

CITY OF NORTHAMPTON

MASSACHUSETTS

**In the City Council, July 11, 2019**

**Upon the Recommendation of Councilor Gina-Louise Sciarra and Councilor William H. Dwight**

**R-19.112**

**Resolution in Support of Right to Counsel in Eviction Cases and Eviction Sealing to Promote Housing Opportunity and Mobility**

**WHEREAS:** Over 40,000 households in Massachusetts were served with eviction notices in 2018; and

**WHEREAS:** Community Legal Aid represents and advises Northampton residents about their eviction cases, but the need is far greater than the funding for Community Legal Aid's services; and

**WHEREAS:** Many tenants are unaware of their rights and legal protections both in and out of the courtroom; and

**WHEREAS:** Overall over 92% of Commonwealth tenants received no legal guidance once an eviction notice was delivered, nor assistance from an attorney in defending the eviction in court; and

**WHEREAS:** 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; and

**WHEREAS:** The following 'Right to Counsel' bills have been refiled for the 2019-20 Legislative Session and assigned to the Joint Committee on the Judiciary for hearing on July 16, 2019: S.913 by Senator Sal N. DiDomenico and H.3456 by Representative Chynah Tyler, both titled 'An Act to ensure right to counsel in eviction proceedings,' and H.1537 'An Act establishing a right to counsel in certain eviction cases' filed by Representatives David M. Rogers and Michael S. Day; and

**WHEREAS:** 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; and

**WHEREAS:** Regardless of fault, outcome, or underlying basis for a court filing, possessing any record of an eviction filing can affect a tenant's ability to secure housing and may give a landlord reason to reject their application; 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 to tenant screening companies, which routinely recommend rejections of tenants for having been in court, regardless of the outcome of the case or proof of clerical error; and

**WHEREAS:** Even children and minors named in eviction proceedings risk permanent records that impact their search for housing when they become adults; and

**WHEREAS:** 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; and

**WHEREAS:** Bills H.3566 and S.824 'promoting housing opportunity and mobility through eviction sealing (HOMES),' sponsored by Representative Michael Moran and Senator Joseph Boncore respectively have been assigned to the Joint Committee on the Judiciary for hearing on July 16, 2019; and

**WHEREAS:** These bills would protect tenants from being unfairly branded with an eviction record by sealing records until a judgment is rendered and ensuring the accuracy of records while not altering the legal rights of landlords, property owners or tenants.

**NOW THEREFORE BE IT RESOLVED** that the Northampton City Council hereby states its support of the right to counsel for tenants in eviction proceedings, and joins our state legislators Senator Jo Comerford and Representative Lindsay Sabadosa, who are co-sponsors, in supporting the acts establishing and ensuring those rights: S.913, H.3456 and H.1537.

**BE IT FURTHER RESOLVED** that the Northampton City Council also hereby supports with co-sponsors Senator Jo Comerford and Representative Lindsay Sabadosa, S.824 and H.3566, the acts to promote housing opportunity and mobility through eviction sealing.

**BE IT FURTHER RESOLVED** that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to the state sponsors of the 'Acts to ensure right to counsel in eviction proceedings,' Senator Sal N. DiDomenico and Representative Chynah Tyler; the sponsors of 'An Act establishing a right to counsel in certain eviction cases,' Representatives David M. Rogers and Michael S. Day; the sponsors of the Acts 'promoting housing opportunity and mobility through eviction sealing,' Representative Michael Moran and Senator Joseph Boncore; Chairs of the Joint Committee on the Judiciary, Senator James B. Eldridge and Representative Claire D. Cronin; State Representative Lindsay Sabadosa; State Senator Jo Comerford; House Speaker Robert DeLeo; Senate President Karen Spilka and Governor Charles Baker.

In City Council, July 11, 2019  
Passed First Reading, on Roll Call Vote of 9 Yes, 0 No

Attest:                     *Laura Krutger*                    , Clerk of Council

In City Council, July 11, 2019  
Passed Second Reading, on Roll Call Vote of 9 Yes, 0 No

Attest:                     *Laura Krutger*                    , Clerk of Council

Rules suspended, passed two readings and enrolled.  
I hereby certify that the above Resolution passed the Northampton City Council on July 11, 2019

Attest:                     *Laura Krutger*                    , Clerk of Council