

Support Expanding Opportunities to Seal Tenant Eviction Records to Promote Equitable Access to Housing

HB 4911, HA 1(Ramirez) and SB 3158, SA 1 (Collins)

Having an eviction court filing on your record can be a serious obstacle to finding housing. Eviction records can be an entrapment of poverty. But an eviction filing does not always mean you were actually evicted, or that the court filing impacts your ability to be a good tenant going forward.

Tens of thousands of individuals face eviction in Illinois each year. 56,948 eviction cases were filed against tenants in 2016. In those cases, 26,453 resulted in evictions (46%). The other 30,495 households (54%) did not. In these cases, the tenant may have had their case dismissed, made an agreement with their landlord to stay in the rental home or had another outcome.

Illinois has an extremely strict standard for sealing eviction records. Under current law, an eviction record is generally publicly available even when there has been no judgment against the tenant.

HB 4911 (HA1)/SB 3158 (SA 1) seeks to remedy this by:

- **Expanding the criteria for mandatory sealing of eviction cases** beyond existing law (*where a tenant is evicted because of their landlord's foreclosure*) to include other types of eviction cases, such as when the tenant did not violate the lease.
- **Broadening the standards for judges to use discretion to seal eviction cases.** For example, cases where the judge decides the tenant had a good defense to fight the eviction case even though the case settled. This would be retroactive, so would include evictions that happen before our proposal becomes law.
- **Prohibiting the dissemination of information about a sealed court file by consumer reporting agencies, including tenant screening companies.** Currently landlords can purchase reports from tenant screening companies, that collect information from eviction courts and aggregate it with other publicly available data about tenants. Their recommendations are often based solely on the existence of an eviction case, regardless of context or outcome.
- **Requiring that all eviction records be sealed after 3 years for all cases filed after the legislation goes into effect.**



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