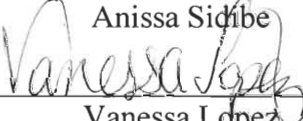


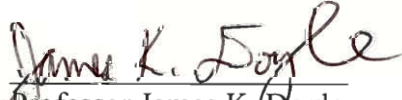
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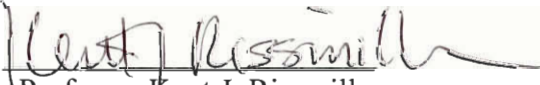
COLLECTION AND EVALUATION OF BASE-LINE DATA ON LOW-INCOME TENANTS FACING EVICTION IN WORCESTER COUNTY

An Interactive Qualifying Project Report
submitted to the Faculty of
WORCESTER POLYTECHNIC INSTITUTE
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by

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Abstract

This project is one of three studies sponsored by the Legal Assistance Corporation of Central Massachusetts to evaluate the effectiveness of their proposed web-based (livejustice.org) method of delivering free legal aid to low-income and elderly tenants. The goal of the study was to collect and evaluate base-line data on tenants facing eviction in Worcester County. Surveys and archival records were used to gather information on variables such as whether tenants obtained access to legal services, whether they were represented by counsel, their level of legal knowledge, and the outcome of eviction cases. From our results we noticed that the tenants' biggest problem was their lack of legal knowledge. Therefore, we recommended that LACCM try to increase the tenant's understanding of their legal right.

Executive Summary

This project is part of three-IQP series of projects sponsored by the Legal Assistance Corporation of Central Massachusetts (LACCM). The overall goal of the projects is to develop, implement, and evaluate an interactive website (www.livejustice.org) designed to provide low-income tenants in Worcester County with ready access to legal assistance. The first project in the series, involves a usability test of the website to evaluate its design and content before it is publicly released. Our project is the second in the series, and involves collecting information on low-income and elderly tenants facing eviction. Information was collected on variables such as whether tenants obtained access to legal services, whether they were represented by counsel, the tenants' level of legal knowledge, and the outcome of their eviction cases. The data collected by this project will serve as a baseline against which the impact of the livejustice.org website can be measured by the third project a year or two from now.

In the preparatory phase of the project, we conducted background research on factors that influence the outcome of court cases. The variables identified were: legal representation, legal knowledge, and language barrier. These factors helped us design a methodology.

Our methodology consisted of two methods of data collection: surveys and archival records. In our surveys we asked tenants questions about their housing court experience, experience with legal services programs, and demographic information. The housing court experience questions enabled us to determine the tenants legal representation and legal knowledge. The questions on legal services programs informed us on whether tenants used legal services programs. The demographic questions enabled

us to learn about the tenants gender, age, race, language, income, and Internet use. The Worcester County Housing Court archival records were used to collect information about the disposition of cases, whether tenants filled out Answer forms, and whether they were represented by an attorney.

After collecting our data from the surveys and archives surveys, we created a database in Microsoft Excel. The database contained the answers from the 38 surveys we collected and the 200 Worcester County Housing Court archive records. The responses to each of the questions in our surveys and record surveys were entered into one matrix in Microsoft Excel. This was done so that we could easily analyze our data.

From our data analysis and results of the surveys, we found that low-income and elderly tenants facing eviction had the following problems. On the legal representation variable we found that the majority of tenants came to housing court unrepresented, *pro se*. From the legal knowledge variable our results showed that most tenants were not confident of their legal rights, they did not fill out Answer forms, and they did not use legal services programs for their housing problems. From the language variable we found that the most common first language of non-English native speakers was Spanish. From the gender variable we found that women make up the majority of tenants coming into the housing court with eviction cases. From the race variable we found that more than half of the tenants coming into housing court were minorities. In addition to these results, we found that approximately two-thirds of tenants did no use the Internet. This finding is important for livejustice.org since it services will have difficulty reaching a majority of members.

From the data analysis collected from the records, we found results similar to those of the surveys. The similarities were that most tenants came to court unrepresented, and they did not fill out Answer forms. In addition to these findings we noticed that defaults are a serious problem amongst tenants. Defaults are when tenants fail to appear for their eviction case. We found that most tenants that defaulted were evicted. Lastly, from the records sample we found that a majority of tenants with eviction cases were not successful; more than 50% were evicted. This finding shows that tenants need help in maintaining their tenancies.

Based on our findings, we recommend that LACCM focus their attention on the following areas. LACCM should try to increase tenants understanding and confidence of their legal rights. Hopefully this will lead more tenants to fill out Answer forms and to realize the importance of these forms. They should also try to decrease default rates since we found that defaults lead to eviction. Lastly, LACCM should provide services in Spanish since we have shown that Spanish is the next most common language after English.

Also based on our findings we have identified two challenges that livejustice.org may face. The first problem is that although tenants are aware of legal services programs, such as LACCM, very few actually use them for their housing problems. Therefore before releasing the website, LACCM should try to encourage more tenants to use legal services programs. The second problem is that few tenants use the Internet. This affects livejustice.org as a majority of tenants may not have access to this service.

In conclusion, this project will be repeated in a year or two, after the release of livejustice.org, by another IQP group. Results from the future IQP group will be

compared to the results of this project in the hopes of showing that livejustice.org has resolved some of the problems of low-income and elderly tenants facing eviction in Worcester County.

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1.0 Introduction

The Legal Assistance Corporation of Central Massachusetts (LACCM) is a Worcester-based organization that provides free services to low-income individuals and elderly. At present, the telephone hotline system is the primary method of accessing information throughout this legal program. However, due to limitations of the hotline system, new options are being considered. Among these, is a web-based legal helpline designed to overcome the boundaries of telephone hotlines.

Through experience, LACCM noticed that the biggest drawbacks of telephone hotlines are the delays inherent to the system. Delays force callers to wait on hold for long periods or to leave a message and wait days for a return call before they are able to speak with a legal advocate. In addition, even when callers do get to speak to an advocate, the hotline system does not provide for representation in most cases.

In an effort to improve the effectiveness of their delivery system, LACCM developed an interactive tenant-lawyer website, which they plan to launch in January 2003. The web was chosen as a medium to provide legal assistance because of the ability to access immediate and timely legal information. The website will permit tenants who are at risk of losing their housing to engage in a live, online conversation with an attorney and to share documents and forms through the web browser.

The goals of the website are 1) to increase the number of low-income tenants who maintain their tenure, 2) to improve the living conditions of tenants' tenure, and 3) to increase the amount of time that tenants are able to maintain their tenancy prior to vacating. In conclusion, the website will prepare low-income tenants facing eviction to

present their case at Housing Courts and hopefully be more successful in retaining their tenancy.

To evaluate the effectiveness of this interactive Internet technology on the ability to expand legal assistance to low income households, LACCM decided to conduct a project evaluation in partnership with the faculty and students of Worcester Polytechnic Institute. The evaluation will be conducted in three phases. The goal of Phase 1 is to test the usability of the website. This will be done by asking a sample of people to interact with the website, and then to complete a survey. In this survey they will evaluate the website design and content. Information collected during this phase will be used to improve the website before it is launched.

Our role is to conduct Phase 2 of this project. The goal of Phase 2 is to determine the degree to which the current legal service provides aid to low-income tenants in lowering eviction rates and improving their living conditions. Information was collected from the Worcester Housing Court on variables such as: whether tenants were represented by an attorney, whether they obtained access to legal services, and whether they were evicted or not. This information will serve as a metric by which the impact of livejustice.org will be compared.

Phase 3 will be conducted after the release of the website. The goal of this phase is to evaluate the user's experience and opinion of the livejustice.org website. In this phase, low-income tenants who have used the website will be interviewed. In addition, information collected in phase 2 will be compared to information collected in phase 3. This will allow LACCM to determine the effectiveness of livejustice.org.

Studies from each phase will enable LACCM to conclude if an Internet based legal service is an effective means of delivering legal assistance to low-income tenants in Worcester. This technology could further serve as a model in providing legal services to low-income people.

1.1 Problem statement

LACCM has established two main reasons why low-income tenants are unlikely to win their court cases. The first is that low-income households in need of legal help are unable to obtain a lawyer, as they cannot afford one. A study done by the Massachusetts Law Reform Institute in 1995 showed that over 56% of landlords who brought eviction cases in the Worcester were represented, compared with 18% of the tenants. In over, 86% of these cases, landlords won the right to evict their tenants, while less than 1% of the tenants won the right to stay in their homes (Technology Opportunities Programs, 2001)

The second reason stated by LACCM for the loss of a housing case, is the lack of access to timely information about tenants rights. Massachusetts's landlord-tenant laws allow a tenant to prevail in certain eviction cases by raising claims based on a landlord's failure to repair defective conditions or other landlord behavior. Most tenants do not know of their rights to raise such claims, and many end up losing eviction cases that they could have won had they had timely access to legal information and assistance.

In an effort to improve their delivery system, LACCM created an interactive web-based legal help line that will provide low-income households facing eviction with ready and direct access to legal services. LACCM hopes that the website will increase the outcome of low-income tenants facing eviction in court. For example, if a tenant is being

threatened with eviction and needs legal advice, the advocate would display detailed information to the client explaining their legal rights using a script or by a co-browser in web pages that contain the relevant information. The advocate and client would complete online forms, such as Answers to eviction Complaints, and, where appropriate, the advocate would immediately arrange for legal representation.

Before launching their website, LACCM wanted our team to determine the current situation of low-income tenants facing eviction in the Worcester Housing Court. By using the Worcester Housing Court records, we obtained information on outcomes of eviction cases. We asked whether most tenants coming into the housing court get evicted or are given time to stay in their home prior to vacancy. In addition to finding out the outcome of eviction cases, LACCM wanted our team to find out how many tenants were aware of the Legal Assistance Corporation of Central Massachusetts and their work. Since this information was not available in the housing records, we designed a survey. We decided to extend our survey and include other questions from the following categories: legal knowledge, demographics, court experience and Internet experience. Although, gathering information on these categories was not included in our original project proposal, we agreed it would be useful to LACCM. We felt LACCM needed to know the different problems tenants faced in housing courts in order to help them preserve their tenancy. Furthermore, such information could help LACCM modify their website to better meet the need of low-income tenants. For example, if we found that a substantial portion of low-income tenants spoke Spanish, and then this would mean that livejustice.org would need to be translated into Spanish.

In the next chapters, we explain the different literature sources we found while researching the project as well and their significance to our research. In chapter 2, we explain the present housing situation in Worcester. This section reveals why it is crucial to aid low-income tenants in large cities, such as Worcester, as it continues to evolve and revitalize. As an essential component of our literature review we must comprehend the role of legal services programs, such as LACCM, in helping the low-income, and the need to develop a new, more effective service to provide legal assistance (www.livejustice.com). Next, we discuss housing courts in Central Massachusetts. This section reveals why a housing court was established in Worcester, and what services it provides to the tenants of Worcester County. Housing courts are important in this project for two reasons: first, because it is where we can identify our target group, low-income tenants. Second, most of our study was conducted within these premises. Finally there is a section on factors that may influence the outcome of a court case. This is essential if LACCM wishes to increase the success of eviction cases for low-income tenants. Previous studies have shown that knowledge, legal representation, race, language, gender, economic class and religion, are factors that may affect the outcome of a case.

In chapter 3, the methodology for our project is explained in full detail from the research design to the sample size. Then in chapter 4, we explain the data analysis including visuals of graphs frequency charts, and cross tabulations tables. By examining different variables from our survey and by drawing inferences from observable relationships and trends we generated graphs. In chapter 5 of our project we present our

conclusions. Finally, in chapter 6 we make recommendations to LACCM and suggest ideas for future projects.

2.0 Literature Review

2.1 The current housing situation in Worcester

This section describes the housing situation in Worcester and how it has affected its residents. This city is the second-hottest real estate market in the country. With a 25 percent jump in the average price of an existing home in the Worcester area over the past year, it's the second-fastest rising U.S market, right behind Long Island's Nassau and Suffolk counties. The rise in property values in Worcester thrills homeowners. But higher prices also mean higher rents. This city is without enough affordable dwelling units, and the wild housing market makes it worse for residents who now find a Worcester apartment unaffordable (Schaffer, 2002).

This situation is worse for those with less. "The average family in Worcester would have to work 84 hours a week to afford an apartment in the city," says Grace Carmack, executive director of the Central Massachusetts Housing Alliance. "We're seeing a real change in who is coming through our door. These days, we're seeing a lot of two-income families who can't survive in this housing market, as well as seniors who have lived in a building for years for \$500. All of a sudden, the building gets sold and since the new landlord has a mortgage to pay, the rent gets raised to \$1,200, double what the tenant is getting for social security. They become at risk of homelessness. Plus, state and federal cutbacks have resulted in the elimination of the Emergency Assistance program, the last state funded program that tried to keep families off the streets." (Schaffer, 2002). See tables 1 and 2 for figures on rent.

In addition, part of the problem is the increasing number of people working in Boston, or other points east, at Boston salaries, and deciding to buy a home in Worcester.

“You take families at the lower income or minimum wage and put them in competition with people with good incomes, credit and rental histories and they don’t have a chance,” says Carmack (Kush, 2002).

Table 1: Rent figures

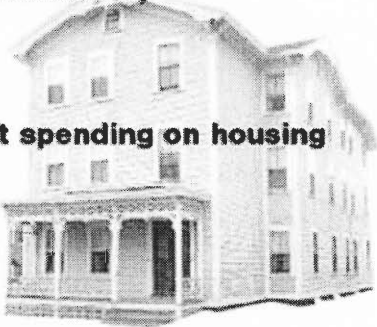
<p>Two-bedroom median rents (Worcester) 1998: \$610 2001: \$732</p>	
<p>State and federal government spending on housing in Mass. (combined) 1990: \$220 million 2000: \$137.5 million 2001: 141.2 million⁸</p>	
<p>Demand for the Housing Assistance Program (serves families near or below 130 percent of federal poverty level) in Central Mass. August 2002: 1,678 families December 2001: 1,312 families</p>	
<p>Number of Mass. rental households spending more than 50 percent of income on rent: 1990: 191,300 1998: 241,900</p>	
<p>[Source: Central Massachusetts Housing Alliance]</p>	

Table 2: Rent figures



Apartment Size	Median	Low	High
Studio	\$650	\$550	\$700
One-bedroom	\$700	\$475	\$995
Two-bedroom	\$900	\$625	\$1,400
Three-bedroom	\$1,050	\$850	\$1,400
Four-bedroom	\$1,100	\$875	\$1,600

[Source: Worcester Department of Neighborhood Services]

2.1.1 Significance to our project

This section is very important to our project, as it shows the need to focus on housing in Worcester. The increase in rent rates in the city will cause many tenants, especially those with low-incomes, to fall behind in their rent and face eviction. This leads us to hypothesize that non-payment of rent will be the number one cause of eviction for tenants appearing at the Worcester Housing Court.

2.2 Legal services programs and legal aid

Legal services programs are important to low-income tenants and elders, as they provide free legal assistance. Their main goal is to serve low-income individuals, in particular, those people below 125% of the federal poverty line (see Table 3 for an explanation of the income limits). These programs deal with “civil” legal problems such as housing, public benefits, disability, mental health, family, the elderly, and Medicare

advocacy. Worcester County hosts two legal service programs. They are the Legal Assistance Corporation of Central Massachusetts (LACCM) and the Massachusetts Justice Project (MJP).

Table 3: Eligibility Chart

Family Size	Annual Income	Monthly Income	Weekly Income
1	\$11,075	\$923	\$213
2	\$14,925	\$1,244	\$287
3	\$18,775	\$1,565	\$361
4	\$22,625	\$1,885	\$435
5	\$26,475	\$2,206	\$583
6	\$30,325	\$2,527	\$583
7	\$34,175	\$2,848	\$657
8	\$38,025	\$3,169	\$731
Each Additional Person	\$3,080	\$257	\$ 59

* Information courtesy of LACCM
<http://www.livejustice.org/about.htm#eligible>

LACCM was formed in 1983 with the merger of Central Massachusetts Legal Services and the Legal Aid Society of Worcester. LACCM is the only full service legal aid program serving the more than 83,000 low-income residents of Worcester County. LACCM has 17 attorneys and 4 paralegals working to protect the legal rights of the elderly and disenfranchised people.

Along with providing free legal advocacy, LACCM also provides legal services through a telephone hotline system. In this system, callers speak to an advocate who provides legal advice and information. LACCM has found that tenants represent the largest group of hotline callers.

The hotline system is beneficial to low-income and elderly people who do not have access to a vehicle. It also provides a one-on-one interaction with an advocate; this

makes callers feel like they are talking to someone who actually cares about their concerns. However, it has a few disadvantages. Callers may require more detailed information than can be given over the phone. There are also delays in answering phone calls. Callers may have to wait on hold for a long time, or leave a message and wait days for a return call. Therefore, their problem is not immediately solved. The biggest drawback is that the hotline does not provide representation (e.g. attorney) for cases, although callers do get to speak to an advocate. Unfortunately, this drawback also applies to the majority of hotline callers, the low-income tenants facing eviction cases at the Worcester County Housing Courts.

2.2.1 Significance to our project

This section is important for two reasons. First, it explains the work of legal services such as the Legal Assistance Corporation of Central Massachusetts. These organizations are crucial to low-income tenants with housing problems as they can provide tenants with information they can use to defend themselves in court. Second, it highlights the problems associated with LACCM's current method of providing legal information and shows the need for the new web-based delivery system, www.livejustice.org.

2.3 The Worcester County Housing Court

In the 1970's housing cases were held in the Central District Court of Worcester. This disadvantaged tenants and landlords because the District Court handled housing disputes along with criminal cases, such as larceny and drug dealing. Thus, the district

court could not or did not afford housing cases the same amount of time as other matters, such as minor crimes or misdemeanors. Also, judges were randomly assigned to hear Thursday morning eviction sessions and Tuesday afternoon code-enforcement sessions. “Judges [were] just thrown in on an intermittent basis. Lots of judges [didn’t] sit in these sessions regularly enough; they [couldn’t] keep up (with housing law),” said Judge Mel Greenberg, a former District Court Justice (Dinardo, 1984).

There were also many instances when cases could not be solved in one trial. “With very few exceptions, housing-related disputes involve ongoing situations. Tenants and landlord continue to be involved,” said Greenberg (Dinardo, 1984). This meant that repeated landlord/ tenant cases were often held before a different judge, with a different degree of housing law knowledge, and the case would have to be argued all over again.

By 1970’s it was evident that there was a need to ensure quality housing. Organizations and politicians began to realize that a specialized housing court needed to be established in Worcester to address landlord/tenant issues. Landlords did not follow housing codes, tenants did not pay their rent, approximately 200 buildings were being demolished every year in Worcester due to violation of housing codes by landlords, and the Central District Court of Worcester was so over-worked that the judges could not provide adequate trials for landlords and tenants.

State Senator Gerard D’Amico and State Representative Thomas P. White introduced a bill to establish a Worcester Housing Court in December of 1979, for the 1980 legislative session. The bill was signed in December of 1983 by Massachusetts Governor Dukakis, creating the Worcester Housing Court. After some delay in which the state tried to find a suitable site for the Worcester Housing Court, it was established in

1984 in the first floor annex of the Worcester County Courthouse complex at the North end of Main Street, near Lincoln Square.

The Worcester Housing Court was given jurisdiction over cases involving the health, welfare, and or safety of occupants of residential property as well as matters concerning s evictions, zoning issues for residential and commercial property, sanitary and health code violations, security deposit disputes, rent receiverships, suits filed by tenants and landlords, discrimination, and consumer protection cases, as well as other housing-related matters. The housing court also handles small claims, which are cases between contractors and homeowners. The court also handles cases brought by municipal agencies.

In our project we collected data from low-income tenants who go to the Worcester Housing Court for summary process hearings (eviction cases). These hearings are heard on Thursdays. The housing court holds different types of hearings everyday of the week. For a schedule see Table 4:

Table 4: Worcester Housing Court schedule

Monday	Supplementary Process - 9 a.m. Small Claims - 10 a.m. Trials - 2 p.m.
Tuesday	Appeals - 9 a.m. Clerk Hearings - 9 a.m. Probable Cause - 9 a.m. Tickets - 9 a.m. Trials – 9 a.m.
Wednesday	Criminal Arraignments and Motions-9 a.m. Civil Motions - 2 p.m. Small Claims -10 a.m. Supplementary Process - 2 p.m. Trials - 9 a.m.
Thursday	Summary Process - 9 a.m. Trials - 2 p.m.
Friday	Trials - 9 a.m. Trials – 2 p.m.

***Information Courtesy of Massachusetts Court System.**

<http://www.state.ma.us/courts/courtsandjudges/courts/worcesterhousingother.htm>

2.3.1 Services provided by the Worcester Housing Court

This section describes the two services that the Worcester Housing Court provides to ensure that landlords and tenants receive a fair trial. First, they have a process called Mediation, which begins at 9 a.m. on Thursdays. Mediation is an informal, confidential process where a neutral person, called a mediator acts to encourage the resolution of a landlord/tenant problem without going to trial. The mediators play many roles, including: assisting the parties in identifying the issue at hand, assessing and reviewing the relative strengths and weaknesses of their case, determining common interests, fostering joint problem-solving, exploring settlement alternatives, and finalizing a settlement agreement. In the end, the decision-making authority remains with the parties. If they reach a settlement, it is brought before a judge and finalized. However, if they do

not, they go to trial court at 2 p.m. and present their case before a judge (Massachusetts Court System, 2002 Administrative Office of the Trial Court). The latter is not usually the case, according to James Bisceglia, clerk of the Worcester Housing Court, “In eighty percent of all cases, the decision reached in mediation, is often agreed upon by a judge.” (Bisceglia, 2002).

The housing court also has a “Housing Specialist.” The Housing Specialist has a number of duties: 1) s/he gives procedural advice and quotes on Massachusetts’s landlord-tenant law to the judge during trial. 2) The Specialist provides support to presiding judges by conducting state sanitary code violation inspections. 3) S/he serves as a mediator in summary process and civil housing cases. 4) S/he provides referrals to local social service agencies and shelter providers with regards to emergency funds to prevent homelessness (Massachusetts Court System, *Brochure of the Housing Department*, 2002).

Therefore, the Housing Specialist is very important. S/he keeps the judges up-to-date on housing law, physically travels outside the courthouse to determine the housing conditions of low-income tenants, and helps to resolve cases. The Specialist also works to prevent homelessness, which is very important to low-income tenants in eviction cases.

2.3.2 Significance to our project

It was important for our team to understand the Worcester Housing Court procedures since most of our research will be conducted within its premises. In addition, this location is where we will find our target population, Low-income tenants facing eviction.

2.4 The Worcester Housing Authority (Public housing)

This section describes public housing in Worcester and who is eligible for this type of housing. Statistics show that available private market housing in Worcester is largely unaffordable to low-income residents. In 2001, the fair market rent for a 2-bedroom apartment in Worcester is \$681 per month. An individual would need to earn an hourly wage of \$13.10 to afford this rental rate. At the minimum wage of \$6.00 per hour, a person would need to work 87 hours per week to afford this rent. These data suggest that public housing is critical to meeting the basic needs of low-income individuals and families in Worcester.

Public housing is rental housing built with government money. In Worcester and other cities throughout the United States public housing is built by the Federal and State governments in order to provide affordable apartments for low and moderate-income families, elderly persons, persons with disabilities, and certain veterans. Public housing in Worcester is run by the Worcester Housing Authority.

Eligibility for residence in a public housing facility, as determined by Federal and State law, is based on family income. For a family of two, total income must be below \$32,650 for Federal facilities and below \$34,800 for State facilities. As family size increases, income limits are raised to a maximum of \$53,850 for Federal facilities and \$57,450 for State facilities for a family of eight or more. According to the WHA, 62.4% (1,736) of families residing in WHA facilities have income of less than \$10,000 per year. Approximately 7% of families earn \$20,000 per year or more. Of the 5,064 public housing residents in December 2000, 489 (9.7%) were receiving assistance through Temporary Assistance to Families with Dependent Children (TAFDC). The rent a tenant

will pay in Worcester public housing depends on household income. A tenant can expect to pay approximately 30% of their net monthly income, after certain deductions, on rent (Worcester Municipal Research Bureau, “The Future of Public Housing in Worcester,” 2001).

Even with the help of the Worcester Housing Authority, low-income tenants still find apartments unaffordable. Counting a subsidy from the Worcester Housing Authority, Koukoulis (a tenant of public housing) says, her budget would allow for a two bedroom apartment priced at \$700 a month, not including utilities. “Everything I have seen is at least \$1,000 for two bedrooms,” she says (Vobejda, 1997).

Like many others living in public housing apartments, when money gets tight, Ursell Thompson does something that residents in private apartments would have a much harder time getting away with: She doesn't pay her rent. She knows she can't be evicted before she's given the chance to pay up. And she knows she can go to the welfare office once a year and come away with an emergency grant that will pay the back rent. It's a carefully choreographed dance, and the timing must be perfect, if not she may face eviction (Vobejda, 1997).

2.4.1 Significance to our project

First, This section shows that the government is trying to provide affordable housing to low-income tenants through public housing. However, we also see that, low-income tenants fall behind in their rent in public housing too. This suggests that the housing crisis in Worcester is a lot bigger than we thought.

Second, this section is important to our methodology. Through archival research, we can analyze Summary process cases (evictions) for tenants of the Worcester Housing Authority. This information will help us understand the reasons low-income tenants are getting evicted from public housing. In addition, it will be interesting to identify difference, if any between private housing versus public housing eviction cases.

2.5 Factors influencing the outcomes of court cases

Past studies show that knowledge, legal representation, race, language, gender, economic class and religion, are factors may influence the outcome of a court case. An understanding of these factors is very important if LACCM wishes to increase the success of eviction cases for low-income tenants.

2.5.1 Legal representation

The term *pro se* is rooted in Latin, meaning "for oneself" or "on behalf of oneself." Although *pro se* is not explicitly mentioned in the Constitution, courts have held that an individual is legally entitled to self-representation. There are a number of reasons why individuals elect to represent themselves *pro se*. They include strong personal views about a particular matter, refusal or inability to work with legal counsel, and inability to find legal counsel who are willing to work with an individual. However, the driving force for much *pro se* litigation is economics. The high cost of legal representation often leads individuals to represent themselves. This trend has been increasing in recent years as legal fees and expenses continue to mount.

In 1995, the Massachusetts Law Reform Institute showed that over 56% of landlords who brought eviction cases in the Worcester Housing Court were represented, compared with 18% of tenants. They found that in over 86% of these cases, landlords won the right to evict their tenants, while less than 1% of the tenants won the right to stay in their home (Technology Opportunities Program, Project Narrative, 2001).

In 2000, the New Mexico Administrative Office of the Courts showed that judges find it difficult to remain fair and impartial when one party is represented by counsel, and the other is not. This is because most *pro se* litigants lack understanding of rules of procedure, rules of evidence, and courtroom protocol. They come to court without the papers or evidence they need to present for their case. Their papers are usually not complete or correct, causing delay in the courtroom. In addition, *pro se* litigants have difficulty presenting their position without getting emotionally involved. Because they often are unfamiliar with legal procedures, *pro se* litigants can create confusion and frustration for other parties, which tend to drive up the time and cost involved in litigation. Hence, judges make every effort to encourage self-represented litigants to hire lawyers (Greacen, 2000).

MANSFIELD, TANICK & COHEN, P.A, Attorneys at Law (1998) suggests that Litigants who are proceeding on a *pro se* basis usually are held to the same legal standards as attorneys. This means that if they fail to follow court rules and regulations, they are subject to litigation sanctions, and the excuse that they are not legally trained may often fall on deaf ears. Judges prefer to deal with lawyers, who are more accustomed to legal procedures, and they fear that they must often bend over backwards to assist *pro se* litigants, even though they are not legally obliged to do so. A mixture of *pro se*

litigation coupled with professional advice can avoid some of these problems. An individual can represent himself, but have informal advice or counsel furnished by a lawyer without the lawyer making a formal appearance on behalf of the litigant. By staying in the background or on the sidelines, the lawyer can offer guidance to a *pro se* party without the litigant incurring substantial legal expense (Tanick, 1998). In conclusion, companies such as Legal Assistance Corporation of Central Massachusetts can give advice to low income tenants representing themselves and prepare them for their trial.

