



City of Cambridge

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IN CITY COUNCIL
February 4, 2019

COUNCILLOR SIDDIQUI
COUNCILLOR MALLON
COUNCILLOR SIMMONS
COUNCILLOR TOOMEY

- WHEREAS: Since 1988, over 1 million eviction cases have been filed in Massachusetts; and
- WHEREAS: Once a case is filed, it becomes part of that tenant’s eviction “record”, which documents the tenant’s history of ever having sued or been sued by a landlord; and
- WHEREAS: In 2013, the Massachusetts Trial Court began placing eviction record information online, making a tenant’s court record history easily accessible to the public; and
- WHEREAS: While the Trial Court’s intent was to provide parties with remote access to manage their cases, the unintended consequence in making this eviction record information publicly available without expiration, is that it is being used as a free and unregulated tenant screening service; and
- WHEREAS: The fact that these records are publicly available with unrestricted access has many organizations and tenants deeply concerned about the impact on people’s ability to obtain housing, credit, and employment, now and in the future; and
- WHEREAS: Regardless of fault, outcome, or underlying basis for a court filing, possessing any record of an eviction filing can present a serious barrier to a tenant’s ability to secure housing, as the mere fact that they were party to an eviction or housing case may give a landlord reason to reject their application; and
- WHEREAS: Significant research has shown that vulnerable and marginalized populations—such as those who are low-income, people of color, women, and children (as they are often named on guardians’ complaints)—are at increased risk for eviction and therefore disproportionately impacted by having a publicly available eviction record tied to their identity; and
- WHEREAS: 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; and
- WHEREAS: *Only* in cases in which a landlord wins on merit or a tenant breaks an agreement and is evicted by a constable should eviction records be made publicly available online or reported by a tenant screening company; and

WHEREAS: SD 526 and HD 3815 HOMES “An Act promoting housing opportunity and mobility through eviction sealing” will protect tenants from being unfairly branded with an eviction record if there exists no judgment against them, if they were not evicted, or were not at fault; now therefore be it

ORDERED: That the City Council go on record in support of “An Act promoting housing opportunity and mobility through eviction sealing (SD 526 and HD 3815 HOMES);” and be it further

ORDERED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this order to the Cambridge Legislative Delegation on behalf of the entire City Council.