented, while 90% of landlords are represented;
- Northeast Legal Aid (NLA) represents and advises Salem residents about their eviction cases, but the need is far greater than the funding for NLA permits, and many tenants are turned away;
- Most tenants are unaware of their rights and legal protections both in and out of the courtroom;
- 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;
- The following 'Access to Counsel' bills, entitled "An Act promoting access to counsel and housing stability in Massachusetts," have been refiled for the 2023 Legislative Session: S.864, which is before the Housing Committee, filed by Senator Sal N. DiDomenico and H.1731, which is before the Judiciary Committee, filed by Representatives David M. Rogers and Michael S. Day. 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;
- Regardless of outcome or underlying basis for a court filing, possessing any record of an eviction filing can affect a tenant's ability to secure housing, no matter how old the record is;
- In 2013, the Massachusetts Trial Court began placing eviction record information online, making a tenant's court record free and easily accessible,
- Landlords and tenant screening companies, routinely recommend rejections of tenants for having been in court, regardless of the outcome of the case or proof of clerical error; and
- 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;
- Bills H. 1690 and S.956 'promoting housing opportunity and mobility through eviction sealing (HOMES),' sponsored by Representative Michael Moran and Senator Lydia Edwards respectively, are before the Judiciary Committee;
- These bills would protect tenants from being unfairly branded with an eviction record for life by allowing tenants to petition the court to seal their eviction records. .

NOW THEREFORE BE IT RESOLVED that the City of Salem hereby states its support of access to counsel in eviction proceedings and joins our state Senator Joan Lovely and Representative Manny Cruz who are co-sponsors, in supporting the acts establishing and ensuring those rights: S.864 and H.1731.

BE IT FURTHER RESOLVED that the City of Salem also hereby supports with co-sponsors Senator Lydia Edwards and Representative Michael Moran S.956 and H.1690, the acts to promote housing opportunity and mobility through eviction sealing.

BE IT FURTHER RESOLVED that the City of Salem urges the Massachusetts State Legislature to enact pending "Access to Counsel" and "eviction sealing" legislation to ensure greater housing stability for Salem residents, and that a copy of this Resolution be sent by the City Clerk to Salem's State Representative and State Senator.

In City Council July 13, 2023
Adopted by roll call vote of 9 yeas 0 nays and 2 absent
Approved by the Mayor on July 20, 2023



ILENE SIMONS
CITY CLERK

ATTEST: