

# Protect Tenants from Unfair Stigma & Permanent Eviction Records



*An Act promoting housing opportunity and mobility through eviction sealing (HOMES)*

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## **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 Many cases are decades old and the information is obsolete.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**

Eviction records should only be publicly available when a landlord wins on the merits or a tenant breaks an agreement and is evicted by a constable. If an eviction is not the fault of the tenant, is dismissed, or ends with a tenant satisfying an agreement, these records should not be public.

## **Vulnerable people are at risk of eviction**

Having an eviction record affects all tenants, but 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 harmed because they are named on parents' eviction complaints, leaving them with records that follow them into adulthood and complicate efforts to obtain housing, credit and a job.

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.

## **For More Information:**

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# S. 824 & H. 3566 HOMES

## An Act promoting housing opportunity and mobility through eviction sealing

S. 824 and H. 3566 will protect tenants from being unfairly branded with an eviction record if they don't have a judgment against them, weren't actually evicted or didn't do anything wrong. The bills would:

- Seal all eviction cases while they are pending, until an allegation is proven.
- Seal no-fault evictions and other types of cases, such as when tenants are trying 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 a constable evicts a tenants.
- Seal eviction records after 3 years and provide a process to seal records for good cause before 3 years.
- 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 a 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.

## HOMES Act Supporters

To join the list of supporters go to [www.PassTheHomesAct.org/supporters](http://www.PassTheHomesAct.org/supporters)

- A Better Cambridge
- Alliance of Cambridge Tenants (ACT)
- American Civil Liberties Union of Massachusetts
- American Civil Liberties Union Women's Rights Project
- Arise for Social Justice
- Boston Area Rape Crisis Center
- Boston Medical Center
- Boston Tenant Coalition
- Chelsea Collaborative
- Children's HealthWatch
- City Life/Vida Urbana
- City Mission Boston
- Coalition for Occupied Homes in Foreclosure
- Coalition for Social Justice
- Community Action Agency of Somerville
- Community Health Network for North Central Mass
- De Novo Center for Justice & Healing
- Dudley Street Neighborhood Initiative
- Family Promise Metrowest
- Father Bill's & MainSpring
- Greater Boston Legal Services
- GreenRoots
- Grow A Strong Family
- Hildebrand Family Self-Help Center
- Homes for Families
- HomeStart, Inc.
- Housing Families
- Jewish Alliance for Law & Social Action
- Justice Center of Southeast Mass
- Law Office of Muska Yousuf
- Mass Alliance of HUD Tenants
- Mass Assoc of Community Devel Corp
- Mass Coalition for the Homeless
- Mass Communities Action Network
- Mass Fair Housing Center
- Mass Jobs with Justice
- Mass Law Reform Institute
- Mass Public Health Association
- Mass Smart Growth Alliance
- Matahari Women Workers' Center/Centro deMujeres Trabajadoras de Matahari
- Mayor Joseph A. Curtatone, Somerville
- Mayor Martin J. Walsh, Boston
- National Assoc of Social Workers, MA Chapter
- Neighbor to Neighbor Massachusetts
- Progressive Mass
- Project Hope
- Right To The City Boston
- SEIU, 888
- Solidarity Lowell
- Somerville YIMBY
- Springfield Dementia Friendly Coalition
- Springfield Food Policy Council
- Springfield Partners for Community Action, Inc.
- Walk UP Roslindale
- Western Mass Network to End Homelessness