

# Pass Eviction Record Sealing Protections in Massachusetts

## Why is eviction record sealing legislation needed?

In Massachusetts, when an eviction case is filed, a tenant has a publicly available eviction record on the Trial Court's website that can prevent them from finding a place to live. Tenants are rejected from housing simply because they had a case filed against them even if they did nothing wrong, won the case, or paid off any rent due.

"[T]he mere record of an eviction proceeding can serve as a long-term barrier to a tenant when he or she seeks future housing, regardless of the legal outcome."

Massachusetts Supreme Judicial Court  
*Rental Property Mgmt Srvc v. Hatcher*,  
479 Mass 542, 554 (2018)

## What can tenants do if they have an eviction record?

**Nothing.** While 11 states, plus Washington D.C. and additional municipalities, have successfully adopted eviction record sealing protections, there is nothing tenants in Massachusetts can do now to seal their eviction records. Tenants have an eviction record for life. See [Evicted for Life](#).

## Evictions disproportionately harm People of Color

Data shows that evictions disproportionately harm people of color. Black renters in Massachusetts are 2.4 times as likely to face eviction and thus have an eviction record than white renters. Black women are more than 3 times as likely as white women to have an eviction case filed against them and later dismissed. Eviction sealing protections would promote racial equity.

## What bills provide eviction record sealing protections?



There are two bills with eviction record sealing protections currently pending at the State House:

1. [H.4356 \(HOMES Act\)](#) reported favorably by the Judiciary Committee to the House Steering, Policy & Scheduling Committee which advanced the bill to Third Reading with new language providing that tenants can petition to seal cases that are dismissed and cases that they win (lead sponsors Senator Lydia Edwards and Representative Michael Moran).
2. [H.4138 \(Governor's Housing Bond Bill, Section 47\)](#) the Housing Committee held a hearing in January where many advocated that cases that are dismissed, cases that tenants win, and no-fault evictions be automatically sealed by the court instead of requiring each tenant to go to court and file a petition. The Housing Committee reported the Bond Bill to Joint Committee on Bonding, Capital Expenditures and State Assets with no changes.

## What is the difference between the two bills?

On the next page is a chart outline the key differences between the language in the two bills.

## Action Needed

-  Ask your Representative and Senator to support automatic sealing of dismissals, cases that tenants win, and no-fault evictions in both the HOMES Act/H.4356 and the Bond Bill/H.4138.
-  Ask the [Joint Committee on Bonding](#) to substitute HOMES Act/H.4356 for Section 47 of the Bond Bill/H.4138 with automatic sealing provisions. See [letter](#) submitted and develop your own letter.

## What is the difference between H.4356/HOMES Act and H.4138/Bond Bill?

Tenants may petition to seal an eviction record:	<b>H.4356 HOMES Act</b>	<b>H.4138 Bond Bill</b>
After <b>winning</b> a case	Yes – immediately after case ends	No
After a case is <b>dismissed</b>	Yes – immediately after case ends	No
In a <b>no-fault</b> eviction case	Yes – immediately after case ends	Yes – immediately after case ends
In a <b>non-payment</b> case where tenant <u>paid</u> amount owed	As soon as amount is satisfied (paid)	After 3 years with no eviction for any reason during the 3 years
In a <b>non-payment</b> case where tenant has <u>not paid</u> the amount owed because of a financial hardship	3 years after case ends with no nonpayment eviction during the 3 years ( <i>debt is not forgiven</i> )	No
In a <b>fault-eviction</b> case	5 years after case ends with no fault eviction during the 5 years	7 years after case ends with no eviction <u>of any kind</u> in the previous 3 years
Courts have the authority to <b>waive requirements</b> in the interest of justice and public safety, for example, shorten wait periods in cases involving domestic violence	Yes for all types of evictions	Yes but only for fault cases and non-payment cases where judgment is paid

Where the bill is pending	Third Reading in the House	Joint Committee on Bonding, Capital Expenditures and State Assets
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