

Evicted for Life

How eviction court records are creating a new barrier to housing



EVICTED FOR LIFE

Massachusetts Law Reform Institute (MLRI) is a nonprofit legal services organization that provides statewide advocacy and leadership in advancing laws, policies, and practices to secure economic, racial, and social justice for low-income people and communities.

This report and underlying research were produced by MLRI with input from tenants, legal services attorneys, and other stakeholders. We thank Laura Spark for her dedicated and persistent research, for conducting all 65 interviews referenced in this report, and for her assistance preparing this report. We also thank the Hyams Foundation for its continued support, which was instrumental in preparing this report.

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Introduction

In 2013 the Massachusetts Trial Court released its Electronic Case Access system, MassCourts, which made court eviction records available online at MassCourts.org. The original intent of MassCourts was to automate the court's case management system, allowing parties to track their cases remotely and making it easier for court staff to access case information. However, the unintended consequence of this online access is that eviction case records are freely available and easily searchable to anyone with internet access.

Landlords, property owners, and tenant screening companies are now using this free and easy access to conduct tenant screening, often with unfair and dire consequences for tenants. This report details why eviction court records – and MassCourts records in particular – are unreliable indicators of whether someone may be a good tenant.

This report also provides evidence about how tenants are being harmed by their eviction records. No matter whether a tenancy lasted decades, ended amicably with a court agreement, or whether a court ruled in favor of the tenant, the moment a case is filed the tenant has a **permanent eviction record** that will follow them for life.

Many organizations and tenants are deeply concerned that unrestricted access to all eviction court records, in the courthouse and particularly online, is adding an insurmountable barrier for tenants seeking housing in an already-difficult market.

Included are policy recommendations which would ensure that tenants are not unfairly branded with an eviction record as they search for new housing. As other states take incremental steps to protect tenants against the misuse of eviction records, we urge the Commonwealth to act quickly to limit access to certain eviction records, balancing the need for access to information with access to justice.¹

As soon as an eviction case is filed it becomes publicly available and remains available forever on a state funded website, regardless of the outcome of the case.

Evictions in Massachusetts

In the past 30 years, over 1 million eviction cases have been filed in Massachusetts.² *See Table, page 15.* Eviction court records, many of them decades old, are permanently available online and being used to deny tenants housing, without regard to the outcome of the case.

In Massachusetts 38% of households – nearly 1 million households – are renters. Close to one-third of these renter households are extremely low income (defined as having an annual income below \$28,410 for a family of four).³

People of color are particularly vulnerable to eviction. In Massachusetts, African-American and Hispanic households are twice as likely to be renters as White households, putting them at significantly higher risk of evictions.⁴ These inequities raise serious concerns about the disparate impact that evictions – and eviction records – may have on people of color.

Women with children, especially women of color, may also be disproportionately harmed by the unrestricted availability of eviction records. Recent groundbreaking studies of evictions demonstrate that women face eviction more often than men. Other studies show that having children actually increases the chances that a landlord will file an eviction case against a woman.⁵

In addition, elders living alone or on fixed incomes are increasingly threatened with housing instability. A recent report found that the elder homeless population in and around Boston is growing rapidly and will continue to grow for the next decade.⁶

**Over 1 million
eviction cases
have been
filed in
Massachusetts
since 1988.**

**People of color are disproportionately vulnerable to
eviction. In Massachusetts:**

**74% of Hispanic households are renters, and
66% of African-American households are renters,
compared to 32% of White households who are renters.**

Massachusetts' Intensifying Housing Problem

The trauma that evictions inflict can be devastating. Evictions can cause families to spiral into joblessness, depression, and illness. Getting evicted with no place to go often forces tenants into unsafe housing, shelters, cars, or onto the streets.⁷ And now families must bear the added burden of a permanent eviction court record that will follow them forever as they seek new housing.