2.5.2 Race

In 2002, a study was conducted by Brown University on the attitudes and perceptions of court personnel, court users, and community members on race, class, and language bias in the Criminal Justice System of Rhode Island. In this research, the results on perceptions of racial bias were very interesting. There were several questions designed to test whether race affects the outcome of a case. They found that 84% of the black respondents and 76% of the Latino respondents believed that race sometimes or usually/always makes a difference in the outcome of a case. Forty eight percent of Asians believed that it makes a difference sometimes. In contrast, 36.4% whites believed that race rarely/never and 37.4% believed that race sometimes makes a difference. Whites more frequently responded than other group that race makes no difference (Fayneese Miller, 2000).

There were several other questions on whether race makes a difference in how one perceives the courts. The majority of Blacks (68%), Whites (67%), and Latinos

(58%) agreed that minority citizens view the court system as less fair to them than it is to the Whites. There was a general agreement among all ethnic groups that minorities have less trust or confidence in the courts than Whites. Sixty one percent of Asians, 74.7% of Blacks, 64.9% Latinos, and 65.4% of Whites all shared this view. There were other important findings regarding the issue of race in courts. They found that Blacks and Latinos were the most negative in their views of how judges and court workers treat minorities. In addition, they noticed that Latinos were more likely to report they have heard negative racial or ethnic comments from court workers than from judges or attorneys. Finally, there was a consensus among all racial groups that minorities have a more negative view of the courts than Whites (Fayneese, 2000).

In 1996, the Massachusetts Bar Association found that a substantial number of tenants who go to housing court to dispute cases are of ethnic minority groups. Although no precise statistics are available the largest group is Hispanic, followed by African Americans, Asians, Portuguese, Russians, French, and other groups. In this study, researchers determined two reasons why minority litigants are less likely to receive a fair hearing. First, minority litigants tend to be poor. Because they are poor they are less likely to be represented by an attorney. Second, because the poor are less likely to have had a formal education. This limits their ability to be articulate in court. This inability to communicate effectively may irritate or frustrate court personnel who are trying to move cases along as efficiently as possible. A minority litigant aware of the court personnel's frustration may become scared or intimidated, thus interfering with their case presentation (Massachusetts Bar Association, "Ensuring Equal Justice", 1996).

In 1994, the Massachusetts Supreme Judicial Court found that race in the courtroom may affect the outcome of a case. It was found that in Massachusetts, minorities are underrepresented in jury pools from communities with large numbers of racial and ethnic minorities. This is due to the failure of municipalities to comply with state law requirements to provide the office of jury commissioner with accurate, complete, and verified resident lists. Therefore, minority defendants are often tried before all white juries. It is observed that jurors, most of whom are white tend to favor attorneys and litigants of their own race. In this same Massachusetts study, 25.5% of white judges agreed that white jurors react more positively to white litigants than to minority litigants (Massachusetts Supreme Judicial Court, “Equal Justice,” 1994).

2.5.3 Language barrier

Effective communication among and between judges, attorneys, litigants, witnesses, and court personnel is essential to the delivery of equal justice. Without communication and understanding, individuals are unable to participate in, benefit from, and access adequate protection from the courts. Without the ability to converse, a trial would be nothing but voices, with the defendant unable to understand the nature of the statement against him.

In 1994, the Massachusetts Supreme Judicial Court explained that the most frequently cited instances of bias within the Massachusetts courts were those related to the lack of accessibility by non-English speaking tenants to information about the law and the legal system, and to the lack of quality interpretation, both in and out of court (Massachusetts Supreme Judicial Court, “Equal Justice,” 1994).

In 2002, a study done on Race, Class, and Language Bias In the Criminal Justice System found that Latino respondents were the group who strongly agreed that the ability to speak English can affect the outcome of a case, fifty percent indicated that it usually/always makes a difference. Most Black (71.7%) and Asian (68.9%) respondents believed that the ability to speak English sometimes affect a case. In the same study, some of the qualitative statements addressing the issue of language bias were that “Non-English speaking defendants or others involved in court proceedings (witness, family, friends) may be treated differently by judges, attorneys and/or court personnel only because of frustration naturally involved in the interpretation process... This is an issue: court resources to employ interpreters, not a bias issue...” said a white female Attorney. An Asian Male Community Affiliate in turn said “ To be honest, I believe that minorities are treated unfairly in the court system because of their language barrier. Not being able to express one’s feeling hinder their thinking process.” (Fayneese, 2000).

In 1996, in New Jersey it was found that language services are not being provided at a level of competence that makes the courts equally accessible to all persons regardless of their ability to communicate effectively in English. Several important findings were made in this study. They noticed that persons providing court-interpreting services generally do not possess requisite skills, knowledge and training. They also noticed that procedural forms and documents used by the courts are not generally translated by professionals with specialized skills, knowledge and training, they are not always printed at levels of quality equal to that of the respective English versions, and they are not accessible equally to all linguistic minorities. Finally they found that courts provided adequate court interpreting services for the deaf and hearing impaired but not for other

linguistic minorities (New Jersey Office of Trial Court Services, “Equal Access to Courts for Linguistic Minorities,” 1996). Although this study was not conducted in Massachusetts, some of the findings can apply to the Massachusetts courts. All courts should be equally accessible to all persons regardless of the degree of their ability to communicate effectively in English.

2.5.4 Gender

In 1989, the Massachusetts Court System conducted a Gender Bias Study determined that women are now the fastest growing segment of the poverty population. Statistics show that Massachusetts is part of the national trend toward poverty for families headed by women. Nationally, 48% of those living below the poverty level are mothers and children, in Massachusetts 68% of the poor are mothers and children. Furthermore, in 1984 70% of the female-headed households had incomes below \$20,000, while 80% of the two parent families had income over \$20,000 (Supreme Judicial Court, “Gender Bias Study,” 1989)

In a newspaper article, “Worcester’s poor struggling to get by”, statistics indicated that two thirds of Worcester’s homeless are women and children. Furthermore, it was found that 50 percent of homeless women and children cited the escape from domestic abuse as the reason they were living on the streets. The article stated that domestic abuse is a major reason we see so many women on the streets, however it is not the only reason. There are many other reasons such as divorce, medical emergencies, and an affordability gap between their wages and the rent (McHugh, 1998). From these

statistics we hypothesize that women will make up a majority of low-income tenants facing eviction at the Worcester County Housing Courts.

2.5.5 Social class

Some people argue that racism is a serious problem in courts, while others argue that class, not race, is the basis of the problem. In a study done on Race, Class, and Language Bias In the Criminal Justice System, it was noticed that economic class was indeed a big problem. Researchers found that 73.7% of the black respondents and 64.2% of the Latino respondents believed that money makes a difference in how a person is treated by judges compared to 53.5% of the White and 41.2% of the Asian respondents. There were also some qualitative responses on class as an issue in courts. A white female court user said that she believes “the court system is run similar to a caste system. You are treated according to the amount of money that (judges, attorneys) feel you have.” Another white male court user had this to say regarding class, “It is who you know in the RI court system and how much money you have. Its not so much of a racial issue.” Finally, an ACI white male made a very interesting remark, “[t]he more money you have the better the outcome will be regardless of the race.” (Fayneese, 2000) From this study, one can assume that low-income tenants going to dispute their case at the housing court will be less likely to win their case, because of their economic class.

2.5.6 Knowledge of the system

The extent of a tenant’s knowledge can be characterized in two ways: their knowledge of rights and law and their knowledge through experience. A tenant’s

knowledge of his/her rights can play a crucial role in determining the outcome of a case. If s/he arrives prepared with knowledge of their rights acquired from either legal services programs or other credible sources such as the Law Library, they 1) will be taken more seriously, 2) will face less difficulty dealing with court personnel, and 3) will be able to confidently articulate his/her position in the dispute. This would have a positive effect on judge, as it will show the tenant is taking the housing matter seriously. On the other hand, a tenant unfamiliar with court procedures and ignorant of their legal rights may face a loss of housing.

A tenant who has gained knowledge through experience is someone who has had prior experience with the housing court. This will allow the tenant to familiarize himself/herself with court procedures, such as filling out forms, knowing where cases are held, bringing relevant evidence for cases and easily navigating the legal system on their own.

It is evident that knowledge plays an important role in the success of a tenant's eviction case. LACCM is one of the many places low-income tenants can turn to for legal knowledge. These services provide legal knowledge to low-income tenants on their legal rights, forms and documents needed for their case, and give them information on court procedures.

2.5.7 Religion

Although not much research has been conducted on the effect of religion on the outcome of housing cases, it has been identified as a factor in Worcester. In August of 2002, a Jewish couple (Alexander and Robin Citron) moved to Worcester from Texas.

They settled into a two-bedroom apartment at the Tatnuck Arms complex. They believed they received special treatment because they were Jewish. However, in September, after occupying their apartment for six weeks they received an eviction notice from their once-friendly property manager. They believed they were being evicted because of their religion. No explanation was offered on the eviction notice and their property owner would not return their calls (Williamson, 2002). Although, the outcome of this case is unknown, this article proves that religion may play a role as a variable for eviction.

2.5.8 Significance to our project

This section shows that there are many other factors that may affect the outcome of a case besides those identified by LACCM (legal representation and knowledge of rights). Our goal in this project was to identify which of these factors plays a bigger role in the outcome of an eviction case. Understanding these factors is very important if LACCM wishes to increase the success of low-income tenants facing eviction in Worcester County.

2.6 Summary of Literature Review

Our literature review has helped us identify our main research questions. These questions are as follows:

1. How many low-income tenants coming to the Worcester Housing Court for eviction cases, have heard of legal services programs? LACCM?
 - a. If they have, do the tenants use these legal services programs?
 - b. What kind of help do they receive?

- c. Are they satisfied?
 - d. What is the difference in the outcome of cases for those who use legal services programs, such as LACCM, as opposed to those who don't?
2. Do the factors identified really affect the outcome of eviction cases for low-income and elderly tenants?
- a. Knowledge:
 - 1. What knowledge does the tenant have of his/her rights?
 - 2. Is the tenant familiar with court procedures?
 - 3. Has the tenant been to housing court before? Why?
 - b. Race: What is the tenant's race?
 - c. Legal representation: is the tenant represented or not?
 - d. Gender: what is the tenant's gender?
 - e. Language barriers: What is tenant's first language?
 - f. Social class: What is the average income of tenants getting evicted?

(Note: The literature did not support the idea that religion is a factor determining the outcome of an eviction case. Therefore, we omitted it as one of our factors.)

3.0 Methodology

The main project objective was to learn about low-income and elderly tenants facing eviction in the Worcester County Housing Courts. This was done to determine the degree to which the current legal assistance delivery system provided aid to low-income and elderly tenants in lowering eviction rates and improving living conditions. Our goals were to collect information about eviction rates, whether defendants obtained access to legal services, whether they were represented by counsel, whether they took the appropriate procedural steps in their summary process case, and whether they were successful. To fulfill this goal we utilized two data collection methods. The following sections elaborate on these research methods.

First, we used survey research. A survey is a method of gathering information from a sample of individuals based on specific, chosen variables. As outlined in our literature review these variables were gender, race, ethnicity, language, economic class, and knowledge. We used the survey to place these variables in three main: 1) housing court experience, 2) experience with legal services programs, and 3) demographic information. Later analysis of these data gave us insight into the tenants characteristics and behaviors as a whole. From this information we were able to determine the tenants knowledge and experience in housing court prior to the release of livejustice.org. We were also able to provide information about the tenants to the Legal Assistance Corporation of Central Massachusetts so that they could modify the livejustice.org website to meet their needs, thus providing them with superior legal aid.

Secondly, we used Worcester County Housing Court archival records to collect information about the disposition of cases, whether the tenants filled out important

procedural forms for their summary process case, whether they were represented by counsel, and other information relevant to our study. These archival records are public records that contain existing recorded information (Singleton, 1999, p. 357).

The information we collected from the surveys and archive records will be used to help evaluate the effectiveness of the livejustice.org website in delivering free legal assistance to low-income and elderly tenants of Worcester County after it is released in January 2003. This information will be used by a future IQP team, which will be evaluating user's experience and opinion of the livejustice.org website after its release. The results of our project will be used as a metric for evaluating the impact of the livejustice.org website. This will allow LACCM to determine the effectiveness of livejustice.org.

3.1 Survey research

We used survey research to gather data on tenants in Worcester facing eviction. The survey was appropriate for our study because it sought descriptive information about the attitudes and behaviors of tenants in Worcester. Thus the survey format was an efficient way to gather these types of data (Singleton, 1999). Although the surveys were time consuming to create, distribute, collect, and analyze, they were more efficient than other methods such as field research or interviews for a number of reasons.

Field research was eliminated as a method of data collection since we had prior knowledge of the topic that we were investigating, tenants in Worcester facing eviction. (This knowledge was outlined and explained in our literature review.) In field research, one must not carry preconceived notions arising from prior knowledge into the field since

these notions may bear little resemblance to the experience of the people being studied. (Singleton, 1999) Thus, it was these two factors: prior knowledge and the preconceived notions that we had attained in our research that ruled out the use of field research in our methodology. In addition, since field researchers often aim to see the world from the subject's own frame of reference, their primary method of data collection is observation. This observation is usually with the naked eye in the natural social setting familiar to the subject (Singleton, 1999). This method, however, was not practical to our project because our aim was to acquire baseline data about our target population. This baseline data took the form of demographic characteristics, and behaviors and attitude within our target population that were more quickly and reliably collected from surveys (Singleton, 1999).

Interviews were also ruled out in our methodology for the main reason that they were too time consuming. This was especially problematic in the setting in which we were collecting our data, the Worcester Housing Court, since tenants were constantly being called for their hearings. Thus, the idea of trying to conduct an interview with a tenant while they were listening for their name to be called for their hearing was unrealistic and impractical. The setting was also inappropriate for interviewing since there was neither privacy nor much room to pull tenants off to the side to interview them.

3.1.1 Survey design

We used a Cross Sectional Design for our survey. In this survey design, data on a sample of respondents chosen to represent the target population were gathered in as short a time as possible. This was ideal for our research design due to our 7-week time

constraint, and reasonable because we sampled a representative cross-section of low-income tenants within this time period (Singleton, 1999, chap.9).

Contextual or social network designs were inappropriate because we were not studying the influence of social contexts and interpersonal relations on individual behavior (Singleton, 1999). We were studying the combined behavior of tenants in Worcester facing eviction.

The purpose of this survey was to identify relationships between the variables outlined in our literature review: gender, race, language, legal representation, economic class, and knowledge. These variables were then covered in three main sections, with their appropriate questions: the tenant's experience with the Housing Court, experience with legal services programs/legal aid, and demographics. Thus, it was an explanatory survey that investigated relationships between many variables in order to identify relationships in our project variables (Singleton, 1999, chap.9).

An in-person survey was chosen because it tends to have high response rates. In addition, we made sure that respondents understood every survey question by standing near them as they completed the survey. In this way they could ask us any questions, if they had any.

A structured survey with closed-ended questions was chosen, for which specific response options were provided. This was particularly important to respondents whose writing skills were weak, or respondents who were less motivated to respond fully. We also found that closed-ended questions increased response rates, since they were less time consuming. In addition, we utilized question formats in which certain questions were skipped when they did not apply to a particular respondent (Singleton, 1999). Lastly, the

closed-ended question format simplified coding in data analysis, minimizing interpretation errors (Singleton, 1999).

It is also very important to note that before our survey was distributed to the tenants, it was given to Worcester Housing Court Clerk James A. Bisceglia, Worcester Housing Court Justice Diana H. Horan, our sponsors Maya Bazaar and Robert Nasdor, and our advisors Professors James Doyle and Kent Rissmiller for review, as well as other housing court personnel. This was done for three main reasons. First, it made all Worcester Housing Court personnel aware of our study. This eliminated any confusion as to why we were there or what we were doing. Second, it ensured us that we were being sensitive to everyone's feelings at the Worcester County Housing Courts, those of the employees and the tenants. The third reason was so that we could receive input. This gave all those who reviewed the survey a chance to suggest more questions or variables to include in it.

3.1.2 Target population and unit of analysis

Prior to sampling one must select the target population and unit of analysis. In this project, the main objective was to gain as much knowledge and information as possible about low-income tenants facing eviction in Worcester County. The target population is the population to which the researchers would like to generalize their results (Singleton, 1999). From this objective we concluded that our target population was low-income tenants facing eviction in Worcester County. Our units of analysis, the entities under study, were low-income tenants with an eviction case before the Worcester County Housing Courts.

It is important to note that we had considered our unit of analysis to be low-income tenants with *any* case before the Worcester County Housing Courts. We considered this for three reasons. First, LACCM handles all housing problems, not just eviction cases, so with this unit of analysis we would be surveying all the tenants that LACCM helps. Second, our survey was not specific to tenants with eviction cases, it could be answered by any tenant with any housing problem. Third, we believed this unit of analysis would increase our sample size. Nevertheless, we decided to limit our unit of analysis to low-income tenants with eviction cases before the Worcester County Housing Courts for a couple reasons. First, the majority of people that LACCM helped were tenants with eviction cases. This was due to the fact that eviction is the most common housing problem low-income tenants face. Therefore, by focusing on low-income tenants with eviction cases before the Worcester County Housing Courts we would be targeting the majority of housing clients that LACCM helps. In addition, the Worcester Housing Court staff informed us that on court days other than those on which summary process hearings were scheduled, a majority of the people coming in for cases were landlords for code violations, small claims, city trials, and people requesting temporary restraining orders. That meant that the unit of analysis, low-income tenants with a case before the Worcester County Housing Court, would not substantially increase our sample size.

3.1.3 Sampling design

Sampling is the process of selecting a subset of cases in order to draw conclusions about the entire set. Sampling is unavoidable given the scientific goal of generalization;

and it requires special attention in social research given the inherent variability of social units of analysis. Sampling is very important because it is usually impossible for practical reasons to examine all cases, and observing a sample of cases is more efficient: it saves time and money (Singleton, 1999, chap.6).

We obtained our sample group by standing in the corridors of the different Worcester County Housing Courts on days of summary process hearings (see table 5). This is where tenants and landlords waited to be called in for their summary process cases.

Table 5:

Town	Summary Process Hearing Day	Time	Dates	Total Surveys Collected
Dudley	Monday	2 PM	11/11, 11/18	3
Gardner	Tuesday	9AM	11/12	3
East Brookfield	Wednesday	2PM	11/13	0 *
Worcester	Thursday	9AM	11/7, 11/14, 11/21	30
Fitchburg	Friday	2PM	11/15	2

* The electricity and toilets weren't working on this day so they shut down the East Brookfield Housing Court. We did not know until we arrived there.

Since there was no way for us to immediately determine which tenants were low-income our survey was distributed to all tenants who agreed to participate. We then later determined the tenant's eligibility for LACCM's services (this will be explained in section 3.1.5). If they were eligible, this meant that they were identified as low-income

tenants for the purposes of this study. Consequently, we took surveys from tenants what were eligible and not eligible for LACCM's services into account in our data analysis so that we could determine if there were differences in the outcome of cases between these two groups.

3.1.4 Pre-test of survey

When our survey was ready to be distributed to the tenants, we conducted a pre-test. We did this to evaluate our survey design and content as well as our survey distribution procedures. The pre-test took place on Thursday, November 7, 2002 at the Worcester Housing Court. We arrived at the housing court at 8:30 AM, a half an hour before the summary process hearings began. We brought six clipboards, six pens, and 25 copies of the survey.

To start off we had a brief meeting with the presiding Justice of the Worcester County Housing Court, Diana H. Horan. After briefing her on our project, we informed her that we planned to distribute our surveys. We told her that we had considered standing either in the housing court corridor or outside the mediation rooms. We believe that the housing court corridor was an ideal location since it is where the tenants (and landlords) wait to be called for their hearings. Thus, we could approach them as they waited. The only downfall to this location was that it could introduce survey worker bias. This was due to the fact that neither of us had distributed surveys before so we were somewhat timid. In addition, the corridor was a very emotionally packed location due to the nature of the court cases: eviction. Together, these two factors could introduce this bias since we might only approach those tenants that looked nice, and we felt would

participate in our survey. Thus, we believed that standing outside the mediation rooms would be a good solution to this problem. This was for a few reasons. First, it would be easier for us to identify which person was the landlord and which person was the tenant. This was due to appearance. Landlords were usually dressed in business clothes and many came with a lawyer. The tenants usually did not come with a lawyer and they were dressed more casually. Second, we assumed that the tenants might be in a better mood since they had just left mediation and might have reached an agreement. Thus, they might be easier to approach and more willing to participate. Third, we could eliminate survey worker bias since we would approach all tenants that left mediation. In this way every tenant would have an equal chance of being chosen to participate in the survey.

After discussing this with Judge Horan she informed us that it would not be a good idea to stand outside the mediation rooms since it would crowd the hallway and ultimately cause confusion. However, she did say that she would tell the four mediators about the survey. In this way once a mediation session ended the mediators would inform the tenants of our survey and direct them to us, where we would be standing in the corridor.

This procedure worked very well for us. We stood at opposite ends of the corridor soliciting tenants for our survey and working in towards the middle of the corridor. If a tenant agreed to participate, we stood by them as they completed the survey so they could ask any questions if they had any. Meanwhile the mediators directed tenants to us as they left mediation.

We stayed at the housing court until approximately 12 PM. Around this time most of the cases had been heard and the Worcester Housing Court had emptied out. On

this day there were 58 cases scheduled on the clerk's list (the docket). This list was found at the entrance of the housing court annex taped on the wall. In reality there were less than 58 cases that took place on that day. This was due to dismissals, defaults, and cancellation of cases. We collected a total of 10 surveys by the end of the day. Relative to the number of cases that actually took place this was a good outcome.

After spending that day at the housing court and briefly talking to housing court staff, we decided to add two questions to our survey and to modify one question. In the first section of our survey we added questions 5 and 6, "Did you read your 'Summary Process Summons and Complaint' form?" and "Did you fill out an Answer Form?" We also modified a question in section 3 of the survey; the question was "Do you have access to the Internet?" This question was modified to "Do you use the Internet?" We believed that replacing the word 'access' to 'use' was more direct and to the point.

3.1.5 Protecting the rights of the human subjects in survey use

We took two preliminary steps in order to safeguard the rights of the tenants. First, a script, an "Initial Contact Statement" was developed that we used when we solicited a potential respondent's participation in our study. This statement can be found in Appendix A. The script began by informing the respondent that we were conducting a survey that was intended for tenants only. It went on to explain who we were, who we were working with and why we were conducting our research. It identified the major topics covered in our survey and explained that if the tenant participated we would later find their housing court case record to obtain information about the outcome of their case. It assured the tenant that any information gathered was strictly confidential and for

research purposes only. It also assured them that the Worcester Housing Court did not sponsor the survey and that their participation would not affect their housing court case in any way. Lastly, it reassured the tenant that participation in the survey was completely voluntary, and that more information about the confidentiality procedures appeared on the “Consent Form” that we would ask them to sign, if they agreed to participate.

The “Consent Form” was the second step we took to safeguard the rights of the tenants. This form, found in Appendix B, was shown to those who agreed to participate in the survey. It went more in depth into explaining that we were students of Worcester Polytechnic Institute working with the Legal Assistance Corporation of Central Massachusetts to document people’s experience with legal assistance programs and housing law. It explained that the tenant’s answers to the survey would help us determine whether or not the launching of the livejustice.org website improved the ability of Worcester County residents to obtain legal information and resolve housing questions and problems. It also explained that their participation or refusal would not affect their access to LACCM’s services in any way. Lastly, it listed the procedures that we used to ensure the confidentiality of their participation. The tenants had to sign the “Consent Form” in order to participate in the survey.

The “Initial Contact Statement” and the “Consent Form” covered four important procedures for safeguarding the tenant’s rights. First, they covered ‘security of person.’ This meant that participation in the survey presented negligible physical, psychological, legal or social risk. Second, they ensured ‘privacy and confidentiality.’ The participants were assured that their surveys and responses would be kept in strict confidence by the research team. They explained that after data entry, the completed paper surveys were

returned to WPI offices, where they were stored in a locked filing cabinet. Third, they eliminated ‘embarrassment, discomfort, or harassment.’ This meant that there was no stigma attached to participation or non-participation in the surveys. Participation was voluntary, and the surveys were conducted in a manner, time, and location agreed upon by the respondents and researchers. Lastly, informing the potential participants of the scope, nature, and purpose of the project as whole and the surveys eliminated any ‘deception’. This was done through the statement of consent, which was sought from those who indicated willingness to participate. If consent was given, the respondents were informed of their rights before the survey was administered.

3.1.6 Variables identified in the survey

As mentioned earlier, the purpose of this survey was to identify relationships between the variables outlined in our literature review (gender, race, language, legal representation, economic class, and knowledge) and case outcomes. These variables were then covered in three main sections: the tenant’s experience with the housing court, experience with legal services programs/legal aid, and demographics (Appendix C).

Section I of the survey consisted of six questions regarding the tenant’s housing court experience. This section was designed to find out about the tenant’s legal representation and knowledge when they came to housing court. The first question inquired about the tenants legal representation, ‘Is an attorney present with you today?’ This question was relevant to our project because it found out how many tenants were *pro se*. Next we wanted to know if the tenants had any previous cases at the housing court, and if they did how many. From this question we could find out if the tenants in

our sample found themselves appearing before the housing court numerous times. If they did, this might indicate that the tenants were having problems preserving their tenancies. It might also show us if they had the opportunity to learn from their past housing court experience(s). This was done by relating the answer to this question to the answer for the next question (question 3), “Have you had any problems with housing court procedures so far today?” Question 3 and the last three questions in this section were knowledge-based. If we found that many tenants had problems with housing court procedures such as forms or courtroom rules we could use this information to advise legal services programs about this problem, so that the tenants wouldn’t be lost (not knowledgeable) when they came to court. If they didn’t, it could indicate that they’d been to housing court before so they were comfortable with the procedures, or they’d received some legal aid so they knew what to do, or that the housing court was helping the tenants enough so they weren’t confused. We also asked the tenants how confident they were that they understood their legal rights as tenants, on a scale of one (not confident) to five (very confident). From this question we found out how much legal knowledge the tenants had, and how prepared they were when they came to court. The last two questions in this section asked if they had read their ‘Summary Process Summons and Complaint Form’ and if they had filled out their ‘Answer Form’. These questions informed us of how prepared the tenants were. The ‘Summary Process Summons and Complaint Form’ is the court notice the tenants received that informed them of the proceeding to evict them and of their court date. All tenants must read this paper to know this information. A ‘no’ answer to this question might indicate a language barrier which did not allow them to read the paper or that the tenant quickly glanced at the notice without really reading it.

Within the ‘Summary Process Summons and Complaint Form,’ near the bottom of the notice, but typed in bold letters, there is reference to an ‘Answer Form.’ Tenants can obtain this form in the Clerk’s Office of the housing courts, or at any legal services program. The housing courts ask tenants to file an Answer Form for their summary process case because it is an important procedural step. It is important because this form states the tenant’s defenses to the landlord’s complaint against them. It also gives the tenant the chance to counterclaim against his/her landlord. This means that the tenant claims that the amount of rent that they owe should be reduced, or that the landlord should pay the tenant money because s/he has violated the tenant’s rights in some way. The results of the ‘Answer Form’ question were very important because they showed how many tenants actually took the time to read their ‘Summary Process Summons and Complaint Form’ and took the appropriate steps to deal with their summary process case.

Section II of the survey inquired about the tenant’s experience with legal services programs. The six questions in this section were aimed to inform us of the tenants’ knowledge. We wanted to know if the tenants actually knew about legal services programs such as LACCM, and if they did, if they took advantage of these services. First, we asked them if they were *aware* of the free legal aid programs available for low-income people and elderly with housing problems in Worcester. We then provided the names of the three main legal aid programs serving Worcester County, and asked the tenants if they had heard of them. Next, we asked if they had *ever* received legal aid for a housing problem, if they had received legal aid for their *present* housing case, and from which program. We concluded the section by asking them what services they had

received from the legal aid program, if they had ever used one, and how helpful the programs were to their case.

Section III of our survey asked the tenants basic demographic questions. This section covered the rest of the variables identified in our literature review as possibly affecting the outcome of cases: gender, race, knowledge, language, economic class, and Internet use.

First, we asked the tenant's gender. We did this to determine if gender was a factor in determining the outcome of a case as explained in our literature review. The following question asked the tenant's age. We did this to find out what the median age group coming to housing court was. It was also used to determine if there were any elderly that were eligible for LACCM'S services (60 years or older). Next we asked how many people lived in the tenants' household (relatives only), including them. We used this question to determine, once again, if the tenants were eligible for LACCM's services. We did this by relating the answer to that question with question 18, "What is your approximate annual household income (before taxes) and then by looking on LACCM's eligibility chart (see Table 3). If they were eligible this indicated that the tenant's were low-income tenants, since LACCM only serves low-incomes (and elderly).

