

HOMES Act Fact Sheet: H.4505

An Act promoting housing opportunity & mobility through eviction sealing

March 21, 2022

“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 about 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 tenants can do to seal their case and move on. 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. Massachusetts should take action to enable tenants to seal eviction records.

How can we protect tenants?

H. 4505, which was reported out of the Judiciary Committee favorably in February 2022, would establish a process for tenants to petition the court to seal an eviction record on a case-by-case basis. H. 4505 would protect tenants from being unfairly marked with an eviction record and:

- Allow tenants facing no-fault eviction to seal their records after the conclusion of the case.
- Allow tenants to seal the case within 14 days of satisfying a judgment, for example if they pay what is owed in a nonpayment case.
- Allow tenants who faced a fault eviction to seal their records after 3 years without another eviction case.
- Make it illegal for a tenant screening company or landlord to use or report a sealed court record.

For more information visit: PassTheHomesAct.org

HOMES Act Supporters

- Abundant Housing MA
- Alliance of Cambridge Tenants (ACT)
- American Civil Liberties Union of Massachusetts
- American Civil Liberties Union Women's Rights Project
- Arise for Social Justice
- Beacon Communities, LLC
- Boston Area Rape Crisis Center
- Boston Medical Center
- Boston Tenant Coalition
- Cape Cod DSA
- Casa Myrna Vazquez
- 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 & 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 and 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
- Mandela Residents Cooperative Association
- Mass Alliance of HUD Tenants
- Mass Assoc. of Community Development Corp.
- Mass Coalition for the Homeless
- Mass Communities Action Network
- Mass Fair Housing Center
- Mass Jobs with Justice
- Mass Law Reform Institute
- Mass Public Health Association
- Mass Smart Growth Alliance
- Matahari Women Workers' Center/Centro deMujeres Trabajadoras de Matahari
- Mayor Josh Garcia, Holyoke
- Mayor Gina-Louise Sciarra, Northampton
- 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
- SEIU, 888
- St. Mary's Center for Women
- ServiceNet
- Solidarity Lowell
- Somerville YIMBY
- Springfield Dementia Friendly Coalition
- Springfield Food Policy Council
- Springfield No One Leaves
- Springfield Partners for Community Action
- The Second Step
- United Way of Massachusetts Bay & Merrimack Valley
- Walk UP Roslindale
- Western Mass Network to End Homelessness
- Womanshelter/Compañeras
- YMCA of Western Mass