



City of Cambridge

Executive Department

MAURA PENSAK
Housing Liaison

To: Yi-An Huang; City Manager
From: Maura Pensak; Housing Liaison
Date: April 3, 2024
Re: Tenant Protections Resources
Policy Order 2024 #30

In response to the above referenced policy order, I submit the following:

The Office of the Housing Liaison (OHL) and the Department of Human Service Programs' Multi Service Center (MSC) appreciate the intent of the orders contained within POR 2024 #30.

We concur that it is imperative that all residents are fully informed of the rights and responsibilities of tenants and landlords. We also agree that we must continue to ensure that eviction prevention services and resources such as: access to legal counsel, mediation, and/or financial assistance to remediate rental and other housing related arrears are available to our residents as needed and appropriate. Finally, to ensure housing stability for our residents and our community we support efforts to sufficiently fund these services in the City's annual budgets including in FY25.

Below please find a summary of the status of the City's efforts to support access to counsel, mediation and support services, rental assistance funds, and information regarding tenant and landlord rights and responsibilities, followed by a response to the recommendations outlined in POR 2024 #30.

Current status of access to and availability of legal counsel

Two legal service agencies are funded annually by the City to accept direct referrals from MSC and OHL staff: De Novo Center for Justice and Healing (De Novo) and Cambridge and Somerville Legal Services (CASLS). All referrals are made through an established process that includes a summary of the situation, shared documentation, on-going communication between the attorney, tenant, and referring staff, and case management support.

CASLS and De Novo strive to serve all Cambridge residents who are either referred by a city office or self-refer. Neither agency will accept a client if there is no merit and/or if the tenant does not follow through or engage and/or if they are not income eligible.



De Novo and CASLS also provide consultation to city staff regarding cases in which a tenant is over income or otherwise ineligible for services. De Novo is additionally funded (by the City) to staff a “Lawyer for the Day” at the Middlesex session of Eastern Housing Court located at the Somerville District Court. This enables tenants who have not previously received counsel to obtain legal support on site. (Summary process complaints may be filed in either Housing or District court).

City staff also refer tenants to other legal service attorneys such as Harvard Legal Aid and Fenway Health Legal Services as needed.

Current status of mediation services, advocacy and support services

Support services are provided by city staff, legal partners, and/or dispute resolution mediators.

OHL and MSC staff make all attempts to resolve issues prior to a summary process complaint being served. If a tenant does receive a summary process complaint, staff try to mitigate the situation before the complaint is entered, thus preventing a court record.

If a complaint is entered, the first scheduled court date is termed a Tier 1 Mediation (Tier I) or Case Management Conference (CMC) depending on the court. In Housing Court, Tier I proceedings are presided by Housing Specialists who serve as mediators and assist tenants and landlords in exploring available resources. In District Court, although the CMC is presided by a judge, mediation services are provided by Community Dispute Settlement Center staff during the session.

Although both Tier I and CMC events are considered opportunities for mediation we recognize the impact any court involvement may have on a tenant. As such, OHL and MSC staff may accompany a tenant to court to assist tenants in navigating these systems. Additionally, we work with tenants to apply for rental assistance funds prior to the proceeding so that they can inform their landlord and court that efforts are underway to cure the arrears. Also, although a tenant may not have legal representation at these events, they may have received legal consultation prior to the court session.

Other services include:

Just A Start receives funding from the City to provide dispute resolution, conflict management, and stabilization services to eligible Cambridge tenants and property owners. Dispute resolution services include making available coaching and mediation services to property owners and tenants to assist in resolving housing-related disputes including non-payment of rent, health and safety violations, nuisance complaints, and other lease violations. Services are available to assist in stabilizing and preserving tenancies of those at-risk of eviction, and to provide property owners an alternative to costly evictions or other legal action. In Housing Court, Housing Court Specialists mediate the first tier proceeding.

Cambridge Economic Opportunity Committee (CEOC) staff also provide support for tenants to avoid court, mitigate evictions and/or to accompany tenants to housing court proceedings.

The Tenancy Preservation Program (TPP) provides case management and referral services for disabled tenants, at the Eastern Housing Court in Boston and in the Middlesex Session in Somerville.

The Community Dispute Settlement Center is available prior to, during and after all Case Management Conferences at the Cambridge District Court.

Current status of funds

Historically, the City has included significant dollars in the annual budget for tenancy preservation purposes. This includes funds that are earmarked for rental assistance. In FY24 \$315,000.00 was allocated to assist tenants with curing rent arrears and other housing costs that jeopardized their housing stability. In addition to the annual allocation, two million dollars of ARPA funds have been provided to cure rent and housing cost arrears.