The next two questions asked the tenant's ethnicity and the highest educational level that they had obtained was. The answers to these questions were used to determine if ethnicity and knowledge affected the outcome of cases. We also asked the tenants how long they had lived in Worcester. The next four questions were used to determine if language affected the outcome of cases: "Is English your first language? If no, what is your first language? How would you rate your fluency in English? And will you be using

a translator today?” The results of these questions would once again indicate how much care the tenants took in preparing for their court case if they were faced with a language barrier. Lastly, we asked the tenants if they used the Internet, and if they did, where they usually accessed the Internet. This question was aimed to find out how many tenants actually used the Internet, as this will be very important to the success of the livejustice.org website.

3.1.7 Disadvantages and limitations

This section identifies some disadvantages and limitations in our survey research and what we did to overcome them.

A first obstacle we faced was distributing the surveys. This was due to the fact that the initial proposal for this project that was submitted to Clark University’s Institutional Review Board (IRB) for Research in Human Subjects did not include the use of a survey in in-person survey at the housing court. To resolve this problem our advisors sent them a letter explaining how we would use the surveys and why. Although the new proposal was accepted it delayed our survey distribution by two weeks. This explains why our pre-test of the survey did not take place until November 7th. This delay, as well as the upcoming holidays, also limited our sample size since we were only left with two weeks to survey the tenants. To increase our sample size and overcome this problem we decided to distribute our surveys at other housing courts in Worcester County.

Another disadvantage that we faced was the term chosen for this project: B term. During this time, the Worcester County Housing Courts experience a decrease in eviction

cases due to the holidays. The Worcester Housing Court staff informed us that many landlords put cases off until after the holiday season because they feel bad evicting tenants during the holidays. This was very disadvantageous for us because it directly affected our survey sample size. Whereas the Worcester Housing Court would normally have between 70 and 110 cases on a given Thursday, during B term the average was between 50 and 70 cases. Although this doesn't sound like a bad number of cases to work with, after dismissals, defaults, cancellation of cases, and refusals to participate in the survey, we collected around 10 to 13 surveys on a given Thursday. The average number of surveys that we collected from the other Worcester County Housing Courts (e.g. Dudley, Fitchburg, East Brookfield, and Gardener) was between 1 and 3. This was due to the fact that the other satellites only received between 15 and 25 cases (at the most) on summary process days, so after dismissals, defaults, cancellation/continuance of cases (court case cancelled and continued to another day), and refusals we were very limited on participants.

A third disadvantage was response rate. As explained above we faced a limited number of respondents during B term due to a decrease in summary process cases. In addition, we also found that approximately 23-28% of cases did not take place on their scheduled summary process days due to dismissals, defaults, and cancellation/continuance of cases to other days. We found this by obtaining a copy of the clerk's list that the Worcester Housing Court staff uses to keep track of the cases. When we took these two factors into account it was crucial to our project that we overcome this disadvantage since a low response rate would put the adequacy of our sample in question. This was due to the fact that non-respondents may differ in important ways from

respondents (Singleton, 1999). Although refusal to participate in the survey was a problem we found that if some tenants were unsure if they wanted to participate, a further explanation of why we were distributing the surveys and ensuring them that this information would be beneficial to them in the future, convinced them. At the end of our survey distribution and collection we obtained 38 surveys. We also documented 15 refusals, which gave us a response rate of approximately 71.7%. In order to help ensure that our results were not affected by nonresponse bias, we used our second form of data collection, archive records. This will be discussed in section 3.2.

Another disadvantage was getting a tenant's name. The Consent Form, (Appendix C) that respondents had to sign and date before they could participate in the survey, scared some people away. Although we assured them that their participation would not affect their case in any way and that the Worcester County Housing Court did not sponsor this project, people either refused to participate because they did not want to use their name, or they made up names.

Some other disadvantages were that respondents might have been embarrassed or afraid to answer some questions truthfully, they might have misunderstand some questions, or they might have been unable to recall past events accurately. These problems would produce a measure of error in our results, which we could not prevent, yielding inaccurate solutions (Singleton, 1999, chap.9).

Another potential disadvantage in the survey was bias. Although, researchers may work as hard as they can to eliminate bias, sometimes it happens without intent. As explained earlier we eliminated any perceived bias in the survey by first reviewing it with the Worcester Housing Court staff, our advisors, and our liaisons. We also eliminated

sample bias by approaching all tenants in the housing court corridors. By approaching all tenants we were sure that we didn't skip one because s/he looked mean or scary, a factor that would have been introduced by us, the researchers.

Language was a last disadvantage that we faced. We found that Spanish was the next most common language spoken, after English, at the housing courts. We attempted to overcome this language barrier by developing a Spanish version of the survey. Although we brought a few copies of it when we distributed our surveys at each location, we never used it.

3.2 Archival research

Data archives are repositories of data collected by various agencies and researchers that are accessible to the public (Singleton, 1999, chap.5). These records were found in the Worcester Housing Court, since all Worcester County Housing Court records were kept there. The main reason was to validate the survey. We hoped to find the same trends in the records as in the surveys. This enabled us to check whether the people we did not survey had different opinions. This increased our confidence that our surveys were reliable and valid.

3.2.1 Worcester County Housing Court records

The records were used in two ways: 1) in conjunction with a completed survey and 2) alone. First, we found the records of the tenants who completed our surveys. We obtained their name from the survey Consent Form and then entered it into the Worcester Housing Court computer, found at the clerk's desk. After we found the case in the

computer, we wrote down the case number and found the record in the Worcester Housing Court archives.

Secondly, we sampled records without surveys. By random selection we collected a sample size of 200 records between the years 2000 and 2002. Of these 200 records, we randomly sampled 100 Worcester Housing Authority summary process case records, and 100 non-Worcester Housing Authority summary process records.

We used 100 Worcester Housing Authority (WHA) records for the main reason that all tenants residing in WHA apartments are low-incomes. Thus, by sampling from this population of tenants we reliably found information about only low-income tenants facing eviction in Worcester, our target population. By sampling 100 non-WHA records, we reliably found information about all tenants in Worcester County, regardless of their eligibility for LACCM's services.

We collected all these records so that we could to validate some of the trends we found in our survey. By finding trends in our survey for those eligible and not eligible for LACCM's survey and then comparing them to the trends that we found in the records we could validate our survey findings. If we found the same trends in the surveys as in the records, we could conclude that our survey sample was representative of the population.

3.2.2 Archive information

The Worcester Housing Court holds all of the Worcester County Housing Court records. This made finding records for completed tenant surveys that did not live in

Worcester easy to obtain. This section is dedicated to explaining the records and the forms that were most commonly found within them.

From the outside cover of the case folder we found that all records include the names and addresses of the tenants and landlords on a white label found on the top right side of the folder. Beside the words typed “Re:” was found the plaintiffs/landlords names and beside the words typed “Vs:” was the defendants/tenants names. In these cases the tenant is always the defendant and the landlord is always the plaintiff. Halfway down the folder under a section called “Entry” a few notes on the proceedings of the case were found. The case number was also found on the right hand side of the folder. A copy of the outside flap of the case record is found in Appendix D.

In the inside cover of the flap on the left side there was a paper on which the names and addresses of the tenants and landlords, as well as the legal representation of both parties could be found.

The next forms discussed will range from most commonly or always found in a record to rarely found in a record. It is also good to note that the papers found on the top of the case record are the most recently added to it, while the ones on the bottom are the oldest. Thus, the forms discussed in this section will start from those found at the bottom of the record, which corresponds to the initial proceedings of the summary process case. This is important since many cases continue for months before they are resolved.

A “Notice to Quit” letter can be found in Appendix E. In this letter the landlord will state that s/he would like the tenant(s) to vacate the rental unit. This notice is a prerequisite to filing an eviction case. The letter usually states the reason why the landlord would like the tenant to leave, and how much time the tenant has to vacate the

premises (usually 14 days). Although the landlord requests this of the tenant, the letter is not a legal document and by law the tenant does not have to vacate the premises. The final authoritative figure in the matter is the housing court (or district court).

There are many reasons why a landlord may send a tenant a notice to quit. Although most of the time the reason is due to tenant's breach of lease, this is not always the case. Sometimes a landlord may be demolishing the apartment complex and all the tenants must leave, sometimes the property is sold to a new landlord and the current tenants can not afford the rent so they are evicted, and other times the landlord wants to move into the rental unit, etc.

After the "Notice to Quit" time has expired, the landlord then completes a "Summary Process Summons and Complaint Form." (Appendix F) This form is purchased by the landlord at the court in which the landlord will be filing the case. It is delivered to the tenant by a constable or deputy sheriff. This form states the date and time of the scheduled summary process court date hearing, as well as the date that the tenant must file an "Answer Form" to the court.

An "Answer form" is an important procedural step that tenants should complete to prepare for their summary process case, but most of the time they do not (Appendix G). This form is important to the court mediators and the judge because it states the tenants' defenses and counterclaims to the summary process case. The defenses are the legal reasons that the tenant should not be evicted. The counterclaims are claims that the tenant makes against the landlord for money or for a court order requiring the landlord to do something. This form can be obtained at any housing court or legal services program.

Once the tenant fills it out s/he must file or send a copy to the court and the landlord by the first Monday after the Entry Date listed on their Summons.

A “Referral to Mediation” form is usually found in the records, depending on the compliance of the parties (Appendix H). This form states that both parties agree to participate in the mediation services offered by the Worcester County Housing Courts.

An “Agreement for Judgment” form is almost always found in the records (Appendix I). This form outlines and explains the agreement that the parties have reached. The presence of an agreement form indicates two things. First, it indicates that the parties went through some sort of mediation that ended up in an agreement. However, this mediation does not have to be Worcester Housing Court mediation. This is because mediation implies that the parties (the tenant(s) and landlord) came together and reached an agreement. Thus, the parties may have entered into mediation in the corridor while waiting for their hearing, or they might have reached an agreement even before their court date. This form also indicates that the parties did not go to trial.

A “Judgment of Summary Process by Default” is a form that states that the tenant did not show up for the summary process case (Appendix J). In most cases, if the tenant does not request a new trial and provide an adequate reason for missing the original trial date, the landlord will win the case and the court will grant permission to evict the tenant. If this is the case a “Non Military Affidavit and Affidavit of Payments Made” form will follow (Appendix J). The form is an important procedural step that the court and the landlord must take before the tenant is evicted. It is important because it states that the tenant did not miss the trial date because s/he was away on military service.

A “Notice of Voluntary Dismissal” form is a form that states that the landlord/plaintiff has dismissed the summary process case (Appendix K). This form indicates that the landlord and tenant reached an agreement on their own and that the court case is no longer necessary.

A “Notice of Dismissal in Seven Days” form states that the landlord failed to appear for the summary process case and that the tenant did not appear either or that s/he appeared but did not file an answer form to the case (Appendix K). A “Judgment of Dismissal” form follows this form if neither of the parties requested a new trial date within seven days of the original trial date (Appendix K). This form states that the court has dismissed the case.

An “Application for Issuance of Execution” form, Appendix L, states that the plaintiff/landlord is requesting an execution (eviction). These executions are based on either a default judgment or a judge’s decision from a trial. A “Motion for Issuance for Execution” form, Appendix L, also states that the plaintiff/landlord is requesting an execution, however, this execution is based on a motion (a court appeal on a summary process case). Lastly, a “Motion for Issuance for Execution” form, Appendix L, is the court form to evict a tenant.

Other forms that may be found in the record that are not as common include a lease, and a request for a translator.

3.2.3 Worcester County Housing Court archives survey

From the information found in the court records we developed a survey for use with the archival material. This survey asked specific questions of the case records. The

Worcester County Housing Court Archives Survey can be found in Appendix M. These questions were designed to give us the most valuable information about the tenants.

The first four questions, “Name of tenant, case number, represented or pro se, and address of tenant,” could all be found on either the outside cover or inside flap of the case record. We recorded the name of the tenant and case number for quick and easy future access to the case. The legal representation of the tenant was asked since it was one of the variables identified in our literature review as affecting the outcome of court cases. We were specifically looking for the tenants’ zip codes when we recorded the addresses because we wanted to identify the zip codes in Worcester and other neighboring towns with the highest number of summary process cases. This would eventually help us identify the areas in which most low-income tenants reside.

The next three questions were all answered by looking at the Summary Process Summons and Complaint Form in the records. The date the Summary Process Summons and Complaint form was issued was found under the signatures of the Presiding Justice and Clerk Magistrate. If it was not there then a blue stamp, stamped on by the housing court, usually located on the top right hand part of the page, also gave the date the complaint form was issued. It should be noted that sometimes cases were continued and there were multiple Summary Process Summons and Complaint Forms. Thus, to avoid confusion we were only interested in the date the first complaint form was issued. Next, we wanted to know the date of the court case and the date the answer form was due. These two pieces of information were found on the bottom half of the page in the paragraph typed in bold. We compiled this information because we wanted to know how much time passed between the date the Complaint form was issued and the date of the

court case, as well as the answer sheet. This information would tell us two things, how quickly the housing court acts on a case and how much time the tenants have to go to legal services programs and prepare themselves for their summary process case.

Next we wanted to know if the parties appeared. The absence of a “Judgment of Summary Process by Default” or any dismissal form answered this question. This information was collected for statistical analysis; we wanted to know how often the tenants and landlords appear for their cases.

The presence of a “Referral to Mediation” or “Agreement for Judgment” form answered the next records question, “Did parties go to mediation?” From this question we hoped to find out how often the mediation process was used and how successful it was in solving landlord/tenant disputes.

By reading the “Notice to Quit” letters we were able to record the reasons that landlords evicted people, which was the next question. We did this to gain a better understanding of the problems that tenants are facing. Next, we recorded the outcome of the case, if there was one. Our options here were: evicted (and if available, the date the tenant(s) had to leave their apartment by-- found in the agreement form), not evicted, or unclear (for example, if the case ended at a Default notice and there was no Execution on Judgment for Summary Process form).

The next question asked of the record was if the tenants had filled out an Answer Form and if they had, where they had received the form. This question was answered by the presence or absence of an Answer Form. This question helped us identify how many tenants actually read their Summary Process Summons and Complaint Form and took the appropriate steps for their case.

Lastly, we asked what day the Execution on Judgment for Summary Process form (legal form issued by the court to evict a tenant) was approved. This was found on the bottom half of the page next to where it said ‘Witness, John G. Martin (or Diana H. Horan), Judge of the Worcester County Housing Court, on (*date*)’, that date was the one we were interested in. We also recorded what day the Execution on Judgment for Summary Process form expired. This was also found on the bottom half of the page next to where it said ‘Note to Officer.’

3.2.4 Disadvantages and limitations

We tried to cover the same variables that we outlined in our literature review, however it was impossible to find the answers to some of the variables due to the limited information found in the records.

We could not learn any demographic information about any of these tenants. Although we may have been able to deduce the gender and race of the tenants from their names, we decided we did not want to assume information. We could not find out what their first language was either, or their economic class. Nor did we know how much education the tenants had received.

We also could not find out if the tenant had any experience with legal services programs, unless they filled out an Answer form from one of these programs. We also could not find out how much knowledge the tenants had of their legal rights.

Although much of this important information was missing from the records, we were still able to find out valuable information about the tenants, such as their legal representation and if they had appeared the day of their court date. As mentioned earlier,

we were also able to deduce that they had received aid from a legal services program from their Answer form, if they had completed one. Lastly, we were able to find out what the outcome of their case was (if they had been able to preserve their tenancy), and how much time they were allowed to stay if they were evicted.

3.2.5 Reliability/Validity

We validated our survey results by comparing them against collected data from archival records. By finding trends in records that matched trends that we found in our survey, we were able to validate our results. In this way we could conclude that our survey sample was representative of the target population. We also used the archives as a check on nonresponse bias. We did this by covering another sample of tenants that would have been identified as nonrespondents of the survey.

3.3 Summary of Methodology

We believe that these two data collection methods were most appropriate for our research study for two reasons. First, the survey gave us a better understanding of tenants with cases before the Worcester County Housing Courts. They taught us about their experience with the Worcester County Housing Courts, their experience with and awareness of legal services programs/legal aid, and their demographics. Second, from the records we learned valuable, legal information collected by the Worcester County Housing Court about the tenants.

4.0 Results and discussion

4.1 Data analysis methodology

After collecting our data from the surveys and archives surveys, we created a database in Microsoft Excel. The database contained the answers from the 38 surveys we collected and the 200 Worcester County Housing Court archive surveys. For the entire set of data, contact researchers. The responses to each of the questions in our survey and records survey were entered into one matrix in Microsoft Excel. Each survey and records survey question made up the columns across the top. The survey and records survey results filled in the rows, with each subject having its own row.

We used coding, a process in which number are assigned to variable categories for computer analysis (Singleton, 1999). To further simplify data entry and analysis, numerical codes were used. Some answers to questions were already expressed in numbers so we did not need to code the data any further. However, some answers were not expressed numerically, so numbers were assigned to each answer. For all questions with answers of yes or no, the code for “yes” was 1, and the code for “no” was 2. In other closed-ended questions in which there were more than one option, the first option was given a code of 1, the second option was given a code of 2, the third option was given a code of 3, and so on until all the options were assigned a code number. If the survey participant did not check off a close-ended question option, it was met with a code of 0 in the matrix. This was done to minimize confusion as to why a cell was skipped in the matrix, and for consistency. After the all the data were entered into the matrix we used the “countif” function to automatically count the number of cells that met a certain condition (e.g. if we wanted to tally all the 1’s for a given survey questions).

When we analyzed the surveys and record surveys we broke the data down and looked at each category of analysis individually (e.g. legal representation, race, knowledge, language, economic class, and gender). First, we looked at the survey data and created graphs of the results. We used tables, bar graphs, pie charts, and percentages to display and analyze the results of the surveys. Next, we examined the data that we collected from the Worcester County Housing Court archive records. Once again using tables, bar graphs, pie charts, and percentages we displayed and analyzed the results of the records. We used Microsoft excel to create all tables and graphs.

4.2 Analysis of Worcester Housing Court archives

We sampled 200 Worcester County Housing Court archive records between the years 2000 and 2002. These records were divided into two subgroups: 100 randomly sampled Worcester Housing Authority (WHA) records and 100 randomly sampled non-Worcester Housing Authority records (non-WHA). The WHA group provided us with information on low-income and elderly tenants facing eviction in Worcester, our target population. This is due to the fact that the Worcester Housing Authority only provides housing for low-income and elderly tenants of Worcester. The non-WHA group was sampled to find information about all tenants of Worcester County. Of these two groups, the non-WHA group is more representative of low-income and elderly tenants facing eviction. This is due to the fact that only 7% of eviction cases heard per year at the Worcester Housing Court are from the Worcester Housing Authority. This percentage is not significant enough for us to base conclusions on low-income tenants facing eviction

from the WHA sample group. Results from both subgroups were compared against one another in order to find similarities and differences within them.

4.2.1 Tenants' eligibility for LACCM's Services

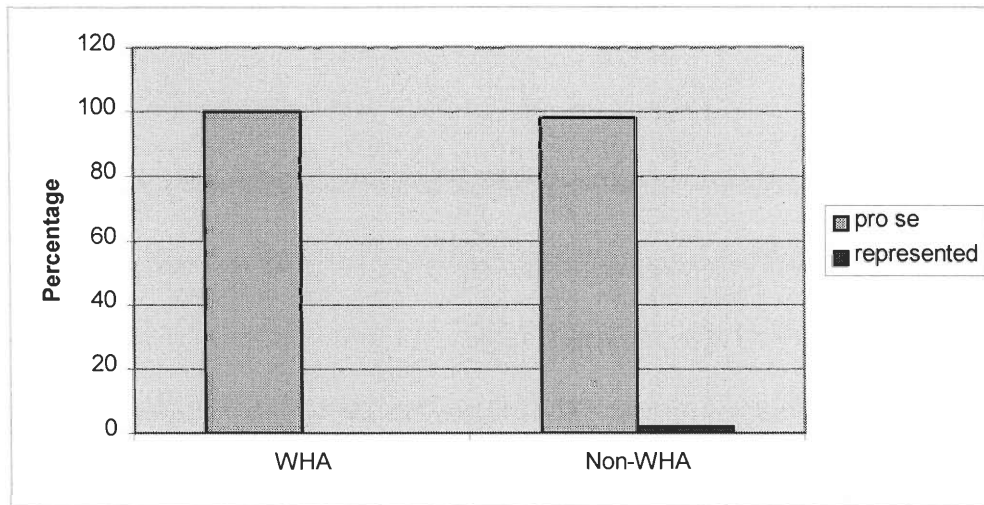
To be eligible for LACCM's services tenants must meet one of two criteria. They must either be 60 years or older or their income must not exceed 125% of the poverty line. Since all of the tenants in the WHA subgroup were either low-income or elderly they were 100% eligible for LACCM's services.

From the information found in the non-WHA records we were unable to determine the financial status or age of the tenants. Thus we were unable to determine if the tenants were low-incomes or elderly eligible for LACCM's services. This made our sample 100% uncertain of the eligibility for LACCM's services.

4.2.2 Legal representation of tenants

This representation of the tenants was significant to our project because it was one of the factors identified as affecting the outcome of court cases. In the WHA sample we found that 100% of the tenants came to housing courts unrepresented for their summary process cases; they were *pro se*. In the non-WHA sample we found that 98% of the tenants were *pro se*, and only 2% came represented by a lawyer.

Figure 1: Legal representation of tenants



Since most tenants were *pro se* this might indicate that they were too poor to afford a lawyer. It might also indicate that tenants did not feel that they needed a lawyer for a housing case. This is a major problem for them unless they take the initiative to educate themselves about housing law before they attend their summary process hearing.

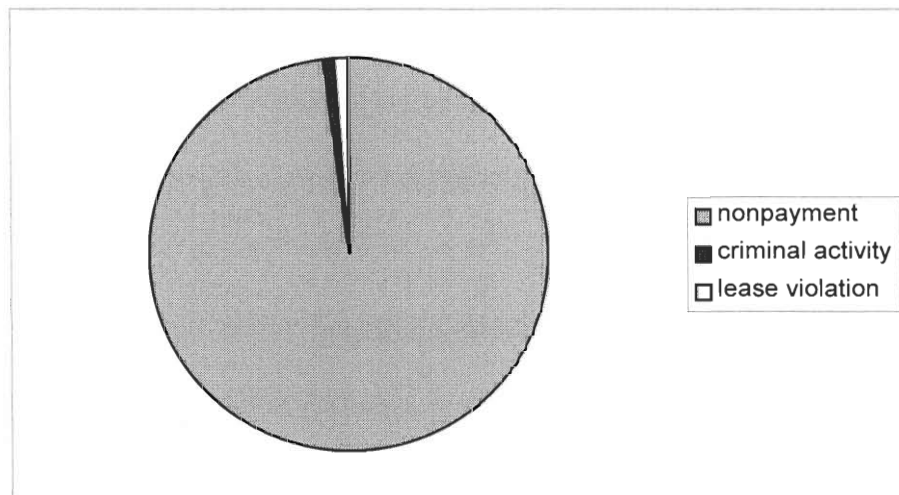
4.2.3 Reasons for Notice to Quit

Discovering the reasons that tenants were sent Notice to Quit letters from their landlords was relevant to our project because it characterized our sample group. This information revealed to us what obstacles tenants were currently facing in trying to maintain their tenancies.

Figure X displays the three main reasons that tenants of the Worcester Housing Authority were sent Notice to Quit letters: nonpayment of rent, criminal activity, and violation of lease. In 98% of the cases, tenants received this notice due to the nonpayment of rent. This indicates that the majority of low-income tenants were facing financial hardships. In addition, since these tenants were already low-incomes and

elderly, this percentage shows that these tenants were not receiving adequate aid from the government. In 1% of the cases criminal activity was a reason that tenants received the notice to quit letter. Since this reason was only found in one case, it indicates that crime and criminal activity is not a major reason for eviction. Violation of lease was the last reason that tenants received this notice, and it was only also found in 1% of the cases. In this particular case the tenant violated the lease by letting people, who were not on the lease, live in the rental unit. Since this reason was only found in one case, it indicates that this is not a common reason for eviction.

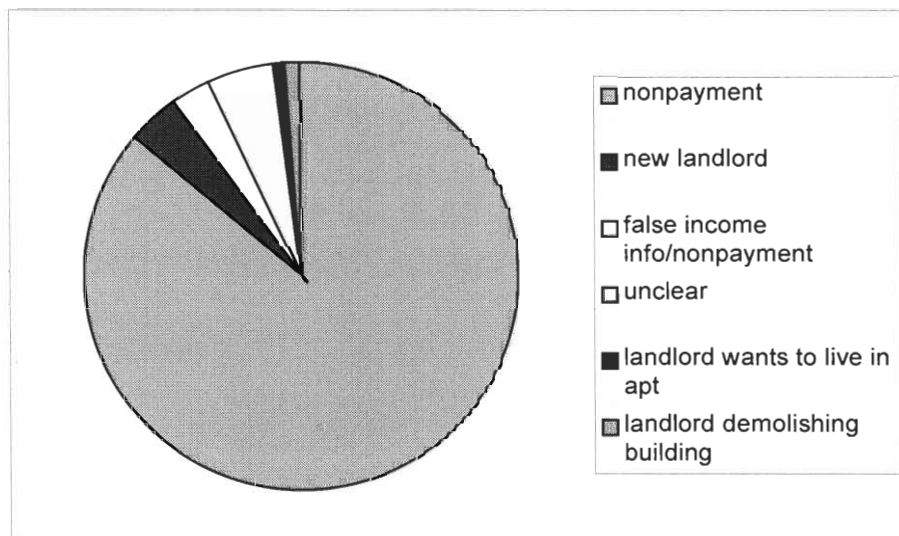
Figure 2: Reasons for Notice to Quit letters (WHA)



In non-WHA cases we found that the most common reason for these letters was also nonpayment of rent, 86% of cases. In 4% of cases, a foreclosure on the mortgage leading to a new landlord was the reason for the Notice to Quit. This is explained by that fact that the landlord most likely raised the rent to pay for the mortgage and the current tenants could not afford the difference. In 3% of cases a Notice to Quit was sent to the tenants because they provided false income information to the landlords. These statistics

indicate that when we randomly selected our sample of non-WHA tenants we must have unknowingly sampled tenants of WHA or tenants that were part of another public housing program. In these programs a tenant's rent is determined by 30% of their monthly income. Thus, the tenants must have been lying about their income in order to obtain a lower monthly rent. In 5% of the cases the reason for the Notice to Quit was unclear. This was due to missing information in the record, namely, the Notice to Quit letter. In 1% of cases a tenant received a Notice to Quit because the landlord wanted or needed to live in the apartment. In another 1% of cases the landlord was demolishing the building.

Figure 3: Reasons for Notice to Quit letters (Non-WHA)



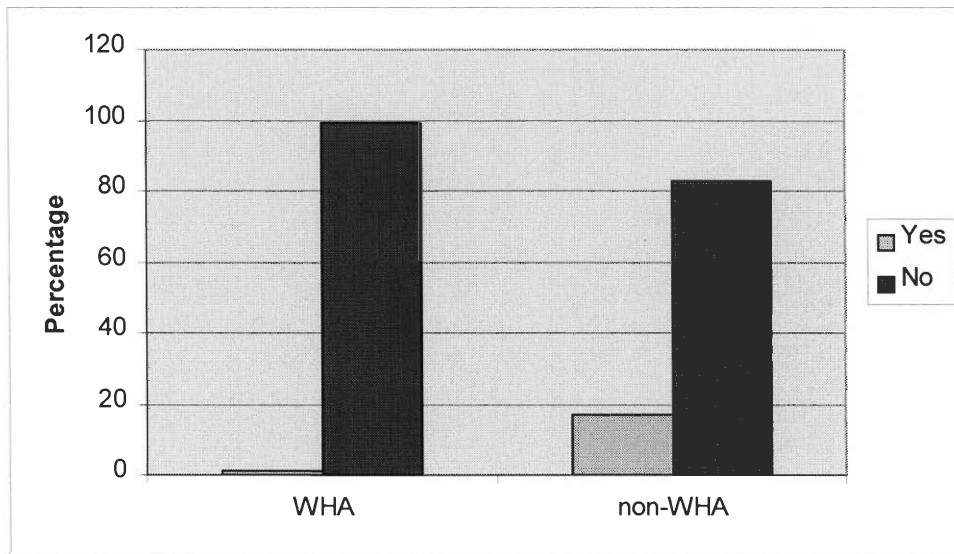
4.2.4 Answer forms

Filling out an Answer form is an important procedural step that tenants should complete prior to their summary process case. This form is important because it outlines

the defenses and counterclaims that a tenant has against his/her landlord to the judge or mediator that is reviewing the case.

