



**Homelessness Committee - May 13, 2019  
9:30–11:00 a.m.**

- **Welcome & Introductions**
- **Presentation on Records Sealing Bill,  
*Andrea Park, Massachusetts Law Reform Institute***

Andrea Park presented on [H.3566](#) & [S.824](#), *An Act promoting Housing Opportunity and Mobility through Eviction Sealing (HOMES)*, filed by Senator Joseph Boncore and Representative Mike Moran. For a summary of the bill and the challenges it addresses, please see the fact sheet at the end of this document.

Andrea demonstrated the information on Housing Court records that is available online at <https://www.masscourts.org/eservices/home.page.2>. Records include the names of parties, lawyers, certain case status updates – however, these records are often inaccurate, out-of-date, or misused by landlords. Practically, the system can be helpful to parties and their lawyers to search online for their case. However, it is not meant to serve as a public database for landlords to be able to screen potential tenants.

The legislation would limit the type and amount of information available online for certain Housing Court cases, including when records can be made public and for how long they can remain public. The bill would allow nonpayment of rent or fault-evictions to be made public for only 3 years. The legislation would also apply to paper records. For information on eviction cases, the Housing Court could still provide aggregate data.

The legislation is currently before the Judiciary Committee, chaired by Senator Jamie Eldridge and Representative Claire Cronin. A hearing should be held on the bill later this year, possibly this summer.

MLRI launched a website to support the campaign to pass the bill: [www.passthehomesact.org](http://www.passthehomesact.org). For more information, please visit the website. Materials on the legislation are also included at the end of this document.

- **Legislative & Budget Updates**

**State Budget Updates:** Eric Shupin provided an update on the FY2020 State budget process. At the end of April, the Massachusetts House of Representatives

finalized its budget proposal. It's budget included increases for MRVP, AHVP, and Public Housing. For information on the House budget, [click here](#).

Eric then provided information on the upcoming Senate budget debate and reviewed the [budget proposal](#) released the previous week by the Senate Committee on Ways and Means. The budget also provided increases for MRVP, AHVP, and Public Housing. For MRVP, the budget also raised the rent standards for vouchers to the current fair market rent, a key CHAPA priority.

The Senate will debate and finalize its FY2020 budget proposal the following week. Eric asked members to please reach out to their State Senator to support budget amendments on our priorities. For a summary of those amendments, [click here](#).

**Legislative Updates:** Eric Shupin let members know about a Housing Committee hearing on May 14, 2018, that would include CHAPA's Housing Production legislation, H.1288 & S.775, as well as the Governor's Housing Choice Legislation, H.3507.

Kelly Turley from Mass. Coalition for the Homeless provided an update on the campaign to create a rent arrearage program to help low-income residents pay back rent to prevent evictions. Advocates are working to include language and funding to create and support the program in the budget under the RAFT line-item. DHCD has also been working to create a rent arrearage program within RAFT.

- **Member Updates**

**ELI Report & Release Event:** Chris Norris provided a brief recap of the [event](#) the CHAPA & the Homelessness Committee hosted with Metro Housing|Boston and Homes For Families on the release of the report from the Boston Federal Reserve on the supply of housing for extremely low income households in Massachusetts. The report found that Massachusetts has a shortage of over 141,000 homes that are affordable and available to extremely low income households. To read the report, please [click here](#).

**Production & Preservation Committee – Wed., May 15, 1:00-2:30 p.m.**

Eric Shupin invited members to attend the Production & Preservation Committee meeting on May 15, to participate in a discussion with Kate Racer, Associate Director of DHCD. Kate is responsible for overseeing the resources that create and finance affordable housing in Massachusetts. This meeting will be an opportunity to discuss with Kate Racer and DHCD the need to create for ELI housing.

- **Next Meeting: Monday, July 15, 2019, 9:30–11:00 a.m.**

# Protect Tenants from Unfair Stigma & Permanent Eviction Records

*An Act promoting housing opportunity and mobility through eviction sealing (HOMES)*

**S. 824 & H. 3566**



## **Having an eviction record is creating a devastating barrier for tenants looking for housing**

As soon as an eviction case is filed a tenant has an eviction record. Regardless whether they did anything wrong or were actually evicted, the mere fact that they were party to an eviction or housing case is being unfairly held against tenants when they try to rent a new place.

