



Lawyers' Committee  
for Better Housing

*Lawyers' Committee for Better Housing  
Presents*

*Evictions and the  
Public Record:  
Removing Unjust  
Barriers to Housing  
Stability*

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For the most part, the showing of a civil law suit on one's record does not cause significant harm to one's social or financial progress in life.



**YOU DON'T NEED GOOD CREDIT  
TO DRIVE A GOOD CAR!**

<input checked="" type="checkbox"/> Bankruptcy	<input checked="" type="checkbox"/> Repossessions
<input checked="" type="checkbox"/> Judgements	<input checked="" type="checkbox"/> Divorce
<input checked="" type="checkbox"/> No Credit	<input checked="" type="checkbox"/> Recent Graduate
	<input checked="" type="checkbox"/> Liens

*It Doesn't Matter!*

**No Credit?  
Bad Credit?**

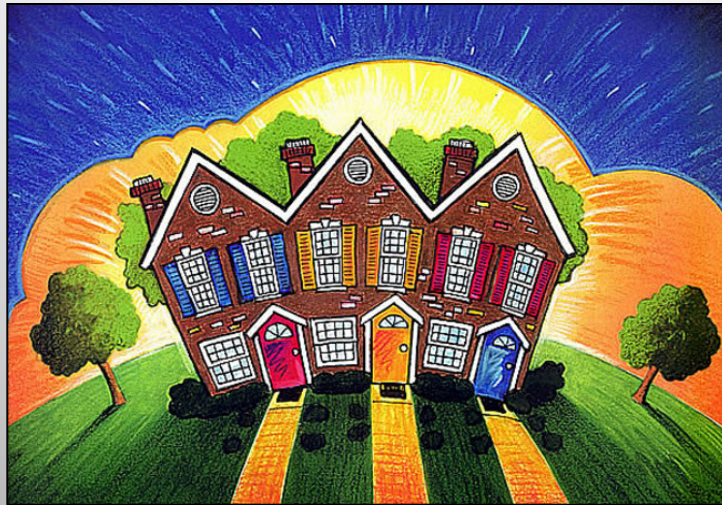
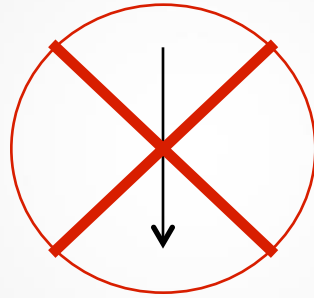
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# Evictions are Toxic

However, a mere eviction **FILING** on a tenant's record can mean the difference between that person receiving adequate housing, substandard housing, or even no housing at all.

Evictions may be filed but never pursued by the landlord.

# Eviction Court: Filings are Bad... Judgments are Worse

- Resolve conflict before it goes to court.
  - Once in court, consider settlement, rather than having a judge decide.
  - Avoid an Order of Possession. An Order of Possession is losing.
- Have the record of the case sealed if you win the case, settle, or the case was foreclosure related.

# Current Law: Eviction Sealing

The sealing statute is in the Forcible Entry and Detainer Act (Eviction law)

735 ILCS 5/9-121(c) **mandatory** sealing of foreclosure-related evictions.

735 ILCS 5/9-121(b) **discretionary** sealing if the eviction is “sufficiently without a basis in fact or law.”



# Strengthening Housing Security Through Preventing Evictions

Bob Palmer, **Moderator**

Miles Bardell, **Prairie State Legal  
Services**

Kiowna Brown, **Providing Access to  
Help (PATH)**

Bob Wahlgren, **Equity Sharing  
Partners NFP**

Mark Swartz, **Lawyers' Committee for  
Better Housing**

# Problems with **discretionary** eviction sealing law

- ❑ Inconsistently entered because it is up to the discretion of the judge. Some judges take the position that they never seal court files.
- ❑ It is not well-known and parties have to ask for the sealing (95% of tenants appear *pro se*)

# Problems with **mandatory** eviction sealing law

- ❑ Sealing is not being done consistently
- ❑ Outside of Cook County it does not get sealed at filing, before the credit reporting companies see the record
  - ❑ Sealing is only mandatory for foreclosure-related evictions, not other cases where renters are named only as necessary parties (condominiums)

# Cook County General Order (Judge Kenneth E. Wright)

“in eviction actions against tenants and occupants who would have lawful possession of their premises, but for a foreclosure of a mortgage on the property, records of the lawsuit are available to the public and thus produce an unwarranted and uninvited blemish on the tenant's and occupant's credit records and add the stigma of a lawsuit against them. These tenants and occupants are to be protected.” - Judge E.

Kenneth Wright

# Proposed Eviction Sealing “Curtain” Law (HAI and LCBH)

- ✓ The proposed law places the responsibility on the clerk of court to conceal eviction filings from the public record at the moment in which the eviction is filed.
- ✓ The eviction will show on a tenant’s record only after a negative finding has been made against the tenant by a court.

# Proposed Eviction Sealing “Curtain” Law (cont.)

- ✓ After seven years, any eviction case will be removed from the public record, negative finding or otherwise.
- ✓ Tenants of condominiums whose names are listed with the condominium owner’s in an eviction filing will be permanently sealed.

# Conclusions

- Court records, absent a finding of fault, should not be a vehicle for automatic damage to an individual's renting prospects or reputation
  - On-line court records and tenant-screening reports provide minimal information about eviction cases
- Evictions disproportionately harm the poor and minorities

# Please Help

We need you to share case examples where Illinois tenants have been unjustly harmed by an eviction filing.

## Contact info:

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