

Protect Tenants from Unfair Stigma & Permanent Eviction Records

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

S. 824 & H. 3566



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 Many cases are decades old and the information is obsolete.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

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***

Sponsors

Lead Bill Sponsors

S. 824, Senator Joseph Boncore
H. 3566, Rep Mike Moran
With Boston City Councilor Edwards

To see who is co-sponsoring go to
www.PassTheHomesAct.org

S. 824 & H. 3566 HOMES

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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, if they weren't actually evicted or if they didn't do anything wrong. The bills 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.

HOMES Bills Supporters

- A Better Cambridge
- Arise for Social Justice
- Boston Tenant Coalition
- Chelsea Collaborative
- City Life/Vida Urbana
- Coalition for Occupied Homes in Foreclosure
- Coalition for Social Justice
- Community Action Agency of Somerville
- De Novo Center for Justice and Healing
- Dudley Street Neighborhood Initiative
- Greater Boston Legal Services
- GreenRoots
- Hildebrand Family Self-Help Center
- Homes for Families
- HomeStart, Inc.
- Housing Families
- Jewish Alliance for Law and Social Action
- Mass Assoc of Community Develop Corps
- Mass Communities Action Network
- Mass Fair Housing Center
- Mass Jobs with Justice
- Mass Law Reform Institute
- Mass Public Health Association
- Matahari Women Workers' Center/Centro deMujeres Trabajadoras de Matahari
- Mayor Joseph A. Curtatone, Somerville
- National Assoc of Social Workers, MA Chapter
- Neighbor to Neighbor Massachusetts
- Progressive Mass
- Project Hope
- Right To The City Boston
- SEIU, 888
- Somerville YIMBY
- Walk UP Roslindale
- Western Mass Network to End Homelessness

For more information contact:

Joel Wool with Boston City Councilor Lydia Edwards at joel.wool@boston.gov at 617-635-3200
Annette Duke at Massachusetts Law Reform Institute at aduke@MLRI.org at 617-357-0700