



Massachusetts Law Reform Institute

Advocacy Report

A Review of MLRI's 2008 Advocacy

Welcome

Like many non-profit organizations, MLRI has been hit hard by the current recession. In 2008 we were informed that our primary source of funding, IOLTA collections distributed by the Massachusetts Legal Assistance Corporation, would be reduced by \$1.1 million in Fiscal Year 2009, a 30 percent cut in our overall operating revenue. In response, we have introduced many cost-cutting and cost-saving measures, including a 10 percent reduction in staff salaries.

As difficult as the economic downturn has been for MLRI, it does not compare to the devastating impact it has had on the least affluent and most vulnerable members of society. As unemployment rates rise and essential social services programs are cut from state and federal budgets, low-income individuals and families who lack the means to weather a financial downturn are most affected.

For these reasons, it is imperative that MLRI continue its advocacy on behalf of low-income and disadvantaged populations. We pursue a variety of legal strategies, build coalitions, provide critical support and assistance to other advocacy organizations, and address structural barriers that limit the opportunity for individuals to build a stronger and more secure life for themselves and their children. By doing so, MLRI has helped advance systemic reforms that promote social and economic justice and help break the cycle of poverty.

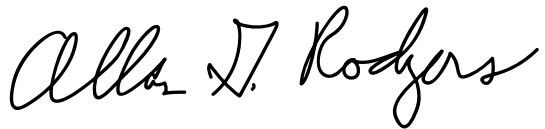
We hope that you take the opportunity to review this advocacy report and learn about MLRI's numerous activities and accomplishments in 2008, and how these efforts have helped shape our advocacy in 2009.

We also wish to recognize those individuals, foundations, law firms and others who, through their philanthropy, pro bono assistance and volunteerism, have demonstrated a commitment to building a more socially and economically just society. Without their support our work would not be possible. On behalf of all whom we serve, we thank you.

Sincerely,



Janet Donovan
President



Allan Rodgers
Executive Director

About MLRI

Massachusetts Law Reform Institute (MLRI) is a non-profit legal services organization committed to promoting social and economic justice across Massachusetts through advocacy, education and legal action. Our mission is to ensure the fundamental needs of traditionally underserved, low-income populations are met, and to advocate for systemic reforms to policies and practices that harm people living in poverty. MLRI's staff work in a variety of fields, including housing, health care, public benefits, immigration law, court reform, employment law, racial equity, elder law and family law.

MLRI also provides support to client-based legal services organizations so they may better serve their constituencies. A 2008 assessment of MLRI conducted by three experienced, national peer reviewers affirmed that MLRI "is one of the premier state support centers in the country" and "remains the backbone of the Massachusetts civil legal aid delivery system."

MLRI has played a lead role in advancing groundbreaking policies, reforms and regulations that benefit low-income individuals and families. These include:

- » Utility service regulations and policies that are among the most favorable to residential customers in the U.S.
- » A law mandating changes to local zoning regulations which has been directly responsible for the creation of more than 50,000 units of affordable housing
- » Class action relief safeguarding the right of persecution victims to work and obtain permanent immigration status in the U.S.
- » Laws improving the legal rights of tenants
- » Laws protecting victims of domestic violence
- » Numerous public assistance policies and procedures designed to protect people against unfair denials and terminations of their benefits
- » Reforms to the state's Criminal Offender Record Information system
- » Extensive litigation saving public benefits and health care programs from cutbacks
- » An extremely successful effort to greatly expand food stamp participation in Massachusetts

Board of Trustees

MLRI is governed by a diverse and dedicated Board of Trustees. MLRI's bylaws mandate that at least one-half of the Board be comprised of attorneys and at least one-third be comprised of individuals who are eligible for legal services assistance (those whose household incomes are at or below 125 percent of the federal poverty level). Board responsibilities include fiscal oversight, program development and general support.

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Benefits

Public assistance programs provide low-income families, the elderly and the disabled with essential support and stability, especially during difficult financial times. MLRI's Benefits Unit works to ensure that critical public assistance programs remain available and accessible to those most in need, thus promoting a more humane, just and equitable society that allows vulnerable populations to live with dignity.

Food Stamp Advocacy Project

Hunger and food insecurity remain an all too real problem for hundreds of thousands of Massachusetts residents. The federal food stamp program, now called the Supplemental Nutrition Assistance Program (SNAP), provides one of the most effective ways to reduce hunger and limit its devastating effect on children, the elderly and other low-income people. When MLRI launched its Food Stamp Advocacy Project in 2001, Massachusetts ranked last in the nation for food stamp participation among eligible households, primarily due to complex eligibility requirements and procedures. Thanks to the advocacy of the MLRI-led Food SNAP Improvement Coalition, participation in Massachusetts has grown by 76 percent, the largest increase of any state.

