

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 and families with children. 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 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 \(Governor's Housing Bond Bill, Section 47\)](#) pending in the Housing Committee, which held a hearing on the Bond Bill 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 to request that their record be sealed.

What is the difference between the two bills?

There are differences between the two bills. On the next page are some of the key differences.

Action Needed

- ➔ Ask the [House Steering, Policy & Scheduling Committee](#) to strengthen H.4356/HOMES Act by advocating for automatic sealing of dismissals, cases that tenants win, and no-fault evictions
- ➔ Ask the [Housing Committee](#) to substitute H.4356 for Section 47 of the Governor's Bond Bill as the Bond Bill advances.

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

| Tenants may petition to seal an eviction record: | H.4356 HOMES Act | H.4138 Bond Bill |
|---|--|---|
| After winning a case | Yes – immediately after case ends | No |
| After a case is dismissed | Yes – immediately after case ends | No |
| In a no-fault eviction case | Yes – immediately after case ends | Yes – immediately after case ends |
| In a non-payment case where tenant paid amount owed | As soon as amount is satisfied (paid) | After 3 years with no eviction for any reason during the 3 years |
| In a non-payment case where tenant has not paid the amount owed because of a financial hardship | 3 years after case ends with no nonpayment eviction during the 3 years | No |
| In a fault-eviction 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 waive requirements 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 |
| Committee where the bill is pending | House Steering, Policy, and Scheduling | Joint Housing Committee |