

SUPPORT HB 2299 (HA1): Expand Opportunities to Seal Tenant Eviction Records to Help People Secure a Home (Ramirez-Mah-Slaughter-Ammons-Welch, Stava-Murray, Smith, Hernandez, Harper, Lilly, Andrade and Evans)

Having an eviction court filing on your record can be a serious obstacle to finding housing. Too often, people do not understand that an eviction filing does not mean someone was actually evicted.

Illinois currently 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. This includes cases:

- That were dismissed.
- Where tenants were able to successfully defend against the eviction.
- When tenants were evicted through no fault of their own, such as when they were renting a condo from an owner being sued for back-assessments, or when the building is being redeveloped.

Many landlords purchase reports from tenant screening companies, which 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. Under current law, this public record can be incredibly hard to get rid of, especially with so much data available on the Internet, which may or may not be accurate.

Under this proposed state law regarding residential eviction records:

- The criteria for mandatory sealing of eviction cases would be expanded beyond the existing law mandating sealing of foreclosure-related evictions to include other types of “not for cause” eviction cases, such as when the tenant didn’t violate the lease.
- The ability for a judge to use their discretion to seal an eviction case would be expanded beyond the current extremely strict standard; 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.
- The dissemination of any information about a pending eviction case or in a sealed court file by consumer reporting agencies, including tenant screening companies, would be prohibited, with remedies provided through the Consumer Fraud and Deceptive Business Practices Act.
- All eviction records created after our legislation goes into effect would be sealed after 3 years.

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.

Studies suggest that black women and families are disproportionately likely to be evicted. A Seattle study found that women make up 60% of evicted tenants, black women are three times more likely to be evicted than white women, and neighborhoods with more children have more evictions.



A stronger Illinois begins at home



For more information, please contact:
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Supporters

- BIG: Blacks in Green
- Center for Changing Lives
- Center for Neighborhood Technology
- Champaign-Urbana Tenant Union
- Chicago Area Fair Housing Alliance
- Chicago Coalition for the Homeless
- Chicago DSA Housing Working Group
- Chicago Urban League
- Covenant Community Services
- Cunningham Township
- Garfield Park Community Council
- Greater Community AIDS Project of East Central IL
- Harold Washington Unit #1987
- Health & Medicine Policy Research Group
- Housing Action Illinois
- Housing Choice Partners
- Illini Christian Ministries
- Illinois PIRG
- Kenwood Oakland Community Organization
- Lake County Center for Independent Living
- Lawyers' Committee for Better Housing
- Logan Square Neighborhood Association
- LUCHA
- Metropolitan Tenants Organization
- Mothers Opposed to Violence Everywhere
- Open Communities
- Pilsen Alliance
- Project IRENE
- Sargent Shriver National Center on Poverty Law
- South Suburban Housing Center
- Uptown People's Law Center
- Vennmedia: A Nonprofit Media Enterprise
- Woodstock Institute
- YWCA of the University of Illinois

Personal Stories: How HB 2299 Would Help

"A" was renting a condominium unit from an individual owner who was being evicted by his association for not paying assessments. She was named as a party in the eviction and, although there was no allegation that she has had done anything wrong, the pending case showed up on her record. Under our proposed legislation, cases of tenants in condominiums who are only being evicted because of an action against the owner would be subject to mandatory sealing.

Before her lease ended, **Margie** was served an eviction notice at an apartment where the property manager refused to eradicate a cockroach infestation. When Margie was unable to secure a new apartment in time, her landlord filed for eviction. While her case was eventually settled, having the eviction filing on her record was enough to prevent her from finding a new home. Under the proposed legislation, Margie would more easily have been able to get her eviction case sealed.

Phyllis was served an eviction notice after her money order was misplaced by the property management office. While her case was eventually settled, the eviction filing was a major factor that led to Phyllis' application being denied for ten different apartments. Under the proposed legislation, Phyllis would have been able to get her eviction record sealed more quickly and easily and she would not have spent as much money on application fees and been able to find a new home sooner.



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