Massachusetts is in the midst of a severe housing crisis; it currently ranks 8th in the country for highest median rents.⁸ As rents increase statewide, the scarcity of housing – particularly workforce and affordable housing – is alarming:

- Waiting lists for subsidized housing are measured not in months but in years.
- Over 160,000 applicants are on a statewide waiting list for state public housing.
- Over 200,000 applicants are on a statewide waiting list for Section 8 vouchers, a wait time averaging over 10 years.⁹
- The waiting list for state housing vouchers is closed to new applicants.
- In 2014, the last time the state housing voucher list was temporarily opened, a Boston housing agency received over 10,000 applications for only 74 vouchers.¹⁰

Finding decent housing is becoming increasingly difficult across the Commonwealth and for some, nearly impossible. **Having a permanent eviction record exacerbates the already-difficult process of finding safe and affordable housing.**

“ Based on the lottery drawing your waitlist number . . . is: Waitlist number 640 ”

“ We anticipate that the 2 bedroom apartment waiting list will re-open in another 5 to 10 years. ”

“ Estimated waiting time before Placement: 10-12 years or more ”

Examples from letters tenants received during housing search.

Online Eviction Records: A New Barrier to Housing

With eviction court records freely available on MassCourts, landlords, property owners, and tenant screening companies can easily access all of these records for tenant screening purposes. MassCourts information, however, is an unreliable indicator of whether someone may be a good tenant. MassCourts often contains errors and outdated information, and can be difficult to understand.

Anyone can easily search MassCourts using only a person’s name. Clicking on an individual record leads to case information including all the parties’ names, the tenant’s address, and (in housing court) the landlord’s alleged reason for filing the case. While the landlord’s allegations appear prominently online, the tenant’s defenses and claims against a landlord are not displayed.

Because MassCourts was designed as a case management tool, all court activity in the case appears online and is displayed in legal shorthand. The records are challenging to understand, and the final outcome is difficult to find and can be impossible to interpret.¹¹ Many records also contain errors; for example, some eviction cases are erroneously listed as “cause” that were actually “no cause,” suggesting – incorrectly – that the tenant did something wrong. Records are not consistently updated; a tenant may have paid off a judgment in full but that fact may not be reflected anywhere in the court record or online. Mistaken identity can also occur easily when a landlord looks up a name and finds the record of someone else with the same name who has been evicted.

More importantly, court records simply do not tell a complete story of a tenancy. Someone may have been a long-term tenant who never missed a rent payment but faced eviction because a new owner wanted to sell the building. Having just one dismissed eviction case on MassCourts can create the mistaken impression that a tenant was evicted by the court. The result is that landlords may deny prospective tenants an apartment simply because their names appear on MassCourts without understanding the context or final outcome of the case.

A MassCourts search for the name MARIA RIVERA reveals 340 Housing Court cases:

37 in Southeast Division

43 in Eastern Division

56 in Northeast Division

59 in Central Division

145 in Western Division

While with one hand the Commonwealth is investing significant resources to help families facing eviction stay in their homes or find new housing, with the other hand, through MassCourts, it is making it much more difficult for those tenants to access new housing.

Eviction: The Court Process

Eviction lawsuits are called *Summary Process* cases because they move much more quickly than other civil lawsuits.

Eviction cases are brought for different reasons

In Massachusetts a landlord is permitted to evict a tenant for no reason at all or because the owner wants to use the property for different purposes. These are called “no fault” or “no cause” evictions, because the landlord is not claiming any wrongdoing by the tenant. A landlord may also evict a tenant for non-payment of rent, or “fault” or “cause” if the tenant has violated a lease or tenancy agreement.

Eviction cases result in different outcomes

Most eviction cases end when the landlord and tenant enter into a settlement agreement. Some agreements result in the preservation of the tenancy, with the parties agreeing to make repairs, pay rent, or other things to improve the tenancy relationship. Other agreements result in the tenant agreeing to voluntarily move out by a mutually agreed upon date to allow for the tenant’s family to make a transition.

Sometimes when the parties cannot agree on a resolution, the case may go to trial, where a judge or jury considers the evidence and issues a “judgment on the merits.” A case can also be dismissed by the court or by agreement of the parties, meaning the case ends with no finding against either side.

If a landlord gets a judgment or if a tenant does not comply with an agreement, a landlord can request a court order called an *execution*, which gives the landlord permission to physically remove a tenant from her home and place her belongings in storage.

Research and Findings

New research from MLRI, based on interviews with tenants, attorneys, housing search workers, and Tenancy Preservation Project (TPP) clinicians, showed patterns of significant harm resulting from the unrestricted availability of eviction case record information.