In 2008, MLRI's advocacy led to far-reaching reforms and policy changes adopted by the state, including:

- » The use of an MLRI-drafted form that qualifies elder non-citizens for SNAP if their doctors certify they are disabled
- » A revised and shortened application form, drafted by MLRI, for applicants age 60 and older
- » Improved access to interpreter services and other procedures to benefit the approximately 20 percent of eligible households that do not speak or read English proficiently

MLRI also drafted two waivers, submitted by the state to the federal government, which:

- » Exempt individuals residing in high unemployment areas from the three-month time limit for single adults without dependents
- » Allow elderly and disabled individuals to receive a standard \$90 deduction to increase their SNAP benefits



Today, Massachusetts residents receive nearly \$76 million per month in federally funded SNAP benefits. With each dollar in federal assistance producing a "multiplier effect" of \$1.84 in local economic activity, SNAP benefits actually generate nearly \$140 million for the state each month. MLRI will continue its efforts to maximize benefits for current recipients and increase access for thousands of eligible residents still not receiving SNAP benefits, including an estimated 400,000 MassHealth recipients.

Promoting Asset Development for Low-Income Populations

Asset development is increasingly recognized as a critical component in the effort to assist individuals and families as they seek to achieve long-term, sustainable economic security. Unfortunately, state benefit program rules impede asset development. Among other things, families are denied cash assistance benefits if they have more than \$2,500 in savings or a car with an equity value over \$5,000. Even lower asset limits apply to individuals with non-dependent children. State rules also create barriers to families trying to acquire education or training—the human capital necessary to achieve economic stability.

MLRI's Asset Development Project works to reform counterproductive state policies and procedures that discourage or penalize low-income individuals and families from building assets. In 2008, MLRI persuaded the state's Asset Development Commission to issue several recommendations that specifically address the concerns of very low-income families and individuals, including:

- » Raising the asset limits for families and individuals and allowing them to own a reliable car
- » Increasing the deduction for work expenses for families with earnings
- » Allowing families to count education or training towards their cash assistance work requirement for two years instead of just one
- » Easing rules that impose a lengthy disqualification on families who receive a non-recurring lump sum payment (e.g., personal injury or workers compensation award) if the family puts the money in a special account or uses it for essential expenses

In light of the ongoing foreclosure crisis, MLRI also persuaded the state Department of Transitional Assistance (DTA) to allow tenants forced to leave foreclosed rental properties to receive up to \$7,500 in “cash for keys” payments—incentives offered by foreclosing lenders to quickly empty properties—without jeopardizing their cash assistance benefits.

Protecting Cash Assistance and Emergency Shelter Safety Nets

MLRI continues to lead the effort to protect state funding for core cash assistance and family shelter programs in Massachusetts. These DTA-administered programs are the final safety net



MLRI AmeriCorps Fellow Shatilla Shera De Leon (left), and American Red Cross Food Pantry staffers Olga Valentine and David Andre at a site visit to screen clients for food stamps and track systemic barriers to access.

Photo: Derek Clark

for disabled persons awaiting Supplemental Security Income (SSI), legally present elder and disabled individuals barred from SSI due to immigration status, families who have lost their jobs and have run out of unemployment insurance, and homeless families with no other alternative but the streets.

Throughout 2008, MLRI continued to monitor state appropriations for these programs, advocated for sufficient funding, argued against harmful cuts, and worked to preserve due process rights for low-income recipients.

CORI Reform

Limiting the ability of people with criminal histories to access jobs, housing and educational opportunities needed to reintegrate into society not only unfairly punishes individuals long after they have atoned for their past transgressions, but also increases recidivism rates, thus creating a threat to public safety. MLRI has been a statewide leader in efforts to limit abuses in the state's Criminal Offender Record Information (CORI) system, which disproportionately impact low-income people and people of color, and to advance reforms that ensure people with CORI have the opportunity to rebuild their lives and become contributing members of their communities.

In 2008, our advocacy efforts were rewarded when the Executive Office of Health and Human Services, in response to an Executive Order issued by the Governor which MLRI helped pass, overhauled its CORI regulations to establish fairer screening policies. The new rules provide that:

- » A CORI check will be performed on an applicant only after an employer has determined that he or she is qualified for a position, rather than having employers use CORI as an initial tool to screen out otherwise qualified applicants
- » Employers inclined to reject qualified applicants will give them a chance to explain the relevance and accuracy of their record
- » An old and unpredictable record will not be used as a basis to make an adverse employment decision

MLRI also successfully persuaded the Criminal History Systems Board (CHSB), which is responsible for overseeing the CORI system, to adopt new regulations, drafted by MLRI, that:



MLRI Executive Director Allan Rodgers (left) and Boston Foundation board member Kevin Phelan at the Foundation's Annual Meeting. MLRI was honored by the Foundation in 2008 for its outstanding work advocating for reforms to the state's CORI system.
Photo: Richard Howard

- » Establish new procedures for correcting record inaccuracies
- » Require employers to allow individuals to review their CORI prior to an adverse decision
- » Improve the process of notifying individuals of their right to contest an inaccurate CORI

In addition to advancing reforms at the state level, MLRI has worked with municipalities to promote fair hiring practices on a local level. MLRI's past advocacy efforts, in collaboration with its grassroots partners, led to the passage of a groundbreaking Boston City Council Ordinance requiring over 50,000 city vendors to adopt and implement fair criminal records screening and hiring practices. Thanks to our ongoing advocacy, the City of Cambridge adopted a similar ordinance in 2008.