From the WHA sample we found that only 1 tenant, or 1% had filled out an answer form, the other 99% did not. From the non-WHA sample we found that 17% of tenants filled out Answer Forms, while 83% didn't. From these statistics we can conclude that a majority of tenants did not fully read their Summary Process Summons and Complaint form since information about the answer form is within the Complaint form. This negligence on their part means that they did not following the appropriate procedures for their summary process case. Although filling out an answer form does not indicate that the tenant will have a higher success rate in the outcome of their case, it will help them present their defenses and counterclaims to the judge.

Figure 4: Percentage of tenants that filled out Answer forms

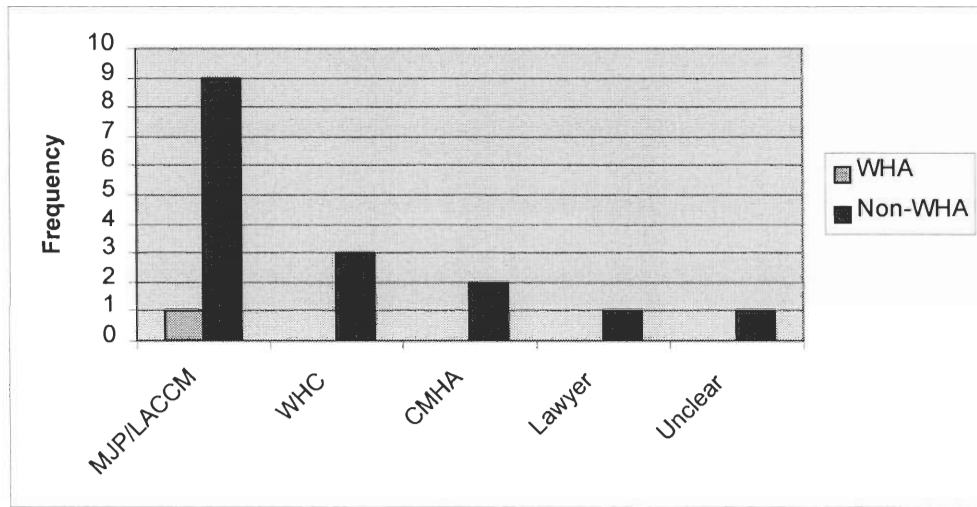


4.2.4.1 Source of Answer forms

The source of a tenant's completed Answer form is important to this project because it indicates if a tenant received legal aid from a legal assistance program such as

LACCM. We were able to identify the source of the Answer forms because sometimes personnel from legal services programs help tenants fill them out and will either stamp or sign them.

Figure 5: Source of Answer forms



In the case of WHA, the one Answer Form that was completed by a tenant was from either LACCM or MJP. It was not possible to determine which one of these legal services programs gave the answer to the tenant because they use the same answer form. This is due to the fact that MJP refers tenants to LACCM for legal counseling.

According to the non-WHA sample the majority of tenants (9) obtained their answer from MJP/LACCM. In five cases the tenants obtained them from the Worcester Housing Court. In two cases they obtained them from CMHA. In one case the source of the answer form was unclear, and in one other case the tenant had obtained the Answer form from their lawyer. This information shows that LACCM/MJP are the leading providers of Answer forms. Thus, in both the WHA and non-WHA samples it is shown

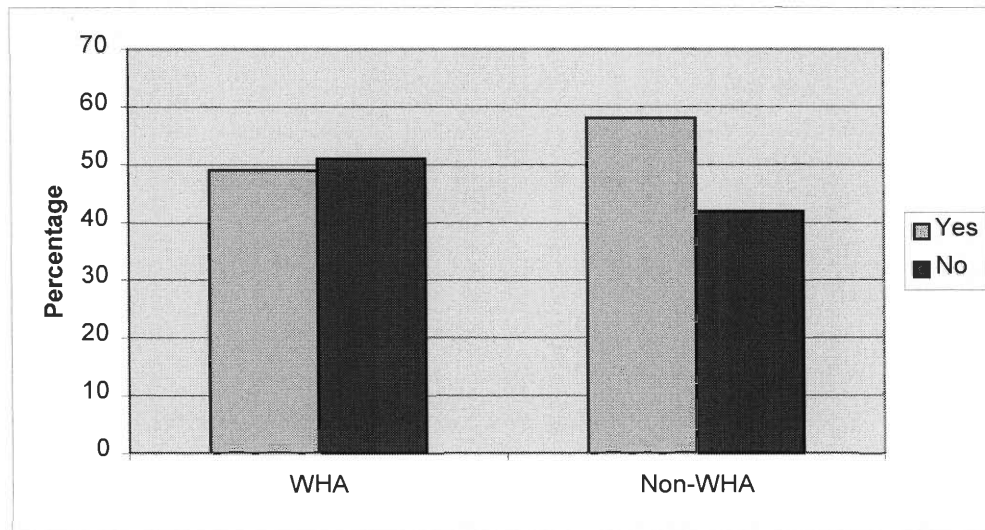
that tenants are most aware of and make the most use of LACCM than any other legal services program.

4.2.5 Appearance for summary process case

Appearance for a court case is very important in a summary process case. If one or both parties fail to show, this could mean the difference between preserving a tenancy and facing homelessness. This is a very significant factor to our project because it describes our target population. It does this by showing what percentage of the time the tenants and landlords appear for their court case. From the records we were able to conclude if the parties appeared or not if we found a dismissal or default notice in the records. These forms indicated to us that the parties did not appear for their case.

From the WHA records we found that 49% of the time both parties appeared for the eviction case, while 51% of the time one or both parties did not appear. From the non-WHA sample we found that in 58% of cases both parties appear, and in 42% of cases one or both parties was absent. These percentages indicate that these housing disputes were either resolved before the court date, that the tenants took it upon themselves to vacate the rental unit prior to the court date, or that the tenants/landlords failed to show for some other personal reason.

Figure 6: Appearance for summary process case



4.2.5.1 Reasons that parties failed to appear for summary process case

It was important for to understand the reasons that one or both parties failed to appear for their summary process case because it gave us a better understanding of some of the problems that tenants were facing. This information also gave us an idea of how some of the tenants were dealing with their summary process cases.

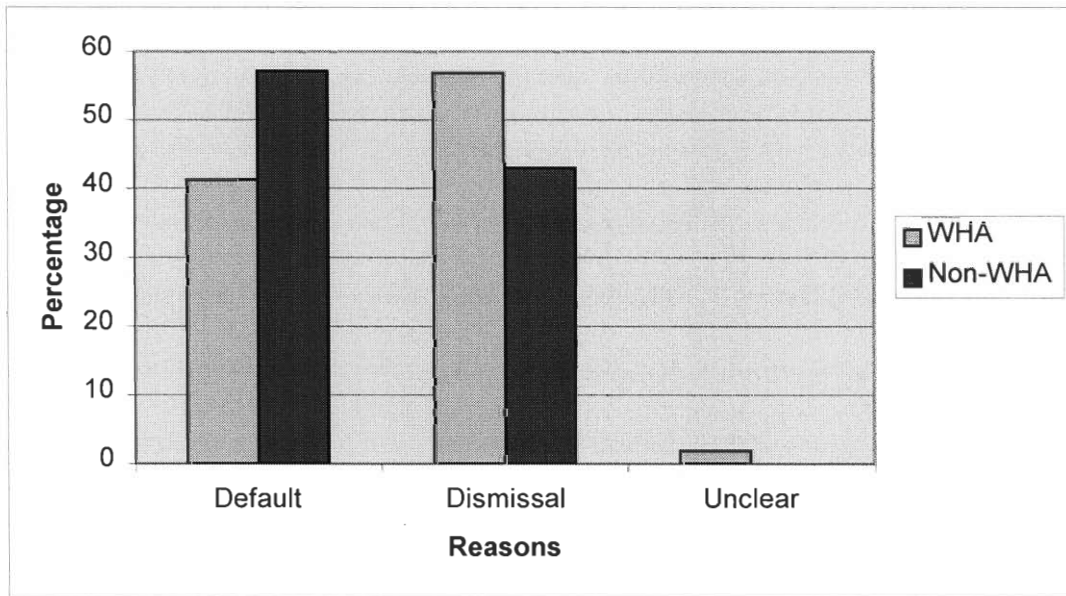
By analyzing the records we were able to conclude that failure to appear for a court case was be due to three reasons: defaults, dismissals, or in some cases it was unclear. If failure to appear was due to a default this could indicate that the tenants vacated the rental unit prior to the court case or that they missed the case for other personal reasons. If failure to appear was due to dismissal this indicated that the landlord/plaintiff dismissed the case. Since ‘Notice of Voluntary Dismissal’ forms and ‘Notice of Dismissal in Seven Days’ forms were both filed when the landlord dismissed the case, these two forms were grouped under the “Dismissal” category. The category,

“unclear” was also used in one case due to missing information in the record that did not allow us to conclude if either party appeared for the court case.

In the WHA sample it was found that in 51% of cases one or both parties fail to appear for the court case. Out of this 51% it was found that in 21% of cases this failure was due to a default, in 29% of cases failure is due to a dismissal, and in 1% failure to appear was unclear. The reason that there was a higher percentage of dismissals was probably due to the fact that most of the housing disputes were resolved prior to the court case. This is due to the fact that WHA works with the tenants to preserve their tenancies so they probably underwent some sort of mediation prior to the court date.

In the non-WHA group we found that in 42% of cases one or both parties failed to appear. Out of this 42%, we found that in 57.1% of the cases failure was due to a default, and in 42.9% of the cases failure was due to a dismissal.

Figure 7: Reasons parties did not appear for their summary process case



4.2.6 Mediation

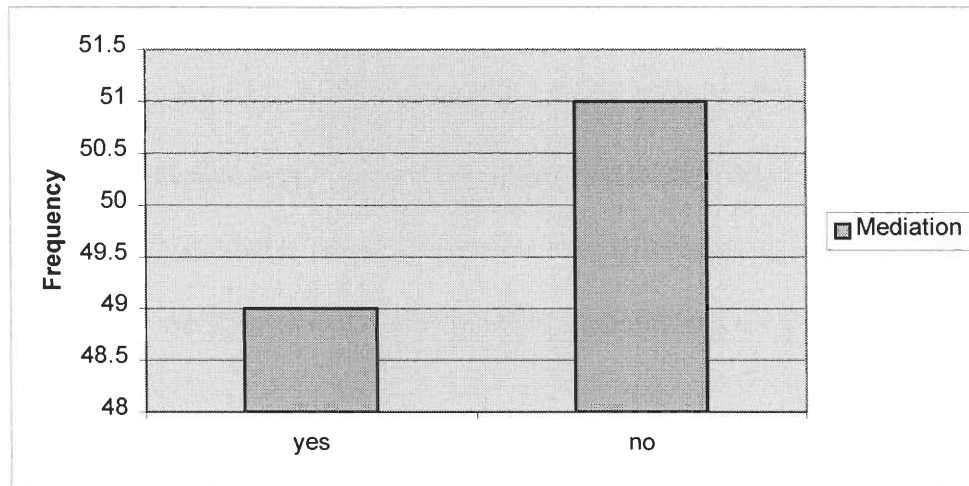
Mediation is a very important service that is offered by the Worcester Housing Court, as well as the Worcester Housing Authority. Although tenants of the Worcester Housing Authority may undergo Worcester Housing Court mediation, after reviewing their records it was found that most of them underwent Worcester Housing Authority mediation. There is no perceived difference in either of these mediations since their ultimate goal is to reach an agreement that both parties are satisfied with. Mediation was another very important factor that we took under consideration in our project because it showed how often both parties work to resolve their problems in an effort to preserve their tenancies.

By analyzing the records we were able to answer question 9 of our Worcester Housing Court Archives survey, “Did parties go to Mediation?” There were two forms in these records that indicated if any mediation took place: “Referral to Mediation”, and “Agreement for Judgment.” If a “Referral to Mediation” form was found in the records this indicated that Worcester Housing Court mediation had taken place. If a “Referral to Mediation” form was not found in the record but and “Agreement for Judgment” was found it was assumed that WHA mediation had taken place. This was due to the fact that an agreement form implies an agreement had been reached in mediation. If a referral to mediation form was lacking in a record, then it was safe to assume that Worcester Housing Authority mediation had taken place instead.

From the WHA records we found that when the parties appeared for their summary process case in 49% of the cases the parties underwent mediation and in 51% of the cases the parties did not enter into mediation. This was a very important finding

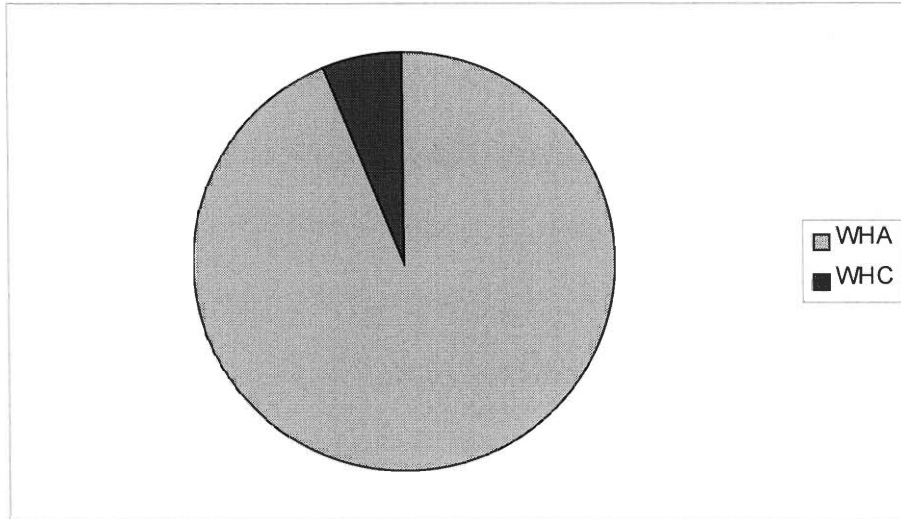
because it indicates to us that approximately half the time landlords and tenants are working together to resolve their housing issues. This indicates that both parties are working to preserve tenancies and eliminate eviction and homelessness.

Figure 8: Did parties go through mediation?



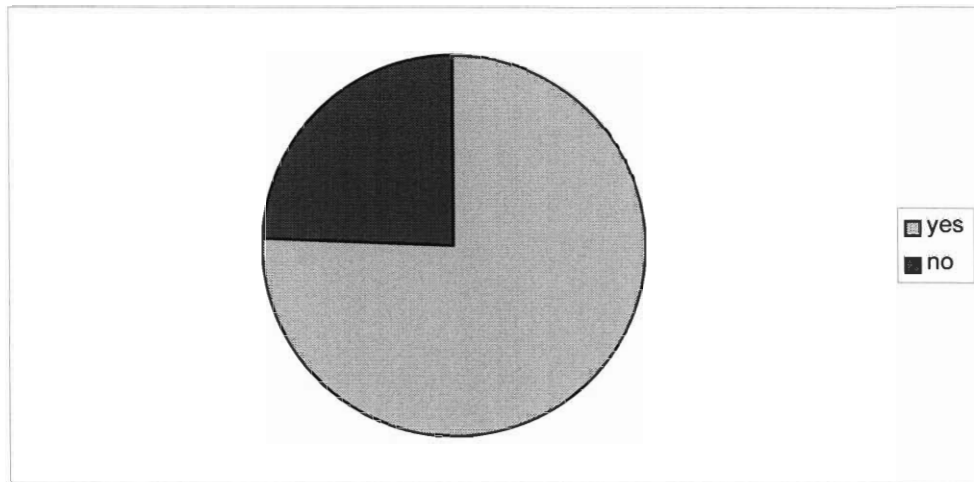
We also found that if Worcester Housing Authority tenants underwent mediation, in 93.9% of the cases, they underwent Worcester Housing Authority mediation. In 6.1% of the cases they underwent Worcester Housing Court mediation. WHA tenants will frequently utilize WHA mediation because WHA tries to work with their tenants as much as possible to preserve their tenancies and avoid eviction. However, if WHA and the tenant cannot reach an agreement in WHA mediation then usually the next step is to go through WHC mediation and try to reach an agreement through them.

Figure 9: Did tenants go through Worcester Housing Authority or Worcester Housing Court mediation?



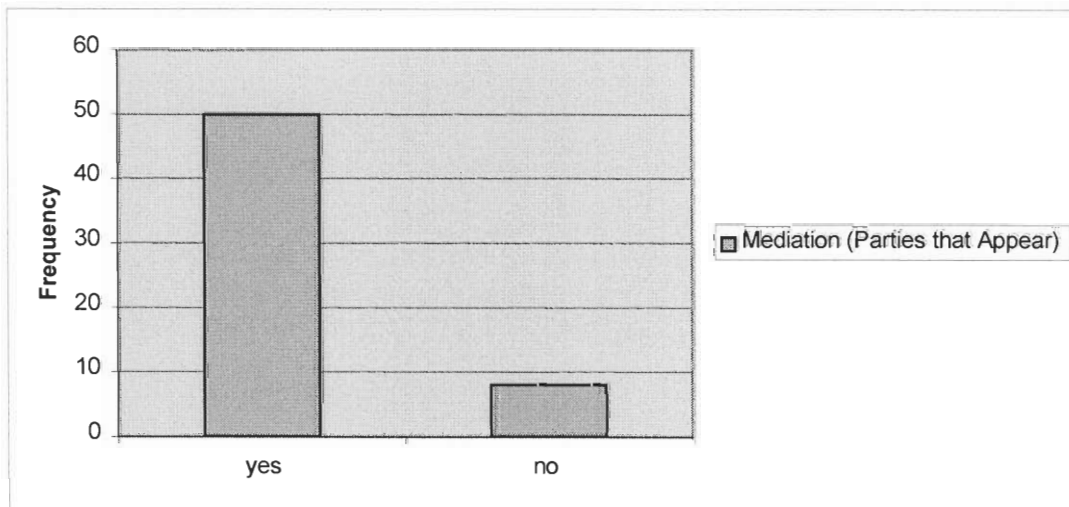
Of the tenants that went into mediation, whether it was WHC or WHA mediation, we found that approximately one quarter of them did not keep to the agreement. This failure was probably due to the nature of the agreement. Sometimes agreements are made that are not feasible to the tenants but they will agree regardless. For example, the tenants will agree to pay the landlord \$300 one week, \$300 the next week, and \$250 the following week to make up for rent that is in arrears. Since these tenants are already low-incomes this arrangement is not realistic, as most moderate-income tenants would not be able to pay for this either. This impractical agreement may be due to the tenant's naiveté, or they may be trying to buy time because they know they cannot obtain the money and will be evicted anyways. This failure to keep to the agreement ultimately leads to their eviction.

Figure 10: Did tenants keep to agreement?



From the non-WHA records we found that of the 58 cases that appeared for their summary process case, 50 (86.2%) went into mediation. Eight (13.8%) of the parties did not go into mediation. These figures are important to our project because they show how useful the mediation services are to summary process cases.

Figure 11: Did tenants that appeared go through mediation?

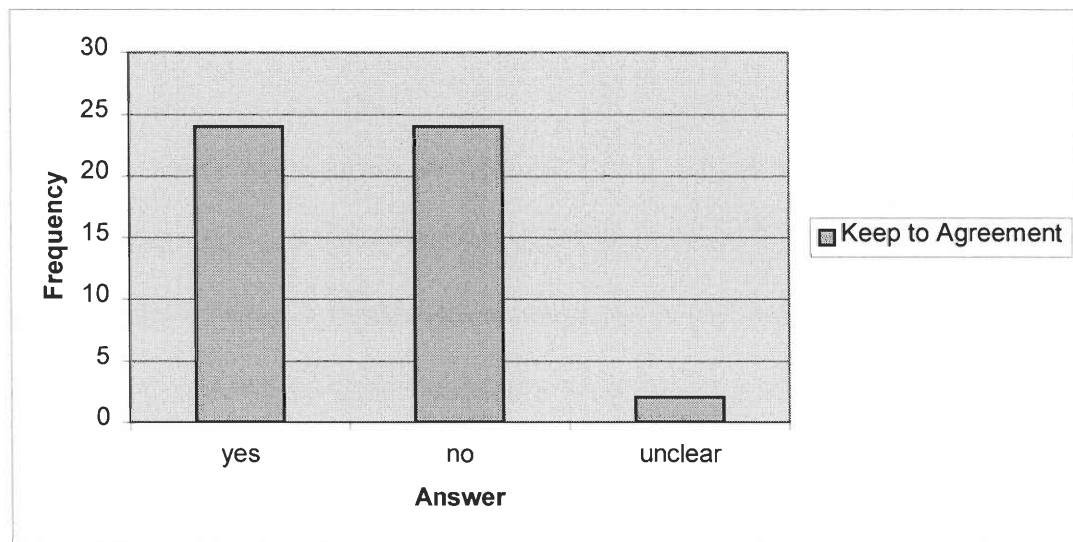


Of the 50 parties that went into mediation, 48 cases went into Worcester Housing Court mediation, and 2 went into Worcester Housing Authority mediation. This means

that when we randomly sampled the 100 non-WHA records, we accidentally sample 2 Housing Authority cases.

Of the 50 parties that went into mediation it was found that 24 of those parties kept to their agreement reached in mediation. Twenty-four didn't keep to their agreement and were eventually evicted. In 2 cases the outcome of the agreement was unclear.

Figure 12: Did tenants keep to agreements reached in mediation?



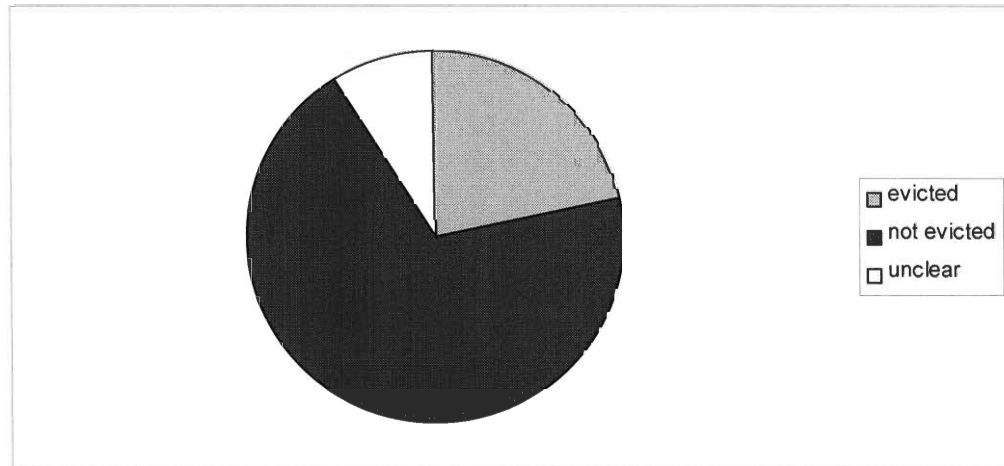
4.2.7 Final outcomes of eviction cases

The outcome of the summary process cases in our sample showed us how often tenants actually get evicted. With this information we can provide a metric for the future group IQP group so they can determine if the launching of the livejustice.org website has decreased eviction rates, and ultimately helped the low-income and elderly tenants of Worcester.

From the WHA records we found that in 69% of the cases tenants were not evicted. This indicates that the Worcester County Housing Court is trying its best to work with the tenants and landlords in order to avoid eviction. In 22% of the cases the tenants

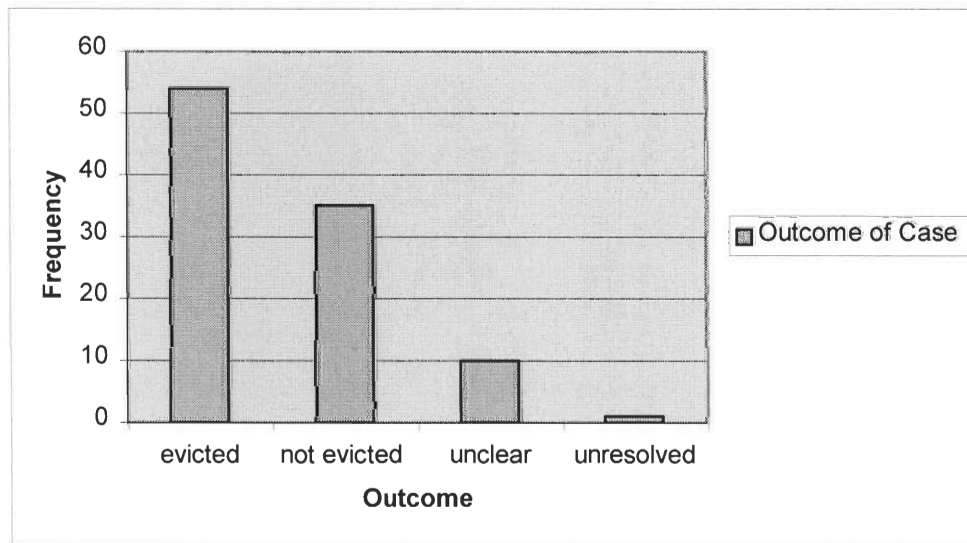
were evicted, and in 9% of the cases the outcome of the summary process case was unclear.

Figure 13: Outcome of WHA eviction cases



From the non-WHA records we found that in 54% of summary process cases tenants were evicted, in 35% of the cases they were not evicted. The outcome was unclear in 10% of cases and in 1% the case was unresolved.

Figure 14: Outcome of non-WHA eviction cases



4.2.8 Time lapse between date of Summary Process Summons and Complaint form and court date and Answer form

Table 5: Time lapse between date of Summary Process Summons and Complaint form and court date and Answer form

	Complaint to Court Date (days)	Complaint to Answer Form (days)
Median	14	11
Average	14.09	10.75
Mode	14	11

We found that when a Summary Process Summons and Complaint form is filed in the court it takes at the most 14 days for a trial date (Table 5). The table also shows that from the day the complaint form is filed, the tenant has at the most 11 days to file an answer to the court. This means that a tenant has two weeks, at the most, to prepare for his/her summary process case.

This information is relevant to our project because the amount of time that is given to a tenant to prepare for his/her summary process case is crucial to the outcome of the case. Since it has been shown that 100% of WHA tenants and 98% non-WHA appear for their court case unrepresented, it is during this time period tenants have the chance to educate themselves about housing law and prepare their defenses for the summary process case. During this time the tenant can also seek legal advice from legal services programs, such as LACCM.

4.2.9 Summary process cases per zip code

The Worcester Housing Court conducted a Geographic Report Summary of Summary Process Cases per Worcester Area Zip Code between 1/1/02 and 11/12/02 and found that zip code 01605 had the highest number of eviction cases. (See Appendix N

for the full Worcester County Housing Court Report) In our analysis of the WHA and non-WHA tenants with summary process cases, we also found that this zip code has the highest number of eviction cases. In addition, we also found that according to WHA and non-WHA tenant records the next zip code with the highest eviction cases is 01609, but according to WHC it is 01610. This information indicates that many low-income tenants and elderly with housing problems must reside in these areas. In the case of WHA this may indicate that there are many WHA housing developments in these areas/zip codes of Worcester. This information is crucial to LACCM as these areas are where the majority of low-income tenants reside. With this information LACCM can better help the tenants by promoting and advertising their services in these neighborhoods to make the tenants aware of their services.

