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Tenants, landlords, and attorneys wait to hear their cases called in Courtroom 10 in Eastern Housing Court in Boston.

Meredith
Nierman/WGBH News

GLOBE MAGAZINE

As rents soar in Boston, low- income tenants try to stave off eviction

With an estimated 43 evictions a day in Massachusetts, should the state guarantee legal help to renters who can't afford an attorney?

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THE THURSDAY VIBE at the sprawling Edward W. Brooke Courthouse on New Chardon Street in downtown Boston has a jittery, jagged edge to it. Thursday is trial day for eviction cases at Eastern Housing Court, where landlords and tenants from Boston, Cambridge, Chelsea, and eight other cities and towns square off. The busy hallway outside Courtroom 10 looks like an anxiety fair, with attorneys from legal aid clinics at tables surrounded by tenants with the desperate air of people who know that they might soon find themselves homeless.

Among these is Jerome Stanley, a 64-year-old Boston school bus driver, who is trying to stay in the two-bedroom Roxbury apartment he's lived in for 27 years. Stanley's dressed in a leather jacket, his gray hair pulled back into a ponytail. He's here because he got a notice that movers were coming to pack up his stuff, even though he'd appealed his original eviction order. His new landlords wanted to raise his rent by nearly 70 percent, and even with the Section 8 subsidy he receives via the city, it's an impossible jump for a man who makes less than \$40,000 a year.

Stanley argues, for starters, that the landlords are breaking his lease terms early. But he tried this argument in housing court earlier in the year and lost, and also had a reconsideration claim denied. He appealed the judge's ruling and thinks he can't be evicted until the court has heard him.

Stanley's case isn't scheduled until noon, but he's here before 10 to check in at one of the legal aid tables and discuss strategy.

Stanley, who's also a union steward, will represent himself, like more than 90 percent of Massachusetts renters facing eviction. He cracks a joke, then confesses, "I'm laughing to keep from crying." If he loses today, he says, "I have nowhere to go."

Eviction initiations in Massachusetts spiked in 2008, following the Great Recession. Each year since then, landlords have sued about 40,000 heads of household across the state seeking to evict them, according to data gathered by the New England Center for Investigative Reporting. The state doesn't track how many of these have resulted in actual evictions, but the Eviction Lab at Princeton University found that in 2016, there were roughly 15,708 forced removals in Massachusetts — an average of nearly 43 a day. That's about double the number of evictions in 2005, before the housing bubble burst, and it probably does not reflect how many people are displaced, since it does not include the number of renters who leave once they get their notice, and those who strike deals with their landlords to stay temporarily. Some legislators and activists say that evictions disproportionately affect the poorest, most vulnerable members of our society, who, like Stanley, end up in court without legal representation.

“It is David versus Goliath,” says Sal DiDomenico, a state senator from Everett. “People who are low income don’t have the resources to compete.” DiDomenico introduced a bill in January, an act to ensure right to counsel in eviction proceedings, to provide legal counsel to low-income tenants — part of a package of bills supported by Boston Mayor Martin J. Walsh to reduce displacement and help low-income residents.





Jerome Stanley outside his apartment last fall.

Jenifer McKim

DiDomenico filed similar legislation in 2017, and that bill died in committee. But New York City and San Francisco — the two most expensive rental markets in the United States — recently established right to counsel for low-income tenants fighting eviction. In New York between July 2017 and July 2018, 84 percent of those assigned attorneys to represent them were able to stay in their homes. Advocates hope that now Massachusetts will step up as well, given that Boston has the fourth-highest rents in the country. DiDomenico says reducing eviction rates would also benefit taxpayers, who shoulder costs and consequences related to the aftermath of evictions, such as homelessness, foster care, and crime. A 2014 Boston Bar Association report estimated that limiting evictions could save the state millions. “Our shelters are bursting at the seams,” DiDomenico says.

