

July 31, 2020

Dear Conference Committee Members for the An Act Enabling Partnerships for Growth

Senator Rodrigues
Senator Lesser
Senator O'Connor

Representative Michlewitz
Representative Ferrante
Representative Wong

We urge the Conference Committee to do everything you can to protect tenants during this pandemic and in the future from facing housing instability. One of those solutions is **Senate Amendment 47**. Amendment 47 at its core is about housing stability and economic justice.

Why is Amendment 47 needed?

Under current law, eviction records are public from the time they are filed, regardless of whether the case is with or without merit, or whether the case is dismissed. Court eviction records can be misleading and have errors. They are used as a landlord screening tool and make it unfairly difficult for people to get a new apartment.¹

As you all know the pandemic will have a lasting effect on our society that we can only begin to imagine. When the eviction moratorium expires, we are expecting a tsunami of evictions to be filed. These evictions will have a long-term impact on people because as soon as an eviction case is filed they will be branded with an eviction record for life that will be a significant barrier to obtaining stable housing.

In Massachusetts, you are more likely to be evicted if you are a person of color especially if you are a Black woman. According to a recent ACLU, Black renters in Massachusetts are 2.4 times more likely to have an eviction filed against them than white renters despite making up only 11% of the state's renters.² A recent report from MIT and City Life/Vida Urbana shows that 70% of market rate evictions filed in Boston take place in census tracts that are majority minority, despite the fact that these areas only make up about half of the city's rental market.³ Many immigrants and workers unable to collect any federal or state benefits will also be forced to choose between paying rent and putting food on their families table.⁴

Senate Amendment 47 would allow certain eviction records to be sealed. It would:

- Protect children by preventing them from being named as defendants in eviction cases.

¹ [Evicted for Life: How Eviction Records Are Creating a New Barrier to Housing](#), Mass Law Reform Institute, (June 2019) and [Court database shouldn't be landlord screening tool](#), Commonwealth Magazine (July 2019)

² [Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color](#), ACLU (January 2020)

³ [Evictions in Boston: The Disproportionate Effects of Forced Moves on Communities of Color](#), MIT with City Life/Vida Urbana (June 2020)

⁴ [Tens of thousands of undocumented, essential workers at risk of lost jobs, lost pay, exposure to COVID-19](#), Mass Budget and Policy Center (June 5, 2020); [Boston Residents Fear Housing Crisis As Eviction Deadline Looms](#), WGBH (June 2020)

- Give tenants with no-fault evictions the legal right to petition the court to seal their record any time after the conclusion of the case.
- Require accuracy from consumer reporting agencies by making it unlawful for a consumer reporting agency to report a sealed record or use it when scoring a tenant.
- Require applications used to screen tenants for housing include a statement that tenants may answer “no records” if their record is sealed
- Encourage people to pay judgments by allowing their records to be sealed within 14 days of paying off their judgment in a non-payment case.

We want to urge the Conference Committee to keep all these important principles in the final draft of the Economic Recovery Bill. We also are thankful to Senator Boncore (lead sponsor), Chair Rodrigues, Rep. Moran (lead sponsor) and Chair Michlewitz.

We also want to present three suggestions for your consideration. They will make the amendment more consistent with the goals of protecting tenants against being unfairly branded with a record:

- Clarify that tenants facing a fault eviction can file a petition after three years from the date of a judgment so that they do not have an eviction record for life.
- Seal eviction cases that are filed during the state of emergency through December 2021 to protect tenants during this pandemic who are facing eviction so that they can find another place to live.
- Seal an eviction case automatically if it has been dismissed since the case has ended without a court decision on the merits and there is no judgment against the tenant.

Senate Amendment 47 will provide a lifeline and an end to the stigma because their records will be sealed. **We urge you to pass Senate Amendment 47 and again thank you for providing necessary protections. We have provided sample language with the clarifications above to protect tenants from being unfairly branded with an eviction record and being unable to secure housing.**

Thank you.

On Behalf of the Organizations Calling for Eviction Record Sealing Reform



**Boston City Councilor
Lydia Edwards**



**Annette Duke,
Massachusetts Law
Reform Institute**

**Esme Carmello, Harvard
Legal Aid Bureau**

Organizations Calling for Eviction Sealing Reform

- A Better Cambridge
- Alliance of Cambridge Tenants (ACT)
- American Civil Liberties Union of Mass
- American Civil Liberties Union Women's Rights Project
- Arise for Social Justice
- Boston Area Rape Crisis Center
- Boston Medical Center
- Boston Tenant Coalition
- Central West Justice Center
- Chelsea Collaborative
- Children's HealthWatch
- 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 and 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
- Jewish Alliance for Law and Social Action
- Jewish Family & Children's Services
- Justice Center of Southeast Mass
- Law Office of Muska Yousuf
- Mass Alliance of HUD Tenants
- Mass Association of Community Development Corporations
- 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
- Mayor Joseph A. Curtatone, Somerville
- Mayor Martin J. Walsh, Boston
- [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
- SEIU, 888
- ServiceNet
- Solidarity Lowell
- Somerville YIMBY
- Springfield Dementia Friendly Coalition
- Springfield Food Policy Council
- Springfield Partners for Community Action, Inc.
- Walk UP Roslindale
- Western Mass Network to End Homelessness
- Womanshelter/Compañeras
- YMCA of Western Mass