Figure 15: Comparison of Percentages of WHC and WHA summary process cases per Worcester zip code

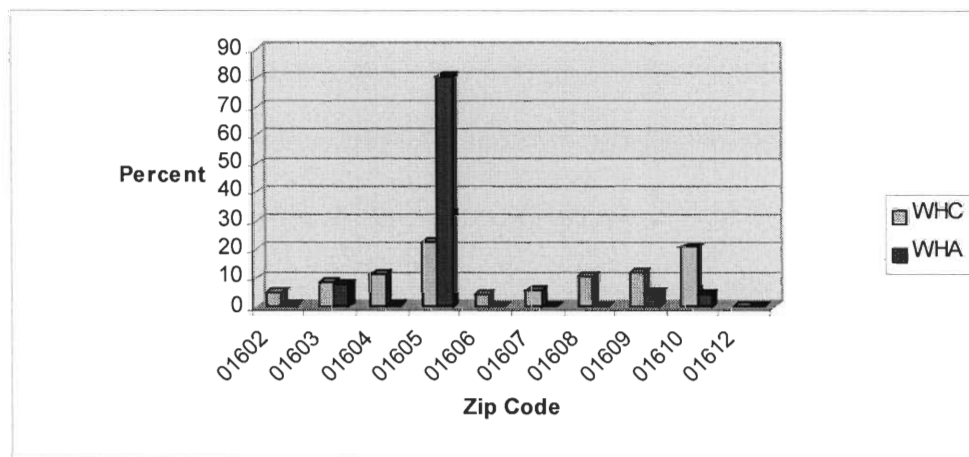
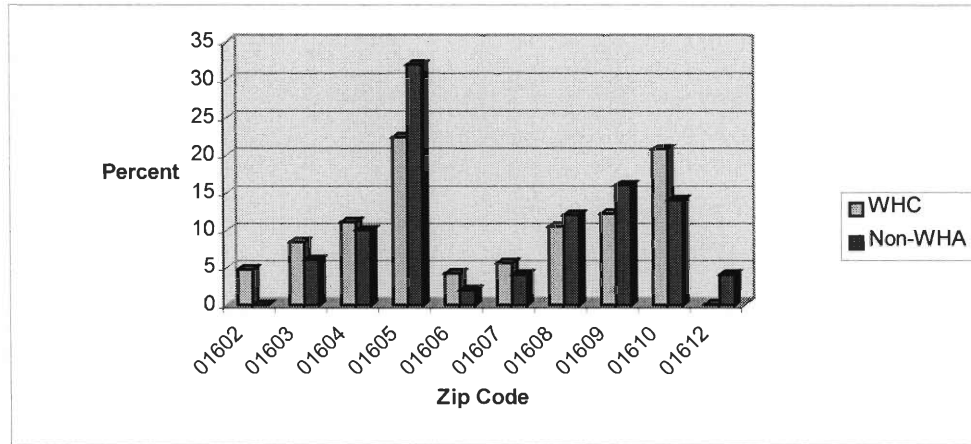


Figure 16: Comparison of percentages of WHC and non-WHA summary process cases per Worcester zip code



4.2.10 Data analysis summary of archival records

- Eligibility for LACCM’s services:
 - WHA – 100% eligibility
 - Non-WHA – can not determine eligibility
- Legal representation:
 - WHA – 100% pro se
 - Non-WHA- 98% pro se, 2% represented
- Reasons for Notice to Quit:
 - WHA- 98% nonpayment, 1% criminal activity, 1% violation of lease
 - Non-WHA – 86% nonpayment of rent, 4% new landlord, 3% false income info/nonpayment, 1% unclear, 1% landlord wants to live in apt, 1% Landlord demolishing building
- Answer forms:
 - WHA- 1% filled it out, 99% did not
 - Non-WHA – 17% filled it out, 83% did not
- Source of Answer form/Indicates use of legal services programs:
 - WHA – 1 LACCM/MJP
 - Non-WHA – 9 LACCM/MJP, 5 WHC, 2 CMHA, 1 unclear, 1 lawyer
- Appearance for Court Case-
 - WHA - 49% appear, 51% don’t appear
 - Non-WHA –
- Reasons for failure to appear-
 - WHA - 41.2% default, 56.9% dismissal, 1.9% unclear
 - Non-WHA - 57.1% default, 42.9% dismissal
- Mediation -
 - WHA- 49% yes, 51% no
 - 93.9% WHA mediation, 6.1% WHC mediation
 - 75.5% kept to agreement, 24.5% did not

- Non-WHA - 86.2% yes, 13.8% no
 - 96% WHC mediation, 4% other mediation
 - 48% kept to agreement, 48% didn't, 2% unclear
- Outcome of cases-
 - WHA- 69% not evicted, 22% evicted, 9% unclear
 - Non-WHA - 54% evicted, 35% not evicted, 10% unclear, 1% unresolved
- Time lapse -
 - Median for WHA and non-WHA- 14 days for Complaint to Court case, 11 days for Complaint to Answer
- Summary Process cases per Worcester zip code-
 - #1) 01605 WHC, WHA, non-WHA
 - #2) 01610 WHC
 - 01609 WHA, non-WHA

4.3 Analysis of record archives for tenants surveyed

From the 38 surveys we collected, our team could only find 28 matching archives record. We could not find records for all the tenants who filled out surveys because we not use certain names to find records. This may be because tenants gave false names or because the case was not filed under the name of the tenant we surveyed. Our team found that there were similar trends between these archive records, and the 200-archive records we analyzed earlier in this section. Below is an analysis of the 28 archives records gathered from the surveys.

4.3.1 Legal representation

Of the 28-archive records we obtained, we found that 100% of these tenants came to the housing court unrepresented for their eviction cases (*pro se*). This is not surprising, as we found the same results in both the 100 WHA and the 100 non-WHA archive records sampled. This find indicates once again that these tenants are too poor to afford a lawyer. It may also indicate that they do not feel they need a lawyer for a housing case. This is a major problem for these tenants unless they take the initiative to educate themselves about housing law before they attend their summary process hearing.

4.3.2 Reasons for Notice to Quit letters

Non-payment of rent was the number one reason tenants surveyed were sent Notices to Quit letters. In 96% of the cases, tenants received this notice due to the non-payment of rent. This shows that the majority of low-income tenants are facing financial hardships. In 4% of these cases 'moving in problems' was a reason that tenants received

the Notice to Quit letter. Since this reason was only found in one case, it proves that moving in problem is not a major reason for eviction. Once again, these findings were not surprising as we found that nonpayment of rent was also the number one reason for eviction in both the 100 non-WHA and the 100 WHA archive records analyzed earlier.

4.3.3 Answer forms

After reviewing the records, we found that only 6 (21%) tenants out of the 28 had filled out an answer form, the other 22 (79%) had not. As found earlier on in our analysis of the 100 non-WHA records archives, answer forms are a problem. Since tenants are not filling out the Answer Forms, this may indicate that they are not taking the time to read their Summary Process Summons and Complaint Forms. It may also show that tenants do not realize the importance of this document.

4.3.4 Appearance for court case

After reviewing the records of the people surveyed, we found that 100% of the tenants appeared for their court case. This finding was expected because we surveyed these tenants on the days of summary process hearings, this meant that they appeared for their case. These results are very different from the ones we found in our analysis of the 100 non-WHA archival records. In this analysis we found that approximately one-quarter of the tenants did not appear for their court case. This is a more accurate finding as we only have records for tenants who appeared for their cases.

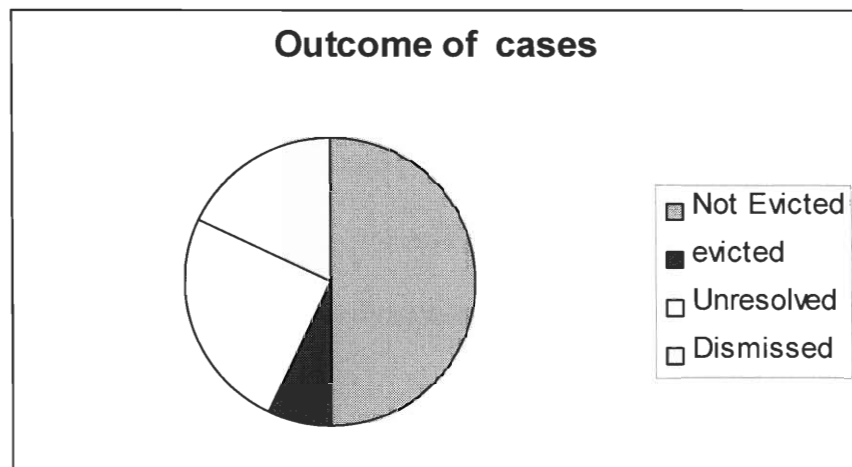
4.3.5 Mediation

Of the 28 archival records from the surveys, we found that 20 tenants (72%) had been through mediation. When both tenants and landlords show up to the Worcester County housing courts, they are encouraged to reach an agreement in mediation. Since the majority of tenants we surveyed had appeared for their court case, it is likely that they went through mediation. Likewise, in our analysis of the 100 non-WHA records, we found that most tenants go through this process. These results prove that mediation is a very important service because through this service both parties can reach an agreement they are satisfied with.

4.3.6 Outcomes of eviction cases

The outcome of summary process cases showed us how often tenants were evicted. In the archive records for the tenants surveyed, we found the following statistics:

Figure 17: Outcome of summary process cases for tenants surveyed



Not evicted = 50%

Unresolved = 25%

Evicted = 7%

Dismissed = 18%

Our team found that 50% of the tenants surveyed were not evicted. In addition, a good percentage of the tenants we surveyed had unresolved cases. The cases for the tenants surveyed were new cases for which outcomes are not yet determined. This is because some cases continue for a while before the judge reaches a decision. From these figures we cannot say for sure that most tenants are evicted, as a good percentage of the case were either dismissed or unresolved.

4.3.7 Time Lapse between date of Summary Process Summons and Complaint form and court date and Answer form

Similar to the analysis of both the 100 non-WHA and the 100 WHA sampled records, we found that when a Summary Process Summons and Complaint form is filed in the court it takes at the most 14 days for the trial date. We also found that the tenant has at the most 11 days to file an answer to court. This means a tenant has two weeks, at the most, to prepare for his/her summary process case.

4.3.8 Summary process cases per zip code

The archival records for the tenants surveyed did not show a trend in the zip codes. Unlike, our analysis of the sampled records, we could not identify zip code 01605 as having the highest number of evictions. Although some tenants we surveyed reside in this area, this zip code was not the most common.

4.3.9 Data analysis summary of archival records for tenants surveyed

The primary goal of this section was to validate the 200 archival records we analyzed. By finding similarities between the records of tenants we surveyed and the other 200 records, we can conclude that the results we obtained in this section are especially similar to the results of the 100 non-WHA records. This shows that the 100 non-WHA records are representative of our target group, low-income and elderly tenants facing eviction. These were the following similarities identified:

- Most tenants come to court unrepresented, that is they are *pro se*.
- Most tenants do not fill out answer forms.
- Most tenants go through mediation in an attempt to resolve their housing problems.

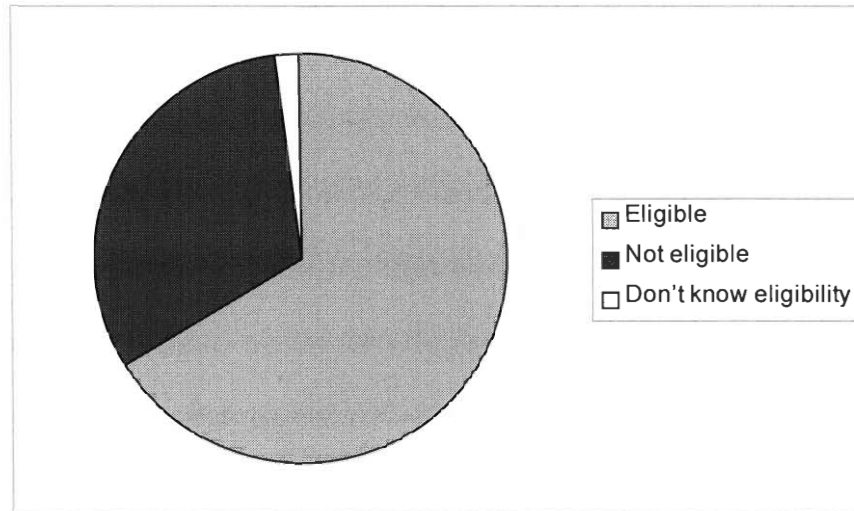
4.4 Analysis of surveys collected

Tenants with an eviction case at the Worcester County Housing Courts were surveyed from November 7, 2002 to November 21, 2002. At the end of our survey distribution and collection we obtained a sample size of 38 surveys. We also documented 15 refusals, which gave us a response rate of approximately 71.7%. A few tenants refused to participate in our survey because they did not feel comfortable signing the Consent Form and giving their name. Other tenants were too nervous and anxious for their case to take the time to fill out the survey. However, according Singleton, an acceptable response rate for face-to-face interviews is 75%. Therefore, we had an adequate response rate for our sample. In this section we analyzed the answers to each survey question separately.

4.4.1 Eligibility for LACCM's services

The 38 completed surveys were separated them into two groups: Eligible for LACCM's services, and not eligible for LACCM's services. The eligibility was determined by looking at questions 15 and 17 of our survey (Appendix C). These questions asked about the respondents' household number and his/her annual income before taxes, respectively. We compared these figures to LACCM's eligibility chart (Table 3), this enabled us to identify those eligible for LACCM's services. In addition all tenants over the age of 60 years old were immediately eligible for LACCM's services.

Figure 18: Tenants' eligibility for LACCM's services



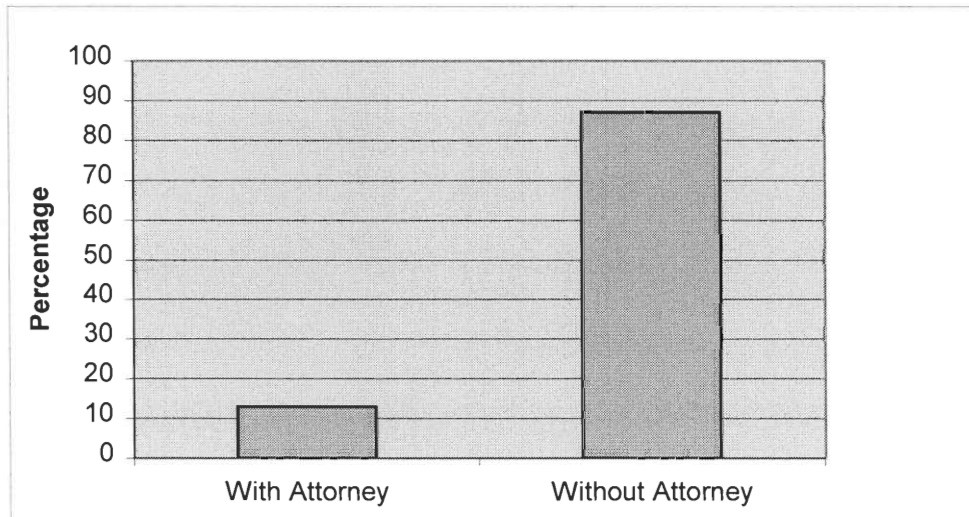
From the pie chart above, we can see that majority of people who completed the surveys were eligible for LACCM's services. From the 38 surveys, 66% were eligible and 32% were not eligible for LACCM's services. Two percent of the respondents did not fill out the question on income; therefore we could not deduce their eligibility. These result show that most of the tenant we surveyed were low-income tenants, below 125% of the federal poverty line. By examining the responses given by the tenants eligible for LACCM's services, we hoped to identify the problems of low-income tenants facing eviction. These results will allow legal services programs to focus on the needs of these tenants.

4.4.2 Housing court experience

4.4.2.1 Legal representation

The first section of our survey asked the tenants a few questions on their housing court experience. The first question in this section asked whether the tenants were represented by an attorney. Results from this section showed that:

Figure 19: Legal representation of tenants' surveyed



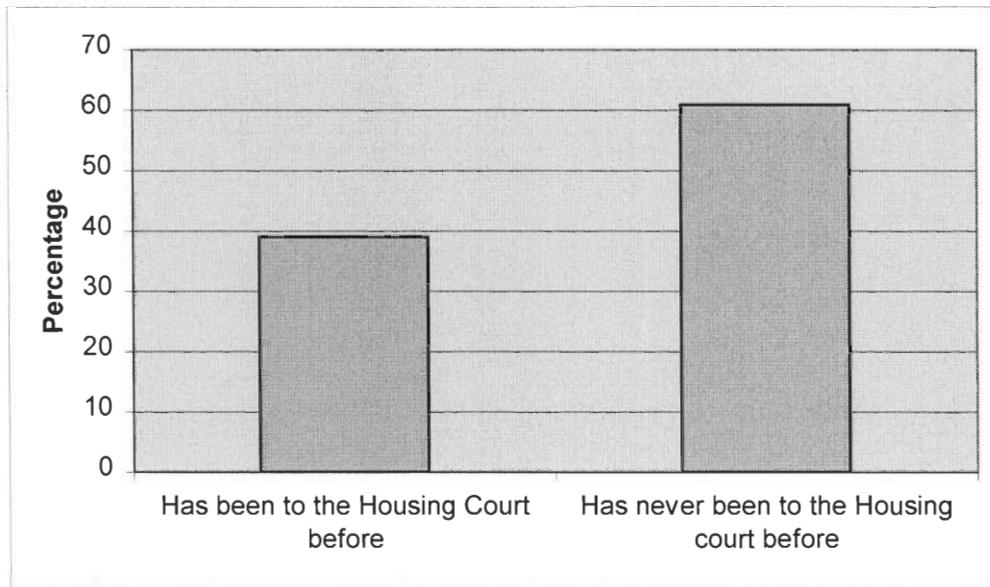
From the graph above, we can see that most tenants regardless of their eligibility for LACCM's services come to the Worcester Housing Court without an attorney. This suggests that legal representation might not be a factor influencing the outcome of a case. In Appendix O, the Worcester County Housing Court statistics report from January 01, 2002 through November 12, 2002 shows that 73% of people coming into the Worcester Housing Court, for summary process cases; both tenants and landlords are *pro se*.

4.4.2.2 Previous cases at housing court

The next question in the housing court experience section of the survey asked whether respondents had a previous case at the Worcester County Housing Courts.

Results from this question are as follows:

Figure 20: Prior housing court experience



In general most tenants had never been to the housing court before their present case. Of the 15 tenants who said they had been to the housing court before, our team found the following results:

Table 6: Relationship between eligibility for LACCM’s services and prior housing court experience

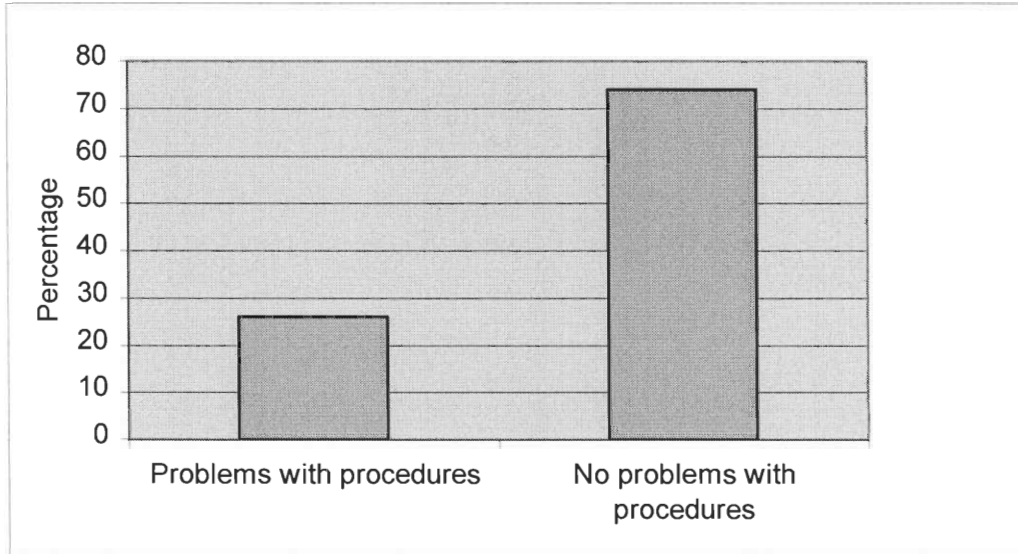
	Eligible	Not eligible	Total
Has been to housing court before	12	3	15
Percentage	80	20	100

This table shows that 12 (80%) tenants were eligible for LACCM’s services. This suggests that these tenants have recurring housing problems that are not being solved. These statistics show that low-income tenants are getting evicted over and over again since they cannot find affordable housing.

Another question closely related to question on prior housing court experience, was whether the tenants had any problems with court procedures. Results from this

question showed that most people did not have any problems with housing court procedures.

Figure 21: Tenants that had problems with housing court procedures



This graph suggests that court procedures are straightforward since a majority of tenants did not have problems with the procedures. Of the 10 tenants who said they had problems with housing court procedures, our team found the following results:

Table 7: Relationship between eligibility for LACCM’s services and problem with housing court procedures

	Eligible	Not eligible	Total
Problems with procedures	7	3	10
Percentage	70	30	100

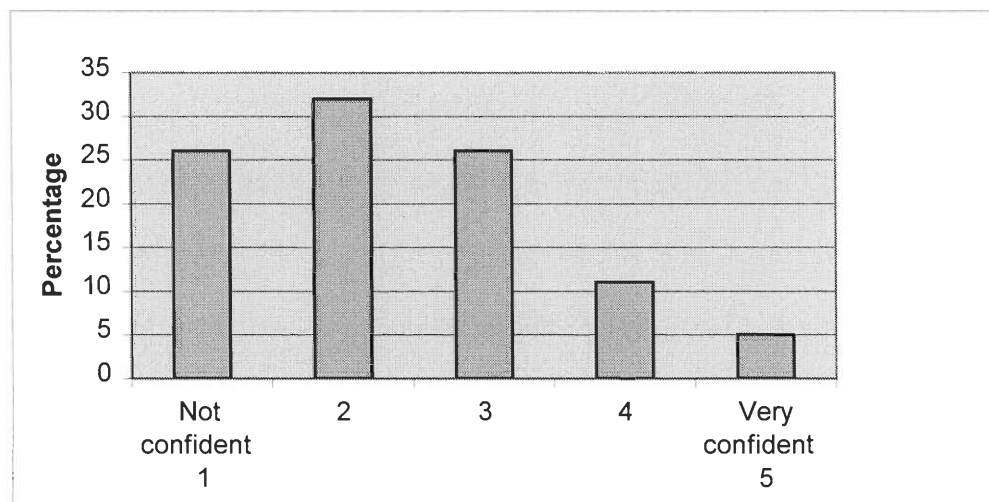
We found that of the 10 tenants who had problems with housing court procedures, 7 were eligible for LACCM’s services. The tenants that had problems with housing court procedures gave qualitative answers explaining the problems they faced. Some said they found that “the rules were hard to understand”, others said they had “no idea what was going on”, and many said that there was “not enough help given to fill out forms and

paperwork.” Results from these questions show that for the mostly low-income tenants need help understanding the court procedures.

4.4.2.3 Legal knowledge

The last sets of questions in the housing court section were designed to find out the tenant’s legal knowledge. The first of these questions asked the tenants to rate how confident they were that they understood their legal rights on a scale 1 (not confident) to 5 (very confident). The results were as follow:

Figure 22: Tenants’ confidence level in their legal rights



From the graph we can see that most tenants were not confident that they understood their legal rights. Most tenants ticket confidence levels 1, 2 and 3. Twenty-six had a confidence level of 1, 32% had a confidence level of 2, and 26% had a confidence level of 3. By examining the results closely, our team found that most tenants’ with a confidence level of 1 and 2 in their legal rights, were the tenants eligible for LACCM’s service.

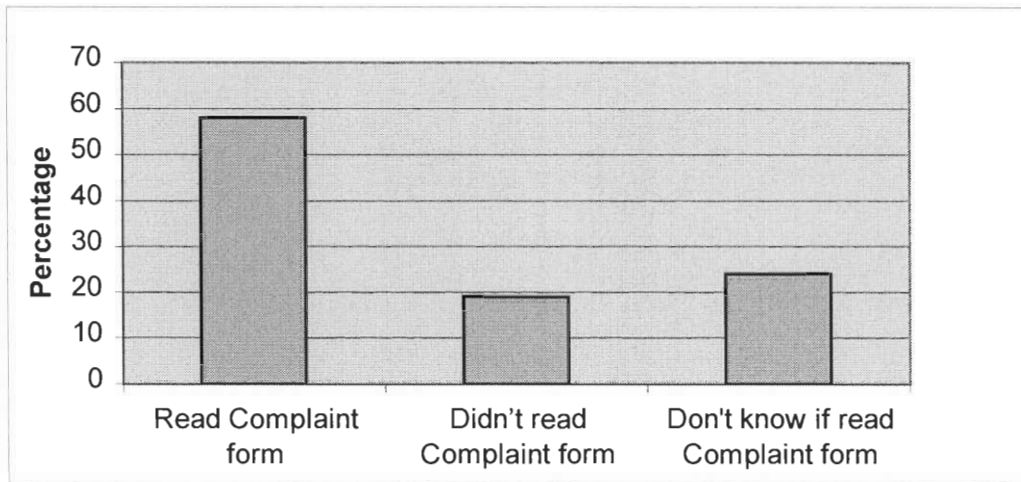
Table 8: Confidence level of tenants that are eligible for LACCM's services

Confidence level	Eligible Tenants	Total Tenants	Percentage
1	8	10	80
2	9	12	75
3	5	10	50
4	3	4	75
5	0	2	0

From the table above we see that of the 10 tenants that said they had a confidence level of 1, eight (80%) were Eligible for LACCM's services. Also, out of the 12 tenants that had a confidence level of 2, nine (75%) were eligible for LACCM's services. However, when we look at the number of tenants who had a confidence level of 5 (very confident), none of these tenants were eligible for LACCM's services (0%). These numbers show that tenants eligible for LACCM's services, were generally less confident that they understood their legal rights. These results show that LACCM needs to focus on making low-income tenants aware of their legal rights.

In the survey, there were two other questions designed to test a tenant's legal knowledge. The first question asked whether the tenant read his/her Summary Process Summons and Complaint form. The second question asked if the tenant filled out an Answer form. These two forms are very important since they allow the judge to understand the housing problem from both the tenants and the landlords' perspective. Answers from these two questions were very attention grabbing.

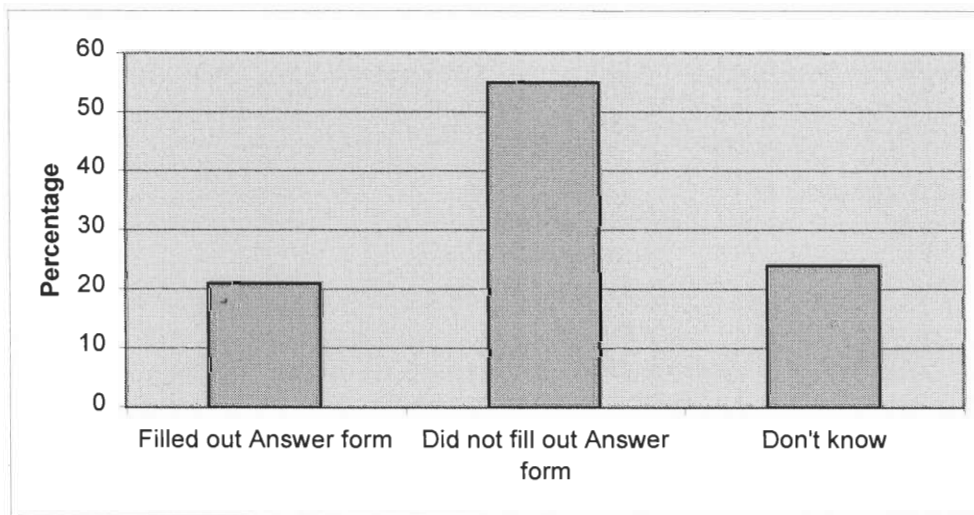
Figure 23: Complaint forms



The graph above shows that most tenants, whether they were eligible for LACCM's service or not, read their complaint form. This means that Complaint forms are not a problem and tenants are aware of them.

From our research, our team found out that at the bottom of Complaint forms, there is a small paragraph giving tenants a deadline for filing answer form. We were interested in finding out how many tenants actually filled out an answer form for their eviction case. Results from this question were as follow:

Figure 24: Answer forms



From the graph above, we can see that filling out answer forms is a big problem for all tenants. However, our team noticed that it is an even bigger problem for tenants that are eligible for LACCM’s services. We found the following results for these tenants:

Table 9: Relationship between tenants that are eligible for LACCM’s services and filling out Answer forms

	Frequency	Percentage
Did not fill out Answer forms	17	81
Total	21	100

We found that 81% (17 out of 21) of the tenants who did not fill out Answer forms were those eligible for LACCM’s services. Such a high percentage may be due to several reasons, for example, the tenants may not know what answer forms are and of their importance, or may not know how to fill them out. Results from this question show that LACCM needs to focus on helping low-income tenants (tenants eligible for LACCM’s services) to acquire correct forms and to help the tenants fill them out.