On a practical level, providing tenants with attorneys could defuse some of the raw emotion of eviction court, says Framingham real estate attorney Richard Vetstein, who says, “I’ve been chased down by many a tenant, threatened in the parking lot, threatened in the hallway.” But many landlords are skeptical. While landlords have the right to evict tenants without cause and take back their properties, state laws already provide numerous defenses to renters to help ensure fair treatment. “The

playing field from the landlord's point of view is already skewed in favor of the tenant," says Peter Vickery, a lawyer for the Cambridge-based MassLandlords.net, which represents thousands of smaller property owners. Vickery wrote a blog post in January linking the right-to-counsel movement to the Democratic Socialists of America, which among other things wants to eliminate evictions entirely. He says that if low-income tenants get free attorneys, so should small landlords.

For longtime renters like Stanley, the booming real estate market has made it hard to find someplace new. Boston-area rents reached a new high during the fourth quarter of 2018, according to the real estate market researcher Reis Inc., averaging \$2,223 a month. Meanwhile, the state would need 162,286 additional homes just to meet the needs of residents who are at or below the poverty line, according to a 2018 national study. Some property owners understandably are looking to profit from the record market, either by raising rents or selling their properties. Records show that Wendy Desabaye and Artnel Champagnie, who bought the three-decker Stanley lives in in January 2018, have purchased more than a dozen residential properties in Boston neighborhoods since 2012, and resold more than half.

Flipping buildings is not illegal. But it can exacerbate the area's housing crisis, especially when occupants of entire buildings enter the market.

THE GAP BETWEEN THOSE with attorneys and those without is clear to the eye on Thursdays at 9 a.m. in Courtroom 10 at the

Brooke Courthouse, when eviction cases are called. The room is about the size of three school buses parked side-by-side. On one side a sea of renters — mostly people of color, women with children, seniors, and people with disabilities — wait for their names to be called to set a time for trial or to negotiate a settlement to avoid being forced from their homes. It's often standing-room only. Across the room a smaller group of mostly white, mostly male attorneys representing landlords waits in suits and ties for the same cases to be heard so they can seek out a payment plan or demand eviction. Some stand, others sit in an area blocked off for attorneys.

When Stanley's case is called, he stands before Judge MaryLou Muirhead, first justice of the Eastern Housing Court. In court he stutters and speaks in a soft voice. He explains he filed an appeal and shows his paperwork when asked. "I still need time," he says. "Tomorrow is a little bit too soon."

Muirhead is a no-nonsense judge with a busy docket. On this day, there are more than 160 cases called in her courtroom alone. She explains to Stanley that he has made a procedural mistake — he needed to file a new appeal after the court ruled against him earlier in the year. "You didn't perfect your appeal and you didn't pursue your request for review of orders," she says. "I am not in a position to stay the levy today."

It's been just over five minutes. The grandfather and part-time musician is told he can seek redress in appeals court, which later that day also denies him a reprieve. For the first time in his life,

Stanley faces homelessness. He heads to his apartment to organize his things. He doesn't respond to an afternoon text checking in until 2:33 the next morning, when he writes "Packing. Not in a good space right now."



Legal aid attorneys stationed outside Courtroom 10 at Eastern Housing Court offer free services to low-income tenants facing eviction. They say they are overwhelmed by the need.

Meredith
Nierman/WGBH News

If Stanley had worked from the beginning with an attorney, he likely would have been able to find a way to stay, or at least gained more time to move, says Zoe Cronin, managing attorney of the housing unit at Greater Boston Legal Services, which offers free legal help to low-income tenants. Stanley came to them after he lost the first time, and the group helped him file court documents to seek a reconsideration of the decision, which he lost,

and his appeal. As the judge noted, losing the reconsideration bid nullified the initial appeal, and he would have had to file a second appeal. The lawyers who volunteer at legal aid services often can only provide brief advice to people who approach them while they're at the housing court; DiDomenico's bill would give tenants full representation, similar to a public defender in criminal court.