We have continued to provide assistance and technical support to activists seeking to introduce similar ordinances in the cities of Worcester and Springfield, as well as in cities outside of Massachusetts, including Minneapolis, Los Angeles, Philadelphia, Austin, Chicago, San Francisco, Newark and Cleveland.

Court Reform

While the right to counsel for individuals in criminal proceedings is a staple of our justice system, there is no such right for individuals involved in most civil cases, even those in which crucial matters such as housing or child custody are at issue. This lack of a right to counsel in civil matters has a disproportionately adverse effect on low-income individuals unable to afford an attorney and those who are otherwise unable to effectively advocate on their own behalf. During 2008, MLRI continued its efforts to improve services for unrepresented litigants in court and at administrative agency hearings, and emphasized the need to expand the right to counsel in critical civil cases.

“The lack of a right to counsel in civil matters has a disproportionately adverse effect on low-income individuals unable to afford an attorney and those who are otherwise unable to effectively advocate on their own behalf.”

Boston Bar Association Task Force on Expanding Civil Right to Counsel

In 2008, several MLRI staff members actively participated in the Boston Bar Task Force on Expansion of the Civil Right to Counsel. In September, the Task Force issued a report cataloguing the need for legal counsel in high-priority cases, including family law, housing, immigration and juvenile matters, and made recommendations for pilot programs to test how the expansion of legal counsel in these cases would work. The report also noted the need for legal counsel in many other areas of civil law, and pointed out that expanding the right to counsel should be coupled with improvements in a range of services the courts should make available to unrepresented litigants, particularly in cases where important needs are at stake.

Expanding the Use of Lay Advocates

MLRI has long promoted greater use of non-lawyers to assist unrepresented litigants in court. The state's Access to Justice Commission, appointed by the Supreme Judicial Court, issued a report in 2007 that endorsed the expansion of the use of non-lawyer representatives. In 2008, MLRI wrote an article on the history and development of lay advocates in court for the *Massachusetts Law Review*.

Improved Representation in Administrative Agency Hearings

MLRI has advocated for improved representation of low-income people in administrative agency hearings. MLRI Executive Director Allan Rodgers presented a paper on this subject to the Boston Bar Task Force and also made a presentation to the Access to Justice Commission (AJC). The AJC has established a committee on this subject and has invited Allan to be a member.

Promoting Simplified Self-Help Forms in Housing Court

MLRI, in collaboration with other legal services housing advocates, drafted a simplified eviction answer form to help unrepresented tenants more effectively contest their evictions in court. This form was subsequently submitted to the Chief Justice of the Housing Courts for review and, upon earning his endorsement as an effective tool to assist unrepresented tenants, has since been distributed to Housing Courts across the state.

Improving Quality and Expanding Availability of Court Interpreters

MLRI developed an online survey "Assessing Language Access in Massachusetts Courts," which asks respondents for their assessment of the level of effort and effectiveness of court staff in getting interpreters for restraining order cases and certain family law and housing cases. The survey also assesses the level of professionalism demonstrated by interpreters. MLRI will use the findings of this survey to make specific recommendations on ways in which interpreter services in the state's court system can be improved.

Employment Law

The majority of families living at or below the federal poverty rate have one or more adults who work. The reason these families are still poor is primarily because most jobs available to them offer low wages, few benefits and little or no job security. MLRI's Employment Law Unit is dedicated to protecting and promoting the rights and interests of these workers to help them make ends meet, increase their incomes and savings, and build a stronger economic foundation for themselves and their families.

Protecting Eligibility for Unemployment Insurance Benefits

During difficult economic times when unemployment rates soar, low-income families are hit the hardest, in large part because they do not have the savings needed to withstand a recession. Unemployment insurance is often the only safety net for low-wage workers and their families.

In 2007, the state Appeals Court issued a ruling allowing for procedural changes to the state's Unemployment Insurance (UI) program that rendered hundreds of new UI applicants ineligible for benefits, threatened the benefits of existing recipients, and made the UI system more difficult and confusing for all unemployed workers. In 2008, MLRI, recognizing the devastating impact this ruling had on working families, convinced the state Supreme Judicial Court (SJC) to review the Appeals Court decision and then worked with other legal services programs to present the case for reversing that decision. Victory came for UI claimants in October when the SJC overturned the Appeals Court decision, returning the UI system to its original and simpler rules.