4.4.2.4 Data analysis summary of housing court experience section

From the results of this section, we highlighted the following major findings:

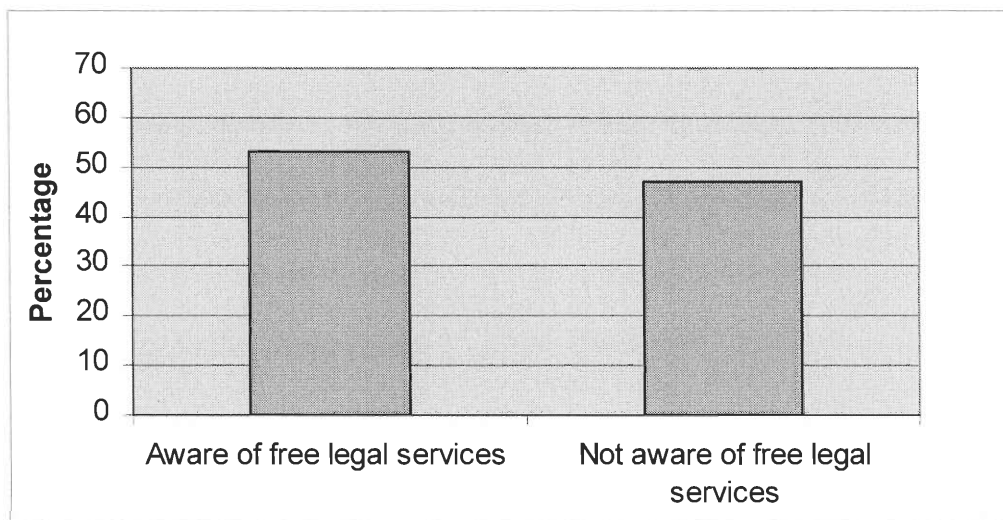
- Most tenants come to housing court without an attorney. This problem does not apply strictly to low-income tenants (tenants eligible for LACCM’s services) but to all tenants, and to some landlords too.
- Most low-income tenants (tenants eligible for LACCM’s services) have had a previous case at a housing court. This shows that they had repeating housing problems.
- Most tenants, both those eligible and not eligible for LACCM’s services, find court procedures easy to understand and follow.

- Most low-income tenants (tenants eligible for LACCM's services) had very little to no confidence in their legal rights as tenants.
- Most low-income tenants read their "Summary Process Summons and Complaint" forms; however they did not fill out an "Answer Form."

4.4.3 Legal Services Programs

The second section of our survey asked the tenants a few questions about their experience with legal service programs. Questions from this section can be divided into three groups. The first set of questions asked tenants whether they were aware that there are free legal aid services available in Worcester. If they did, we also asked which ones had they heard of. Results from these two questions were as follows:

Figure 25: Tenants' awareness of legal services programs



This graph shows that most tenants coming into the Worcester County Housing Courts were aware of legal services programs. However, most tenants who that were not aware of free legal services were tenants eligible for LACCM's services. This is shown in the table below:

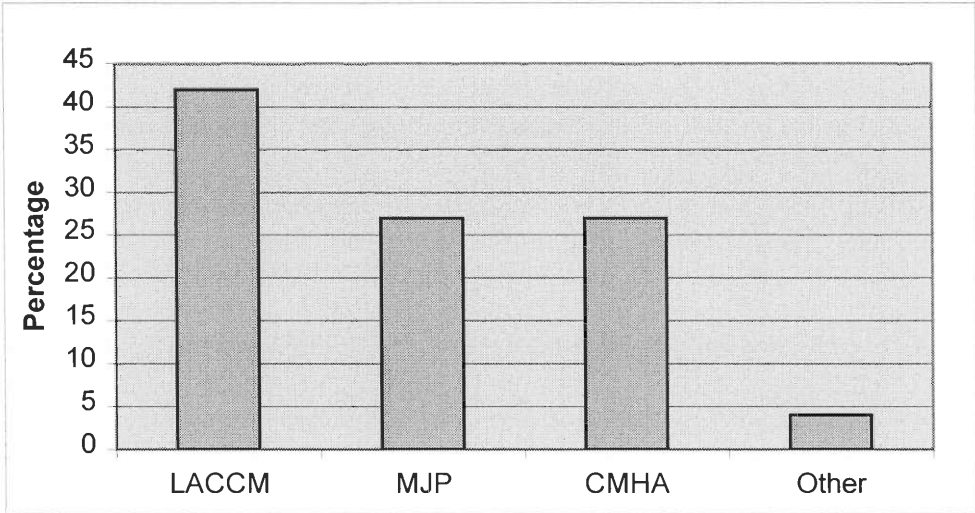
Table 10: Relationship between unawareness of legal services and eligibility for LACCM's services

	Frequency (eligible)	Percentage (eligible)
Not aware of free legal services	11	61
Total	18	100

Of the 18 tenants that were not aware of free legal services, 11 (61%) were eligible for LACCM’s services. Although this percentage is not too high, LACCM should try to reduce it by increasing low-income tenants (those eligible for LACCM’s services) awareness in legal services programs

The next question in this section asked the tenants which free legal service programs they had heard of. The results for this question were as follows:

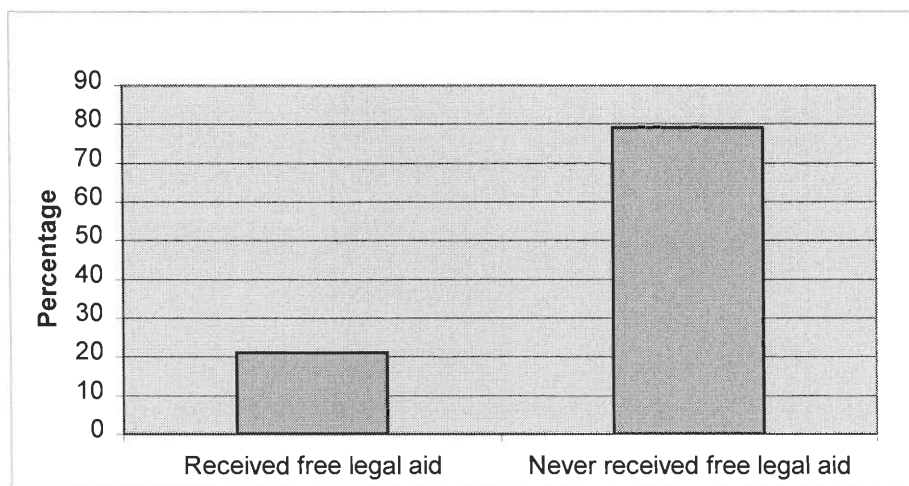
Figure 26: Legal services programs that tenants’ heard of



This graph shows that most tenants that were aware of free legal services programs had heard of LACCM. The next well-known legal services programs amongst tenants were MJP and CMHA.

Furthermore, our team found that although tenants were aware of legal services programs, they did not use them for their housing problems. When we asked tenants if they have ever received free legal aid for a housing problem the results were as follows:

Figure 27: Tenants that received free legal aid



From this graph we see that although tenants know about legal services programs, such as LACCM, they don't use them. Of the tenants that had never received free legal aid, our team found that most were eligible for LACCM's services:

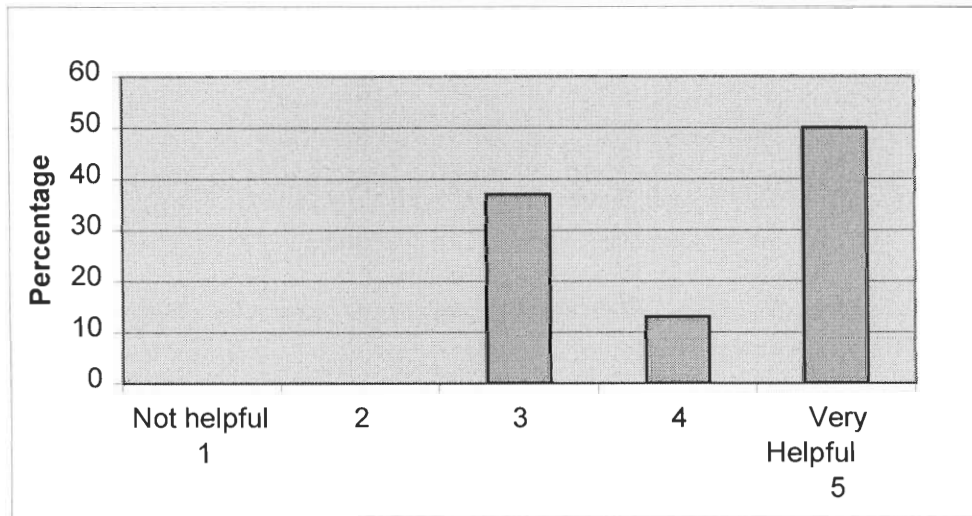
Table 11: Relationship between tenants that had never received free legal aid and eligibility for LACCM's services

	Eligible	Not eligible	Total
Never received free legal aid	19	11	30
Percentage	64	36	100

Our team found that out of the 30 tenants that said they had never received free legal aid, 19 (64%) were eligible for LACCM's services. These figures show that those tenants who would most benefit from legal services don't use them. Furthermore, it is surprising to see that the tenants who are eligible for free legal services are the ones who don't use them. This may be because they don't know where to find them, or don't think their housing problem is serious enough to get legal aid for them. In addition, when we asked tenants if they had received any legal aid for their present case we found the same results as in the previous question. This suggests that LACCM needs to encourage more tenants to use their services.

In a question closely related to the last one, we asked the tenants who had used legal service programs to rank helpful they found them to be on a scale of 1 (not helpful) to 5 (very helpful). Results were as follow:

Figure 28: Helpfulness of legal services programs



From the graph above, we see that most tenants that used legal services programs have found them to be very helpful especially those eligible for LACCM's services:

Table 12: Relationship between helpfulness of legal services programs and tenants eligible for LACCM's services

Help level	Eligible tenants	Total Tenants	Percentage
1	0	0	0
2	0	0	0
3	1	3	33
4	1	1	100
5	4	4	100

From the table above, we can see that the 4 tenants, who said legal services programs very helpful, were all eligible for LACCM's services (100%). This shows that the low-income tenants facing eviction that went to legal services programs got a lot of help and were very satisfied with the services they received. This is supported by the fact that none of the tenants rated the programs as not being helpful. All tenants gave legal

services program at least a level 3. This shows that legal services programs were very supportive to the tenants who used them.

4.4.3.1 Data analysis summary of legal services programs section

From the results of this section, we highlighted the following major findings:

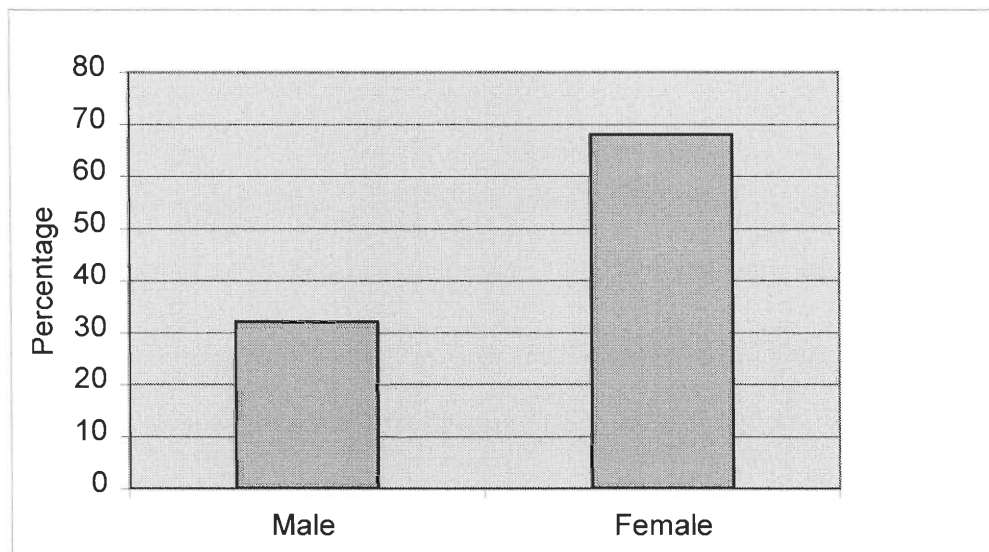
- Most low-income tenants were aware that there are free legal aid services available in Worcester, and a good majority had heard of LACCM.
- Although most tenants were aware of free legal services, they never received legal aid from them for a housing problem.
- The few low-income tenants that received legal aid for a housing case found it to be very helpful.

4.4.4 Demographics

The last section of the survey asked the tenants a few questions about themselves. We asked questions on their gender, age, ethnicity, educational level, years lived in Worcester, first language, translators and access to Internet. The results from this section were very similar to statistics we found in our literature review on the various factors affecting the outcome of cases.

The first question in the section asked tenants their gender. The results from this section were as follow:

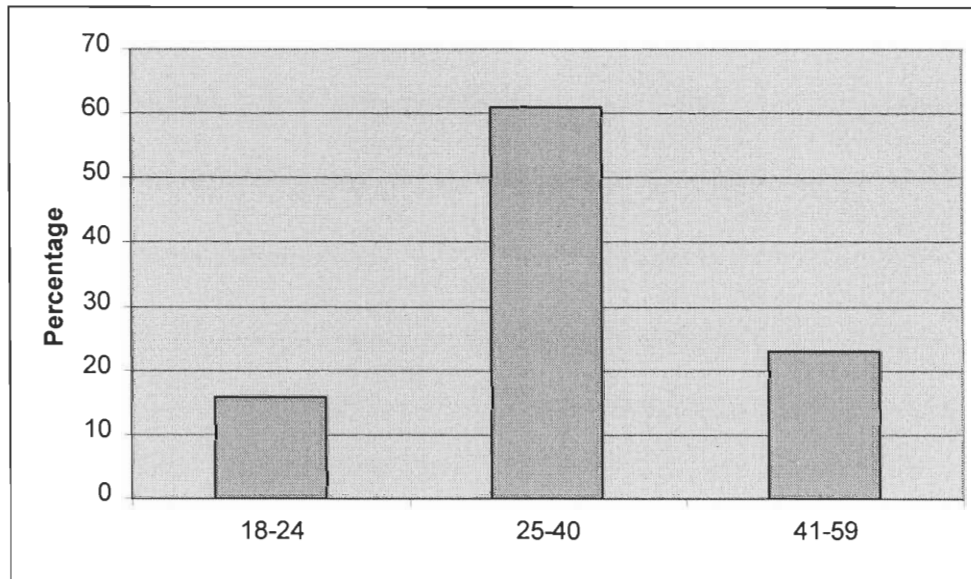
Figure 29: Tenants' Gender



The graph above shows that the majority of tenants coming into the Worcester Housing Court with eviction cases were women. This finding was not surprising since our literature review found that women were the fastest growing segment of poverty. They also made up two-thirds of Worcester's homeless.

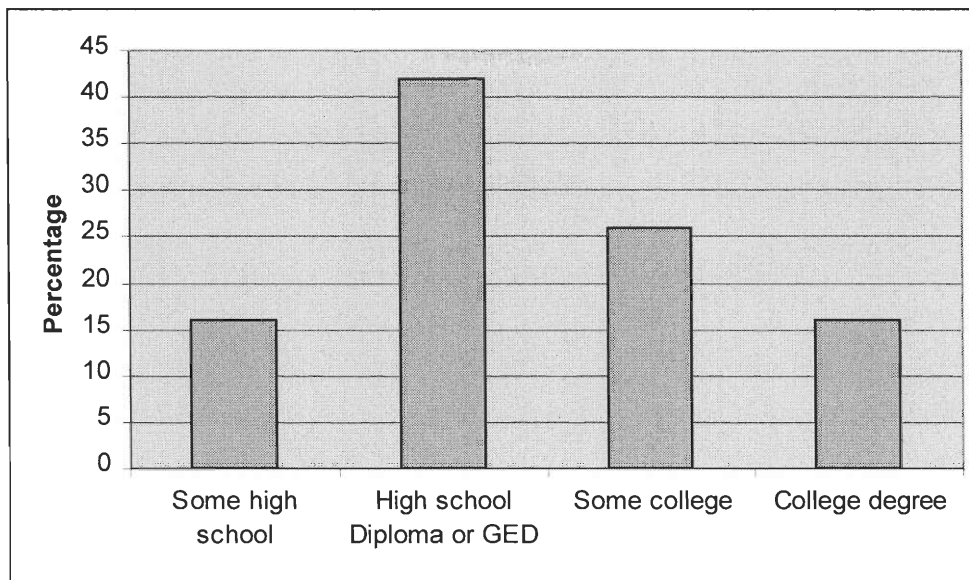
By asking tenants their age we found out that most tenants, both male and female, coming into the housing courts were between the ages 25 and 59. Results from this question were as follow:

Figure 30: Tenants' age groups



The chart above shows that most tenants, regardless of their eligibility, were between the ages of 25-40. This may suggest that these tenants have jobs that pay too little for them to afford their rent. This suggestion is further supported by results we obtained when we asked tenants to fill out their degree of education, see table below:

Figure 31: Tenants' educational level



From the graph above, we see that level of education is a serious problem. Statistics show that most tenants complete high school or have a GED. Very few tenants actually complete college. Our team also noticed that tenants eligible for LACCM's services had a low educational level. See table below:

Table 13: Relationship between educational level and Eligibility for LACCM's services

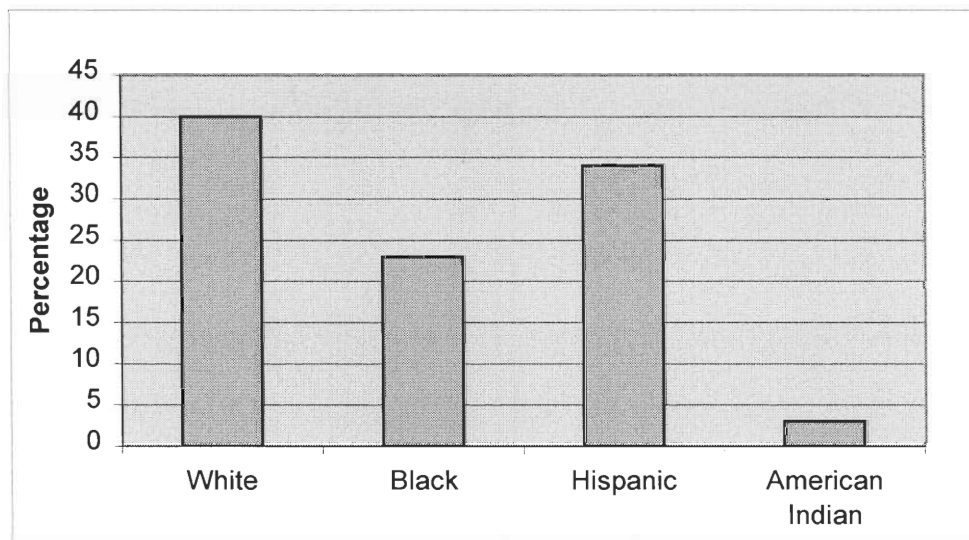
Educational level	Frequency (eligible)	Total tenants	Percentage (eligible)
Some high school	6	6	100
High school diploma/GED	11	16	69
Some college	6	10	60
College degree	2	6	33

From the figures above, we can see that the tenants who said they only had some high school were all eligible for LACCM's services. Of the 16 tenants who said they had a high school diploma or GED, 11 (69%) were eligible for LACCM's services. On the other hand, of the 6 tenants who said they had a college degree, only 2 (33%) were

eligible for LACCM’s services. This shows that tenants eligible for LACCM’s services generally have a low education level. This may suggest that they will need more help filling out certain forms and understanding legal terms. Furthermore, these results suggest that with such a low level of education it is unlikely for these tenants to get high paying jobs.

The next question asked tenants about their ethnicity. The results were as follow:

Figure 32: Tenants’ ethnicity



We found that 40% of tenants surveyed were White, 34% were Hispanic, 23% were Black and 3% were American Indian. Furthermore, we found out that out of the tenants who said they were Hispanic and Black, most were eligible for LACCM’s services:

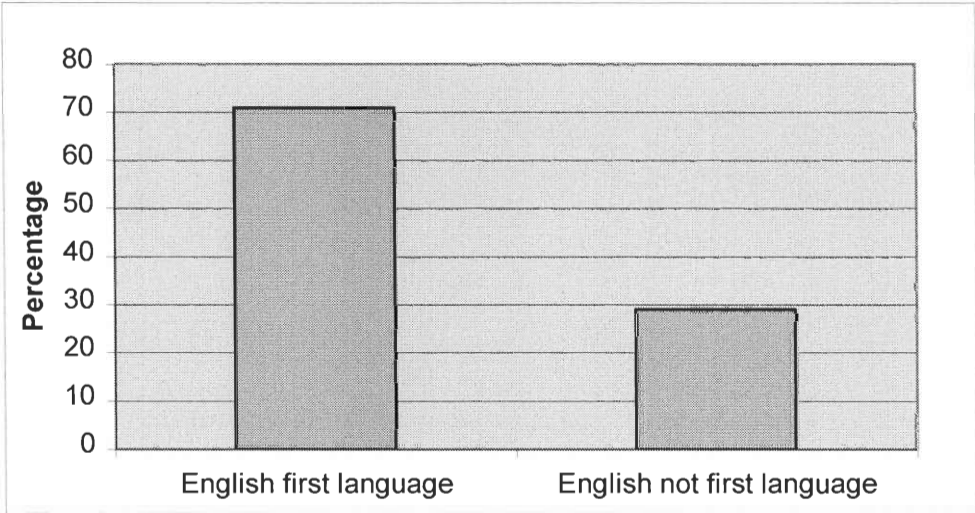
Table 14: Relationship between tenants’ ethnicity and eligibility for LACCM’s services

Ethnic groups	Frequency (Eligible)	Total tenants	Percentage
Black	6	9	67
Hispanic	11	13	84

From the table above, we can see that out of the 9 tenants who said they were Black, 6 (67%) were eligible for LACCM’s services. Out of the 13 tenants who said they were Hispanic, 11 (87%) were eligible for LACCM’s services. These figures show that Hispanics make the highest portion of low-income tenants facing eviction.

Next we asked tenants if English was their first language. The results we obtained from this question were as follows:

Figure 33: English as first language



From the graph above, we see that English is the most common language. However, we also found out that out of the tenants who said English was not their first language, were all eligible for LACCM’s services, see table below:

Table 15: Relationship between English as not the tenant’s first language and eligibility for LACCM’s services

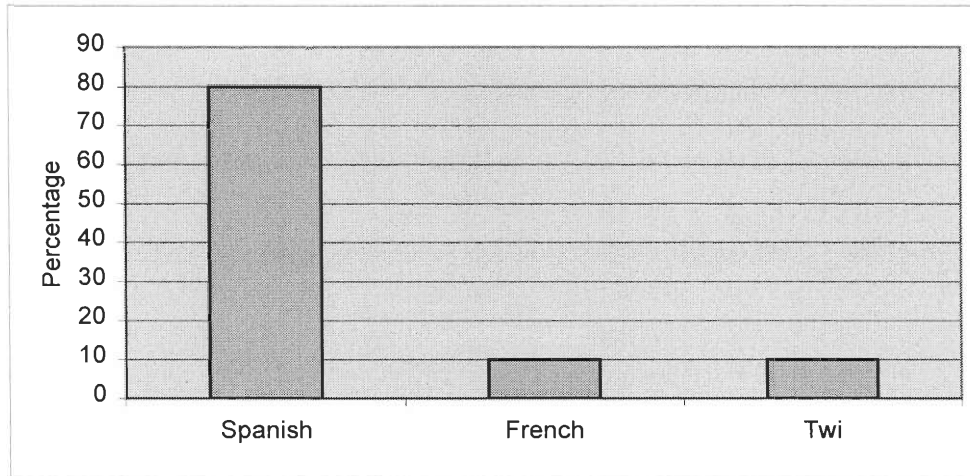
	Frequency (eligible)	Total tenants	Percentage (eligible)
English not first language	10	10	100

We found that all 10 tenants that said English was not their first language were all eligible for LACCM’s services. In order to understand the problem of language, we asked

those tenants who said English was not their first language, what their first language was.

Results to this question were as follow:

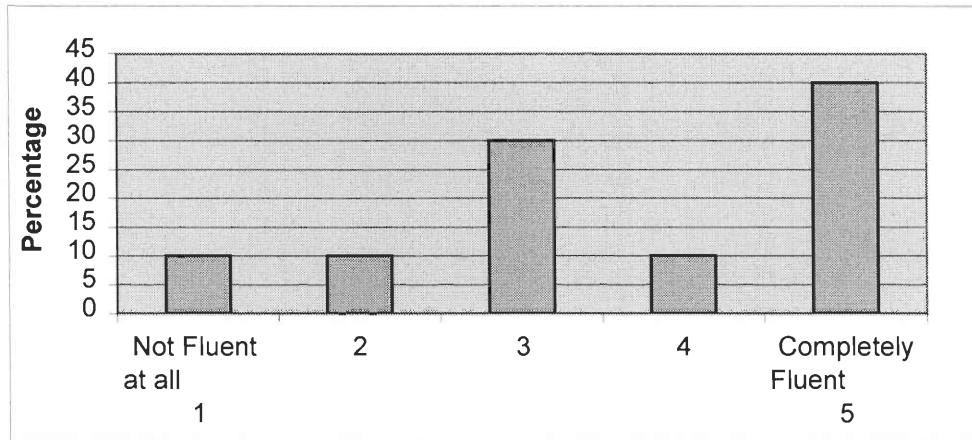
Figure 34: Other common first languages



From the graph above, we see that 80% of the tenants, who said English was not their first language, said Spanish was. Thus, Spanish is the next most common language. We found that although English was not their first language, most spoke it decently. This finding is very important, because it suggests that LACCM needs to provide services in Spanish, since a significant portion of their target population speaks this language.

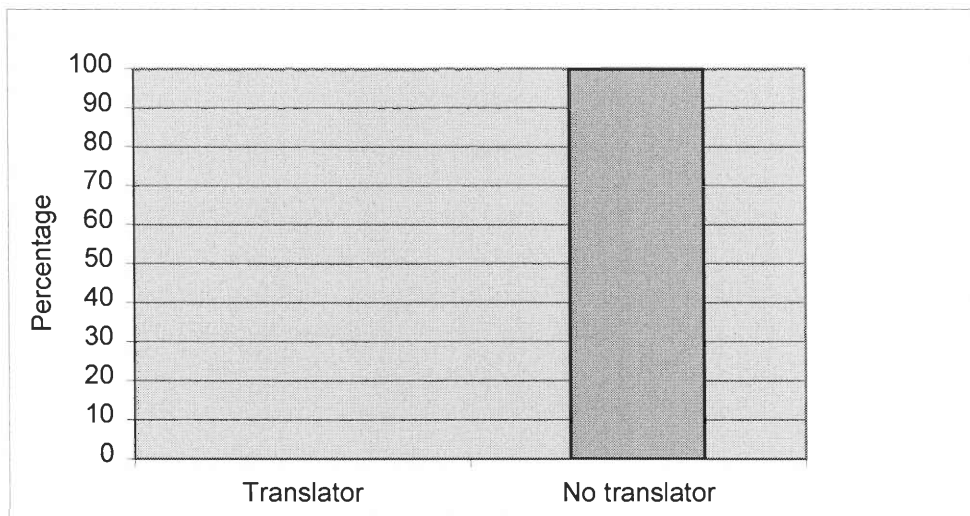
In the next question, we asked tenants who said English was not their first language to rate their fluency in the language on a scale 1 (not fluent) to 5 (completely fluent). The results for this question were as follow:

Figure 35: Tenants' fluency in English



The graph above shows that majority of tenants for whom English is not their first language are still quite fluent in it. For tenants who said they were not fluent at all, or spoke very little, our team was interested to see if they used a translator for their case. The results we found from this question were as follow:

Figure 36: Tenants' use of translators

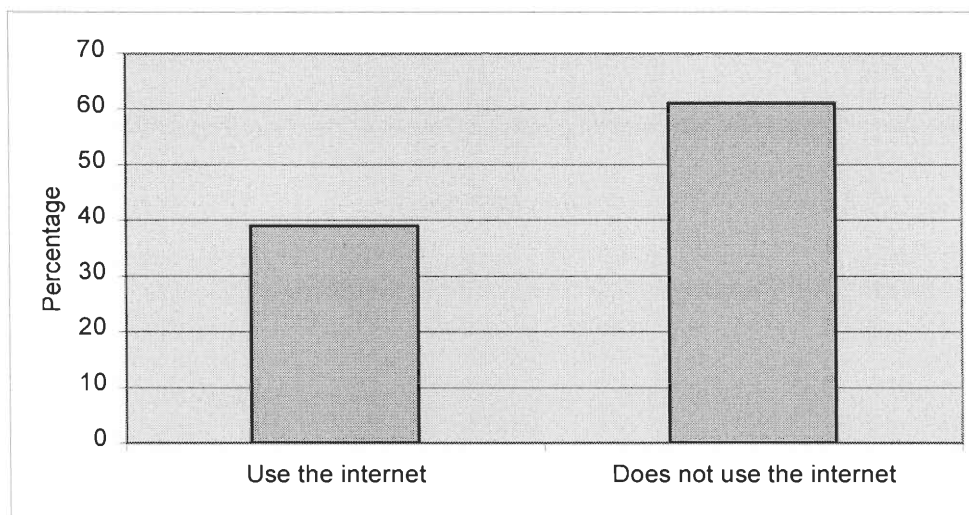


We found that none of the tenants used translators. This might be a problem for the tenants that do not speak English fluently. Trials might not be as fair for these tenants since they may not fully understand what is going on. Again, this shows that LACCM

should try to help tenants who do not speak English by providing services in Spanish as we found this language to be very common.