Stanley believes his landlords want to flip the building he lives in. But owner Wendy Desabaye says an attorney would at best have only delayed the inevitable — she and her husband want this building for family members, including her mother, and are living in one of the units themselves. Desabaye, a 49-year-old immigrant from St. Thomas, says Stanley is trying to obstruct her from living the American dream. “Everyone makes the landlord out to be the big, bad people,” she says. “I worked really hard, there were no grants, no subsidies It was a lot of blood, sweat, and tears. Is someone saying I don't have a right to what I've paid for? How is that fair?”

Desabaye and Champagnie own small properties, often just a few units each. Evictions are also happening on a much larger scale. “What we are seeing are building-wide clear outs, where everyone in the building receives a no-fault eviction notice” from landlords who want to flip the property, says Helen Matthews, a spokeswoman for City Life/Vida Urbana, a nonprofit tenants' right organization in Jamaica Plain. Matthews says that in the past five years, the organization has worked with residents in 75 buildings, mostly in Boston, including women over 50 fighting eviction from a Fenway rooming house owned by an order of

nuns and senior men being forced out of a Dorchester apartment building. “Seniors are one of the most disproportionately impacted groups,” Matthews says.

Juliana Williams, a 68-year-old retired Boston public school teacher, sits on a bench outside of Courtroom 10 one day late last year. As she waits for the judge to call her case, she has plenty of company: yellow-shirted activists from City Life, there to show support. Also there is Nicole Summers, a lawyer who works for the WilmerHale Legal Services Center of Harvard Law School, as well as a law student who is helping with her case. Williams wants to stay in the one-bedroom apartment in Mattapan where she’s lived for 40 years and raised her son, who has a job and a place of his own. She suffers from a debilitating foot injury she says happened outside her apartment. Her landlord, she says, wants to push her out because she is refusing to pay a roughly 33 percent rent increase, \$400 more than her \$1,184 monthly rent, and she had the nerve to complain about conditions at the property. The battle to save her home has left her feeling dehumanized. “I’ve always been a hard worker, I’ve worked for what I’ve gotten,” she says, voice quivering. “It seems like all that didn’t matter.”

The landlord, Advanced Property Management, tried to evict Williams in 2016, after her son was arrested as part of a drug bust at a nearby apartment. But Williams’s son said he was not involved, and the charges were dismissed, after which APM dropped its case. Then, in 2018, an APM affiliate, GBM Portfolio Owner, wanted to increase the rent and filed a new eviction

proceeding, claiming Williams wouldn't pay up. Robert Russo, a Boston real estate attorney who represents both APM and GBM, says too many seniors in the city haven't properly planned for the future. "She says it's too much," Russo says. "What's a landlord supposed to do? Should you pay whatever you want?"

FOR MORE ON THIS STORY from the New England Center for Investigative Reporting, go to necir.org.

Williams says she never received notification of the rent increase, and is not opposed to a "reasonable" if unspecified bump in her rent. But she also wants to see the landlord make repairs — detailing in court records problems with leaking windows, inadequate heating, and defective plumbing. "They don't want to do nothing, but they want money, money, money," she says. Oleg Uritsky, who runs both APM and GBM, declined to comment via a spokesperson, citing the ongoing litigation with Williams. Advocates from City Life recently held a protest claiming Uritsky and APM are pushing older, low-income tenants out of their homes.

Uritsky's spokesperson, Regan Communications' Sean Martin, issued a statement saying the real estate company is focused on providing "well maintained, secure, and affordable housing." He pointed to the dismissed drug charges from 2016 and declined to comment on new eviction proceedings related to a rise in rent. In December in housing court, Williams's lawyer argues that her client did not receive the original summons to court and the eviction order should be reversed. Judge Muirhead says she'll

consider the request, and a day later stays the eviction, scheduling a new hearing for February 26.

Williams may be able to work out an accord with GBM. Housing court judges often encourage renters and landlords, or their attorneys, to head down to the third floor of the courthouse, where court mediators try to broker deals that can involve a reduction in what is owed, a payment plan, or a move-out date. Having access to an attorney can be particularly helpful in this part of the process, housing advocates say, because desperate renters often agree to terms they don't actually understand or can't honor.

