

Co-Sponsor SD 526 & HD 3815 HOMES

An Act promoting housing opportunity and mobility through eviction sealing **Protect Tenants from Unfair Stigma & Permanent Eviction Records**

Having an eviction record is creating a devastating barrier for tenants looking for housing

As soon as an eviction case is filed a tenant has an eviction record. Regardless whether they did anything wrong or were actually evicted, the mere fact that they were party to an eviction or housing case is being unfairly held against tenants when they try to rent a new place.



Since 1988 over 1 million eviction cases have been filed in Massachusetts

Many organizations and tenants are deeply concerned about the unrestricted availability of eviction records and the impact this has on people's ability to obtain housing, credit, and employment, now and in the future. Many cases are decades old and the information is obsolete.

Eviction records are publicly available forever regardless of the outcome

In 2013 the Massachusetts Trial Court began putting eviction record information online. While the Trial Court's intent was to provide parties with remote access to manage their cases, the unintended consequence is that the information is being used as a free and unregulated tenant screening service.

The outcome of a case should matter

Even *winning* in court hurts tenants. Eviction records should only be online, publicly available or reported by a tenant screening company when a landlord wins on the merits or a tenant breaks an agreement and is evicted by a constable. If an eviction case is not the fault of the tenant, is dismissed, or ends with a tenant satisfying an agreement, these records should not be made public.

Vulnerable people are at risk of eviction

Having an eviction record affects all tenants regardless of age, race, sex, income, or ability. Studies have shown that people of color are much more vulnerable to eviction, and that women with children are particularly affected.

Children are listed on eviction complaints

Children are being harmed because they are named on parents' eviction complaints, leaving them with records that follow them into adulthood and complicate their efforts to obtain housing, credit and a job.

Other states are acting to protect tenants against the misuse of eviction records:

California legislators passed a law providing that eviction cases are sealed as soon as they are filed and remain unavailable to the general public while the case is pending. Cases are unsealed only if the landlord prevails.

Illinois legislators are filing a bill that would seal evictions when they are filed and unseal them only if the case is decided against the tenant. The bill protects tenants who are facing no-fault evictions and keeps their records sealed. Tenant screening companies and others would be prohibited from disseminating sealed records.

Washington state legislators passed a law limiting the dissemination of court eviction records and making it unlawful for tenants screening services to disclose a sealed eviction record or use it as a factor in determining any score or recommendation in a tenant screening report.

SD 526 and HD 3815 HOMES

An Act promoting housing opportunity and mobility through eviction sealing

S. 526 and HD 3815 will protect tenants from being unfairly branded with an eviction record if they don't have a judgment against them, if they weren't actually evicted or if they didn't do anything wrong. The bill would:

- Seal all eviction cases as soon as they are filed and while they pending, until and unless an allegation is proven.
- Seal no-fault evictions and other types of housing cases, such as when tenants are seeking to get repairs made.
- Make non-payment and fault eviction cases publicly available when there is a judgment against the tenant on the merits, or there is an agreement for judgment and the tenant has actually been evicted.
- Seal all eviction records after 3 years and provide a process to seal records for good cause before the 3-year point.
- Provide a process for parties, their attorneys, and other representatives to view a sealed case online so they can manage their cases remotely.
- Create a process for parties to correct errors in eviction records.
- Assure that when tenants satisfy their judgments or agreements for judgment, they can seal an open record.
- Make it illegal for a tenant screening company or landlord to use or report a sealed court record.
- Make it illegal to name minors or others not responsible for the rent as a defendant in an eviction case.

A tenant was rejected for over 100 apartments and was homeless for a year because of one eviction case that her landlord filed because he wanted to sell the building. She did nothing wrong. She moved out and her case was dismissed.

“As a landlord I understand the need for due diligence when choosing a tenant. But as an advocate and Chair of Housing and Community Development, I know how hard many people are struggling to find a home. The HOMES Act balances needs for accurate information with needs for a second chance.”

***Boston City Councilor
Lydia Edwards***

Become a Co-Sponsor!

Senator Joseph Boncore and Rep Mike Moran are the lead sponsors of Senate and House HOMES bills - SD 526 and HD 3815

Join them and become a co-sponsor!

For more information contact:

Senate Contact: Juan Jaramillo, Office of Senator Boncore, juan.jaramillo@masenate.gov

House Contact: Nakeeda Burns, Office of Representative Mike Moran, nakeeda.burns@mahouse.gov

Boston City Councilor Lydia Edwards at lydia.edwards@boston.gov at 617-635-3200

Annette Duke at Massachusetts Law Reform Institute at aduke@MLRI.org at 617-357-0700