

Legislation Summary:

An Act promoting housing opportunity and mobility through eviction sealing (HOMES)

Initial bill number(s): H.1690 / S.956 Bill numbers will change as legislation proceeds.)

Sponsors: Rep. Michael J. Moran and [Sen. Joseph Boncore](#)

What the bill does, why LWVMA supports it

These identical bills add a new Section 30 to [GL Chapter 186](#) (Estates for Years and At Will) which essentially provides for the automatic sealing of records in eviction or related civil actions. This would make the records unavailable for public inspection, with certain enumerated exceptions. Records which do fall into one of the exceptions are to remain available for public inspection for 3 years, unless a shorter period is designated by court order upon good cause shown or by agreement of the parties; certain exceptions are also made for scholarly, educational, journalistic, or governmental purposes. The bills make it unlawful to ask an applicant for housing, shelter, credit, or employment about their tenancy-related litigation history, including receipt of any notice to quit, again with certain enumerated exceptions. [GL 239:2](#) and [GL 139:13](#) are amended to clarify that in any action against a tenant it will be unlawful to name as a defendant in the action either a minor or any person living at the premises who has not entered into a tenancy agreement with the plaintiff or its predecessor-in-interest.

Eviction sealing addresses the devastating barriers tenants face when looking for housing. Since 1988 more than 1 million eviction cases were filed in Massachusetts. Eviction records are publicly available forever regardless of the outcome and have been online since 2013 when the Massachusetts Trial Court began to post eviction record information. Eviction records should only be online, publicly available or reported by a tenant screening company when a landlord wins on merit, or a tenant breaks an agreement and is evicted by a constable. If an eviction is not the fault of the tenant, is dismissed or ends with the tenant satisfying an agreement, these records should not be made public. BIPOC and women with children are particularly affected by eviction records.

League position

LWVMA supports these bills based on its national Meeting Basic Human Needs position. From: [Impact on Issues](#), “The League of Women Voters of the United States believes that one of the goals of social policy in the United States should be to promote self-sufficiency for individuals and families and that the most effective social programs are those designed to prevent or reduce poverty.” p.146

From Criteria for Housing Supply

“The following considerations can be applied to programs and policies to provide a decent home and a suitable living environment for every American family: ... p.147

From Equality of Opportunity, Fair Housing Criteria

“Mediation and legal redress should be readily available. The process should ensure every possible protection for both complainant and persons or institutions against whom complaints are lodged. Avenues for mediation and legal redress should be widely publicized and should be easily accessible.” p.124