Our research revealed that tenants with eviction records were:

- *Repeatedly rejected by owners unwilling to rent to them;*
- *Unable to find housing in time and lost their housing vouchers as a result;*
- *Homeless for long periods of time;*
- *Denied housing because of inaccurate information on MassCourts; and*
- *Locked out of the rental market even if they had never been accused of any wrongdoing.*

What follows are the 11 most notable patterns that emerged from our research.

1 Tenants were rejected for housing solely because eviction cases had been filed against them.

Case outcomes are crucial to understanding the context of an eviction case and should matter to landlords, property managers, and real estate agents, but some may reject potential tenants merely because a Summary Process case has been *filed* against them and appears on MassCourts.

Landlords may not take the time to dig deeper into a record to examine what really happened. Many of the tenants we interviewed faced what is called a “no cause” or “no-fault” eviction – their landlords simply wanted to sell the unit or rent it to family members. The tenants were repeatedly denied housing following no-fault evictions, with landlords and property managers specifically referencing the tenants’ eviction records as the reason for denial.

2 Landlords and property managers assumed that tenants with eviction records had done something wrong, even when they had not.

In some instances a landlord may make a false or mistaken claim against a tenant in an eviction complaint that may be disproven in court, but these accusations have the power to harm tenants. For example:

- A landlord may claim that the tenant owes rent when she does not.
- A case may end with no finding of wrongdoing by the tenant.
- A tenant may default in a case without any finding on the merits, losing the apartment even where there is no court decision on the merits.
- A tenant may win her case.

All of these tenants will have permanent eviction records and be at an unfair disadvantage when looking for housing.

3 Tenants mistakenly believed that if they made an agreement with a landlord they would not have an eviction record.

Courts encourage mediation and assist litigants in reaching agreements to resolve their cases. When parties enter into an agreement, the court has not made any decision on the merits of the cases.¹²

Our research revealed that tenants who had reached agreements in their cases were surprised to learn that their eviction records were on MassCourts. They mistakenly believed that by entering into agreements they were not being “evicted” and could avoid having an eviction record.

“ It feels like defamation of character. I was never found at fault. I am assumed to be guilty even though I have never done anything wrong. ”

A family signed an agreement to move out so their landlord could sell the property. The case was improperly coded as “Non-payment of Rent.” At least 20 realtors told the family “Don’t even bother to apply if you have an eviction.” The family became homeless, staying temporarily in a friend’s basement, and then lost their Section 8 voucher.

4 Tenants were denied housing based on mistaken identity because they had the same name as someone else whose record appears on MassCourts.

MassCourts generally displays parties by first and last name. Because many people share common names, prospective applicants may be denied housing when a landlord mistakenly attributes another person’s eviction record to the applicant’s.

Our research found several tenants with the same name as another tenant listed on MassCourts. In one case, a mother and her five children were living in a homeless shelter after being evicted from their apartment for non-payment of rent. Her housing search worker checked MassCourts and found her eviction case - plus five other eviction cases listed under her name. The woman, who has a common name, had never lived at five of the addresses, and one of these cases occurred when she was 12 years old. She went to court to ask how to fix her record but was not given any productive options.

5 Cases transferred from District Court or Boston Municipal Court to Housing Court were listed as two separate cases, making an individual’s eviction record look longer than it was.

As a result of statewide Housing Court expansion all tenants in Massachusetts may now have their cases heard in Housing Court. However, a tenant who transfers an eviction case from District Court or Boston Municipal Court to Housing Court ends up with two separate MassCourts records. A single eviction case appears as two separate cases, unfairly penalizing the tenant through no fault of her own by making the eviction record look longer than it really is.

“ We cannot consider you because you have two eviction cases on your record.”

The landlord filed an eviction against the tenant for non-payment of \$35. Because the tenant transferred the case to Housing Court it appeared as though she had two separate eviction cases when she only had one. The case was dismissed with an agreement that the landlord pay back an illegal rent overcharge in the amount of \$2,250.

6 Errors in MassCourts records made it difficult for tenants to find new housing.

The already-difficult process of finding housing in Massachusetts is made even harder when MassCourts displays incorrect information or shows categories of information that can be misleading to prospective landlords.