Improving Participation in the Earned Income Tax Credit Program

The Earned Income Tax Credit (EITC) is widely regarded as one of the most effective anti-poverty programs in the country. The EITC rewards work by providing low-income families with a refundable tax credit on wages earned, even if they owe little or no income tax.

Massachusetts, however, ranks among the bottom third of states in participation by eligible residents in the EITC program. As a result, low-income families in the state are deprived of millions of dollars in critical income support. Increasing participation in the EITC program by only five percent would result in an additional \$30 million annually for low-income families in Massachusetts. Throughout 2008, MLRI continued its efforts to increase EITC participation among eligible families by:

- » Working with the Lieutenant Governor's office to ensure that information about the EITC program is prominently featured on state websites
- » Advocating for simplified and easy-to-understand EITC tax forms
- » Ensuring that EITC tax forms are offered in multiple languages to assist individuals with limited English proficiency
- » Encouraging the establishment of volunteer tax clinics to provide no-cost tax preparation assistance for low-income families

Increasing Access to Federal Economic Stimulus Payments

The Economic Stimulus Act passed by Congress in February of 2008 enabled most low-income individuals and families in the U.S. to receive \$300 or more from the Internal Revenue Service. In order to claim the payment, however, individuals and families were required to file a tax return with the IRS. Unfortunately, many individuals who qualified for this important benefit, such as those who rely solely on Social Security benefits or who would otherwise not need to prepare a tax return, were unaware of their eligibility.

“Even if participation in the EITC program were increased by only five percent, it would result in an additional \$30 million annually for low-income families in Massachusetts.”

In 2008, MLRI worked to raise awareness about the economic stimulus payments and provided assistance in filing tax returns for the guests of Rosie's Place, helping more than 100 poor and homeless women secure this important benefit.

Family Law

Promoting the well-being and interests of low-income children and victims of domestic violence are the cornerstones of MLRI's family law advocacy. Having a safe and healthy home environment is essential for victims of abuse to rebuild their lives and for children to reach their full potential. MLRI's Family Law Unit is committed to protecting the rights and safety of abused women and their children and engaging in child-centered advocacy that maintains "best interest of the child" laws and policies.

Promoting the Placement of Children with Kinship Caregivers

In 2008, MLRI engaged in extensive advocacy and litigation to reform policies and practices of the Massachusetts Department of Children and Families (DCF) to ensure that DCF places children whose parents are unable to care for them with their extended families. Placing a child with a kinship caregiver often provides an opportunity for continuity and stability in a child's life, enabling children to remain in their own communities, maintain close relationships with siblings, aunts, uncles and grandparents, retain their ethnic and linguistic heritage, and grow and develop in a healthy, nurturing environment.

"Having a safe and healthy home environment is essential for victims of abuse to rebuild their lives and for children to reach their full potential."

While DCF's stated policies are to promote kinship caregiver placements whenever possible, all too often the Department's actual support of kinship placements is uneven at best—and at times even biased against kin—particularly when a kinship caregiver is low-income or has limited English proficiency. In 2008, MLRI engaged in litigation which exposed discrepancies between DCF's policies and its actual practices, and directly challenged the Department for removing a child from a nurturing environment provided by a kinship caregiver.

MLRI will continue to pursue systemic changes to DCF policies and procedures, such as introducing new regulatory or legislative protocols requiring DCF to fulfill its stated obligation of providing services to keep children safely within their families and supporting kinship placements in all appropriate cases.

Advocating for Reforms to Court Practices in Domestic Violence Cases

In instances of domestic violence, it is essential to protect the victim from further abuse as soon as possible. MLRI has advocated for reforms to current court practices where victims seeking a restraining order at their local District Court are told to go to the county-based

Probate and Family Court instead. This is particularly common in cases in which children are involved. MLRI's Family Law Unit has advocated for an end to the practice of District Courts' deferring or "shedding" cases because it:

- » Often leaves victims without needed protections, thus jeopardizing their safety
- » Discourages victims from securing legal protection from abuse
- » Unfairly burdens low-income victims who often have limited transportation options that prevent them from getting to a Probate and Family Court

Other MLRI efforts on behalf of victims of domestic violence include:

- » Helping to persuade the Legislature in 2008 to increase funding for the Battered Women's Legal Assistance Project
- » Advocating for a victim's right to counsel in custody cases where there is domestic violence
- » Successfully opposing legislation that would have weakened Massachusetts' Abuse Prevention Law