## **Since 1988 over 1 million eviction cases have been filed in Massachusetts**

Many organizations and tenants are deeply concerned about the unrestricted availability of eviction records and the impact this has on people's ability to obtain housing, credit, and employment, now and in the future. Many cases are decades old and the information is obsolete.

## **Eviction records are publicly available forever regardless of the outcome**

In 2013 the Massachusetts Trial Court began putting eviction record information online. While the Trial Court's intent was to provide parties with remote access to manage their cases, the unintended consequence is that the information is being used as a free and unregulated tenant screening service.

## **The outcome of a case should matter**

Even *winning* in court hurts tenants. Eviction records should only be online, publicly available or reported by a tenant screening company when a landlord wins on the merits or a tenant breaks an agreement and is evicted by a constable. If an eviction case is not the fault of the tenant, is dismissed, or ends with a tenant satisfying an agreement, these records should not be made public.

## **Vulnerable people are at risk of eviction**

Having an eviction record affects all tenants, but studies have shown that people of color are much more vulnerable to eviction, and that women with children are particularly affected.

## **Children are listed on eviction complaints**

Children are being harmed because they are named on parents' eviction complaints, leaving them with records that follow them into adulthood and complicate their efforts to obtain housing, credit and a job.

A tenant was rejected for over 100 apartments and was homeless for a year because of one eviction case that her landlord filed because he wanted to sell the building. She did nothing wrong. She moved out and her case was dismissed.

"As a landlord I understand the need for due diligence when choosing a tenant. But as an advocate and Chair of Housing and Community Development, I know how hard many people are struggling to find a home. The HOMES Act balances needs for accurate information with needs for a second chance."

***Boston City Councilor  
Lydia Edwards***

# S. 824 & H. 3566 HOMES

## An Act promoting housing opportunity and mobility through eviction sealing

S. 824 and H. 3566 will protect tenants from being unfairly branded with an eviction record if they don't have a judgment against them, if they weren't actually evicted or if they didn't do anything wrong. The bills would:

- Seal all eviction cases as soon as they are filed and while they pending, until and unless an allegation is proven.
- Seal no-fault evictions and other types of housing cases, such as when tenants are seeking to get repairs made.
- Make non-payment and fault eviction cases publicly available when there is a judgment against the tenant on the merits, or there is an agreement for judgment and the tenant has actually been evicted.
- Seal all eviction records after 3 years and provide a process to seal records for good cause before the 3-year point.
- Provide a process for parties, their attorneys, and other representatives to view a sealed case online so they can manage their cases remotely.
- Create a process for parties to correct errors in eviction records.
- Assure that when tenants satisfy their judgments or agreements for judgment, they can seal an open record.
- Make it illegal for a tenant screening company or landlord to use or report a sealed court record.
- Make it illegal to name minors or others not responsible for the rent as a defendant in an eviction case.

### Bill Sponsors

#### Lead Sponsors

Senator Joseph Boncore  
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#### For more information contact:

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Annette Duke at Massachusetts Law Reform Institute at [aduke@MLRI.org](mailto:aduke@MLRI.org) at 617-357-0700



# City of Cambridge

O-1  
**IN CITY COUNCIL**  
February 4, 2019

COUNCILLOR SIDDIQUI  
COUNCILLOR MALLON  
COUNCILLOR SIMMONS  
COUNCILLOR TOOMEY

- WHEREAS: Since 1988, over 1 million eviction cases have been filed in Massachusetts; and
- WHEREAS: Once a case is filed, it becomes part of that tenant’s eviction “record”, which documents the tenant’s history of ever having sued or been sued by a landlord; 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
- WHEREAS: While the Trial Court’s intent was to provide parties with remote access to manage their cases, the unintended consequence in making this eviction record information publicly available without expiration, is that it is being used as a free and unregulated tenant screening service; and
- WHEREAS: The fact that these records are publicly available with unrestricted access has many organizations and tenants deeply concerned about the impact on people’s ability to obtain housing, credit, and employment, now and in the future; and
- WHEREAS: Regardless of fault, outcome, or underlying basis for a court filing, possessing any record of an eviction filing can present a serious barrier to a tenant’s ability to secure housing, as the mere fact that they were party to an eviction or housing case may give a landlord reason to reject their application; and
- WHEREAS: Significant research has shown that vulnerable and marginalized populations—such as those who are low-income, people of color, women, and children (as they are often named on guardians’ complaints)—are at increased risk for eviction and therefore disproportionately impacted by having a publicly available eviction record tied to their identity; and
- WHEREAS: If an eviction case is not the fault of the tenant, is dismissed, or ends with a tenant satisfying an agreement, these records should not be made public; and
- WHEREAS: *Only* in cases in which a landlord wins on merit or a tenant breaks an agreement and is evicted by a constable should eviction records be made publicly available online or reported by a tenant screening company; and

