

March 14, 2024

Senator Edward J. Kennedy
Chairperson, Joint Committee on Bonding,
Capital Expenditures and State Assets

Representative Michael J. Finn
Chairperson, Joint Committee on Bonding,
Capital Expenditures and State Assets

RE: H.4138, The Affordable Homes Act, Section 47

Dear Chair Kennedy and Chair Finn and Members of the Joint Committee on Bonding, Capital Expenditures and State Assets:

Thank you for your commitment to preventing homelessness and to creating the tools needed to provide safe and affordable housing for all. As you consider H.4138/The Affordable Homes Act (TAHA), now more than ever your work is vital to the health and safety of our Commonwealth.

I write on behalf of the HOMES Eviction Record Sealing Act supporters, [120 organizations](#). Many are deeply concerned about the unrestricted availability of court eviction records and the impact this has on people's ability to obtain housing. 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 next 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. The fact is most renters pay their rent and try to pay what they owe so that they do not put their housing at risk.

While 11 states, plus Washington D.C. and additional municipalities, have successfully adopted eviction record sealing protections, there is nothing Massachusetts tenants can do to seal their eviction records. **Tenants have an eviction record for life.**¹

We are grateful to Majority Leader Mike Moran and Senator Lydia Edwards for filing the H.4356/HOMES Act, which was reported favorably by the Judiciary Committee and advanced by House Steering, Policy and Scheduling and ordered to Third Reading; and we applaud Governor Healey for including eviction record sealing protections in H.4138/The Affordable Homes Act, Section 47.

There are significant differences between [H.4356/HOMES Act](#) and [H.4138/TAHA](#).

- **H.4356/HOMES Act** would allow tenants who win their cases or get the eviction case against them dismissed to petition seal their record. H.4138/TAHA does not.
- **H.4356/HOMES Act** would allow tenants who pay the rent owed to seal their case immediately. H.4138/TAHA requires tenants to wait 3 years after they paid and satisfied the judgment.
- **H.4356/HOMES Act** would allow tenants who have been unable to pay the rent because of a financial hardship to seal after 3 years. H.4138/TAHA would never allow tenants who have faced a financial hardship to ever seal a record.

¹ [Evicted for Life: How eviction court records are creating a new barrier to housing](#), MLRI (2019).

For these reasons, we urge you to substitute Section 47 in H.4138/TAHA with H.4356/HOMES Act with a number of modifications to make this process more efficient for courts and more effective for tenants by making the sealing process **automatic** for eviction cases that are dismissed, decided in a tenant's favor or are no-fault cases. Accompanying this letter are our recommendations and a chart showing the differences between the bills.

An automatic sealing process is critical to prevent the petition itself from becoming a barrier where a tenant may not be able to take time off from work to come to court and file a petition, may not know to file a petition, or may not have the capacity to do the paperwork. An automatic sealing process for dismissals, judgments in favor of tenants, and no-fault evictions can easily be made automatic because they are easily determined by the clerk's office. An automatic sealing process would also greatly reduce the administrative burden on the court to receive, review, and process petitions.

Data shows that evictions disproportionately hurt people of color. Black renters in Massachusetts are 2.4 times as likely to face eviction and 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 dismissed. Eviction sealing protections will promote racial equity. As Attorney General Andrea Campbell's stated in her testimony supporting the HOMES Act:

“We know that housing stability is critical for economic mobility. By limiting damaging eviction records, the HOMES Act reduces barriers to renting or buying a new home in a community where residents want to live and where they can thrive. With expanded access to stable and affordable housing, individuals and families will be better able to work, care for their families, and provide educational opportunities for their children. Increasing a family's choice to live in the community they want will also help create economic growth by allowing more residents to live closer to their jobs.”

Please let me know if you have any questions about the attached recommendations or if there would be an opportunity to meet with you or your staff.

Thank you again for your work to promote housing stability.

Sincerely,



Annette Duke, Housing Attorney

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On Behalf HOMES Act Advisory Committee

cc: Majority Leader Mike Moran
Senator Lydia Edwards