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April 13, 2020

Sen. Brendan Crighton
State House, Room 520
Boston, MA 02133

Sen. Michael Rodrigues
State House, Room 212
Boston, MA 02133

Sen. Bruce Tarr
State House, Room 308
Boston, MA 02133

Rep. Aaron Michlewitz
State House, Room 243
Boston, MA 02133

Rep. Kevin Honan
State House, Room 38
Boston, MA 02133

Rep. Peter Durant
State House, Room 33
Boston, MA 02133

Dear Conference Committee Members:

As President of the Boston Bar Association (BBA), a volunteer organization of 13,000 members drawn from private practice, corporations, government agencies, legal-aid organizations, the courts, and law schools, I write to thank you and your colleagues for turning your attention swiftly to the problem of evictions and foreclosures, and the further disruptions they would inevitably cause during a public-health and economic emergency.

I also wish to respectfully request your prompt action on H.4615/S.2631, to offer urgently-needed relief and reassurance to Massachusetts homeowners and renters who are struggling to make mortgage or rent payments during this time of tremendous financial hardship.

Facilitating access to justice is at the core of the BBA's mission, yet even in the best of times more than 90% of tenants in eviction matters go to court without legal representation, resulting in a wide imbalance in the courtroom, as 70% of landlords have lawyers. The BBA has worked for decades to reduce that imbalance, offering *pro*

bono assistance to indigent *pro se* litigants in Housing Court—tenants and landlords alike—through our Lawyer for the Day program.

Unfortunately, many tenants who lack such access to legal advice remain unaware of their rights and agree to move out when first served with a notice to quit, on the mistaken belief that to do otherwise would merely postpone the inevitable. For this reason, **we recommend adopting the language in Section 3(a) of H.4615**, rather than that contained in Section 3(b) of S.2631.

Doing so will protect tenants by temporarily preventing *any* judgement from being entered on agreements made outside of court—which we understand may still be happening in Massachusetts courts, notwithstanding the current restrictions on non-essential eviction actions—pausing evictions from beginning to end, except in emergencies.

Both bills contain important protections for homeowners as well. We share the concerns that have been expressed by many others about expecting mortgagors, most of whom are being asked to stay at home indefinitely, to be able to continue keeping up with their monthly payments in full, and both the Senate and House bills include provisions to mitigate the damage that would otherwise be done to families, communities, and our economy as a whole.

There are certainly other steps that the Legislature could take to promote housing stability during this crisis, and I hope the House, the Senate, and the Governor will continue to prioritize that work. For now, though, each of the bills before you represents a significant advancement, and the most important step you could take on behalf of renters and mortgagors, public health and the Massachusetts economy would be to move swiftly toward enactment of this critical first step.

Again, I commend you for your work and offer our assistance if the BBA can be helpful in any way.

Sincerely,



Christine Netski
President

cc. Speaker Robert DeLeo
Senate President Karen Spilka