For example, Housing Court cases include an *Initiating Action* field that appears in a very prominent location on MassCourts, making it susceptible to being used to make snap decisions. It lists the alleged reasons for eviction as “Cause,” “No Cause” or “Non-payment of Rent.” When a false allegation of non-payment or cause is made, or where the allegation is ultimately unproven, displaying the allegation can unfairly harm tenants.

Tenants are also harmed when the wrong allegation is listed; for example, when a “No Cause” case is erroneously listed as “Cause” or “Non-payment of Rent.” This is particularly problematic for Section 8 tenants, where program rules permit a landlord to evict tenants for “other good cause,” which can include selling the property or renting to a relative.¹³ Sometimes MassCourts lists these cases as “Cause” cases when in fact there has been no allegation made against the tenant.

7 Dismissals and judgments against tenants were regarded equally, with no distinction made between the two very different outcomes.

When a case is dismissed it has ended without a court decision on the merits. All dismissed eviction cases currently appear on MassCourts, creating the mistaken impression that a tenant has been found at fault when there is no judgment against the tenant.

Half of the tenants we interviewed had one or more dismissed cases on MassCourts. Many tenants had only dismissed cases on MassCourts, yet these cases were cited by property managers as the reasons for denial.

“ Each time I looked for housing [the landlords] said ‘I will call you.’ But they did not call. My realtor told me that the eviction would make it difficult for me to find a place. I am a hard-working woman and I find myself on the street.”

A woman with a Section 8 voucher left her home of 16 years so her landlord could sell the building. Her landlord filed a no-cause eviction and the case was dismissed. Despite a steady work history and a dismissed eviction case, she was rejected from almost 100 apartments and found herself homeless for over a year.

8 Tenants were denied housing based on old eviction cases, some from decades earlier.

MassCourts makes eviction records publicly available regardless of how old they are. The potential for an eviction record to harm a tenant is long-lasting.

One case we reviewed involved a tenant who had the same name as another woman who had eviction records from 23 and 25 years earlier. Three other tenants had dismissed cases on their records that were over 17 years old. Another tenant had a case from 18 years earlier that had been satisfied in full. All of these tenants struggled to find housing.

9 Children were named on their parents’ eviction complaints, leaving them with eviction records that will follow them into adulthood.

We reviewed a number of cases in which children were named in their parents’ Summary Process cases. These included children as young as 7 years old as well as adult children of leaseholders. Even though all of the cases against the minors were eventually dismissed by the court, the children’s names continue to appear in MassCourts. These records are likely to impair their ability to find housing in the future, inflicting particular harm on older children as they enter adulthood.

10 Landlords used the threat of online eviction records to pressure tenants to move out or dissuade them from going to court to defend their cases.

The threat of a publicly available online eviction record has a chilling effect, discouraging tenants from using legal remedies available to them. Legal services attorneys, housing advocates, and case managers reported that their clients frequently expressed fear that a housing action will appear on their “record.”

11 Tenant screening companies automatically recommend that landlords reject potential tenants with eviction records, regardless of the case outcome.

Third-party tenant screening companies, which are regulated, for-profit companies, use online data to develop reports and recommendations for property managers and landlords. Many of these companies automatically recommend that a potential tenant be denied housing if the tenant’s record includes an eviction case within the past 4 years, regardless of the outcome or context of the case.¹⁴

CoreLogic is one such tenant screening service. Based in California, CoreLogic is the service used by most of MassHousing’s private, subsidized multifamily buildings, which provide thousands of affordable housing units for low-income renters across Massachusetts. MassHousing has a presence in nearly every city and town statewide, giving them – and CoreLogic – huge influence in the Massachusetts rental market.¹⁵

As part of its standard business practice CoreLogic automatically recommends that property owners reject applicants with any eviction cases brought against them within the past 4 years, regardless of the type of case, the outcome, or whether a judgment has been satisfied. Cases that are dismissed or in which tenants prevail are treated as equal to cases where landlords prevail.

Despite CoreLogic’s disclaimer that “[t]hese court records do not mean that an applicant was evicted from an apartment or was found to owe rent. Lawsuits may be filed in error or lack merit,” their reports automatically recommend rejection based on any case filing, making it much more likely that a landlord will reject a tenant without any information on the underlying case.

CoreLogic also recommends rejection if an applicant has more than 2 housing cases of any kind within any time period.

