

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK SUPERIOR COURT

MITCHELL MATORIN, and
LINDA SMITH

Plaintiffs,

v.

COMMONWEALTH OF
MASSACHUSETTS, and its EXECUTIVE
OFFICE OF HOUSING & ECONOMIC
DEVELOPMENT,

Defendants

Civil Action No. 2084-CV-01344

AFFIDAVIT OF RAFAEL MARES

I, Rafael Mares, hereby declare as follows:

1. I am over the age of 18 and am otherwise capable of making this Affidavit. This Affidavit is based on my personal knowledge.
2. I am the Executive Director of The Neighborhood Developers (“TND”), a local community development corporation in Chelsea and Revere, also active in Everett. I have held this position since July 23, 2018.
3. Prior to assuming my position at TND, I worked as an attorney on transportation and environmental justice issues at the Conservation Law Foundation (“CLF”). For 10 years, prior to joining CLF, I served as a clinical instructor and lecturer on law at the WilmerHale Legal Services Center of Harvard Law School, where I founded the Healthy Homes and Environmental Justice Project, and practiced housing law, primarily in Boston Housing Court. I hold a J.D. from Harvard Law School and a B.S. in Integrated Natural Resources from the University of Vermont. I’m admitted to the bar in the Commonwealth of Massachusetts and the U.S. District Court for the

District of Massachusetts.

4. TND is a community development corporation that preserves and produces affordable housing and promotes economic diversity, opportunity, and quality of life in the communities of Chelsea and Revere. TND is now also active in Everett. Our mission is to create strong neighborhoods enabling community members to secure a stable home, achieve economic mobility, and determine their own future.

5. TND owns and operates a number of affordable housing developments in Chelsea and Revere. TND oversees 375 units in Chelsea and 86 in Revere for a total of 461 affordable housing units. There are a total of 1,175 residents living in TND's affordable housing developments.

6. TND also leads CONNECT, an innovative partnership launched in 2012 that integrates economic mobility services across five providers. CONNECT's services fall under four broad categories: housing and income stabilization, skill building, employment services, and financial capabilities. Over the past three years, CONNECT helped over 7,000 people set and achieve financial goals. In response to COVID-19, CONNECT has helped close to 2000 callers through the hotline in response to COVID-19, leveraging over \$3.25M in emergency assistance to benefit community members in need so far.

7. Our Community Building program trains and supports leaders to advocate for themselves and their community and currently supports our municipalities' pandemic response efforts.

8. The COVID-19 rate in Chelsea, MA is the highest in the Commonwealth. Chelsea's population is burdened with high poverty rates. It is home to a large number of

immigrants without documentation, with high numbers of households whose primary language is not English, and a large percentage of employees in the service industry who are considered essential workers and are part of industries where physical distancing is not always possible.

9. According to Data Smart, families in Chelsea are doubling and tripling up in overcrowded, substandard housing, which can result in increased spreading of COVID-19.

10. According to the latest Massachusetts data, the positive rate of infection in Chelsea is 85/1000 population.

11. We have learned that at our rental properties in Chelsea (375 units and 968 residents), we have a COVID-19 confirmed positive test rate of 8.26/1000 people with 8 total cases.

12. Residents at TND's properties have a healthy, safe, and affordable home in which they are able to shelter in place with housing conditions that allow for social distancing and quarantining, if necessary. Residents who are essential workers and must leave to go to work have a safe, healthy, and affordable home to which they can return. When a tenant tests positive for COVID-19 at one of our properties, our property management company arranges for a deep cleaning of the building, disinfects at least daily, and our resident services staff reaches out to the household and offers assistance.

13. Recent studies such as "Racial Equity in Housing in the Time of COVID-19" conducted by The Boston Foundation, and "*How Cities Can use Housing Data to Predict COVID-19 Hotspots: Lessons from Chelsea, MA*" from Harvard University, have shown that people forced to live in substandard or overcrowded homes, shelters, and other

congregate facilities are likely to increase the spread of the virus in the community as there is no ability to safely social distance from others or isolate when one is infected.

14. TND reached out to our tenants during the current pandemic as part of our effort to assure that COVID-19 transmission was minimized. During this pandemic period, we have offered additional services to our residents and community members. We set up a hotline through which community members can receive assistance applying for unemployment insurance, SNAP, federal stimulus checks, and preparing taxes. We also made thousands of wellness calls and identified leading challenges, including access to food, unemployment, and the inability to pay rent. Sixty-eight percent of the calls received through our hotline were in Spanish. We created a fund to close the income gap and have helped about 2000 households so far.

15. The comparatively low COVID-19 infection rate at our developments demonstrate that safe, healthy, and affordable housing works to protect households and public health.

16. The COVID-19 pandemic has shed a light on the critical role that healthy, safe, and affordable housing plays in assuring household and public health. There is no question that the moratorium was the first step to stabilize the housing ecosystem. If people were forced out of their homes during the pandemic, they would face housing shortages, inability to pay for new housing (based on unemployment), and lack of shelter space. These dire circumstances would lead to homelessness and overcrowding and unsafe housing, all of which increase the risk of viral spread.

17. It is my considered opinion, based on experience working in leadership

positions in housing and community development and economic justice, that assuring healthy, safe, and affordable housing is the most effective way to stop the viral spread and assure community health.

18. The moratorium must be followed with tenant and landlord stabilization funds starting with an increase to our existing Rental Assistance for Families in Transition (RAFT) program which will preserve tenancies and stabilize properties. Stabilization funds, in turn, must be followed by a renewed commitment to increase production and preservation of affordable housing throughout the Commonwealth.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on this 24th day of July 2020.


Rafael Mares

positions in housing and community development and economic justice, that ensuring healthy, safe, and affordable housing is the most effective way to stop the viral spread and ensure community health.

13. The moratorium must be followed with tenant and landlord stabilization funds starting with an increase in our existing Rental Assistance for Families in Transition (RAFT) program which will preserve tenancy and stabilize properties. Stabilization funds in turn must be followed by a renewed commitment to disease prevention and preservation of affordable housing throughout the Commonwealth.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on

the 13th day of July 2020.


Derek Miller