

HOMES Act Fact Sheet

An Act promoting housing opportunity & mobility through eviction sealing

August 25, 2021

“Eviction cases are a stubborn blot on any renter’s history. They are nearly impossible to scrub away, even if the tenant made good on obligations...”

*The New York Times,
Aug. 9, 2021*

What happens when an eviction case is filed?

As soon as an eviction case is filed, a tenant has an eviction record. Regardless of whether a tenant did something wrong or was actually evicted, the mere fact that they were party to an eviction is publicly available. Even winning in court hurts tenants.

How are eviction records being used?

Eviction records are used as informal and unregulated tenant screening tools resulting in homelessness. In 2013, the Trial Court’s case management system, MassCourts.org, became publicly available. Shortly after that, there were reports from tenants, community groups, and legal aid organizations on how eviction records were becoming a significant barrier to finding housing. A study by Mass Law Reform Institute, [Evicted for Life](#), confirmed these reports, and found that tenants were rejected from housing simply because they had a case filed against them.

What can tenants do if they have an eviction record?

Nothing. Regardless of the age, merits, or success of the case, there is nothing a tenant can do to seal a case on MassCourts. Unlike credit reports or criminal records, there is no process by which a tenant can seal or modify an eviction record. Recent laws in Colorado, California, Illinois, Nevada, Washington D.C., and New Jersey have allowed tenants to seal eviction cases. Other states are considering similar laws. Massachusetts should take action and seal eviction records.

What’s the solution?

S. 921 would protect tenants from being unfairly marked with an eviction record. The bill would **automatically seal all eviction cases** as soon as they are filed until an allegation is proven. The bill would:

- Seal all eviction cases when they are filed and while pending, until an allegation is proven.
- Seal no-fault evictions, where the tenant is not at fault.
- Make non-payment and fault eviction cases publicly available if there is a judgment against the tenant on the merits or if there is an agreement for judgment and the tenant has actually been physically 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.
- Assure that when tenants satisfy their judgments or agreements for judgment, they can seal an open record.

**For more
information visit:
passthehomesact.org**

HOMES Act 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
- Cape Cod DSA
- Central West Justice Center
- Chelsea Collaborative
- Children's HealthWatch
- Citizens' Housing and Planning Association
- 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 and 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
- Housing Justice for Survivors
- Jewish Alliance for Law & Social Action
- Jewish Family & Children's Services
- Justice Center of Southeast Massachusetts
- Law Office of Muska Yousuf
- League of Women Voters Massachusetts
- Legal Services Center of Harvard Law School
- Massachusetts Alliance of HUD Tenants
- Massachusetts Association of Community Development Corporations
- Massachusetts Coalition for the Homeless
- Massachusetts Communities Action Network
- Massachusetts Fair Housing Center
- Massachusetts Jobs with Justice
- Massachusetts Law Reform Institute
- Massachusetts Public Health Association
- Massachusetts Smart Growth Alliance
- Matahari Women Workers' Center/Centro de Mujeres Trabajadoras de Matahari
- Mayor Joseph A. Curtatone, Somerville
- Metropolitan Mayors Coalition
- National Assoc. of Social Workers, MA Chapter
- Neighbor to Neighbor Massachusetts
- Progressive Democrats of Massachusetts
- Progressive Mass
- Project Hope
- Right To The City Boston
- Rosie's Place
- Saint Mary's Center for Women and Children
- SEIU, 888
- ServiceNet
- Solidarity Lowell
- Somerville YIMBY
- Springfield Dementia Friendly Coalition
- Springfield Food Policy Council
- Springfield Partners for Community Action, Inc.
- The Second Step
- United Way of Massachusetts Bay and Merrimack Valley
- Walk UP Roslindale
- Western Mass Network to End Homelessness
- Womanshelter/Compañeras
- YMCA of Western Mass