

Second Chances Riding On Massachusetts Eviction Record Sealing Bill

By Sam Drysdale

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With a champion for eviction record sealing now chairing the Joint Committee on Housing, tenants rights advocates are feeling a renewed hope for passage of the “HOMES Act” this session.

The bill (S 956 / H 1690), which has been filed in two previous sessions, would prevent an eviction from becoming a permanent black mark on an individual’s housing record by sealing evictions from prospective landlords, who could use old cases to deny applicants housing. It was filed this year by House Majority Leader Rep. Michael Moran and Housing Committee Co-Chair Sen. Lydia Edwards.

Edwards’ predecessor leading the committee, former Sen. Joe Boncore of Winthrop, alongside Moran, first introduced the bill in 2019. Edwards said the proposal has twice been approved by the Senate, and once by the full Legislature, but had been vetoed by former Gov. Charlie Baker.

“I am keenly aware that many families are facing financial hardship and may be at risk of eviction due to job loss, reduced work hours, illness or other reason related to the pandemic,” Baker wrote in his 2021 veto. “And I recognize that an eviction record makes it harder for a tenant to find new housing. However, this section would allow for records to be sealed not just in no-fault eviction cases, but in every eviction case in which a judgment has been satisfied—even in a case where a tenant was evicted for endangering other tenants or engaging in criminal activity. Keeping this kind of

information sealed is unfair to landlords and creates unnecessary risks for other tenants.”

Last year, the HOMES Act was attached to an omnibus economic development bill as an Edwards amendment after negotiations with the Greater Boston Real Estate Board. But when the economic development bill’s passage was delayed by affordability concerns, the eviction policy was spiked from the final pared-down version that finally got to the governor’s desk in the fall.

This is the version the senator introduced again this year, saying it has already been vetted and discussed and differs from the version vetoed by Baker.

This form of the bill would allow those with no-fault evictions – if their landlord did not want to extend their lease or their building was converted from residential to another use – to petition the court to seal the record any time after the court action is over.

For tenants who did not pay rent, under the new bill they would not be able to petition to have that record sealed for four years, and would have to prove that they did not pay due to economic hardship and it has not happened again since.

It also allow tenants with at-fault evictions to petition to seal their records, after seven years without similar activity. The landlords involved in the case for all three of these situations would also be notified that their former-tenant is petitioning.

“The HOMES Act is a common-sense compromise that balances the needs of housing providers with those of residents who have been displaced through an eviction process and are struggling to find a place to live,” said Greg Vasil, CEO of the Greater Boston Real Estate Board. “Evictions can happen in many different ways and this legislation strikes the right balance for residents based on the exact circumstances of their

summary process proceeding. Everyone deserves a second chance. We look forward to partnering with officials on Beacon Hill to make the legislation a reality and lift the burdens on people who deserve a fresh start.”

Gladys Vega, executive director of La Colaborativa and vice-chair of the Governor’s Council on Latino Empowerment, testified in favor of the bill before the Judiciary Committee on Tuesday. She said her record states that she has been evicted 13 times, though she never actually has been.

“These types of databases, they have lots of error,” Vega said. “Every eviction should be sealed, everyone has the chance of a second chance. But in cases like mine, I have never been evicted. I have lived in Chelsea all my life. And I have 13 – my name has come out 13 times.”

She added that evictions tripled during the pandemic in her home-city of Chelsea, and many of those who were forced to leave are having trouble finding another place to live with the eviction on their records.

Norieliz DeJesus, a Chelsea city councilor and organizer with La Colaborativa, added that homelessness is a growing issue in Chelsea and around the state.

“My daughter brings home stories on a weekly basis of her classmates, and she’s in sixth grade, and she’s bringing home stories of all the homelessness, the overcrowding conditions. And the saddest part of it all is throughout all these evictions, and through all this housing crisis, many of these individuals don’t even know that sometimes when they’re being rejected a unit, it’s because of their record. They’re still not even aware that exists,” DeJesus said.

When Edwards testified on this bill in 2021, she called it the “scarlet letter E.”

“The fact is, if you file a case, the moment you create an

eviction record that is permanent for life,” Edwards said at the time, adding that people of color, particularly Black women, are more than twice as likely to be evicted and “not given a softer landing” in the courts.

But Douglas Quattrochi, executive director of Mass Landlords, said that with the eviction records staying open while the case is working its way through the courts, the bill “won’t work the way we hope it would work.”

“There’s still a time period where landlords can look at this case, and if landlord behavior is the problem, landlords are still going to see the case at some point when the renter is in the housing and say, ‘Oh, you’re being evicted, I’m not going to talk to you,’” Quattrochi said. “The compromise here is [an] indication that we’ve come up with a solution that’s unworkable. That’s gonna leave people exposed and doesn’t actually address the root cause of the problem.”

He also said the bill would also make it more difficult for Mass Landlords and housing policy researchers to study eviction data, and would open “this huge wave of hearings” with landlords contesting sealed records.

Quattrochi suggested instead creating a new protected class status to bring discrimination suits against “bad landlord behavior” as a “much simpler and more cost effective way to go.”