Transferring a case to Housing Court would automatically give a tenant 2 case records. Similarly, very old eviction cases that appear on MassCourts could lead to automatic rejection.¹⁶

Policy Recommendations

We urge the Commonwealth to develop stronger policies to limit access to certain eviction records and restore MassCourts to its original purpose – to help litigants, lawyers, and the court manage cases more efficiently. Based on our research, we recommend the following:

1 Do not treat all eviction cases equally; the reason for the eviction and outcome must guide which cases become public.

- Make non-payment and cause eviction cases publicly available: a) if a judgment enters against the tenant on the merits, or b) if the tenant violates an agreement for judgment and is evicted by a constable or sheriff.
- Seal eviction cases if the landlord is not alleging any wrongdoing.
- Seal eviction cases if a judgment or agreement is satisfied.
- Seal cases if the tenant files to enforce her rights, such as trying to get repairs made.

2 Provide automatic sealing procedures to protect tenants.

- Seal eviction cases while they are pending and until allegations have been proven.
- Automatically seal all eviction records after 3 years.

3 Provide a process to seal records for good cause before the 3-year point.

- Create a clear court process for parties to correct errors.
- Require that a party who obtains a judgment must notify the court when the judgment is satisfied to ensure the court record is accurate.

4 Protect tenants from misuse of court records.

- Make it illegal for a tenant screening company to report on, or a landlord to use, a sealed court record.
- Require a tenant screening agency, if a landlord requests a tenant screening report, to provide a copy of the report to the tenant.

5 Facilitate the prevention of evictions before a complaint is filed.

- Give municipalities a local option to collect information about evictions to be used to direct mediation, funding, and other resources to stabilize housing.

6 Make it illegal to sue a minor or anyone else who does not have a contractual relationship with the landlord in an eviction case.

Appendix

Who Is Being Hurt? Case Study Summaries

MLRI conducted new research based on 65 interviews with tenants, attorneys, housing search workers, and Tenancy Preservation Program (TPP) clinicians, as well as extensive file review, to produce 24 case studies. What follows are brief summaries of each case study.

1. A woman with a Section 8 voucher left her **Somerville** home of 16 years so her landlord could sell the building. Her landlord filed a **No cause eviction** and the case was dismissed. Despite a steady work history and a dismissed eviction case, she was rejected from almost 100 apartments and found herself **homeless for over a year**.

2. A **Cape Cod family** signed a move-out agreement in 2016 so their landlord could sell the property. The case was **improperly coded** on MassCourts as “Non-payment.” The tenant said that at least 20 realtors told the family not to bother applying if they have an eviction. The family became **homeless**, staying temporarily in a friend’s basement, then **lost their Section 8**.

3. A **family** renting in **South Yarmouth** was brought to court in a **No cause eviction** and signed a move-out agreement so the owner could sell her home. The family was repeatedly rejected from apartments by landlords who cited their “eviction” as the reason.

4. A **daycare teacher** with a Section 8 voucher always paid her rent on time, but was repeatedly rejected from apartments because of two Summary Process cases. Both cases had been **dismissed**. A MassCourts search of her name also shows eviction cases of a different person with her same first and last name.

5. A landlord **illegally overcharged** a **disabled tenant** \$2,250 in rent then filed an eviction case in court for non-payment of \$35. The tenant transferred her case to Housing Court, where it was **dismissed** with an agreement that the landlord pay back the illegal rent overcharge to the tenant. Because the tenant transferred the case it appears on MassCourts as two separate eviction cases. When she applied for a new place to live an owner told her, “We cannot consider you because you have two eviction cases on your record.”

6. A **Cambridge** property management company erroneously returned a tenant’s rent checks for three consecutive months and incorrectly notified her about the amount of rent due. After discovering their error, the company demanded payment of four months’ back rent and sent a Notice to Quit. When the tenant’s attorney contacted them to resolve the matter, the company instead filed an eviction case in court. The case was resolved with an Agreement for Judgment where the **tenant kept possession and did not owe rent**.

7. Although a **Boston-area grandmother** has been in two long-term tenancies, she has a MassCourts eviction record that looks long and complicated. Two of the cases are very old – one was **dismissed 18 years ago** and another was filed 17 years ago and has been paid off – then in 2015 she faced three cases filed after the landlord decided to raise the rent. Two of the cases were identical; all three were either dismissed or settled. It took the tenant **over a year** to find a landlord willing to rent to her.

