



**Testimony submitted to the Joint Committee on Judiciary In support of H.1690 / S.956 An Act  
Promoting Housing Opportunity and Mobility through Eviction Sealing  
By Lori Stewart, LWVMA Affordable Housing Specialist 5/9/23**

The League of Women Voters of Massachusetts supports H.1690/S.956, An Act promoting housing stability and homelessness prevention in Massachusetts. Our national position states that mediation and legal redress should be readily available, and 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.

Eviction sealing addresses the devastating barriers tenants face when looking for housing. As soon as an eviction case is filed, a tenant has an eviction record. Regardless of whether they did anything wrong or were evicted, the mere fact that they were party to an eviction or housing case is being unfairly held against tenants when they try to rent a new place.

Many organizations and tenants are deeply concerned about the unrestricted availability of eviction records and the impact this has on people's ability to obtain housing, credit, and employment, now and in the future. Many cases are decades old, and the information is obsolete. Since 1988, there have been over 1 million eviction cases filed in Massachusetts. Currently 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. While the Trial Court's intent was to provide parties with remote access to manage their cases, the unintended consequence is that the information is being used as a free and unregulated tenant screening service.

Even winning in court hurts tenants. Eviction records should only be online, publicly available or reported by a tenant screening company when a landlord wins an eviction case on merit, or a tenant breaks an agreement and is evicted by a constable. If an eviction is not the fault of the tenant, it is dismissed or ends with the tenant satisfying an agreement, these records should not be made public.

Having an eviction record affects all tenants regardless of age, race, sex, income, or ability. Studies have shown that people of color are much more vulnerable to eviction, and that women with children are particularly affected. According to the National Low Income Housing Coalition 2019 report *The Gap: A Shortage of Affordable Homes*, Black, Native American, and Hispanic households are more likely than white households to be extremely low-income renters - with incomes at or below the poverty level or 30% of their area median income.

Being a party in our judicial system carries longstanding impacts on people's lives, including stigma and unemployment. Eviction is equated with incarceration. Since 1988 there have been 1 million eviction cases; when records of these cases became available online in 2013, landlords began using them as an informal screening tool.

Eviction isn't simply the result of poverty; it causes poverty. Since the state's eviction moratorium ended, over 10,000 eviction cases have been filed. And over the past three months, while we still face ongoing spikes in COVID, eviction filings have started to climb beyond what they were in 2019. Each eviction

filing will create a permanent public record that will destabilize the people involved forever unless they can get their eviction record sealed.

Other cities and states have adopted eviction sealing protections including California, Colorado, Virginia, Minnesota, New Jersey, Washington DC, Illinois, Oregon, Utah, Indiana, Nevada, Texas, and Cleveland and Columbus, Ohio. Massachusetts should do the same.

The League, which represents 44 local Leagues from Cape Cod to the Berkshires urges the Joint Committee on the Judiciary to report this bill favorably and quickly out of committee as the next step to addressing the Commonwealth's housing stability problem and to secure enactment this session.