Promoting Best Interest of the Child Policies in Custody Disputes

While MLRI understands that child custody issues can be extremely painful for divorced parents, we believe all decisions regarding custody and visitation should be made keeping the best interests of the child in mind. In 2008, MLRI provided testimony and engaged in other advocacy efforts to uphold policies that preserve best interest of the child standards, including:

- » Successfully working to defeat legislation which would have compelled custodial parents to litigate new custody disputes in the state in which the original ruling was made, rather than the state in which they and the child currently reside
- » Successfully opposing legislation that would have made it all but impossible for custodial parents to move with their children to another state, even when the motivation to move was in good faith and in the child's best interest
- » Chairing the Probate and Family Court's annual mandatory training for Guardians ad Litem who perform custody and visitation investigations to help judges decide contested child custody and visitation cases



MLRI Family Law Attorney Jeff Wolf (left) and James Van Buren, Chair of the Massachusetts Bar Association's Access to Justice Council, presenting the Massachusetts Bar Association Pro Bono Publico Award to attorney Wendy Rickles.

Photo: Merrill Shea

Enhancing Parents' Ability to Share Decision-Making Duties with Non-Parental Caregivers

MLRI's advocacy to promote best interest of the child policies also includes ensuring that authorized non-parental caregivers are able to make critical and time-sensitive educational and medical decisions on a child's behalf without having to obtain a court order. MLRI successfully advocated for legislation that provides a straightforward way for parents to authorize caregivers to make these decisions without going to court and without needing a lawyer.

Health Care

The Massachusetts Health Care Reform Law of 2006 made great strides toward providing affordable health insurance for many Massachusetts residents. However, as with any groundbreaking legislation, careful assessments and monitoring are needed to ensure the application of the law does not unfairly burden or penalize the very people it is designed to assist.

Protecting Low-Income Individuals from the Individual Mandate Penalty

To ensure that individuals and families comply with the Health Care Reform Law, the state levies a tax penalty on all residents who have access to affordable insurance but do not obtain insurance either privately, through an employer, or through the state. For tax year 2008, MLRI and its community partners were successful in advocating with the Health Insurance Connector Authority and the Department of Revenue to introduce safeguards to improve the fairness of the individual mandate, such as:

- » Ensuring low-income individuals and families with taxable incomes at or below 150 percent of the federal poverty level are exempt from any penalty for not having insurance
- » Protecting those experiencing delays enrolling in coverage by ensuring that no penalty will apply unless an individual has a gap in coverage for more than three continuous months

Improving Access to MassHealth

MassHealth, the state's insurance program for low-income residents, provides health coverage to more than one million people. Through regular monthly meetings with the Office of Medicaid in 2008, MLRI has been able to flag policies that reduce access to care for eligible individuals and push for improvements in eligibility guidelines. Among other accomplishments, MLRI and its community partners persuaded the state to:

- » Adopt flexible payment plans for individuals and families at risk of having their coverage terminated due to an inability to pay their premiums
- » Suspend its practice of automatically terminating MassHealth benefits for individuals who ask the Department of Transitional Assistance to close their cash assistance benefits but who never intended to close their MassHealth eligibility

Improving Access to Commonwealth Care

For those who do not qualify for MassHealth yet still cannot afford private insurance, the state introduced Commonwealth Care, a program that helps adults below 300 percent of the federal poverty level purchase insurance from participating health plans. MLRI and its community partners have worked diligently to ensure that Commonwealth Care remains affordable and accessible to those in need. MLRI's activities and accomplishments in 2008 include:



- » Working with the state to help control premium increases
- » Preparing an in-depth analysis demonstrating how screening introduced by the state to prevent those able to afford private insurance from receiving state-subsidized insurance was also erroneously denying coverage for eligible applicants
- » Advocating with the Office of Medicaid to change its default policy, which had previously assumed insurance was available to anyone with earnings
- » Highlighting problems facing workers declared ineligible for Commonwealth Care because they are offered employer-sponsored insurance, even if they cannot afford to participate in their employer's plan

Improving Immigrants' Access to Care

The 2006 Health Care Reform Law requires all Massachusetts residents, including immigrants, to obtain health insurance or face a financial penalty. Lawfully present immigrants unable to afford their own insurance are eligible for MassHealth or Commonwealth Care, yet are often erroneously denied due to complex identification requirements. In 2008, MLRI successfully worked with the Office of Medicaid to improve its identification of immigrants eligible for state insurance. Our efforts, which included preparing training materials for use by the Office of Medicaid, identifying needed regulatory changes, and changes in state application forms to specifically list asylum applicants and people with temporary protected status as eligible, contributed to the enrollment of nearly 24,000 low-income immigrants.