8. A **Chicopee family** put down a deposit on an apartment. Three days before their move-in date the landlord called to say he could not rent to them because he just checked “the computer” and found that they had an eviction case. It was a **No cause case** that was filed because the landlord wanted to do something different with the property. It was **incorrectly listed** on MassCourts as a “Cause” (fault) case until an attorney filed papers to correct the error.

9. A **Quincy father** was denied housing by a subsidized housing complex because of his eviction case, even though he had **satisfied the judgment**.

10. A **mother of five** had a single eviction case filed against her for non-payment of rent, but a search of her name in MassCourts shows six non-payment cases in Northeast Housing Court. She was turned down for apartments by at least one landlord concerned about her eviction history, but was not given any productive options when she asked the court how to address this.

11. An **adult child** was named on his mother’s eviction case, even though he was **not listed on the lease**. He could not find a property owner who will rent to him so rented a room from the mother of a college friend.

12. An **elderly tenant** with a Section 8 voucher had to leave her **Dorchester** apartment of 18 years because a new owner wanted to move a relative into the unit. While the tenant did not know for sure why other landlords were unwilling to rent to her, a search of her name on MassCourts reveals seven cases – two of which she had to file in order to protect herself from a landlord’s illegal acts. All but one of the Summary Process cases resulted in a dismissal. Despite never owing rent or having been found at fault in a court case, the seven MassCourts entries tied to her name make this tenant appear to be a “problem” tenant.

13. After a **Massachusetts tenant relocated** to Florida she was denied an apartment because of her Massachusetts eviction cases. MassCourts shows two eviction cases filed against her, both of which were **dismissed**.

14. An **elderly Cambridge couple** with a voucher was forced to move after their apartment failed the required Section 8 inspection for a second time. The landlord filed a **No cause eviction** case stating that he wanted the couple to leave so he could renovate the apartment. Shortly afterwards the husband passed away. An attorney helped negotiate an agreement that provided the widow six months to find a new apartment but she could not find anybody willing to rent to her.

15. A **woman with disabilities**, who had been living in **Stoughton**, was in Honduras caring for her dying nephew and returned home only to find that she had been evicted from her home. She was turned down from every place she applied for, with at least one owner citing her MassCourts eviction record as the reason, putting her Section 8 voucher at risk.

16. An **HIV-positive Worcester man** was awarded \$10,000 after a court found that his landlord had **discriminated** against him by filing an eviction case. During settlement discussions the man agreed to relocate. He was repeatedly rejected by apartment owners who cited his court history as the reason.

17. A **home health aide** agreed to move out of her **Roslindale** home of over 22 years and was unable to find anybody willing to rent to her, despite an income of \$60,000/year, because of eviction cases listed on MassCourts.

18. A **family** with a Section 8 voucher was forced to move out when their landlady tried to increase the rent **illegally**. The landlady filed a Summary Process case for the amount of the proposed rent increase, despite being told by both the housing authority and a judge that the family was not responsible for a rent increase that they did not agree to pay. Although the case was **dismissed** the family struggled to find new housing.

19. After experiencing three years of homelessness a **mother and son** with three

eviction records on MassCourts – only one of which resulted in a judgment against them – were unable to find a landlord willing to rent to them. They had been renting in **Newton**. In a last-ditch effort, they rented two rooms in a group house in **Fitchburg**.

20. A **Boston tenant** came to the top of a waiting list for an affordable apartment, but was denied due to an old eviction case where the court made **no findings on the merits** and the landlord ultimately agreed to relocate her within the same housing complex.

21. An **East Boston woman** with a Section 8 voucher received a Notice to Quit stating that her lease was being terminated so the landlord could move his daughter in. Although the tenant had done nothing wrong, the case was **erroneously** listed on MassCourts as “Cause,” a term used for cases filed when a landlord is alleging that a tenant violated tenancy rules.

22. A landlord refused to rent to a tenant who made a **move-out agreement** in a prior case because he was convinced the client was lying when she denied she had been evicted.

23. **Children** who were named in their parents’ eviction cases still appear on MassCourts, even when the cases against them were **dismissed**.

