
At housing court, final pleas to head off evictions

By Megan Woolhouse

Globe Staff / December 27, 2010

In the midst of the holiday season, no one wanted to be here.

Yet hundreds of people — homeowners, tenants, landlords — mobbed the fifth floor of Boston Housing Court on a recent Thursday, shuffling into courtrooms on what is unofficially known as eviction day.

The homeowners facing eviction have already lost their houses to foreclosure but will not move willingly, clinging to a desperate hope that they can stave off eviction and find a way to buy back their homes.

The prospects are dim. Few, if any, can even afford a lawyer.

If foreclosure is the final chapter of homeownership, a court eviction hearing is the weary epilogue.

Just two years ago, hearings involving foreclosed homeowners were relatively rare, occurring once a month or less. But soaring foreclosures, which have continued to rise in recent months, have flooded the court with such eviction requests.

On this Thursday at Boston Housing Court, there were nearly 30 cases, involving people from many walks of life, from a single working mother to a 75-year-old retiree to a city police officer.

Some manage to postpone eviction, while others are not so lucky.

Joan Williamson, a 44-year-old housekeeper at a Sheraton hotel, appeared in court for the third time to fight eviction from her Dorchester home, which she lost in March because she could no longer stretch her \$32,000-a-year salary to make the \$3,200-a-month mortgage payments.

By then, she had been in the house for four years. Leaving meant uprooting her two teenage daughters and her pregnant stepdaughter, who lives with them. It also meant abandoning the yard where her 5-year-old grandson, who lives in a nearby housing project, plays ball each day.

Each time she goes to court, she worries it will be the day her family is forced from their home. For now, after gaining another postponement, she still has hope that Boston Community Capital, an agency that buys foreclosed houses and sells them back to their former owners, will help. She prays the agency will accept her case.

"I been drained," she said in a thick Jamaican accent. "I been senseless."

Usually, foreclosure is a kind of death sentence for homeowners. While state law protects renters living in foreclosed apartments from sudden eviction, banks are under no legal obligation to let former owners stay. After the auction, residents get notices from the banks giving them 72 hours to move or face court-ordered evictions.

Thursdays in Boston Housing Court are when former homeowners confront that cold legal reality. People sit jam-packed in a hushed, standing-room-only courtroom. Judge Jeffrey M. Winik breaks the quiet by offering a few words of encouragement before the hearings start.

"It can be very scary and sometimes people get tongue-tied," Winik said. "Do the best you can."

Marshall Cooper Jr., a 75-year-old retiree, has been doing all he can to keep his home since he lost it to foreclosure in March. When the bank held the auction on his front lawn, Cooper found an old bullhorn from his daughter's cheerleading days and tried to drive away potential buyers by heckling them.

He has been to court four times to fight eviction. On this day, his case takes five minutes. A judge postpones it until Jan. 6.

Cooper, retired from Polaroid Corp., fell behind on his mortgage payments when his loan was adjusted from an already steep 11.3 percent interest rate to 17.3 percent. His payments ballooned to \$2,291 from \$1,210 a month, which his pension and Social Security could not cover. He, too, hopes that Boston Community Capital will buy the house and sell it back to him.

"This is my home," Cooper said. "I'm not going nowhere."

Boston Community Capital has won national attention for helping homeowners, so far raising more than \$30 million to help foreclosed homeowners buy back their homes at more affordable terms. But the agency cannot help everyone. Banks foreclosed on more than 13,000 homeowners in Boston and Revere this year alone. BCC plans to help about 2,000 buy back their homes in these communities over the next five years.

"The problem is huge," said BCC's executive director, Elyse Cherry. "My guess is that at the end of the day we can deal with about 20 percent of it."

In the busy housing court, lawyers dart from courtroom to courtroom. Some represent banks, while others from Greater Boston Legal Services offer free advice to people facing eviction. David Grossman, director of Harvard Law School's legal aid bureau, which also provides free services, is there, too. For him, even a postponed eviction counts as "a win."

The process is "filled with false hope and starts and stops," he said. "And sometimes dead ends."

At the end of the day, Jeanette Forde, a working single mother, stood before Judge Winik. Grossman stood at her side.

For the last two years, she has fought to hold onto her foreclosed Mattapan home, where she still lives with her three daughters and four grandchildren. For a while, her chances looked good. Boston Community Capital agreed to buy the house and when the bank accepted the offer, Forde announced the news to cheers at a community meeting.

Then, the bank suddenly notified Forde it had found another buyer for her house and terminated the agreement.

Her eviction became official in a minutes-long hearing. The judge asked if she understood she would have to leave the house by Jan. 31. Forde said she did.

Outside the courtroom, her eyes brimmed with tears.

"I was just trying to save my home," she said.

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