

July 29, 2022 - **UPDATED WITH NEW SIGNATORIES**

The Honorable Michael Rodrigues
Chair, Senate Committee on Ways and Means
State House, Room 212
Boston, MA 02133

The Honorable Aaron Michlewitz
Chair, House Committee on Ways and Means
State House, Room 243
Boston, MA 02133

RE: An Act relating to economic growth and relief for the commonwealth (S. 3030/H. 5034)

Dear Chair Rodrigues, Chair Michlewitz, and Honorable Conferees:

In these challenging times, as we continue to face the persistence of COVID and work to recover from the toll it has taken on our communities, we want to thank you for your work to pass legislation that will make our Commonwealth stronger.

We urge you - as part of the economic growth and relief package - to pass Section 135C in S. 3030, which will provide essential relief to tenants by providing a process to allow them to seal eviction records.

Right now there is no process. Court eviction records are publicly and permanently available on MassCourts regardless whether you paid the rent, whether you came to an amicable agreement with your landlord, or whether you did nothing wrong.

Why should a tenant be branded with an eviction record for life?

Under current law, there is no process for a tenant to seal an eviction record. Section 135C in S. 3030 would change that. This language will protect many tenants from being unfairly marked with an eviction record and would establish a fair process for tenants to petition the court on a case-by-case basis. It would provide that:

- Tenants facing a no-fault eviction or who satisfy their judgments can seal their records after the conclusion of the case.
- A court may, at its discretion, process such petitions administratively without a hearing and the petition shall be on a form furnished by the trial court.
- Sealed records are available to parties.
- Sealing provisions would be effective within 90 days of passage.

In the previous legislative session, both the Senate and the House included eviction sealing protections in the economic development bill which the Governor vetoed with no time for an override. In his letter of January 14, 2021, he stated that he vetoed the HOMES Act because he was concerned about landlords not knowing about criminal activity and about the administrative burden on the courts during the state of emergency when they were operating remotely.

Section 135C, which has bi-partisan support in the Senate, addresses the Governor's concerns by providing that nothing prohibits the dissemination of information contained in a record sealed, as the court deems necessary for public safety, or to pursue a criminal investigation or prosecution. It also provides that the court develops a form and may process petitions administratively without a hearing or without having to go before a judge thus significantly reducing the administrative burden on courts and on judges. The process is structured not to be burdensome to the court. There may also be ways that the court can process petitions through e-filing, reducing the burden even further, as new improved digital methods are developed.

On average 40,000 people faced eviction each year before the pandemic. The number of evictions are starting to climb again. As the Governor recognized in his letter - having an eviction record is impacting people's ability to find new housing. We can change this and we urge you to provide tenants with this needed relief and pass Section 135C in S. 3030.

Thank you.

Organizations

North Suffolk Mental Health Association - Damien Cabezas, President & CEO

Beacon Communities - Dara Kovel, CEO and Howard Cohen, Board Chair

Boston Medical Center - Andrea Pessolano, Manager of State Government Advocacy

Chinese Progressive Association - Karen Chen, Executive Director

League of Women Voters Massachusetts - Lorelee Stewart, Affordable Housing Specialist

WinnCompanies - Trevor Samios, Senior Vice President

Massachusetts AFL-CIO - Steven A. Tolman, President

Disability Law Center - Barbara A L'Italien, Executive Director

Massachusetts Catholic Conference - James Driscoll, Executive Director

Greater Boston Building Trades Unions - Brian Doherty, General Agent

La Colaborativa - Gladys Vega, Director

Landlords for Affordable Housing - Daniel Moss, Landlords for Affordable Housing

Cathedral Church of St. Paul - Amy McCreath, Dean of the Cathedral

Volunteers of America of Massachusetts (VOAMASS) – Charles Gagnon, President & CEO