24. A **single mother** was accused of non-payment of rent because of the management company’s **accounting error**.

Over 1 Million Summary Process Cases Filed 1988-2018

	Housing Court	District Court	Boston Municipal Court	Total
FY 1988	9,135	19,069	383	28,587
FY 1989	8,776	18,354	348	27,478
FY1990	9,386	18,268	*	27,754
FY1991	9,214	18,235	*	27,449
FY1992	11,335	17,321	*	28,656
FY1993	14,718	17,562	*	32,280
FY1994	18,531	17,443	*	35,974
FY1995	22,470	16,808	234	39,512
FY1996	20,628	16,395	218	37,241
FY1997	24,065	16,313	184	40,562
FY1998	23,137	15,591	184	38,912
FY1999	24,049	15,068	119	29,236
FY2000	23,484	14,228	102	37,814
FY2001	*	*	*	*
FY2002	24,628	12,365	113	37,106
FY2003	22,340	11,468	*	33,808
FY2004	20,294	9,956	903	31,153
FY2005	20,801	9,812	**	30,613
FY2006	21,337	10,594	854	32,785
FY2007	22,944	11,880	1,157	35,981
FY2008	24,972	13,373	2,015	40,360
FY2009	24,202	12,964	1,519	38,685
FY2010	23,941	12,009	1,101	37,051
FY2011	25,826	12,216	1,014	39,056
FY2012	27,075	13,468	1,016	41,559
FY2013	27,380	12,599	892	40,871
FY2014	28,232	12,693	887	41,812
FY2015	28,062	11,954	930	40,946
FY2016	27,487	11,794	859	40,140
FY2017	27,936	11,777	790	40,503
FY2018*	29,684	10,620	664	40,968
TOTAL	628,198	384,774	15,755	1,084,792

Source: Trial Court Case Statistics at www.mass.gov/service-details/trial-court-case-statistics. While there are a limited number of summary process cases filed in Superior Court, Trial Court reports do not provide a break-out of the number of summary process filings in Superior Court. District Court Summary Process case totals include a minimal number of commercial cases; for example, the Quincy District Court, which has the largest District Court summary process caseload in the state, reported that in calendar year 2018 there were 1,349 summary process entries of which 25 (or 1.8%) were commercial cases.

* No figures given for Boston Municipal Court; District Court figures given instead.