WHEREAS: SD 526 and HD 3815 HOMES “An Act promoting housing opportunity and mobility through eviction sealing” will protect tenants from being unfairly branded with an eviction record if there exists no judgment against them, if they were not evicted, or were not at fault; now therefore be it

ORDERED: That the City Council go on record in support of “An Act promoting housing opportunity and mobility through eviction sealing (SD 526 and HD 3815 HOMES);” and be it further

ORDERED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this order to the Cambridge Legislative Delegation on behalf of the entire City Council.



# FY2020 Budget Priorities

FOR AFFORDABLE HOUSING, HOMELESSNESS PREVENTION,  
& COMMUNITY DEVELOPMENT PROGRAMS

Line Item	Program	FY20 Request	Senate Ways & Means FY20 Budget	House FY20 Budget	Gov FY20 Budget	FY19 Budget
7004-9024	MRVP	<b>\$130,000,000</b>	\$104,000,000 <sup>†</sup>	\$110,000,000	\$100,000,000	\$100,000,000
7004-9030	AHVP	<b>\$8,000,000</b>	\$8,000,000	\$7,550,000	\$6,150,000	\$6,150,000
7004-9005	Public Housing Operating	<b>\$72,000,000</b>	\$72,000,000	\$72,000,000	\$65,500,000	\$65,500,000*
7004-9007	Public Housing Reform	<b>\$1,000,000</b>	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
7004-3036	Housing Consumer Ed. Centers	<b>\$4,000,000</b>	\$3,000,000	\$3,750,000	\$3,000,000	\$3,000,000
7004-9316	RAFT	<b>\$27,000,000</b>	\$15,274,232**	\$15,274,232**	\$15,274,232**	\$20,000,000
7004-0108	HomeBASE	<b>\$28,000,000</b>	\$25,825,000	\$25,825,000	\$25,825,000	\$32,000,000
7006-0011	Foreclosure Prevention	<b>\$2,050,000</b>	\$2,050,000	\$2,050,000	\$2,050,000	\$1,550,000
7004-3045	Tenancy Preservation Program	<b>\$1,300,000</b>	\$1,300,000	\$1,300,000	\$1,300,000	\$1,300,000
7004-0104	Home & Healthy for Good	<b>\$2,390,000</b>	\$2,390,000	\$2,390,000	\$2,390,000	\$2,390,000
4120-4001	MassAccess	<b>\$80,000</b>	\$80,000	\$80,000	\$80,000	\$80,000
4000-0007	Unaccompanied Homeless Youth	<b>\$5,000,000</b>	\$5,000,000	\$3,300,000	\$3,300,000	\$3,300,000
7004-0106	New Lease	<b>\$250,000</b>	-	\$250,000	\$250,000	\$250,000
NEW	Housing Choice	<b>\$5,300,000</b>	-	-	\$5,301,159	-

\* Not including earmarks

\*\* The budget proposals would make \$4,725,768 available to RAFT through the Housing Preservation and Stabilization Trust Fund, bringing total FY2020 funding for RAFT to \$20,000,000

† The Senate Ways & Means budget would allow \$6 million in unexpended MRVP funds from FY2019 to carry over into FY2020, bringing total FY2020 funding for MRVP to \$110,000,000

For more information, contact  
Eric Shupin, Director of Public Policy,  
[eshupin@chapa.org](mailto:eshupin@chapa.org) or 617-682-9712





# FY2020 Senate Amendments

FOR AFFORDABLE HOUSING, HOMELESSNESS PREVENTION,  
& COMMUNITY DEVELOPMENT PROGRAMS SUPPORTED BY  
CITIZENS' HOUSING & PLANNING ASSOCIATION