The last question of our survey was the most important to our project. This question asked the tenants whether they used the Internet and if they did, where they used a computer to access the Internet. The purpose of this question was to determine if the proposed web-based delivery system for free legal assistance would reach and benefit LACCM’s target population. Results from this question are as follow:

Figure 37: Tenants’ use of Internet



From the graph above, we noticed that 61% of tenants do not use the Internet. However, the biggest problem our team found out is that majority of people who said they do not have access to the Internet are tenants eligible for LACCM’s service:

Table 16: Relationship between tenants’ use of Internet and eligibility for LACCM’s services

	Frequency (Eligible)	Total tenants	Percentage (eligible)
Do not use Internet	17	23	74

From this table, we see that of the 23 tenants who do not use the Internet, 17 (74%) were found to be eligible for LACCM’s service. These figures suggest that the

new web-based delivery system for free legal assistance may not reach its target population, as most of these people do not have access to the Internet.

4.4.4.1 Summary of demographics section

From the results of this section, we highlighted the following major findings:

- Most low-income tenants are women.
- Most low-income tenants are between the ages of 25-40 years old.
- Most low-income tenants have a high school diploma/GED. Very few complete college.
- Most low-income tenants are of minority groups.
- Most low-income tenants speak English decently. The next common first language after English is Spanish.
- Tenants do not use translators, even those who have little fluency in English.
- Most low-income tenants do not use the Internet.

4.4.5 What do eviction rates depend on?

From the 38 surveys collected, we could not draw relationships between variables and the outcome of eviction cases. This is because only 3 tenants were evicted from the sample of archival records from the surveys. This number was too low for us to draw conclusion upon. However, of the 200 archives records we collected, we found that a total of 76 tenants were evicted. We were interested in finding out common causes for these evictions. From these records we were able to identify two common variables that ultimately led to a tenant's eviction: defaults and Notices to Quit for reasons other than non-payment of rent.

4.4.5.1 Defaults

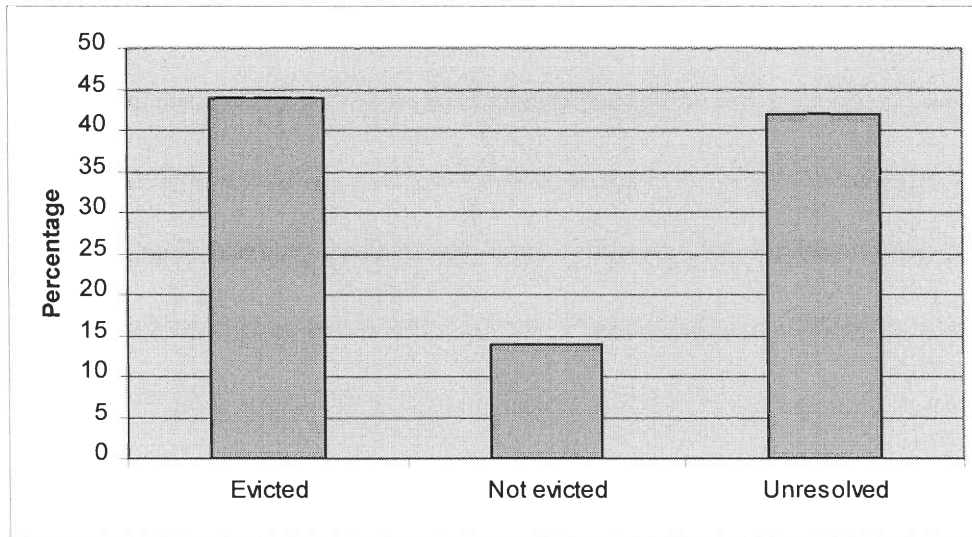
Our team noticed that when tenants did not appear for their summary process cases, there was a high probability that they would be evicted. From the 200 archive records, we found that 45 tenants had defaulted their cases. Of these 45 tenants, 20 or 44% were evicted. These statistics indicate that it is important for a tenant to appear for their court case.

In addition to this, we found that 42% of defaulted cases were unresolved. The reason that there is such a high percentage of unresolved cases is due to the fact that when tenants do not show up for their summary process case a "Judgment of Summary Process by Default" form is issued by the court and filed in their records (Appendix J). This form does not mean that the tenant has been evicted yet. However, if the tenant does not request a new trial and provide an adequate reason for missing the original trial,

the landlord will win the case and the court will grant permission to evict the tenant.

Therefore many tenants that had unresolved cases may eventually be evicted.

Figure 38: Relationship between eviction case outcomes and Defaults



4.4.5.2 Reasons for Notice to Quit

Our team also noticed that tenants that received Notices to Quit letters for reasons other than nonpayment of rent were most likely evicted.

Figure 39: Relationship between Notice to Quit letters for reasons other than nonpayment of rent and eviction rates



We found that 63% of the 11 tenants that received Notice to Quit letters for reasons other than the non-payment of rent were evicted. Out of these tenants, 9% were evicted because of criminal activity, 18% because they gave false income information (to public housing), 9% because of lease violation, 9% because of demolition of the building in which they resided, and 18% because of a new landlord that most likely raised the monthly rent to a rate they could not afford. From these statistics, we see that housing courts were less lenient towards tenants that do not have monetary problems and were evicted for other reasons. Tenants that receive Notice to Quit letter for nonpayment of rent have higher chances of maintaining their tenancies due to the mediation service. Through mediation, tenants can work out payment plans for rent in arrears with their landlord. However, for tenants that had Notice to Quit letters for reasons other than nonpayment of rent, there is not much the housing courts can do.

4.4.5.3 Data analysis summary of ‘what do eviction rates depend on?’

From this section we were able to identify two factors that may have an affect on the outcome of eviction cases:

- If tenants default their case there is a high probability that they will be evicted.
- Tenants that receive Notice to Quit letters for reasons other than nonpayment of rent are more likely to face eviction. This is because there is not much housing courts can do to help these tenants.

5.0 Conclusions

Our project is the second in a series of three IQP projects sponsored by the Legal Assistance Corporation of Central Massachusetts (LACCM). The overall goal of the projects is to develop, implement, and evaluate an interactive website (www.livejustice.org) designed to provide low-income tenants in Worcester County with ready access to legal assistance.

Our project involved the collection of information on low-income and elderly tenants facing eviction. The main goal was to identify problems that may have effect on the outcome of the tenants' eviction cases. From the results of our data analysis we were able to identify these problems: legal representation, legal knowledge, use of Internet, and defaults.

From the surveys and archival records we found that most tenants come to housing court unrepresented. Although our literature review showed that *pro se* litigants might have a negative outcome in their case, we have not found this to be true in our project. We found that the housing court system is one that works without the need of legal representation because of the mediation service. Mediators assist the parties in identifying the issue at hand, assess and review the relative strengths and weaknesses of the tenants' and landlords' case, foster joint problem-solving, and explore settlement alternatives while remaining neutral both sides. Hence we can say that though mediators do not represent tenants, they do assist tenants and help assure that their rights are protected.

The next problem identified was the tenants' lack of legal knowledge. This was shown repeatedly in our results from surveys and archival records. We found that tenants

lack confidence in the understanding of their legal rights and they do not fill out Answer forms. If tenants had more knowledge of their rights, they would understand that the Massachusetts landlord-tenant laws allow tenants to prevail in certain eviction cases by raising claims based on a landlords' failure to repair defective conditions or other landlord behavior. These claims are raised through Answer forms. Unfortunately, most tenants are not aware of this and may end up losing eviction cases that they could have won had they had timely-access to legal information and assistance. However, we found that although tenants are aware that there are free legal services programs available, very few use them for their housing problems. These results might explain why a majority of tenants are not confident of their legal rights. All these results demonstrate that legal services programs, such as LACCM, can be very beneficial to low-income and elderly tenants facing eviction.

The most important finding from the demographics section of our survey was that approximately two-thirds of tenants do not use the Internet. This finding is crucial to livejustice.org since it shows that this service may not reach a majority of low-income and elderly tenants.

There were two important findings from the archival records. The first finding showed that many tenants default their eviction case. This means that they do not appear for their court case. This is important because our analysis has shown that when tenants default their case they are more likely to get evicted. The last and most important finding in this project is that a majority of tenants coming into housing court get evicted. This shows that low-income and elderly tenants facing eviction is a serious problem in Worcester County and more work needs to be done to reduce these eviction rates.

In conclusion, this project will be repeated in a year or two, after the release of livejustice.org, by another IQP group to evaluate the effectiveness of this web-based method of delivering legal assistance. Results from the future IQP group will be compared to the results of this project in the hopes of showing that livejustice.org has resolved some of the problems of low-income and elderly tenants facing eviction in Worcester County.

6.0 Recommendations to LACCM

Our first recommendation to LACCM is that they try to increase the tenants' understanding of their legal rights. This can be done in numerous ways. One way of accomplishing this is through livejustice.org. This could also be done by encouraging more tenants to use legal services programs. LACCM should try to make themselves better known to the low-income and elderly tenants at the Worcester County Housing Courts. This can be done by advertising their services, for example through fliers, posters, and radio and television commercials. Doing this can also increase a tenants' use of legal services programs.

Our second recommendation is that LACCM should try to reduce defaults. This can be accomplished by stressing the importance of appearing for an eviction case. Many tenants do not realize that simply by appearing they will almost certainly enter into a mediation process that will extend their tenancies.

Our last recommendation is that LACCM should make a Spanish version of livejustice.org since we have shown that Spanish is the next common native language after English. Our study found that more than 50% of native Spanish speakers have little to moderate fluency in English. Therefore, having this service in Spanish will enable more tenants to benefit from livejustice.org.

6.1 Recommendations to future IQP group

We recommend that the future IQP group responsible for phase 3 of this project conduct their research during the months of January through March (C term). Through experience, we learned that during the months of November and December (B term) the Worcester County Housing Courts experiences a decrease in the number of eviction cases. This due to the fact that landlords put cases off until after the holiday season since they feel bad evicting tenants during the holidays. However, after the holiday season there is a rise in the number of eviction cases brought to the Worcester County Housing Courts.

We also recommend that they only collect surveys from the Worcester Housing Court. Through our research we found that the Worcester Housing Court has the highest number of eviction cases of all the Worcester County Housing Courts. Furthermore, tenants at the Worcester Housing Court tend to be friendlier and more responsive to the surveys. This could be due to the fact that the Worcester Housing Court has such a heavy caseload that tenants wait hours before their cases are heard.

In addition we recommend that the future group does not take an archival records sample of Worcester Housing Authority eviction cases. This is due to the fact that this sample group is not representative of low-income and elderly tenants facing eviction in Worcester County. From our research we found that only 7% of eviction cases heard at the Worcester Housing Court per year were from the Worcester Housing Authority. This percentage was not significant enough for us to base our conclusions on.

Lastly, we strongly recommend that the future group meet the Worcester Housing Court staff before beginning their project. This will advantageous to them for a few

reasons. The first reason is so that the Worcester Housing Court staff is aware of the study. This will eliminate any confusion as to why they are there or what they are doing. The second reason is that the Worcester Housing Court staff will be able to help students to identify the tenants. The third and most important reason is that the staff has a wealth of knowledge on housing issues and can give valuable input to the project.

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www.neighborhoodlaw.com

www.homestore.com

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Appendix A: Initial Contact Statement

Initial Contact Statement

Hello. My name is _____ and I'm conducting a survey.

Are you a tenant with a case before the Worcester Housing Court today?

[If NO: OK. We're only surveying tenants today. Thanks.]

If YES: I am an undergraduate student at Worcester Polytechnic Institute (WPI) working under the supervision of Professors Kent Rissmiller and James Doyle. We are working with the Legal Assistance Corporation of Central Massachusetts (LACCM) to document people's current experience with legal assistance programs and housing law in order to evaluate the effectiveness of a proposed new web-based delivery system for free legal assistance.

We are asking people like yourself to answer some questions about their knowledge and experience with housing law and any legal assistance they may have received, as well as some basic demographic questions. If you agree to participate in this survey we will also at a future date search the public records of the Worcester Housing Court to obtain information on the disposition of any housing court case in which you have been involved.

You should know that all the information gathered from the survey will be strictly confidential and used only for research purposes. The survey is not sponsored by the Worcester Housing Court or related to your court appearance today in any way. Your decision to participate or not participate will not affect your pending case before the Housing Court or your ability to access legal services.

More information on our confidentiality procedures appears on the Consent Form, which I will ask you to sign, if you are willing to assist us. Participation is, of course, voluntary and you are free to refuse to answer any question or end your participation in the survey at any time.

We believe this survey study will help us to improve the delivery of legal services to residents of Worcester County in the future.

Are you willing to help us by answering some questions?

[If YES: Offer the subject the Consent Form]

[If NO: "Thank you for your time."]

Appendix B: Consent Form

Consent Form

Survey Study of Worcester County Residents' Experience with Legal Assistance Programs and Housing Law

We are working with the Legal Assistance Corporation of Central Massachusetts (LACCM) to document people's current experience with legal assistance programs and housing law. This information will be used to help evaluate the effectiveness of a proposed new web-based delivery system for free legal assistance called LiveJustice. LiveJustice will be an interactive Internet site designed to assist residents of Worcester County by providing information about housing law. By using the site people will be able to gather information about landlord/tenant law, find answers to legal problems, and get help from a legal professional on specific legal questions.

Your answers will help us to determine, once the web site is launched, whether or not it improves the ability of Worcester County residents to obtain legal information and resolve housing questions and problems. In addition to the survey questions, if you consent to participate in this study we will also at a future date search the public records of the Worcester Housing Court to obtain information on the disposition of any housing court case in which you have been involved.

By signing this form, you consent to participate in this study of Worcester County residents' experience with legal assistance programs and housing law being conducted by Worcester Polytechnic Institute (WPI) Professors Jim Doyle and Kent Rissmiller with the assistance of WPI students working under their supervision. *Participation in this study is entirely voluntary.*

Your participation in this study and your answers to the questions asked are confidential and will not be disclosed to anyone other than the researchers conducting the study. Your answers will be used only for the evaluation of LiveJustice. Your participation or lack of participation in this study will not affect your access to the services of LACCM, nor will it affect any information, advice or legal representation you may obtain from LACCM. Your participation or lack of participation will not affect your court appearance today or influence the outcome of your case in any way.

The procedures being used to ensure confidentiality are:

1. Completed questionnaires will be stored in a locked file cabinet in an office at WPI and will be stored only so long as necessary for data analysis. They will be destroyed at the end of the study in 2004.
2. Responses to the questions will be gathered in electronic databases only accessible to the researchers and destroyed at the end of the study in 2004.
3. We will only use your name to determine 1.) if you are, or become a party to a complaint in Worcester Housing Court and 2.) the resolution of that complaint as documented in public records available at the housing court.
4. For all other data management and evaluation purposes, names will be replaced in the databases by a number (code) used to identify distinct survey participants.
5. No personal information about any study participant will be published in any form. Only aggregate information about all study participants will be disclosed in the reports written as a part of this study.
6. Information obtained during this research project will be treated with strict confidentiality. It is also the policy of the LACCP and WPI that confidentiality will be protected to the extent permitted by the law.

You may have a copy of this form to retain a record of our confidentiality procedures. If you have questions about this form or this research, contact Prof. Rissmiller at the Dept. of Social Science and Policy Studies, WPI, Worcester MA. 01609; 508-831-5019.

You are free to refuse to answer any questions or stop participating in this study at any time.

(Name of participant. PLEASE PRINT.)

(Signature)

(Date)

Appendix C: Worcester County Housing Court Survey

Worcester County Housing Court Tenant Survey

First, we would like to ask you a few questions about your housing court experience.

I. Housing Court Experience

1. Is an attorney present with you today?

- Yes
 No

2. Have you ever had a previous case at a housing court?

- Yes
 No

a. If yes, about how many other cases have you had in housing court in the past five years?

- 1 – 2
 3 – 4
 5, or more

3. Have you had any problems with housing court procedures (forms, courtroom rules, etc.) so far today?

- Yes (Please explain: _____)
 No

4. How confident are you that you understand your legal rights as a tenant?

- Not confident Very Confident

1 2 3 4 5

5. Did you read your 'Summary Process Summons and Complaint' Form?

- Yes
 No

6. Did you fill out an 'Answer Form'?

- Yes
 No

Now, we would like to ask you a few questions about your experience with legal service programs.

II. Legal Services Programs

7. Are you *aware* that there are free legal aid services available in Worcester for low income people and the elderly with housing problems?

- Yes
 No

8. Have you *heard* of the following specific free legal aid services? (Please check all that apply)

- Legal Assistance Corporation of Central Massachusetts (LACCM)
 Massachusetts Justice Project (MJP)
 Central Massachusetts Housing Alliance
 Other (please specify): _____

9. Have you *ever* received free legal aid for a housing problem?

- Yes
 No

a. If yes, which program?

- Legal Assistance Corporation of Central Massachusetts
 Massachusetts Justice Project
 Central Massachusetts Housing Alliance
 Other (please specify): _____
 Don't know

10. Did you receive any legal aid for your *present* housing case?

- Yes
 No (If no, go to question 13)

a. If yes, was it free?

- Yes
 No

b. If yes, from which program?

- Legal Assistance Corporation of Central Massachusetts
 Massachusetts Justice Project
 Central Massachusetts Housing Alliance
 Other (please specify): _____
 Don't know

11. What kind of services did you receive from the legal aid program? (Please check all that apply)

Walk-in advice

Telephone hotline advice

Help filling out forms/documents

Help preparing for housing case (e.g. evidence, courtroom procedure)

Other (please specify): _____

12. How helpful were the programs to your case?

Not helpful

1

2

3

4

Very helpful

5

Finally, we would like to ask you a few questions about yourself.

III. Demographics

13. Gender

Male

Female

14. Age

17 years, or younger

18-24 years

25-40 years

41-59 years

60 years, or older

15. How many people, including yourself, live in your household (relatives only)?

People

16. Ethnicity

American Indian or Alaskan Native

Asian or Pacific Islander

Black or African American (Non-Hispanic)

Hispanic or Mexican American

White (Non-Hispanic)

Other (Please specify): _____

17. What is the highest educational level you have obtained?

- Never attended high school
- Some high school
- High school diploma or GED
- Trade School
- Some college
- College degree
- Some graduate school
- Graduate degree

18. What is your approximate annual household income, before taxes?

- Less than \$11,000
- \$11,000 - \$14,999
- \$15,000 - \$21,999
- \$22,000 - \$26,999
- \$27,000 - \$30,999
- \$31,000 - \$34,999
- \$35,000 - \$39,999
- \$40,000 or more

19. How many years have you lived in Worcester?

- Less than 1 year
- 1 - 3 years
- 4 - 7 years
- More than 7 years

20. Is English your first language?

- Yes
- No

a. If no, what is your first language? _____

21. How would you rate your fluency in English?

Not fluent at all Completely Fluent

1 2 3 4 5

22. Will you be using a translator today?

- Yes
- No

23. Do you use the Internet?

Yes

No

a. If yes, where do you usually use a computer to access the Internet? (check all that apply)

Home

Work

Social Service Agency

Library

School

Other (please specify): _____

That's it. Thank you for your participation. If you have any additional comments on this topic concerning this survey, please write them here:

Worcester County Housing Court Estudio de Inquilinos

Primero, vamos a preguntarte sobre su experiencia en Housing Court.

I. Experiencia en Housing Court

1. ¿Está un abogado presente con usted hoy?

- Sí
 No

2. ¿Usted ha tenido un caso anterior en la Housing Court?

- Sí
 No

a. ¿Si su respuesta es “sí”, aproximadamente cuántas veces usted ha estado en la Housing Court en los últimos cinco años?

- 1 - 2
 3 - 5
 5, o más

3. ¿Usted ha tenido dificultades con procedimientos de la Housing Court (las formas, reglas de la sala del tribunal, etc.) hoy?

- Sí (Explique por favor: _____)
 No

4. ¿Cuánta confianza tiene usted que entiendes sus derechos legales como un inquilino?

Poca confianza Mucha confianza

1 2 3 4 5

5. ¿Ud. leyó su ‘Summary Process Summons and Complaint Form’?

- Sí
 No

6. ¿Ud. completo un ‘Answer Form’?

- Sí
 No

Ahora, vamos a preguntarte sobre su experiencia con programas de los servicios jurídicos.

II. Programas de los Servicios Jurídicos

7. ¿Sabe usted que hay servicios jurídicos gratis disponibles en Worcester para gente de bajos ingresos y los ancianos con problemas del hogar?
- Sí
 No
8. ¿Usted ha oído de los siguientes servicios gratuitos de ayuda legal? (Cheque todos que aplican por favor)
- Legal Assistance Corporation of Central Massachusetts (LACCM)
 Massachusetts Justice Project (MJP)
 Central Massachusetts Housing Alliance
 Otro (especifique por favor): _____
9. ¿Usted ha recibido ayuda legal gratuita para una problema del hogar?
- Sí
 No
- a. ¿Si su respuesta es “sí”, de cual servicio?
- Legal Assistance Corporation of Central Massachusetts
 Massachusetts Justice Project
 Central Massachusetts Housing Alliance
 Otro (especifique por favor): _____
 No se
10. ¿Usted recibió ayuda legal para su *presente* caso del hogar?
- Sí
 No
- a. ¿Si su respuesta es “sí”, fue gratuito?
- Sí
 No
- b. ¿Si su respuesta es “sí”, de cual servicio?
- Legal Assistance Corporation of Central Massachusetts
 Massachusetts Justice Project
 Central Massachusetts Housing Alliance
 Otro (especifique por favor): _____
 No se

11. ¿Qué tipos de servicios usted recibió del servicio de ayuda legal? (Cheque todos que aplican por favor)
- Walk-in consejo
 - Hotline
 - Ayuda con formas/documentos
 - Ayuda preparando para el caso de hogar (i.e. evidencia, procesos de la sala del tribunal)
 - Otro (especifique por favor): _____

12. ¿Fueron útiles los programas a su caso?
- | | | | | | |
|----------------|---|---|---|---|-----------------|
| No eran útiles | | | | | Eran muy útiles |
| 1 | 2 | 3 | 4 | 5 | |

Finalmente, vamos preguntarte sobre usted.

III. Demográficos

13. Género
- Varón
 - Hembra
14. Edad
- 17 años, o menor
 - 18-24 años
 - 25-40 años
 - 41-59 años
 - 60 años, o mayor
15. ¿Cuánta gente, incluyendo a usted, vive en su casa? (familiares solamente)
- Gente
16. Etnicidad
- Indio Americano o Alaska Nativo
 - Asiático o Isleño Pacífico
 - Africano Americano o Negro (No-Hispánico)
 - Hispánico or Mejicano Americano
 - Anglo (No-Hispánico)
 - Otro (especifique por favor): _____
17. ¿Cuál es el nivel de la educación más alta que usted ha obtenido?
- Nunca atendí la escuela secundaria
 - Alguna escuela secundaria
 - diploma de la escuela secundaria o GED
 - Escuela de comercio
 - Alguna universidad
 - Diploma de la universidad

- Alguna escuela graduada
- Diploma de la escuela de graduada

18. ¿Cuál es su ingreso anual aproximada de tu hogar, antes de los impuestos?

- Menos de \$11,000
- \$11,000 - \$14,999
- \$15,000 - \$21,999
- \$22,000 - \$26,999
- \$27,000 - \$30,999
- \$31,000 - \$34,999
- \$35,000 - \$39,999
- \$40,000 o más

19. ¿Por cuantos años has vivido en Worcester?

- Sí
- No

20. ¿Es el inglés su primera lengua?

- Sí
- No

a. Si su respuesta es “no”, que es su primera lengua? _____

21. ¿Cómo clasificaría usted su fluidez en inglés?

No fuente					Completamente fuente
1	2	3	4	5	

22. ¿Usted utilizará un traductor hoy?

- Sí
- No

23. ¿Usted utiliza la Internet?

- Sí
- No

a. ¿Si su respuesta es sí, desde dónde generalmente tiene usted acceso al Internet?
(compruebe todo el que aplíquese)

- Hogar
- Trabajo
- Agencia de servicio social
- Biblioteca
- La escuela/colegio
- Otro (especifique por favor): _____

Eso es todo. Gracias por su participacion. Si tienes comentarios adicionales sobre este 'topic', por favor escribalos aqui:

Appendix D: Outside Flap of Case Record

SUMMARY PROCESS

TRANSFER _____ SESSION 6 ORIGINAL TRIAL DATE 7-23-02

DISCOVERY _____ RESCHED. TO _____

ENTRY FEE PD. _____ WAIVED _____

DISPOSITION SUMMARY

POSSESSION FOR _____ P/O _____ D/T

RENT \$ _____ THROUGH _____ COSTS \$ _____ ATTY. FEES \$ _____

EXECUTION TO ISSUE _____

COUNTERCLAIM FOR _____ P/O _____ D/T

DAMAGES \$ _____ COSTS \$ _____ ATTY. FEES \$ _____

DECISION FOLLOWS: _____ TRIAL _____ AGREEMENT

DEFAULT _____ D/T DISMISSAL _____ P/O

JURY _____ Y _____ N

JUDGMENT ENTERED _____ BY _____, J.

APPEAL UNTIL _____ APPEALED _____ Y _____ N

Re: ~~Olde English Village~~ LANDLORD

Vs: ~~Henry~~ TENANT

#301



TEL. 52 Hemlock Drive

Gardner MA 01440

ATTORNEYS

TEL. _____

TEL. _____

DATE	ENTRY	BY
7-23-02	NSD referral	
7-23-02	AGR	
11-26-02	Cont. by AGR to 12-17-02 9AM Gardner	

Appendix E: Sample Notice to Quit Letter

Legal Assistance Corporation of Central Massachusetts

ROBERT A. NASDOR, Executive Director
SUSAN S. MAEDLER, Deputy Director

405 MAIN STREET
WORCESTER, MA 01608
A UNITED WAY AGENCY
(508) 752-3718
(508) 752-5918 FAX
(800) 649-3718 TOLL FREE
(508) 755-3260 TTY

SERGIO CARVAJAL
SCARVAJAL@LACCM.ORG

DATE

NOTICE TO QUIT

VIA FIRST CLASS MAIL AND CERTIFIED MAIL

DATE SENT

Name of Tenant

Address

City, State ZIP

Dear Mr./Ms. TENANT:

Please be advised that Mr./Ms. _____ has retained this office to represent his/her interest. It is hereby her/his intention to terminate your tenancy, you are hereby notified to quit and deliver up at the expiration of that month your tenancy which shall begin next after this date, the premises now held by you as tenant(s) of INSERT NAME OF PROPERTY OWNER, namely:

The landlord is not waiving any rights he has under this Notice to Quit by accepting payments from you subsequent to the date of this notice. All payments accepted subsequent to the date of this notice are accepted for use and occupancy only and not for rent. The acceptance of said payments shall not in any way create a new tenancy.

**HEREOF FAIL NOT, OR I SHALL TAKE DUE PROCESS OF LAW AND
EVICT YOU FROM SAME. YOU ARE NOTIFIED TO BRING THE ORIGINAL OF
THIS NOTICE WITH YOU TO ANY SUBSEQUENT HEARING OR
CONTINUANCE THEREOF.**

Very truly yours,

Sergio E. Carvajal, Esq.

**Appendix F: Summary Process Summons and Complaint
Form**

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
SUMMARY PROCESS SUMMONS AND COMPLAINT**

Housing Court Department
Worcester County Division

Serve to Tenant by: _____

Entry Date (file with Court by) : _____

THIS IS A COURT NOTICE OF A PROCEEDING TO EVICT YOU. PLEASE READ IT CAREFULLY.
IMPORTANT ESTE DOCUMENTO ES UNA NOTICIA DE UNA CORTE RESPECTO A PROCEDIENTES PARA DESAOJARLE

TO _____ TEL# _____

ADDRESS _____ CITY _____ ZIP _____

You are hereby summoned to appear before the Judge of the Worcester County Housing Court at the time and place listed below.