ARPA has enabled the rental assistance disbursements to be increased from a maximum of \$2,500 per household to a maximum of \$7,500.00 per household. ARPA guidelines allow all charges that are listed on the rent ledger and contribute to the total arrears to be considered for payment: including utility charges, late fees, water/sewer, court filing fees and other such fees. When the arrears total is more than \$7,500.00 staff assist tenants in applying to the state funded Residential Assistance to Families in Transition (RAFT) program (maximum award is \$7000.00). If needed, staff also work to assist households in applying for other sources of funding when available or support setting up a sustainable repayment plan. Staff also often negotiate with landlords to reduce additional charges such as late fees whenever possible.

Current status of Tenant Rights notification

The 2020 Tenants' Rights and Resources Notification Ordinance has been an essential tool in our efforts to improve the housing and eviction prevention literacy of our residents.

We are confident that all affordable housing partners and large management companies provide the Tenant Rights and Resource Guide to their tenants as required by the ordinance. This is evident from resident reports and from the documentation residents share with us. In addition, many property managers provide the guide to their tenants and then connect the tenant directly to us.

MSC tracks all summary process filings in both Eastern Housing Court and Cambridge District Court. Outreach letters are sent to all tenants that are listed. MSC and OHL offer eviction prevention trainings and information sessions to both tenants and providers and participate in monthly meetings with legal

service partners to discuss and evaluate trends, identify gaps in services and to propose solutions to address the gaps.

Response to POR 2024 #30 recommendations and orders

Access to counsel, mediation and support

We recognize that 90% of landlords represented by counsel in eviction proceedings is in stark contrast with the 10% of tenants who are represented. Unfortunately, this data does not fully reflect the eviction proceedings process. While most summary process complaints are filed by an attorney on behalf of a landlord, it is also true that most complaints are resolved with the first stage of the proceedings (either Tier 1 or the Case Management Conference) and, as stated above during this phase, many tenants are assisted with counsel, mediation, or case management support and accompaniment. Most summary and process complaints do not lead to an actual eviction.

However, we also recognize that court involvement at any level can be a daunting and traumatic experience. As such, we enthusiastically support statewide Access to Counsel legislation.

We will also continue to work with legal partners to assess their capacity to enhance and/or expand their services.

We will also review current and proposed FY25 OHL staff priorities and capacity to increase the number of tenants who are accompanied to court proceedings to provide case management support and advocacy.

Rental assistance and flexibility of funds

In anticipation of the end of ARPA funding, we are recommending an increase in the FY25 budget for rental assistance dollars. We also recognize the need to increase the maximum award to reflect the average grant that was provided through ARPA. To date, rental assistance funds have also been used to prevent shut offs of gas and electric services. In FY25 we will expand the use of funds to include water and sewer charges. Additionally, except for a few limitations such as parking and/or pet fees, we will also consider other housing related costs such as late or court fees if curing these arrears saves and sustains the tenancy.

Tenant Rights Notification

Unfortunately, many small landlords are not aware of the existence of the Tenants' Rights Ordinance or the Tenant Rights and Resource Guide. As a result, neither are their tenants. As such, we are committed to increasing our outreach efforts to inform and educate all landlords and tenants. We plan to regularly publicize the ordinance and guide through many city avenues and

channels including CityView, daily updates, and by partnering with the City's Community Engagement and Housed IN Cambridge teams.

To ensure consistent education for all residents, the Law Department has recommended the following amendment to the Tenants' Rights Ordinance to codify and ensure an annual city reminder of the ordinance. The recommended amendments appear in bold and are underlined for your reference:

8.71.040 Required notice.

8.71.040.1 Notice to Tenant/Former Homeowner. At the inception of a tenancy and when a landlord or foreclosing owner serves the tenant or former homeowners any notice to quit or notice of lease nonrenewal or expiration, such landlord or foreclosing owner shall, at the same time, also provide the tenant or former homeowner with a notice of basic housing rights and resources, including a list of organizations available to assist tenants and/or former homeowners with their contact information on a form or forms prepared by the City of Cambridge which shall be attached thereto. Where a landlord or foreclosing owner is exercising a right of lease nonrenewal or expiration, the owner shall give such a written notice prepared by the City of Cambridge at least thirty days prior to commencing any summary process action against the tenant or former homeowner. Such notice shall be provided in-hand or by both certified mail and first-class mail.

8.71.040.2 Notice by the City. The City of Cambridge shall annually publicize the requirements of Chapter 8.71 on the City's website and through other digital City notifications directed at the community, such as daily update e-mails and social media. Also, the City shall annually provide information about the requirements of Chapter 8.71 at a City sponsored community event/program that is organized to provide information about housing resources. The City may publicize and provide information at events/programs about the requirements of Chapter 8.71 more frequently.

In summary, to inform and support our residents with access to eviction prevention services and resources we will continue to review and evaluate funding levels that are needed to ensure:

- Improved outreach and education to tenants and landlords about their rights, responsibilities, and resources.
- Increased access to legal counsel or advocacy.
- Enhanced capacity for tenant accompaniment to court proceedings.
- Increased funding for rental or rent-related arrears.