**Please co-sponsor the following budget amendments to help everyone have a safe, healthy, and affordable home!**

#	Line-Item	Program	Sponsor	Description
715	7004-9024	MRVP	Sen. Crighton	Increases funding to \$130 million and makes program improvements
831	7004-3036	Housing Consumer Education Centers	Sen. Crighton	Increases funding to \$4 million
797	7004-9316	RAFT	Sen. Jehlen	Increases funding to \$27 million to create a rent arrearage pilot program to prevent evictions
690	7004-0108	HomeBASE	Sen. Tarr	Program improvements to better serve families at risk of homelessness
756	7004-0108	HomeBASE & Emergency Assistance	Sen. Chang-Diaz	Allows families to access emergency shelter if they lose HomeBASE
767 & 857	7004-0106	New Lease for Homeless Families	Sen. Crighton & Sen. O'Connor	Funds New Lease with \$250,000
774	7004-0104	Home & Healthy for Good	Sen. Feeney	Creates statewide supportive housing program for chronically homeless individuals
856	NEW	Housing Choice	Sen. O'Connor	Creates \$5.3 million line-item to support Housing Choice communities
845	NEW	Get the Lead Out	Sen. Cyr	Re-capitalizes the Get the Lead Out program with \$5 million to support lead remediation

*For more information, contact Eric Shupin, CHAPA's Director of Public Policy, [eshupin@chapa.org](mailto:eshupin@chapa.org) or 617-682-9712*





# FY2020 Senate Amendments

FOR AFFORDABLE HOUSING, HOMELESSNESS PREVENTION, & COMMUNITY DEVELOPMENT PROGRAMS

## **#715 - Massachusetts Rental Voucher Program (MRVP) (7004-9024)**

Sponsored by Sen. Brendan Crighton

Sen. Crighton's amendment increases funding for MRVP to \$130 million. This will create hundreds of new rental vouchers, preserve affordable housing, and help create new affordable homes. The amendment also makes two important program improvements: Helps distribute vouchers faster by directing DHCD to release a distribution plan

- Targets new vouchers to the lowest-income households
- Raises the admin fee to help more effectively administer the program

## **#831 - Housing Consumer Education Centers (HCECs) (7004-3036)**

Sponsored by Sen. Brendan Crighton

Rep. Crighton's amendment increases funding for HCECs to \$4 million to allow regional housing agencies to serve more people looking for affordable housing resources, homebuyer and foreclosure counseling, or other housing assistance.

## **#797 - Residential Assistance for Families in Transition (7004-9316)**

Sponsored by Sen. Patricia Jehlen

Sen. Jehlen's amendment increases funding for Residential Assistance for Families in Transition (RAFT) to \$27 million to support a \$7 million pilot program to prevent evictions and foreclosures by offering financial assistance to low-income households who are behind on rent or mortgage payments.

## **#690 - HomeBASE Improvements (7004-0108)**

Sponsored by Sen. Bruce Tarr

Sen. Tarr's amendment makes important program improvements to better support families facing homelessness:

- Allows earlier access to HomeBASE for families at imminent risk of homelessness
- De-links RAFT and HomeBASE benefits so that households can access both these homelessness prevention resources
- Allows families to renew their HomeBASE assistance if otherwise facing a return to homelessness

## **#756 - HomeBASE & Emergency Assistance (7004-0101)**

Sponsored by Sen. Sonia Chang-Diaz

Sen. Chang-Diaz's amendment ensures that families can access Emergency Assistance shelter and resources if they can no longer afford rent and are evicted because of the loss of HomeBASE.

### **#767 & 857 - New Lease for Homeless Families (7004-0106)**

Sponsored by Sen. Brendan Crighton & Sen. Patrick O'Connor

Sen. Crighton's and Sen. O'Connor's amendments both re-establish a \$250,000 line-item for New Lease for Homeless Families, which helps find homes for families living in shelters by creating a preference for these families in affordable housing developments across the state. Through New Lease, homeless families can live in desirable and affordable communities with the supports they need to achieve successful tenancies. The funding will allow New Lease to continue serving the nearly 300 families it works with to help find and maintain homes.

### **#774 - Home & Healthy for Good (7004-0104)**

Sponsored by Sen. Paul Feeney

Sen. Feeney's amendment creates a \$2 million permanent supportive housing program for people experiencing long-term homelessness who have complex medical and behavioral health needs, for the purpose of ending homelessness, promoting housing stability and reducing costly utilization of emergency and acute care. This increase would provide operational and service funding for an estimated 250 permanent supportive housing opportunities, an achievable goal that would bring the Commonwealth closer to ending chronic homelessness.

