

**Western Massachusetts Legal Services
Springfield, MA**

Housing Court Intervention Project

About Western Massachusetts Legal Services (WMLS)

WMLS serves the four western counties of Massachusetts. Approximately 60% of the region's poor people live in Hampden County, the urban county that includes the cities of Springfield and Holyoke. WMLS is not a recipient of Legal Services Corporation funds. In Massachusetts, most areas are served by an LSC program, the Massachusetts Justice Project in this region, and a program supported largely by the Massachusetts Legal Assistance Corporation which distributes a state appropriation and 70% of the IOLTA funds. The Massachusetts Justice Project is the initial contact for most poor people seeking civil legal aid through its telephone hot line, and administers the Volunteer Lawyers Service. The remaining IOLTA funds in Massachusetts are distributed by bar foundations as grants to support specific projects. WMLS has three full-service offices, the largest serving Hampden County.

The Housing Court and tenant eviction process

Most parts of the state have a Housing Court, and most residential evictions are filed in that court. The law of summary process provides for prompt action to protect landlords, and due process to protect all parties. While tenant defendants have a right to discovery, it will only delay the process for a limited period and if filed promptly. When a summons is issued in a residential eviction, the summons directs the tenant to respond on a "return day" which is always a Thursday in Hampden County.

The Western Massachusetts Housing Court has two full-time judges. Both judges are former legal services attorneys who understand the unique problems of low-income tenants and the demands of a legal aid practice. The Housing Court has housing specialists who will conduct limited investigations as directed by a Judge and attempt to mediate with the parties before the case is heard in the court room. The judges assist the project by allowing an "unbundled" approach to representation, withdrawal at the conclusion of the return day.

Housing Court Intervention Project (HCIP) goal and service plan

HCIP assists tenants who respond to eviction complaints by appearing in court, but without a lawyer, to help them to avoid an eviction and homelessness. HCIP places a WMLS lawyer and paralegal in the Housing Court on each "return day", along with law students and other attorneys as available. HCIP seeks to identify tenants who have a defense to the eviction and will not be able to present that defense without assistance. HCIP will help tenants to complete *pro se* answers, provide information about the law and process to tenants who will appear in court without a lawyer, represent tenants in mediation; represent tenants before a judge including at trial, and assist tenants after an agreement or judgment to comply with the terms in order to prevent eviction at a later date.

HCIP funding

HCIP is a project supported by an IOLTA grant from the Massachusetts Bar Foundation and a CDBG subgrant from the City of Springfield, to assist Springfield tenants. WMLS uses other funds to support this project. The narrative portion of the MBF grant proposal is attached to this project summary.

HCIP collaboration

HCIP is a collaborative effort of WMLS with the Massachusetts Justice Project and its Volunteer Lawyers Service, the Tenancy Preservation Project of the Mental Health Association of Greater Springfield, and Western New England College Law School. The collaborating organizations support HCIP as follows:

- Massachusetts Justice Project and its Volunteer Lawyers Service – (1) Identifies tenants through the intake hot line that may benefit from HCIP, sends information to HCIP staff about those cases, and informs the tenants to seek HCIP staff. (2) Provides staff and volunteer lawyers to assist in the project on the “return day”, particularly when students and WMLS staff will not be available.
- Tenancy Preservation Project of the Mental Health Association of Greater Springfield – TPP, through separate funding (including collaboration on the City of Springfield CDBG), assists tenants with mental health problems to resolve problems that may interfere with their continued tenancy in public and private housing. Because a large number of tenants face eviction because of problems with landlords or other tenants, TPP may become a partner in advocating for some HCIP clients or assist them after an agreement or judgment to meet the terms required for continued tenancy.
- Western New England College Law School – Encourages law students to participate in HCIP by providing 2 hours of academic credit for HCIP as a clinical placement, and including HCIP as a clinic option.

HCIP benefits and challenges

Each year hundreds of tenants and members of their families retain their homes because they are not evicted. HCIP has intervened on behalf of tenants who did not seek legal aid before going to court and who would have failed to prevent their evictions if they had appeared *pro se* or without help immediately before mediation or trial. HCIP has helped tenants to comply with judgments to avoid eviction for failure to comply.

There are challenges to make this project fully succeed, including: (1) Inadequate resources to meet the need; (2) Difficulty to determine which tenants would benefit the most from HCIP on the return day and immediately before cases are “called”; (3) The demand to more fully prepare for a trial if the court grants a continuance after the initial return date, at the landlord’s request or with the landlord’s consent; and (4) The difficulty to assist a tenant to comply with a judgment when the primary problem is the tenant’s lack of resources.

For more information:

Andrew Steinberg, Executive Director
Western Massachusetts Legal Services
127 State St., 4th Floor
Springfield, MA 01103t