Protecting Access to Prescription Drugs for Elderly and Disabled Individuals

For many years MLRI has advocated for affordable and accessible prescription drugs for elderly and disabled individuals. Prescription drug costs and other out-of-pocket health care costs contribute significantly to elder poverty. Although the Medicare program

implemented a prescription drug benefit in 2006, it does not cover a significant amount of premium and co-payment costs. Prescription Advantage is a state-funded program of drug insurance that provides “wrap-around” coverage for Medicare beneficiaries and full coverage for elders and low-income disabled persons who do not have other coverage. MLRI has played an instrumental role in advocating for the establishment and funding of Prescription Advantage. In recent years, MLRI advocacy efforts have been conducted in collaboration with the Pharmacy Task Force, a coalition of elder advocacy groups.

In November of 2008 the Patrick Administration announced a series of budget cuts, including a \$6.9 million cut to Prescription Advantage, which threatened to substantially reduce eligibility and coverage for Prescription Advantage members. MLRI and the Pharmacy Task Force met with Administration officials to analyze and assess the least harmful means for implementing the cut. Thanks to our advocacy, we were able to persuade the Administration to:

- » Maintain current eligibility criteria
- » Restructure co-payment assistance to help those who otherwise would be forced to incur substantial out-of-pocket expenses due to a coverage gap in their Medicare plan

While several other painful cuts were still adopted, our advocacy helped ease the burden of large prescription drug costs for approximately 62,000 Prescription Advantage members.

Housing

The opportunity for low-income individuals and families to live with dignity and build a better life for themselves and their children is virtually impossible without access to safe, stable and affordable housing. In 2008, MLRI’s Housing Unit continued its advocacy to protect and promote the rights and interests of individuals and families residing in public housing developments. MLRI also maintained its role as a leader in the effort to protect the rights of tenants residing in foreclosed properties.

Tenant Foreclosure Protection Project

The current economic crisis, fueled in large part by the collapse of the housing market, has resulted in an unprecedented rate of property foreclosures across the state—nearly half of which are multifamily rental properties. Given that Massachusetts housing costs are among the highest in the country, and with homeless shelters and programs for families in transition operating at capacity due to increased demand and state and federal budget cuts, it is critical we continue our work to protect tenants from displacement and homelessness due to the foreclosure of rental properties.

In 2008, MLRI advocated for numerous policies to preserve tenancies and keep people in their homes. Our advocacy has not only benefited low-income families reliant on affordable

rentals to meet their housing needs, but has also helped prevent widespread property abandonment and deterioration that destabilizes neighborhoods and threatens the value of surrounding properties. Among the policies MLRI has advocated for are those that:

- » Prohibit foreclosing lenders from evicting rent-paying tenants until the property is sold to a third party
- » Offer special protections for tenants in federal Section 8 housing by preserving tenancies for the duration of the original lease even after transfer of ownership has occurred
- » Require foreclosing lenders to provide maintenance on foreclosed properties under their control, ensuring they remain habitable and do not fall into disrepair

In addition to protecting the interests of low-income tenants, our advocacy benefits municipalities that otherwise would have to expend hundreds of thousands of dollars to ensure that abandoned and deteriorating properties do not pose public safety and health risks to the community.

Protecting the Rights of Tenants Residing in Public Housing Developments

For several years MLRI, in collaboration with Neighborhood Legal Services, has advocated on behalf of the former tenants of the Julian Steele housing development in Lowell who were relocated to substandard housing in more racially segregated areas of the city following the development's demolition. In August 2008, MLRI and its clients achieved a measure of victory when we reached a settlement—one of the first of its kind in the state—with the City of Lowell, the Lowell Housing Authority and the Department of Housing and Community Development (DHCD). The settlement acknowledges that the initial relocation process was flawed and a "second move" process was needed to place our clients in safe and decent housing in high-opportunity areas of the city, such as those with more integrated neighborhoods, lower crime rates, higher residential stability and better access to public transportation.



In addition, MLRI and South Coastal Counties Legal Services (SCCLS) have been working diligently on behalf of the tenants of the Watuppa Heights housing development in Fall River. For years, the City of Fall River has planned to demolish the 100 units of affordable family housing at Watuppa Heights, to the point where many of the units have deteriorated and are now uninhabitable. MLRI filed a class action complaint against the city and local housing authority in 2007, claiming that the deterioration and planned demolition of Watuppa Heights violated federal and state civil rights laws and state fair housing laws.

In 2008, MLRI and SCCLS were able to reach an agreement with the housing authority, city and DHCD regarding the fate of current and former Watuppa Heights residents. Among the key provisions secured were assurances that:

- » Eighty affordable rental units will be made available to Watuppa Heights residents and other low-income families in Fall River, at least 24 of which will be constructed on the current Watuppa Heights site
- » All current residents will be given preference for any new housing built on- or off-site
- » The relocation plan for all residents will be conducted in a manner that is fair, respectful, and in accordance with civil rights and fair housing laws, such as ensuring that families are relocated to safe and decent housing in high-opportunity areas



MLRI Housing Attorney Annette Duke leading a training session for members of the Boston Resident Training Committee.