** No figures given for Boston Municipal Court.

Endnotes

- ¹ Esme Caramello and Nora Mahlberg, *Combatting Tenant Blacklisting Based on Housing Court Records: A Survey of Approaches* (Sept. 2017) at <https://www.povertylaw.org/clearinghouse/article/blacklisting>.
- ² Massachusetts Trial Court Annual Reports from Fiscal Years 1988 through 2018. Data was not available for certain years for certain courts.
- ³ U.S. Census Bureau, 2013-2017 American Community Survey; National Low Income Housing Coalition, *Out of Reach 2018 Massachusetts State Report* at https://nlihc.org/sites/default/files/oor/files/reports/state/OOR_2018_MA.pdf and 2018 *Massachusetts Housing Profile* at https://nlihc.org/sites/default/files/SHP_MA.pdf. See also *The Gap: A Shortage of Affordable Homes* (Mar. 2019), at https://ncsha.org/wp-content/uploads/Gap-Report_2019.pdf; Technical Assistance Collaborative, Inc., *Priced Out* (2016), at <http://www.tacinc.org/media/59493/priced-out-in-2016.pdf>.
- ⁴ U.S. Census Bureau, 2013-2017 American Community Survey.
- ⁵ Sandra Park, Senior Staff Attorney, ACLU Women's Rights Project, *Unfair Eviction Screening Policies Are Disproportionately Blacklisting Black Women* (March 30, 2017); report found that in King County, Washington African-American tenants are nearly four times more likely to have an eviction case filed against them compared to white tenants; the disparity is even starker for African-American women who are more than five times as likely to have a filing against them compared to households headed by white men; at www.aclu.org/blog/womens-rights/violence-against-women/unfair-eviction-screening-policies-are-disproportionately; Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, *American Journal of Sociology* (2012); study found that in black neighborhoods in Chicago women were more than twice as likely to be evicted as men; at <https://scholar.harvard.edu/files/mdesmond/files/desmond.evictionpoverty.ajs2012.pdf>. See also Leora Smith, *The Gendered Impact of Illegal Act Eviction Laws*, *Harvard Civil Rights-Civil Liberties Law Review* (2017) which focused on New York and Toronto eviction data and marked “a first attempt to quantify a phenomenon that people familiar with public housing evictions already know to be true: that illegal act evictions from public housing disproportionately affect women”; at <https://harvardcrcl.org/wp-content/uploads/sites/10/2017/07/Smith.pdf>.
- ⁶ *The Emerging Crisis of Aged Homelessness: Could Housing Solutions Be Funded by Avoidance of Excess Shelter, Hospital, and Nursing Home Costs?* Presented by Dennis Culhane, Thomas Byrne, Stephen Metraux, Randall Kuhn, Kelly Doran, Eileen Johns (January 2019), at <https://www.aisp.upenn.edu/wp-content/uploads/2019/01/Emerging-Crisis-of-Aged-Homelessness-1.pdf>.
- ⁷ Matthew Desmond, Weihua An, Richelle Winkler, Thomas Ferriss, *Evicting Children*, *Social Forces* Volume 92, Issue 1, 1 September 2013; in addition to job loss, split-up families, and people driven to depression and in extreme cases, suicide, “eviction often increases material hardship, decreases residential security, and brings about prolonged periods of homelessness; at <https://doi.org/10.1093/sf/sot047>.
- ⁸ U.S. Census Bureau, 2017 American Community Survey; Clark Ziegler, *A snapshot of housing supply and affordability in Massachusetts*, *Massachusetts Housing Partnership* (May 2018).
- ⁹ MassNAHRO, January 2019; Housing search workers in Worcester and Boston, January 2019.
- ¹⁰ Metro Housing Boston, January 2019.
- ¹¹ The MassCourts record prominently displays a field called “Disposition” but this field shows only the first, not final, disposition in a case, and cannot be updated; this can be misleading.

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- ¹² Massachusetts Trial Court Department website, “[U]nlike the judge who is bound to make a decision on the legal evidence in accordance with the legal rules applicable to the case, the parties are free to reach settlement terms tailored to satisfy their own individual interests and needs.”
<https://www.mass.gov/info-details/about-mediation>.
- ¹³ See 24 CFR 982.310; Section 8 tenancies can only be terminated for specific reasons, including serious violation of the lease, violation of state landlord/tenant law, certain criminal activity, or “other good cause” which may include the landlord’s personal or business reason.
- ¹⁴ Tenant screening companies are subject to the federal Fair Credit Reporting Act (FCRA) which provides some protection to consumers, including a tenant’s right to know if she has been denied housing because of information obtained in a screening report. However, the FCRA does not apply to landlords who access MassCourts directly, so tenants have no right to know if landlords denied them based on MassCourts information. See Fair Credit Reporting Act, 15 U.S.C. Section 1681e(b).
- ¹⁵ MassHousing has a presence in 337 of 351 cities and town in Massachusetts; *MassHousing's Impact by the Numbers*, at <https://www.masshousing.com/portal/server.pt?mode=2&uulD=%7B560F1C9F-B950-459F-AECF-7AF542C31DB4%7D>.
- ¹⁶ The Connecticut Fair Housing Center and the National Housing Law Project filed a lawsuit in federal court on April 24, 2018 against CoreLogic for violating the Fair Housing Act by disproportionately disqualifying African-American and Latino applicants from securing housing based on discriminatory use of criminal records as rental criteria. The lawsuit asserts that CoreLogic’s tenant screening tool denied a Connecticut mother’s request to move her disabled son into her apartment based on a dismissed shoplifting arrest record from 2014. On March 25, 2019, the federal court denied CoreLogic’s motion to dismiss the case against it finding that because companies like CoreLogic functionally make rental decisions for landlords that use their service, they must make those decisions in accordance with fair housing requirements. *Connecticut Fair Housing Center et al. v. CoreLogic Rental Property Solutions, LCC*, No. 3:18-CV-705-VLB.

“If incarceration had come to define the lives of men from impoverished black neighborhoods, eviction was shaping the lives of women. Poor black men were locked up. Poor black women were locked out.”

Matthew Desmond

Evicted: Poverty and Profit in the American City
