

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. As a recent study, [Evicted for Life](#), found - 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 the rent.

What can tenants do if they have an eviction record?

Nothing. While 15 states have passed eviction record sealing protections, there is nothing tenants in Massachusetts can do now to seal their eviction records. There is no second chance. Unlike criminal records which can be sealed after a certain period of time, tenants have an eviction record for life.

What bills provide eviction record sealing protections?

Over the last two legislative sessions, the HOMES eviction record sealing bill has advanced, gone through many drafts, and been close to passing. This year, lead sponsors Senator Edwards and Rep Moran filed [S.956/H.1690](#), a compromise bill negotiated with various stakeholders. In May, the Judiciary Committee held a hearing on the bills where many testified in support including [Attorney General Andrea Campbell](#).

In October, Governor Healey released an omnibus [Affordable Homes Act](#) which provides eviction record sealing protections for certain tenants and offers another legislative path to win sealing protections.

What does The Housing Bond Bill, the Affordable Homes Act, H.4138 provide?

Section 47 of the Governor's Bond Bill, like the HOMES Act, provides that tenants can petition to seal an eviction record based on the type and outcome of the case. But there are several key differences.

- The Bond Bill provides that the court may seal a fault eviction after 7 years if there are no intervening evictions of any kind in the last 3 years, while the HOMES Act provides a court must seal the record after 7 years, if there are no intervening fault eviction cases filed.
- The Bond Bill provides a process for sealing non-payment cases only where the tenants have paid what is determined to be owed, while the HOMES Act also provides a sealing process where tenants who have not paid because of economic hardship can seal after 4 years.

But neither the Bond Bill nor the HOMES Act provide a way for tenants to seal their eviction where they win a non-payment or fault eviction or the case is dismissed.

Making the Bond Bill stronger?

We urge the legislature to make Section 47 of the Bond Bill stronger by adopting:

- Automatic sealing of dismissals, judgments in favor of a tenant and no-fault evictions, which is easily determined by a clerk, as opposed to a petition which involves extra steps for the court and all parties.
- HOMES Act language for non-payment cases where tenants can seal after 14 days of paying a judgment and after 4 years if they were unable to pay because of an economic hardship or other good cause reasons.
- That an intervening eviction that prevents one from sealing a fault eviction can only be a fault eviction fully adjudicated by a court and not just any type of eviction case filed, such as a no-fault eviction case.

For more information visit: PassTheHomesAct.org

January 4, 2024

"[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 Srvcs v.
Hatcher, 479 Mass 542, 554 (2018)*