Photo: Carol Leary

Making Tenant Participation in Public Housing Meaningful

In 2008, MLRI, in collaboration with the Boston Resident Training Committee (BRTC) and the Mass. Union of Public Housing Tenants (MUPHT), continued its advocacy to preserve public housing by providing residents with the information, strategies and support they need to effectively establish and strengthen local tenant associations. MLRI provided technical assistance in developing and delivering four core trainings focused on state and federal laws that give tenants the right to meaningful tenant participation, and addressed organizational issues to help tenant groups run better. With BRTC leaders, MLRI and MUPHT conducted 30 trainings for 14 elected and emerging tenant associations in Boston over a three-month period.

In December 2008, with support from an MLRI AmeriCorps Fellow and the Boston Foundation, the BRTC held a summit with all of the resident participants to collectively plan future training courses. The summit was attended by former Boston Housing Authority CEO and Administrator Sandra Henriquez, who presented the BRTC with funding needed to translate the training materials developed in 2008 into six priority languages—an essential component to address language barriers and improve diversity among tenant leadership.

Immigrant Rights

During difficult economic times, minority and immigrant populations often become scapegoats who are unfairly blamed for many social ills. These xenophobic and anti-immigrant attitudes not only have a devastating effect on hardworking immigrant populations trying to build a better life for themselves and their children, but also diminish the ability of policy makers and others to engage in thoughtful and much-needed public debate regarding immigration policies and immigrant rights. MLRI's Immigrant Law Unit works to defend the rights of immigrants, end discriminatory practices, and eliminate institutional barriers that limit opportunities and prevent immigrants from reaching their full potential.

Challenging Unlawful Detentions

MLRI and its allies successfully obtained three U.S. District Court of Massachusetts rulings striking down the unlawful, retroactive detention of permanent residents without individual bond hearings. Two of these cases are currently on appeal to the First Circuit Court of Appeals, where MLRI, partner organizations and pro bono counsel filed an amicus brief urging the court to uphold the District Court ruling and set a precedent that will benefit other immigrants unlawfully detained across Massachusetts and the nation.

Eliminating Discriminatory Practices by the Registry of Motor Vehicles

MLRI has worked tirelessly to end discriminatory practices by the Registry of Motor Vehicles (RMV) that deny lawfully present immigrants their right to acquire licenses, state identification cards and other documentation. Despite our successful improvements to some RMV practices through litigation, MLRI has repeatedly learned of other ongoing practices that unfairly delay the issuance of licenses to immigrants and subject them to rules not applied to others. In 2008, MLRI pursued further discovery and continued its litigation efforts to end these practices. MLRI also advocated with the RMV generally about the cost to the state of permitting RMV employees to engage in complex and time-consuming immigration law investigations.

Advocating for Reforms to the Massachusetts Legal System

MLRI advocated to address a barrier to legal residency for youth between 18 and 21 who, under federal law, are eligible to receive a "green card" if a state court declares them dependent on the court due to abuse, abandonment or neglect. State statutes, however, do not clearly allow youth 18 and older to initiate claims in Probate and Family Court, thus preventing access to this benefit. In 2008, MLRI conducted extensive research to investigate the extent of this problem, provided technical assistance at the request of a state legislator working to close this loophole, and researched non-legislative interim solutions.

Racial Equity

Racial inequality has a geographic footprint. Where one lives plays an indisputable role in shaping one's life options. MLRI is committed to challenging structural and institutional forms of racialization that pervade our society and limit opportunities for minority populations. We seek to expose and deepen awareness about structural racism and the intersection of race and poverty, and promote advocacy that remedies injustice, breaks the cycle of poverty and builds healthier communities.

Opportunity Mapping Project

In 2008, MLRI's Racial Equity Unit spearheaded the research and release of a major study examining the distribution of opportunity in our state. The study was conducted by the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University, in collaboration with the Massachusetts Legal Assistance Corporation and state legal services programs. Using sophisticated GIS mapping software and extensive data sets in the domains of housing, education, employment, transportation, crime and proximity to Superfund sites, the study analyzed and classified communities as low, moderate or high opportunity depending on the prevalence or absence of indicators that are conduits of, or impediments to, opportunity.

The findings were striking: The most salient determinant of who lives in a low- or high-opportunity community was not based on one's income, but rather on one's race or ethnicity. Among various low-income population groups, more than 95 percent of Latinos, 93 percent of African-Americans and 71 percent of Asian-Americans live in low-opportunity communities, compared to 42 percent of non-Hispanic whites. About 90 percent of high-income African-Americans and Latinos also live in low-opportunity communities, compared to 21 percent of high-income whites. The degree of "opportunity segregation" found in our state was one of the highest recorded by the researchers since they began conducting opportunity mapping projects across the country. The study also found that nearly 70 percent of public housing projects were situated in low-opportunity communities. Additionally, foreclosure estimates showed that more than 50 percent were in low-opportunity neighborhoods.