DAY _____ DATE _____ TIME _____

COURT ADDRESS _____ TOWN _____ ROOM _____

to answer the complaint of: LANDLORD/OWNER _____ TEL# _____

STREET _____ CITY _____ ZIP _____

that you occupy the premises at _____ unlawfully and against the right of said
landlord because: _____

_____ and further that \$ _____ rent is owed according to the following account:

Month	Amount owed
_____	_____
_____	_____
_____	_____

Diana H. Horan

Presiding Justice

James A. Bisceglia

Clerk Magistrate

Date _____

Signature of Plaintiff or Attorney

NOTICE TO OCCUPANTS: At the hearing on _____ you or your attorney must appear in person to present your defense. You or your attorney must also file (deliver or mail) a written answer to this complaint (answer forms are available in the Clerk's office). You must file (deliver or mail) the answer to the court clerk and deliver or mail a copy to the landlord or landlord's attorney at the address shown on the back of this form. The answer must be received by the court clerk and the landlord or the landlord's attorney no later than the Monday after the entry date _____. If you do not file and serve an answer, or if you do not defend at the time of the hearing, judgment may be entered against you for possession and the rent as requested in this complaint.

If the landlord does not file the original of this form in court on or before the entry date listed on this form, the court will not schedule the case for trial.

Notification para las personas de habla hispana: si usted no puede leer ingles. Tenga este documento legal traducido cuanto antes!

To the Sheriffs of our several Counties, or their Deputies, or any Constable of any City or Town within said Commonwealth, GREETINGS: We command you summon the within named tenant / occupant to appear as herein ordered.

WITNESS,

Deana H. Horan
Presiding Justice

James A. Bisceglia
Clerk Magistrate

OFFICER'S RETURN

_____, ss. City/Town _____ Date _____

By virtue of this writ, I this day served the within named tenant or occupant and summoned

him/her as herein directed by giving in hand to _____

or by leaving it at _____

the last and usual place of abode. A copy of this summons was mailed first class to the

tenant/occupant at that address on _____.

Officer _____

Fees-Service _____

Service _____

Travel _____

Use of car _____

Last & Usual Mail _____

Total \$ _____

From the Law Offices of:

Name _____

Street _____ City _____

Phone _____

NOTICE TO LANDLORD / OWNER:

Have the Officer complete the return above. Service must be made on the defendant no later than the seventh day and not earlier than the thirtieth day before the Monday entry date. This form must be filed in court no later than the close of business on the scheduled Monday entry date. In appropriate cases, proper evidence of notice to quit must be provided to this court upon the filing of this complaint. See Rule 2(d). The hearing dates in the Housing Court, all of which are after the Monday entry date, will be as follows: Second Thursday, (Worcester Session 9:00 AM, Uxbridge Session 2:00 PM) Second Friday, (Fitchburg Session 9:00 AM) Second Monday, (Dudley Session 2:00 PM) Third Tuesday, (Gardner Session (9:00 AM) or Third Wednesday, (East Brookfield Session 2:00 PM).

Appendix G: Answer Form

**COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT
SUMMARY PROCESS ANSWER**

.....
(trial date)

....., SS: Division
SUMMARY PROCESS ACTION
DOCKET NO. / / / / / / / / Department

.....
Plaintiff(s) - **Landlord(s)**

versus

.....
Defendant(s) - **Tenant(s)**

INSTRUCTIONS TO DEFENDANT (TENANT) - PLEASE READ CAREFULLY:

Listed below for you to check and fill in as applicable are possible defenses you might have to the Plaintiff's (**Landlord's**) complaint which has been served on you. (**A defense is a legal reason for not evicting you.**) If one or more of these defenses apply to your case, check the appropriate box(es). If you check a defense which has blank lines after it, you must write in facts in support of that defense. Use additional pages if necessary.

In addition, space is provided for you to counterclaim against your landlord if you wish to do so. (A counterclaim means asking that the amount of rent you owe be reduced or that your landlord pay you money he or she has violated your rights.) If you wish to counterclaim, fill in the appropriate blank lines. Use additional pages if necessary, and please be as specific as possible.

You should be aware that **there may be possible defenses and counterclaims which are not listed below, and that some are rather technical in nature. You are permitted to fill out and file this answer, and to appear in court without a lawyer; but if you can and wish to, you should obtain the services of a lawyer for advice and/or representation in court.**

YOU MUST FILE THIS ANSWER, OR ANOTHER LEGALLY SUFFICIENT ANSWER, WITH THE CLERK AND SEND A COPY TO THE PLAINTIFF OF PLAINTIFF'S ATTORNEY TO BE RECEIVED NO LATER THAN THE MONDAY BEFORE THE DATE SCHEDULED FOR TRIAL, AS INDICATED ON THE SUMMONS, OR YOU MAY LOSE BY DEFAULT. YOU MUST ALSO BE IN COURT FOR TRIAL OR YOU WILL LOSE BY DEFAULT.

ANSWER TO COMPLAINT
(Please type or print)

() I specifically deny the following facts stated in the Complaint:

() I am legally withholding my rent because:

.....
Summary Process Form 2 (Answer)

- () I have a written lease which has not expired and the **landlord** has not given me notice that he/she is terminating my lease.
- () I have not received a notice from the **landlord** telling me to leave the premises, and I do not have a written lease.
- () If I have ever owed the **landlord** any rent, I have paid it all or have paid it within the time required by law.
- () I was not properly notified of this **court** action:.....
- () The **landlord's** Complaint fails to state facts which would allow him/her to evict me:
- () There is another person against whom this action should be brought:
- () I have not been properly named in the Complaint:
- () There is another Summary Process action pending against me.
- () I am a tenant in a public housing program and my landlord did not get the required permission before beginning this eviction case.
- () I have other defenses as follows:

IMPORTANT: In some cases, the court has the power to give you time to find a new place to live even if you do not have any of the listed defenses. If you wish the court to determine whether you are entitled to it, please check below:

I wish time to move because I cannot find another residence.

COUNTERCLAIM

If you believe that you are entitled to a return of part of your rent payment or other damages from the **landlord**, complete the statement below:

I hereby counterclaim in the amount of \$ I feel that I am entitled to this amount for the following reasons:

.....
(Name of Defendant (s) or Attorney)

.....
(Signature of Defendant (s) or Attorney)

.....
(Address)

.....
(Telephone Number)

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COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

Worcester, ss.

Housing Court Department
Worcester County Division

Plaintiff:
v.
Defendant:

REFERRAL TO MEDIATION


The Worcester County Housing Court offers mediation services to all cases filed in the Housing Court to assist the parties in reaching a solution which is satisfactory to all. The Housing Specialist will assist the parties in formulating and writing an agreement which is acceptable to the Court.

Mediation services is an option and is not mandatory, so the parties may choose to have a trial if they do not want mediation or if mediation is unsuccessful in finding an agreement. Anything said to a Housing Specialist during the mediation is held in strict confidence and cannot be used as evidence if a trial is held.

I have read this notice and by signing, I agree to participate in the mediation services.



Plaintiff/or Plaintiff's Attorney



Defendant/ or Defendant's Attorney

Appendix I: Agreement for Judgment Form

COMMONWEALTH OF MASSACHUSETTS
The Trial Court

Worcester, ss.

HOUSING COURT
DEPARTMENT
WORCESTER COUNTY DIVISION

Plaintiff _____

No. _____

v.

Defendant _____

AGREEMENT FOR
JUDGMENT

THE PARTIES IN THE ABOVE ENTITLED ACTION HEREBY AGREE TO THE FOLLOWING
JUDGMENT:

_____ Judgment for the Plaintiff for possession & rent in the amount of \$ _____
Through _____ Plus _____ costs, as determined by the Clerk of the Court
shall enter.

_____ Execution shall issue in the ordinary course, pursuant to Rule 10 of the
Uniform Summary Process Rules.

_____ Judgment for Tenant for possession shall enter this day.

_____ If the tenant(s)/defendant(s) fail to comply with the terms of this agreement
set forth below, the landlord may file a motion for the issuance of the
execution for possession, rent owed and court costs. The motion shall say
what part of the agreement was not complied with and the balance owed. A
copy of the motion with notice of the hearing date and affidavit of service
shall be served upon the tenant no less than four (4) days prior to that
hearing date.

THE PARTIES FURTHER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

COMMONWEALTH OF MASSACHUSETTS
The Trial Court

Worcester, ss.

HOUSING COURT
DEPARTMENT
WORCESTER COUNTY DIVISION

Plaintiff _____

No. _____

v.

Defendant _____

AGREEMENT FOR
JUDGMENT

THE PARTIES IN THE ABOVE ENTITLED ACTION HEREBY AGREE TO THE FOLLOWING
JUDGMENT:

_____ Judgment for the Plaintiff for possession & rent in the amount of \$ _____
Through _____ Plus _____ costs, as determined by the Clerk of the Court
shall enter.

_____ Execution shall issue in the ordinary course, pursuant to Rule 10 of the
Uniform Summary Process Rules.

_____ Judgment for Tenant for possession shall enter this day.

_____ If the tenant(s)/defendant(s) fail to comply with the terms of this agreement
set forth below, the landlord may file a motion for the issuance of the
execution for possession, rent owed and court costs. The motion shall say
what part of the agreement was not complied with and the balance owed. A
copy of the motion with notice of the hearing date and affidavit of service
shall be served upon the tenant no less than four (4) days prior to that
hearing date.

THE PARTIES FURTHER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

**Appendix J: Judgment by Default Form,
Non Military Affidavit and Affidavit of Payments Made**

COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY HOUSING COURT

[REDACTED]

Plaintiff

- v. -

No. [REDACTED]


[REDACTED]

Defendant

JUDGMENT OF SUMMARY PROCESS BY DEFAULT

Upon request and affidavit filed and default duly recorded, upon a claim for a sum certain or a sum which by computation can be made certain, it is hereby ORDERED and ADJUDGED:

That plaintiff ROBERT MAILLOUX recover of the defendant STEVE STRANGE judgment in summary process for possession of the premises situated at Apt #6, 11 Blossom Street, Leominster, MA 01453, and for money damages in the sum of \$1,435.35, with costs in the amount of \$77.00.


James A. Bisceglia
Clerk Magistrate

May 14, 2001

JUDGMENT ENTERED AT 10:00 O'CLOCK A.M. UNDER USPR RULE 10.
ENTERED AND NOTICE SENT UNDER R.58(a), 77(d), 79(a), 05/14/01, fal

ECMS: JDMT-55B1-SP10

Commonwealth of Massachusetts

The Trial Court

Worcester, ss.

Housing Court Department
Worcester County Division

MAILLOUX

Plaintiff

No. 01SP 1120

STRANGE

Defendant

NON MILITARY AFFIDAVIT AND AFFIDAVIT OF PAYMENTS MADE

1. The defendant(s) in the above captioned case is/are not in the military service as defined in the soldier's Civil Relief Act of 1940, as amended, and that I know this to be true because:

HE HAS NEVER TOLD ME OTHERWISE

2. The defendant(s) has/have PAID rent (or use and occupation) in the amount of \$ _____ since the action was commenced.

3. The defendant(s) still OWE rent (or use and occupation) in the amount of \$ 1443⁰⁰ through MAY 31, 2001.

4. The defendant(s) still occupy/occupies the premise described in my complaint or, if the premises are no longer occupied, the defendant(s) vacated the premises on _____.

Subscribed and sworn under the pains and penalties of perjury, this 11TH day of MAY, 2001.


Signature of Plaintiff or Plaintiff's attorney

**Appendix K: Notice of Voluntary Dismissal,
Notice of Dismissal in Seven Days,
Judgment of Dismissal**

COMMONWEALTH OF MASSACHUSETTS
The Trial Court

Worcester, ss.

Housing Court Department
Worcester County Division

No. _____

Plaintiff

v.

NOTICE OF VOLUNTARY DISMISSAL

Defendant

Pursuant to the provisions of Mass. Rules of Civil Procedure 41 (a) (1) (i), the Plaintiff discontinues the above-entitled action and dismisses the complaint without prejudice.

Plaintiff or Plaintiff's Attorney

Address

Telephone

Date

Commonwealth of Massachusetts
The Trial Court

Worcester, ss.


Housing Court Department
Worcester County Division

Judgment of Dismissal

Docket No. 



plaintiff



defendant

The Plaintiff having failed to appear for trial and neither party having requested a new trial date within seven days from the original trial date, a judgment of dismissal is hereby entered.

Date 

James A. Bisceglia

James A. Bisceglia
Clerk Magistrate

Commonwealth of Massachusetts
The Trial Court

Worcester, ss.

Housing Court Department
Worcester County Division

Docket no. [REDACTED]

[REDACTED]
Plaintiff

NOTICE OF DISMISSAL IN SEVEN DAYS

v.

[REDACTED]
Defendant

The above entitled case was scheduled for a Summary Process (Eviction) trial today. The Plaintiff/Landlord did not appear and the Defendant/Tenant either did not appear or appeared but did not file an answer.

Therefore, pursuant to Rule 10 of the Uniform Summary Process Rules, this matter will be dismissed in seven (7) days of this date unless the Plaintiff or the Defendant requests a trial in writing, in which case this matter will be rescheduled.

Date [REDACTED]

James A. Bisceglia
James A. Bisceglia
Clerk Magistrate

**Appendix L: Application for Issuance of Execution,
Motion for Issuance for Execution**

COMMONWEALTH OF MASSACHUSETTS
The Trial Court

Worcester, ss.

Housing Court Department
Worcester County Division

No. _____

Plaintiff

v.

**APPLICATION FOR ISSUANCE
OF EXECUTION**

Defendant

NOTE: Applicants do not need to complete the financial information portion of this form if they are seeking an execution based upon either a default judgment or a decision rendered after trial. If the applicant is seeking more money than what was awarded in the judgment, a motion to amend the judgment or a small claim may be filed.

THE TIME FOR APPEAL IN THIS MATTER HAVING EXPIRED, THE PLAINTIFF(S) HEREBY APPLIES FOR THE ISSUANCE OF THE EXECUTION PURSUANT TO UNIFORM SUMMARY PROCESS RULE 13.

JUDGMENT FOR RENT (From agreement for judgment)	\$ _____ through / /
RENT DUE SINCE JUDGMENT	\$ _____
SUBTOTAL	\$ _____
LESS PAYMENTS MADE	\$ _____
TOTAL AMOUNT OWED (Through today's date*)	\$ _____

* Defendants are only liable for rent for the days they actually occupy the premises.

Plaintiff or Plaintiff's Attorney

Date

COMMONWEALTH OF MASSACHUSETTS

The Trial Court

Worcester, ss.

Housing Court Department
Worcester County Division

No. _____

Plaintiff

v.

MOTION FOR ISSUANCE FOR EXECUTION

Defendant

The Plaintiff in this case moves the Court to ISSUE AN EXECUTION FOR POSSESSION PLUS THE AMOUNT OF THE MONEY JUDGMENT, which execution can be used by the Plaintiff to evict the Defendant.

The Plaintiff states that:

- 1. A stay of execution has been granted by this Court or by agreement of the parties OR the parties had entered into an agreement for judgment granting the Defendant/Tenant the right to reinstate the tenancy.
2. The Defendant/Tenant is in substantial violation of a material term or condition of the stay or agreement for judgement as follows: (Briefly describe the nature of the violation)

Table with 2 columns: Description and Amount. Rows include: JUDGMENT FOR RENT (from agreement), RENT DUE SINCE AGREEMENT, SUBTOTAL, LESS PAYMENTS MADE BY DEFENDANT, and TOTAL AMOUNT OWED.

I, _____ swear that I served a copy of this motion together with notice, that same has been scheduled for hearing on ____/____/____ At the time and place in the following way:

By mailing first class to the Defendant at: _____

By delivering in hand to the Defendant at: _____

Signed under the pains and penalties of perjury this ____ day of _____, 20____.

Signature _____

- WORC. SESSION 9:00 AM Thursdays, Room 101 2 Main St. Worc, MA
FITCHBURG SESSION 9:00 AM Fridays Superior Court Building 84 Elm St. Fitchburg, MA
E. BROOKFIELD SESSION 2:00 PM E. Brookfield District Court 544 E. Main St. E. Brookfield
DUDLEY SESSION 2:00 PM Dudley District Court West Main St, Room 2
UXBRIDGE SESSION 2:00 PM Uxbridge District Court S. Main Street, Uxbridge
GARDNER SESSION 9:00 AM Gardner District Court 108 Matthews St, Gardner

**Appendix M: Worcester County Housing Court Archives
Survey**

Worcester County Housing Court Archives

1. Name of tenant? _____
 2. Case #? _____
 3. Represented or *pro se*? _____
 4. Address of tenant ? _____

 5. Date of first 'Summary Process Summons and Complaint'? _____
 6. Date of Court case? _____
 7. Date Answer Sheet is due? _____
 8. Did parties appear? _____
 9. Did parties go to Mediation? _____
 10. Reason for Notice to Quit? _____
 11. Final outcome of case? _____
 12. Did tenant fill out Answer Form? _____
 13. If yes, from WHC or legal service program? _____
- If file has "Execution on Judgment for Summary Process":
14. Date Execution filed? _____
 15. Date Execution expires? _____

Appendix N: Tables

Table for Figure 3: Reasons for Notice to Quit (Non-WHA)

Reasons	Frequency	Percentage
Nonpayment	86	86
New landlord	4	4
False income info/nonpayment	6	6
Unclear	5	5
Landlord wants to live in apt	1	1
Landlord demolishing building	1	1
Total	100	100

Table for Figure 7: Reasons parties did not appear for their summary process case

Reasons	WHA (Out of 51% cases that fail to appear)		Non-WHA (Out of 42% of cases that fail to appear)	
	Frequency	Percentage	Frequency	Percentage
Default	21	41.2	24	57.1
Dismissal	29	56.9	18	42.9
Unclear	1	1.9	0	0
Total	51	100.0	42	100.0

Table for Figure 9: Did Parties Undergo WHA or WHC Mediation?

Mediation	Frequency	Percentage
WHA	46	93.9
WHC	3	6.1
Total	49	100

Table for Figure 10: Did Tenants Keep to Agreement?

Outcome	Frequency	Percentage
Yes	37	75.5
No	12	24.5
Total	49	100.0

Table for Figure 15 and Figure 16: Comparison of Summary Process Cases per Worcester zip code of WHA and non-WHA tenants ('00-'02) and statistics compiled by WHC (1/1/02 - 11/12/02)

Zip codes	Frequency			Percentage		
	WHC	WHA	Non-WHA	WHC	WHA	Non-WHA
01602	82	1	0	4.7	1	0
01603	147	8	3	8.4	8	6
01604	93	1	5	11.1	1	10
01605	391	81	16	22.4	81	32
01606	73	0	1	4.2	0	2
01607	98	0	2	5.6	0	4
01608	183	0	6	10.5	0	12
01609	212	10	8	12.2	10	16
01610	362	4	7	20.8	4	14
01612	1	0	2	0.1	0	4
Total	1742	100	50	100	100	100

Table for Figure 18: Tenants' Eligibility for LACCM's services (surveys)

	Frequency	Percentage
Eligible	25	66
Not eligible	12	32
Don't know eligibility	1	2
Total	38	100

Table for Figure 19: Tenants' legal representation

	Frequency	Percentage
Represented	5	13
Pro se	33	87
Total	38	100

Table for Figure 20: Tenants' prior housing court experience

	Frequency	Percentage
Has been to housing court before	15	39
Has not been to housing court before	23	61
Total	38	100

Table for Figure 21: Tenants' problems with housing court procedures

	Frequency	Percentage
Problems with procedures	10	26
No problems with procedures	28	74
Total	38	100

Table for Figure 22: Tenants' confidence in their legal rights

Confidence Level	Frequency	Percentage
1	10	26
2	12	32
3	10	26
4	4	11
5	2	5
Total	38	100

Table for Figure 23: Complaint form

	Frequency	Percentage
Read Complaint form	22	58
Didn't read Complaint form	7	19
Don't know if they read form	9	24
Total	38	100

Table for Figure 24: Answer form

	Frequency	Percentage
Filled out Answer form	8	21
Did not fill out Answer form	21	55
Don't know	9	24
Total	38	100

Table for Figure 25: Tenants' awareness of free legal services

	Frequency	Percentage
Aware of free legal services	20	53
Not aware of free legal services	18	47
Total	38	100

Table for Figure 26: Which legal service programs have tenants heard of?

Legal services program	Frequency	Percentage
LACCM	14	42
MJP	9	27
CMHA	9	27
Other	1	4
Total	33	10

Table for Figure 27: Do tenants receive free legal aid?

	Frequency	Percentage
Have received free legal aid	8	21
Never received free legal aid	30	79
Total	38	100

Table for Figure 28: How helpful are the legal services programs?

Help level	Frequency	Percentage
1	0	0
2	0	0
3	3	37
4	1	13
5	4	50
Total	8	100

Table for Figure 29: Tenants' gender

Gender	Frequency	Percentage
Male	12	32
Female	26	68
	38	100

Table for Figure 30: Tenants' age groups

Age groups	Frequency	Percentage
18-24	6	16
25-40	23	61
41-59	9	23
0	0	0
Total	38	100

Table for Figure 31: Tenants' educational level

Educational level	Frequency	Percentage
Some high school	6	16
High school diploma/GED	16	42
Some college	10	26
College degree	6	16
Total	38	100

Table for Figure 32: Tenants' ethnicity

Ethnicity	Frequency	Percentage
White	15	40
Black	9	23
Hispanic	13	34
American Indian	1	3
Total	38	100

Table for Figure 40: English as first language

	Frequency	Percentage
English first language	27	71
English not first language	11	29
Total	38	100

Table for Figure 34: Other common first languages

Language	Frequency	Percentage
Spanish	8	80
French	1	10
Twi	1	10
Total	10	100

Table for Figure 35: Tenants' Fluency in English

Fluency level	Frequency	Percentage
1	1	10
2	1	10
3	3	30
4	1	10
5	4	40
Total	10	100

Table for Figure 36: Tenants' use of translators

	Frequency	Percentage
Translator	0	0
No translator	38	100
Total	38	100

Table for Figure 37: Tenants' Internet use

	Frequency	Percentage
Use the Internet	15	39
Do not use the Internet	23	61
Total	38	100

Table for Figure 38: The relationship between eviction case outcomes and tenants that default

Outcome of cases	Frequency	Percentage
Evicted	20	44
Not evicted	6	14
Unresolved	19	42
Total	45	100

Table for Figure 39: The relationship between reasons for Notice to Quit letter and evictions

Total tenants with other reasons for Notice to Quit =11	Frequency (evicted)	Percentage (evicted)
Criminal activity	1	9
False income information	2	18
Lease violation	1	9
Demolition of building	1	9
New landlord	2	18
Total	7	63

Appendix O: Statistics from Worcester Housing Court

Cases opened from January 01, 2002 through November 12, 2002

HCT	DCT	City	Zip	Sum	Cum	Tot
WOR	CLI	South Lancaster	01561	1	0	0
WOR	CLI	Sterling	01564	3	51	0
WOR	LEO	Leominster	01453	215	0	0
WOR	LEO	Princeton	01541	1	216	0
WOR	MAR	Marlborough	01752	3	3	0
WOR	MIL	West Upton	01568	1	0	0
WOR	MIL	Mendon	01756	1	0	0
WOR	MIL	Milford	01757	37	0	0
WOR	MIL	Bellingham	02019	12	51	0
WOR	ORA	Athol	01331	38	38	0
WOR	WES	Grafton	01519	4	0	0
WOR	WES	Northborough	01532	12	0	0
WOR	WES	North Grafton	01536	4	0	0
WOR	WES	Shrewsbury	01545	28	0	0
WOR	WES	South Grafton	01560	3	0	0
WOR	WES	Westborough	01581	16	0	0
WOR	WES	Southborough	01772	2	69	0
WOR	WIN	Winchendon	01475	31	31	0
WOR	WOR	Barre	01005	5	0	0
WOR	WOR	Oakham	01068	4	0	0
WOR	WOR	South Barre	01074	3	0	0
WOR	WOR	Auburn	01501	15	0	0
WOR	WOR	Holden	01520	5	0	0
WOR	WOR	Jefferson	01522	2	0	0
WOR	WOR	Bramanville	01527	20	0	0
WOR	WOR	Rutland	01543	16	0	0
WOR	WOR	West Boylston	01583	4	0	0
WOR	WOR	Worcester	01602	82	0	0
WOR	WOR	Worcester	01603	147	0	0
WOR	WOR	Worcester	01604	193	0	0
WOR	WOR	Worcester	01605	391	0	0
WOR	WOR	Worcester	01606	73	0	0
WOR	WOR	Worcester	01607	98	0	0
WOR	WOR	Worcester	01608	183	0	0
WOR	WOR	Worcester	01609	212	0	0
WOR	WOR	Worcester	01610	362	0	0
WOR	WOR	Worcester	01612	1	1816	2283
OTHER [not in lookup table CITY2ZIP]				12	12	12
TOTAL				3378	3378	3378

3095 12 2002

Cases opened from January 01, 2002 through November 12, 2002

HCT	DCT	City	Zip	Sum	Cum	Tot
BOS	BRI	Boston	02135	1	1	1
DUD	DUD	Charlton	01507	23	0	0
DUD	DUD	Charlton City	01508	3	0	0
DUD	DUD	Fiskdale	01518	3	0	0
DUD	DUD	North Oxford	01537	2	0	0
DUD	DUD	Oxford	01540	38	0	0
DUD	DUD	Southbridge	01550	144	0	0
DUD	DUD	Sturbridge	01566	4	0	0
DUD	DUD	Dudley	01570	98	315	315
EBR	EBR	Gilbertville	01031	10	0	0
EBR	EBR	Warren	01083	21	0	0
EBR	EBR	West Warren	01092	5	0	0
EBR	EBR	Wheelwright	01094	1	0	0
EBR	EBR	Brookfield	01506	11	0	0
EBR	EBR	East Brookfield	01515	5	0	0
EBR	EBR	Leicester	01524	7	0	0
EBR	EBR	North Brookfield	01535	11	0	0
EBR	EBR	Rochdale	01542	3	0	0
EBR	EBR	Spencer	01562	37	0	0
EBR	EBR	West Brookfield	01585	4	0	0
EBR	EBR	Cherry Valley	01611	7	122	122
FIT	FIT	Fitchburg	01420	341	0	0
FIT	FIT	Ashburnham	01430	7	0	0
FIT	FIT	Lunenburg	01462	12	360	360
GAR	GAR	Baldwinville	01436	7	0	0
GAR	GAR	Gardner	01440	166	0	0
GAR	GAR	Hubbardston	01452	1	0	0
GAR	GAR	Templeton	01468	3	0	0
GAR	GAR	Westminster	01473	6	183	183
UXB	UXB	Blackstone	01504	14	0	0
UXB	UXB	East Douglas	01516	8	0	0
UXB	UXB	Linwood	01525	4	0	0
UXB	UXB	Manchaug	01526	1	0	0
UXB	UXB	Millville	01529	6	0	0
UXB	UXB	Northbridge	01534	17	0	0
UXB	UXB	North Uxbridge	01538	1	0	0
UXB	UXB	Uxbridge	01569	13	0	0
UXB	UXB	Whitinsville	01588	34	0	0
UXB	UXB	Sutton	01590	4	102	102
WOR	AYE	Ashby	01431	4	0	0
WOR	AYE	West Townsend	01469	2	0	0
WOR	AYE	Townsend	01474	2	8	0
WOR	CLI	Harvard	01451	2	0	0
WOR	CLI	Boylston	01505	2	0	0
WOR	CLI	Clinton	01510	39	0	0
WOR	CLI	Lancaster	01523	4	0	0

from January 01, 2002 through November 12, 2002

CASES	BEG	NEW	DSP	END	%TOTAL	%PROSE
CR	830	93	0	923	2%	77%
CV	5056	908	72	5892	18%	76%
PC	92	250	252	90	5%	100%
SC	1561	293	66	1788	6%	92%
SP	9029	3370	152	12247	68%	73%
TX	560	52	0	612	1%	99%
TOTAL	<u>17128</u>	<u>4966</u>	<u>542</u>	<u>21552</u>	<u>100%</u>	<u>76%</u>

*The %TOTAL and %PROSE measurements are taken on NEW cases opened.