### **#856 - Housing Choice (NEW)**

Sponsored by Sen. Patrick O'Connor

Sen. O'Connor's amendment creates a new \$5.3 million line-item to support Housing Choice communities that have demonstrated a commitment to producing new housing and adopting best practices to promote smart growth and sustainable housing development.

### **#845 - Get the Lead Out (NEW)**

Sponsored by Sen. Julian Cyr

Sen. Cyr's amendment creates a line-item for the Get the Lead Out Program and re-capitalizes it with \$5 million. Get the Lead Out provides low- or no-interest loans to remove lead paint hazards from homes.

*For more information, contact Eric Shupin, CHAPA's Director of Public Policy,  
[eshupin@chapa.org](mailto:eshupin@chapa.org) or 617-682-9712*



# The Growing Shortage of Affordable Housing for the Extremely Low Income in Massachusetts

By Nicholas Chiumenti

POLICY REPORT 19-1



# EXECUTIVE SUMMARY

High housing costs in Massachusetts place significant financial pressure on the state's residents, whether they are homeowners or renters, families or individuals. A lack of affordable housing has the potential to negatively impact the state's economy by decreasing the region's competitiveness. While many households in the state experience affordability problems, how to best allocate federal and state dollars to address this issue depends on the population those funds are meant to serve. The lower a household's income, the more it depends on financial assistance to find housing that is affordable and to cover monthly rent payments. This is particularly true for Massachusetts's extremely low-income (ELI) renter households, defined as those with incomes at or less than 30 percent of the area median income (AMI). In 2016, 79 percent of these households were "rent burdened," spending more than one-third of their household income on rent and utilities. Due to high housing costs, ELI households often have to forgo spending on healthcare, food, childcare, or other necessities. A single financial shock—a job loss or a large medical bill—can cause this group to fall behind on rent, leading to eviction or even homelessness. Massachusetts has a large shortage of affordable and available (AA) housing units for ELI renter households, and this problem could be exacerbated if action is not taken to address the growing number of affordable housing units whose subsidies are at risk of expiring in the coming years.

This report examines existing shortages of affordable rental housing for ELI households at both the state and local levels. It finds that in 2016, there was less than one AA unit for every two ELI renter households in Massachusetts. Cities and towns vary widely in their supply of AA units, with much of the state's subsidized housing concentrated in major cities and other heavily populated areas. Communities with lower rents were associated with higher rates of rent burden in 2016, which suggests that in some cases, low incomes share the blame for the high rate of rent burden that ELI households experience.

This report also finds that much of the state's inventory of affordable housing is at risk of becoming unaffordable to ELI households when subsidies end and the owners of these expiring use units are allowed to raise rents. By 2025, 9,110 subsidized units that were occupied by ELI households in 2016 will have all of their attached subsidies expire. Twenty-five cities and towns are at risk of having all of their subsidized housing expire by this time. The potential cost of preserving all of the expiring use units—not just those units that are occupied by ELI households—while adequately growing the state's subsidized inventory, is substantial. This report estimates that by 2035, between \$843 million and \$1.03 billion will be needed annually to preserve expiring use units and increase the subsidized housing inventory sufficiently. Advocating for resources at the federal level and finding new ways to foster private and nonprofit development will help spread the cost and prevent the state from having to pick up the full tab.

This report identifies ways that the state's policymakers and housing agencies and providers can more efficiently use limited resources to address the affordable housing needs of ELI households. The first is to prioritize rental assistance in areas of the state where rents are low and the inventory of market-supplied housing is high. Doing so will take advantage of local market conditions that are favorable to rental-assistance subsidies while addressing these areas' high rates of rent burden. Tax-credit and other supply-oriented subsidies can be targeted more heavily to areas with less affordable housing stock overall. Building geographic considerations into program administration can help achieve this tailoring of resources. Second, preserving expiring subsidies in smaller cities and towns will ensure broader access to affordable housing throughout Massachusetts. The state's increasing need to preserve affordable housing is widely acknowledged and supported. Many of these units are located in major cities and metro areas; however, smaller cities and towns, while accounting for a smaller share of the subsidized housing, are at risk of seeing most or all of their subsidized units expire by 2025.