Since the findings were released, MLRI has appeared on WHDH Channel 7's Urban Update, was invited to work with City of Boston officials analyzing impediments to fair housing, presented these findings to U.S. Housing and Urban Development Department regional staff, spoke at state and national conferences, and disseminated the report to academic institutions, including Harvard's School of Public Health, which has used the study to engage policy makers on health issues. MLRI is now working with several legislators and the Patrick Administration to advance a bill that would set up a special commission to devise and recommend statewide strategies to create and expand opportunities in low-opportunity communities. By doing so, we hope to promote the equitable distribution of critical public resources to ensure that all individuals have the opportunity to succeed.

Support Services

In addition to being a statewide leader in advancing systemic reforms that promote social and economic justice for thousands of low-income individuals and families every year, MLRI is an indispensable resource for individuals, advocacy organizations and legal services staff across Massachusetts. MLRI's trainings, publications and web-based resources provide critical support and assistance that empower individuals to advocate on their own behalf and enable other advocacy organizations and legal services providers to most effectively represent the interests of their individual clients.

Websites Project

MLRI maintains two legal services websites, MassLegalHelp.org and MassLegalServices.org. Due to the prohibitive cost of hiring a private attorney, coupled with a decline in the availability of legal services attorneys, many low-income individuals are increasingly representing themselves in complex and critical matters, such as domestic violence cases, child custody disputes and housing evictions. MassLegalHelp.org is designed to improve access to justice for low-income and disadvantaged persons and help individuals protect their rights and effectively advocate on their own behalf. Numerous self-help forms, know-your-rights sections and answers to frequently asked questions are presented in a clear manner using straightforward terminology, not "legalese," and are available in English, Spanish, Vietnamese, Russian, Portuguese and Haitian Creole.

In 2008, nearly 310,000 individuals, attorneys and advocates viewed a combined 2.6 million pages of vital information on a wide range of topics, such as housing, benefits, health care, family law and employment.

MassLegalServices.org is dedicated to providing legal services advocates with a wealth of information so they may better understand the issues facing low-income residents. The site contains an extensive library of more than 10,000 legal decisions, briefs, court rulings, legislative updates, and other resources, and also provides attorneys and advocates with a wide array of strategies and advice to help them meet their clients' needs.

Trainings

Civil legal services providers and other advocacy organizations that work on behalf of low-income individuals and families are often unable to keep up with ever-changing laws, policies and regulations that affect their clientele. Yet keeping abreast of new legal developments and government regulations is crucial for organizations to most effectively serve the interests of individuals and families. To help service providers across Massachusetts, MLRI coordinates and delivers dozens of trainings each year in numerous areas of civil law.

Trainings provided in 2008 include:

- » Assisting Families Experiencing Homelessness: Emergency Assistance Shelter and Benefits
- » Cash Assistance for Massachusetts Families & Individuals: TAFDC & EAEDC Basics
- » Supports for Working Families: How to Maximize Income and Reduce Expenses
- » Health Care Access Programs Under Health Reform
- » SSI and SSDI: Overview & Highlights
- » Representing Unemployed Workers at Unemployment Insurance Hearings
- » Income Maximization for Seniors, the Disabled and Others
- » Know Your Rights: Criminal Offender Record Information
- » The Changing Face of Senior Health
- » Advanced Foreclosure Intervention

Publications

MLRI, in collaboration with Massachusetts Continuing Legal Education, also serves as a leader in authoring advocacy guides on

a variety of poverty law topics that are widely recognized as the standards in their fields. These guides offer invaluable information to advocacy organizations, legal services providers and individuals alike. Publications available in 2008 include:

EAEDC Advocacy Guide: An Advocate's Guide to Emergency Aid to Elders, Disabled and Children in Massachusetts

by Patricia Baker and Laura Gallant

Family Law Advocacy for Low and Moderate Income Litigants

by Jacquelynne J. Bowman, et al.

Food Stamp/SNAP Advocacy Guide

by Deborah Harris, Patricia Baker, Laura Gallant and Rochelle Hahn

Freedom of Information in Massachusetts

by William H. Abrashkin and Ernest Winsor

Legal Tactics – Private Housing: Tenants' Rights in Massachusetts

by Annette R. Duke, et al.



New Guide Helps Tenants Fight Off Foreclosure

Bay State Banner, June 12, 2008

Legal Tactics – Public Housing: Finding Public and Subsidized Housing

by Amy Copperman, Annette R. Duke, et al.

MassHealth Advocacy Guide: An Advocate's Guide to the Massachusetts Medicaid Program

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Unemployment Advocacy Guide: An Advocate's Guide to Unemployment in Massachusetts

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