That's what Siobhan O'Connor says happened to her. O'Connor is 56, suffers from diabetes, depression, and arthritis, and is embroiled in an eviction fight with the nuns who own her dwelling. O'Connor has lived for about five years in the 130-unit Our Lady's Guild House, a few blocks from Kenmore Square. The house is owned by the Daughters of Mary of the Immaculate Conception, an order based in New Britain, Connecticut, which in 2013 hired a for-profit real estate company, MRR Management, to manage it. In 2014, O'Connor and other residents were given notice that stays in the transitional housing would be capped at four years.

O'Connor in 2017 went to court to block her eviction, and represented herself. She wound up entering mediation, and signed a contract provided by Guild House counsel promising to move out of her \$765-a-month room in nine months, and waiving

any defense against eviction. “I thought it was the only option I had,” she says.

Margaret Turner, an attorney with Greater Boston Legal Services, is attempting to stave off O’Connor’s eviction. She says that if O’Connor had had a lawyer, she would have never signed the agreement to leave. Turner says she would have known she had legal defenses, including alleged age and disability discrimination. Court records note the Guild House’s website at one point included language saying that housing was meant for women ages 18 to 50, which O’Connor says discriminates against older people. The website currently states it serves women who work, and/or attend school or internships in the area, which Turner alleges discriminates against people with disabilities, court records show.

Don Martelli, a spokesman for the Guild House, says the age limit was an employee error and was removed once discovered. He denies that the Guild House’s practices are discriminatory, and says it provides affordable housing for women regardless of race, religion, or other factors. He says the issue is that the nuns never meant for the property “to be a long-term or forever housing.”

But Turner says the result has been “evicting scores of women who are older and disabled. They have a right to housing.”





The small type on a moving truck that arrived at Jerome Stanley's longtime home says "Specializing in Evictions/Move-Outs."

Jenifer McKim

When tenants like O'Connor have legal assistance, housing advocates say, it improves their chances of remaining in their homes. But legal aid attorneys say they are overwhelmed with requests for help. Sheila Dillon, Boston's housing chief, says the city is working with a coalition of nonprofits and tenants organizations to support several bills, including one prohibiting no-fault evictions for tenants older than 75. Landlords have called this bill a form of rent control, a practice abolished in Massachusetts via a 1994 ballot measure. The city is also working to boost DiDomenico's right-to-counsel bill. Since the bill was filed, 17 other lawmakers have signed on, giving it momentum.

Whatever the outcome, it will be too late for Stanley. The day after his hearing, a moving truck rolls up to his home on Highland Street in Roxbury. He watches stoically as movers pack his life into boxes — his dishes, his drum set, and furniture — and haul it away to storage he's secured. Stanley looks exhausted, not

the same man who had walked into court the day before. He says he'll likely sleep on couches at the homes of friends and family. "What are the options? If you come up with a zero, that's me," he says.

Elderly renters looking for apartments in Massachusetts already have few options, given that they typically live on fixed, small incomes. Even someone like Stanley, who has a job, may not have the savings to put down a deposit. Worse, eviction notices are public record, easily available online, serving as a kind of scarlet letter for tenants vying for affordable homes.

It's been about four months since Stanley watched his belongings carted off. Since then, he has declined to meet in person for this story, and has become difficult to reach. In late November, he wrote an e-mail from a Boston city school bus yard saying he is no longer an optimistic man. He is fighting for survival, he says. He is now one of about 20,000 people experiencing homelessness in Massachusetts, an increase of nearly 33 percent since a decade ago.

"Close your eyes and imagine the joy you have with your work, look at your home and imagine the time you have with your children . . . then tomorrow suddenly after 30 years its gone," he writes. "I would imagine it would be difficult to talk about while trying to figure out how to put the pieces back together for you and the people you love and depend on you. It would be easy to doubt at this age if it's even possible."