

**MLPB [files Amicus Brief](#) in a case that will impact Massachusetts tenants
challenging unhealthy housing conditions**

Nationally, most tenants are unrepresented in eviction proceedings, legal cases that can [catapult families into homelessness](#). Currently, the Massachusetts Supreme Judicial Court is considering [Jason Dacey v. Sandy Burgess](#), a case that could impact the health and well-being of residential tenants across the Commonwealth.

What's *Dacey v. Burgess*?

In this case, a family experiencing a pest infestation sought injunctive relief – basically, asking for an order from the court saying to the landlord “fix things immediately!” – from the Northeast Housing Court. Ultimately, after concluding a court-referred mediation process, but *not* after a summary process proceeding (a kind of hearing that has long been required by law before any eviction can occur), the landlord tried to evict the family. They challenged the eviction, but it was upheld by the Northeast Housing Court. The family is appealing that decision, and the Supreme Judicial Court – the highest court in Massachusetts – is preparing to make a ruling.

Why is this important?

From MLPB's brief:

Through our work, MLPB is reminded daily of how poor housing conditions and lack of affordable housing stock exacerbate health inequities, which in turn contribute to harmful health disparities impacting residents of the Commonwealth. Against this backdrop, the Northeast Housing Court's ruling in *Dacey* is extremely troubling. Absent a reversal, *Dacey* functionally strips tenants in the Commonwealth of a longstanding affirmative pathway to assert their rights to healthy housing: injunctive relief in connection with enforcement of the State Sanitary Code. Linking a tenant's assertion of their fair housing and code enforcement rights to a potential eviction outcome is especially likely to spur increased housing instability and homelessness among renters with lower incomes and renters of color.

What next?

Attorneys for both sides presented their oral arguments to the SJC on December 5, 2022. The parties and other stakeholders now await a decision.

To read MLPB's Amicus Brief Letter and for more information on *Dacey v. Burgess*:

- [MLPB Amicus Brief Letter](#)
- [SJC Case Docket for Jason Dacey vs. Sandy Burgess](#)
- [SJC Oral Arguments on Dacey v. Burgess](#)