Mass Assoc for Mental Health - Jen Honig, Co-Director of Public Policy & Government Relations
Casa Myrna Vazquez, Inc. - Stephanie Brown, CEO
Metropolitan Area Planning Council - Lizzi Weyant, Deputy Executive Director for Public Affairs
Mass Public Health Assoc - Jeneczka Roman, Assistant Director of Advocacy & Communications
St. Mary's Center for Women and Children - Alexis Steel, President
Western Massachusetts Network to End Homelessness - Pamela Schwartz , Director
Preservation of Affordable Housing - Aaron Gornstein, CEO
Citizens' Housing and Planning Association - Eric Shupin, Director of Public Policy
Massachusetts Fair Housing Center - Meris Bergquist, Executive Director
Massachusetts Coalition for the Homeless - Kelly Turley, Associate Director
ACLU of Massachusetts - Gavi Wolfe, Legislative Director
Action for Equity - Marvin Martin, Executive Director
City Life / Vida Urbana - Mike Leyba, Co Executive Director
Jewish Alliance for Law and Social Action - Cindy Rowe, Executive Director
Community Action Agency of Somerville, Inc. - David Gibbs, Executive Director
Boston Tenant Coalition - Kathy Brown, Executive Director & Shameeka Moreno, Board member
Legal Services Center of Harvard Law School - Julia Devanthery, Senior Clinical Instructor
Mass Communities Action Network - Lew Finfer, Senior Projects Organizer
Mass Alliance of HUD Tenants - Michael Kane, Director
Mass Law Reform Institute - Annette Duke, Housing Attorney
Mass Affordable Housing Alliance - Symone Crawford, Executive Director
Progressive Massachusetts - Jonathan Cohn, Policy Director
NAACP New Bedford - David Ehrens, Member
Charter St. Tenant Assoc., Salem, MA - Don Rivard, President
Progressive Democrats of Massachusetts - Jeanne Krieger, Director
Abundant Housing MA - Jesse Kanson-Benanav, Executive Director
Concilio Latino de Massachusetts - Juan Pablo Jaramillo, President

Cambridge Residents Alliance - Lee Ferris, President

One Family - Valerie Paric, Executive Director

Elected Officials

Mayor Michelle Wu, City of Boston (*supported in a separate letter*)

Mayor Sumbul Siddiqui, City of Cambridge

Mayor Jared Nicholson, City of Lynn

City Councilor Kenzie Bok, Boston District 8

City Councilor Jeff Cohen, Salem Ward 5

Individuals

Title and organization for identification purposes only

Adai Sepulveda, Teacher

Aileen Montour

Alice Reilly, Winthrop Resident

Alison Gottlieb

Andrea Cherez

Angelo Bertolino, Gloucester MA resident

Antonieta Gimeno, Tenant and with City Life/Vida Urbana

Beth Castrodale, Writer and editor

Betsy Smith

Bill Schmidt, Chair of Winthrop Board of Health

Cathleen Cavell, Brookline Resident, Brookline Town Meeting, Progressive Democrats of MA

Carolyn Magid

Carol Walker

Charles R. Juliand

Claire Barker, Advocate for fair, affordable housing

David J. Harris, Managing Dir Emeritus of Charles Hamilton Houston Institute for Race & Justice

Deborah Roher, lawyer

Donna Reilly

Dorothy Bourassa

Eileen Marum

Elaine Gifford, LICSW

Elizabeth Murphy

Ellen Tibby, PsyD

Fran Perkins
Gail Miller
Helen Horigan
James Hornsby, Rector Emeritus
Jeanne Kempthorne, retired attorney
John Lippitt
John Matera
Karen Kirchoff, City Life/Vida Urbana Member & Theodore Parker Unitarian Universalist Church
Katherine Sadkowski
Katie O'Leary, Director of Recovery Support Services
Marguerite Matera, Landlord since 1981 and citizen residing in Gloucester
Markeisha Moore, Community Organizer
Martha Matlaw, Community member and City Life/Vida Urbana supporter
Martin Bentz
Mary Lenihan, Retired nurse
Matthew Broude
Meredith St. John
Moriah Wiggins, lawyer
Patricia Feeley, Retired Public Health Nurse with City Life/Vida Urbana
Rafael Pizarro, Media consultant
Rhonda Berkower, Retired pro bono attorney with Greater Boston Legal Services
Richard Krushnic, Cambridge Residents Alliance Board and Housing Committee
Robert French
Robert Orthman
Robert Schwartz, MassCOSH
Ronald Weisberger, Director of the Holocaust and Genocide Center
Rochelle Williams, Tenant and with City Life/Vida Urbana
Ruth Deras, Associate Director of Homeless Prevention and Legal Services of Housing Families
Sally Calhoun, Attorney in private practice
Stephanie Fawcett
Steven Francis, Sgt
Rev. Susan Lee, Rector Emerita, St. Luke's Episcopal Church, Fall River
Sylvia Whiting
Tania Castro-Daunais
Uvi Ajavon, Resident
Zilma Gonzalez Acaba, Translator

cc: Senator Eric Lesser
Senator Patrick O'Connor
Representative Mark Cusack
Representative Michael Soter