

Protect Tenants from Unfair Stigma & Permanent Eviction Records

Pass Amendment 449 – COVID-19 Eviction Protection Act

When the eviction moratorium ends there may be tens of thousands of evictions filed.

It is unthinkable that because of the pandemic that tens of thousands of households who face eviction will also face the unfair stigma that eviction records have.

Having an eviction record creates 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Many cases are decades old and the information is obsolete, yet this information is still hurting tenants.

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.



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COVID-19 Eviction Protection Act**

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Amendment 449 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.
- 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.

Supporters

- A Better Cambridge
- Alliance of Cambridge Tenants
- 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
- Central West Justice Center
- 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 Action Pioneer Valley
- Community Health Network for North Central Mass
- Craig's Doors – A Home Association
- De Novo Center for Justice & Healing
- DOVE (Domestic Violence Ended)
- Dudley Street Neighborhood Initiative
- Easthampton Affordable and Fair Housing Partnership
- Eliot Community Human Services
- Family Promise Metrowest
- Father Bill's & MainSpring
- Food Bank of Western Massachusetts
- Greater Boston Labor Council
- Greater Boston Legal Services
- Greater Springfield Habitat for Humanity
- GreenRoots
- Grow A Strong Family
- Hildebrand Family Self-Help Center
- Homes for Families
- HomeStart, Inc.
- Housing Families
- Jewish Alliance for Law & Social Action
- Jewish Family & Children's Services
- 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
- Metro Mayors Coalition
- National Assoc of Social Workers, MA Chapter
- Neighbor to Neighbor Massachusetts
- Progressive Democrats of Mass
- Progressive Mass
- Project Hope
- Right To The City Boston
- SEIU, 888
- ServiceNet
- 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
- Womanshelter/Compañeras
- YMCA of Western Mass