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PRESIDENT'S VIEW

Housing Court: Where everyone benefits



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I was recently invited to attend Housing Court in Boston by Chief Justice Tim Sullivan and in Springfield by Judge Dina Fein. I wanted to learn firsthand how Housing Court works and its importance to the populations it serves. My main takeaway: Everyone benefits from these courts.

In general, these courts, their judges and their staff serve vital roles in providing tenants with a fair and efficient process, while also enabling landlords to maintain viable rental income. Through code enforcements and receiverships, they also revitalize properties and thereby increase tax revenues to municipalities.

In Boston, the morning started with the clerk calling out the cases to a large mass of nervous looking tenants, most of whom were unrepresented. So much is at stake for these people if they are evicted. Boston in the middle of winter does not provide many affordable housing opportunities. The landlords also have a lot to lose since the rent pays their mortgages and taxes.

Imagine the courtroom as a MASH unit where folks are rapidly triaged to either mediation or the judge. Most people choose mediation, but leave looking anxious and confused. Fortunately, outside the courtroom, there are friendly volunteer attorneys and law students from the Boston Bar Association's Lawyer for the Day program ready to help both parties with any questions.

In Boston, I sat in on mediation with a housing specialist. She assisted an unrepresented tenant and landlord. The tenant, a Jamaican woman, was being confronted with the heart-breaking reality that a better life for herself and her son in America has dissipated. Through tears, she said she lost her job and was ashamed of not being able to pay her rent for a few months to someone whom she considered a "good landlord." However, she found another job and now had money to pay the back and future rent to keep the tenancy.

To my surprise and initial dismay, the landlord rejected that proposal. Yet, the landlord's situation was also sympathetic. An immigrant himself, he needs timely rent to pay the mortgage and his taxes that have increased each year. He did not raise her rent for five years and realized that for him to pursue his own American dream, he must do so. (I suspected that he knew she would not be able to pay increased rent.) He was willing to let her keep the money for back rent for security for another apartment, but wanted her out in two weeks.

So, she and her son were confronted with a Hobson's choice of either trying to find another decent apartment for the same price in a very short time, or going back to Jamaica and conceding that 10 years in the U.S. amounted to a failed venture.

Here I studied the skillfulness of the housing specialist. She listened carefully and calmly. She got them to get beyond unreasonable positions in an effectively short amount of time. She was compassionate and, in the face of a tenant who felt fatalistic, sagely interjected some encouraging words. Both sides achieved an efficient solution where the landlord left with the cash for back rent due, while giving her more time to find another place.

I next went to Western Housing Court in Springfield and observed Judge Fein handle a code enforcement case where the city was frustrated with the landlord's failure to make various improvements on his rental property. She also adjudicated over a gut-wrenching case where one sister needed to evict another sister with psychiatric problems. In both cases, she worked out an amicable arrangement, patiently listening to each side before rendering a firm decision that worked to the benefit of everyone. In chambers, she also proudly showed me a map of the numerous properties throughout the area that have been rehabilitated through receiverships, creating major tax revenue for these cities.

In conclusion, my experience confirmed that the Housing Court should be expanded to the entire state. Currently, 31 percent of the population, many living in parts of Suffolk, Middlesex and Norfolk counties, do not have access to them. There is an abundance of indisputable facts that confirm that the Housing Court has proven to be very successful and profitable. Although there is a widespread perception that these courts serve primarily tenants, I was also pleased to learn that many landlords support these courts because they are fair and efficient, and offer them volunteer assistance in completing eviction forms.

Perhaps most importantly, the Housing Court is one realistic measure of addressing the affordable housing crisis in Massachusetts. The extreme lack of affordable housing means preserving tenancies is critical. Sadly, we have many needs in this commonwealth. However, ensuring decent shelter for everyone, many of whom help us lawyers get through our busy days in invisible ways, must be at the top.