



## Breaking Legal Developments in MA at the Intersection of Health, Housing and Justice: An Initial Explainer & Reflection for Communities of Care

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November 30, 2021

Housing policy is front-and-center in the Massachusetts landscape right now. Over the last two weeks, courts in Massachusetts have issued rulings that impact how the City of Boston legally can – and cannot – respond (1) to the ongoing eviction crisis, and (2) to a community of unhoused people living [in and around Atkinson Street](#) (an area sometime referred to as “Mass. and Cass”).

For care team members partnering with people experiencing housing instability, these developments can be confusing; it can feel hard to understand how these changes should inform housing problem-solving partnerships with individuals, families and communities. Let’s break it down:

- **What are the cases and court rulings?**

The **first case**, filed by a Boston landlord and a [constable](#), challenged the City-wide eviction moratorium that the Boston Public Health Commission (BPHC) [introduced on August 31](#) (through its Interim Director and with the support of Acting Mayor Kim Janey) after the termination of the state and federal eviction moratoria. Yesterday, a [state housing court judge ruled in favor of the plaintiffs](#) (the people challenging the moratorium), concluding that BPHC *did not have the power* to institute a local eviction moratorium under the circumstances presented. It is unclear whether the BPHC plans to appeal this ruling to a higher court.

The **second case**, filed by the [ACLU of Massachusetts](#) and [WilmerHale](#), is an [effort to stop the City’s removal of unhoused people](#) from their tents and temporary shelters located in the area in and around Atkinson Street. On November 17, a Suffolk Superior Court judge [issued one ruling](#) in the case, *denying* the request for a court order that would instruct the City to halt these actions. Other parts of the case still are pending with the court.

- **I’m a care team member serving people experiencing housing instability and homelessness. What do these developments mean for my work?**

It’s likely that yesterday’s court ruling in the **first case** will impact your work more directly day-to-day. If you are supporting a Boston-based individual/family who is behind on rent or otherwise at risk for eviction, that risk now has gotten much higher. For more information about people’s rights and available resources and legal protections, check out the Housing Stability section of MLPB’s *Digital Digest* [here](#).

- **Are there other law + policy developments on the horizon that might expand or contract housing access in Massachusetts?**

Yes. There is a bill – known as the “COVID-19 Housing Equity Bill” – pending in the Massachusetts Legislature that would [offer new, anti-racism-promoting protections to tenants and homeowners](#) at risk of eviction or foreclosure, improve the rental relief application process, and more. While supported by the [Massachusetts Medical Society](#), the [Massachusetts Public Health Association](#), and many other health ecosystem stakeholders in the Commonwealth, it is unclear whether this bill will become law. Learn more about the COVID-19 Housing Equity Bill, and how individuals and organizations can communicate with policymakers about the bill, [here](#).

- **Will partnering with people around their housing stability goals – what many care teams do every day – ever focus more on *preventing* legal and health crises, as opposed to *crisis-managing* eviction and homelessness?**

This question is understandable given that we are in the midst of an evolving global pandemic and seeing significant changes in the economy – all of which impacts the health and human services sector in significant and unpredictable ways.

However, I’m cautiously optimistic that a more prevention-centered future is looming. These housing policy debates are elevating the urgency of tackling – and investing in – hard, large-scale problems like affordable housing scarcity and opioid use in new ways. Re: the **second case** noted above, the reality is that – for several hundred people in downtown Boston (and many thousands more [nationally](#)) – the street *is* home, unless and until there is a [medically-appropriate](#) and sustainable alternative. In Massachusetts right now, we’re seeing a lot of human-centered [framing](#), [brainstorming](#) and [proposal-floating](#) on that topic, and that’s progress.

Meanwhile, the [evidence-based expansion of care planning and delivery to include legal information and rights education](#) signals that prevention-centered transformation is achievable. MLPB is honored to be [partnered with so many organizations](#) on the cutting edge of human-centered care, who understand that promoting life course health demands new kinds of knowledge, perspectives, and tools that currently sit outside the clinical and behavioral health “kit.”

For more on **the relationship between legal partnering and prevention:**

- [Legal Information and Rights Education as an Element of Care: A Promising Health Justice Strategy](#)
- [The "Cavalry" Isn't Coming. We All Must Become the Cavalry](#)
- [Legal Partnering for Child & Family Health: An Opportunity and Call to Action for Early Childhood Systems](#)
- [Managing Health-related Social Needs: The Prevention Imperative in an Accountable Health System](#)