

# Advancing Pennsylvania's Housing Futures: Sealing Eviction Records for Housing Stability and Economic Prosperity

PolicyLink



# **Advancing Pennsylvania's Housing Futures:** Sealing Eviction Records for Housing Stability and Economic Prosperity

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## 1.0

# Executive Summary

The Commonwealth of Pennsylvania stands at a critical moment in time. Within reach is a chance to create history: take action to seal eviction records and create long-term housing and economic security for people throughout the Commonwealth. Records stemming from eviction filings, whether or not someone is actually evicted, can follow a person for years, affecting their ability to access safe and affordable housing in their own state or better job opportunities elsewhere.

A single eviction record can cause irreparable harm to the lives of mothers and their children, disrupt workforce development for large swaths of communities, and strain existing social support systems throughout the state. Furthermore, because evictions are disproportionately filed against Black and Latinx women, eviction records may pose major fair housing challenges as more landlords employ automated tenant screening measures. These trends are not unique to Pennsylvania; they are similar in jurisdictions across the country. Pennsylvania state legislators have an opportune moment to make a difference, having demonstrated their understanding of the wide-reaching negative impacts that evictions have on individuals, neighborhoods, communities, and the whole state by passing effective interventions to curb evictions during these distressing pandemic times.

During the first six months of the pandemic, Pennsylvania-elected officials sprang into action. They passed a host of policies, such as eviction moratoriums, eviction diversion programs, and emergency rental assistance, leading to record-low eviction filings. The pandemic showed policymakers how important it was to protect the stability and livelihood of renters. The post-pandemic housing landscape requires this same level of commitment. However, as soon as protections were lifted at the local, state, and national level, eviction filings in Pennsylvania and across the nation began to increase to pre-pandemic levels. Moreover, a combination of pre-existing systemic racial inequalities, post-pandemic rent hikes, decades of stagnating wage growth, pandemic-era rental debt, and mounting housing cost burden has left Pennsylvania residents in a difficult situation that compromises their future health and overall well-being.

So, what can state legislators do to break Pennsylvanians free from the overwhelming power of an eviction record and pave the way for a more fair and equitable rental housing market? Philadelphia policymakers, organizers, and advocates have offered one possibility through the Renters' Access Act, which restricts the use of eviction court records in rental housing decisions. Similarly, various state legislators, including Representative Elizabeth Fiedler, have made steps to introduce bills like HB 2382 to establish statewide eviction expungement procedures.

## The Need for a Statewide Eviction Record Sealing Law

A statewide eviction record sealing policy is a common-sense, immediately impactful way to prevent eviction records from haunting tenants for years and protect them against discrimination and long-term housing insecurity. This policy will not only protect renters in the short term, but will also pave the way for more equitable housing and health outcomes for residents of all backgrounds.

Pennsylvania was the first state to automatically seal criminal records, allowing more than a million Pennsylvanians a fresh start and access to family-sustaining jobs—the same can be done for eviction records. Pennsylvania can build upon the existing precedents across the state and nation, and federal guidance to pass a policy that seals eviction records and protects the housing stability and the future of everyone in the Commonwealth of Pennsylvania.

## Evictions can cause a cascade of negative consequences.

Evictions are not episodic life events. Their impact often lingers far beyond a court date and can trigger a chain of adverse consequences, altering the course of people's lives for many years to come. Even if someone is not evicted from their home, the record of an eviction is typically met with automatic denials from prospective landlords. This ultimately forces tenants into substandard or unaffordable housing and trapping them in cycles of poverty.

## Evictions are persisting despite interventions.

In the first six months of the pandemic, eviction filings across Pennsylvania were significantly lower than historical averages, thanks to the many local and state interventions that were employed, like emergency rental assistance, eviction diversion programs, and moratoriums. However, eviction filing rates are quickly returning to, if not exceeding, pre-pandemic filing rates. Additionally, data has begun to indicate how Pennsylvania's eviction crisis has started to emerge beyond city centers and into suburban and rural counties like Dauphin County, York County, and Monroe County.

## Tenant screening methods are often inaccurate and unfair.

Landlords regularly rely on tenant screening companies to package an applicant's credit history, criminal history, and eviction records. This format gives the landlord a quick indication, without additional nuance or detail whether they should rent to a prospective tenant. For tenants with eviction records, rental debt, or low credit scores, adverse housing decisions from these screening processes cause critical delays for people searching for housing and prompt tenants with fewer resources to pay more in rental application fees.

## The national conversation on eviction records is shifting.

An array of federal laws, guidance, actions, and thought leadership have supported the case for statewide eviction record sealing policies, including:

- **Fair Credit Reporting Act (FCRA):** The federal FCRA regulates the type of information that is retrieved and reported by consumer reporting agencies (CRAs)—including eviction records—and identifies the specific obligations of landlords and CRAs to ensure a fair rental market. However, there are gaps in FCRA protections that state and local governments have sought to address through legislation.
- **Consumer Financial Protection Bureau (CFPB) Guidance:** In response to looming eviction moratorium expirations during the pandemic, the CFPB released guidance to CRAs on how they should comply with their obligations under FCRA and expressed growing concern with the accuracy of information reported by CRAs. Additionally, the CFPB released an interpretive rule in 2022 confirming that states and local jurisdictions have the power to create additional laws to regulate the sources of information commonly reported in tenant screening reports, specifically naming eviction records.
- **The White House Blueprint for a Renters Bill of Rights:** At the beginning of 2023, the Biden Administration released *The White House Blueprint for a Renters Bill of Rights* to increase fairness and further fair housing goals in the rental market. The Blueprint specifically identified examples of when and for whom eviction records should be sealed.
- **American Bar Association 2022 Guidelines:** In their 2022 guidelines, the American Bar Association called on courts to shield tenants' names from the public unless and until a judgment is entered against them and suggested that courts enact frameworks to seal the names of defendants in certain other eviction cases.

## Eviction Record Sealing Policies Across the United States

Policies that help prevent eviction records from haunting people for years, either through sealing, expungement, or tenant screening regulations, can protect tenants from discrimination and long-term housing insecurity. Over 10 states and localities have identified and addressed this specific gap in tenant protections for tenants with a previous eviction record or who are actively at risk of an eviction.<sup>1</sup> This report takes a deeper look at policies working in California, Colorado, Nevada, and Arizona.

## Progress Toward Eviction Record Reform in Pennsylvania

This is not the first call for a statewide sealing bill in Pennsylvania. Two state legislators, Representative Elizabeth Fiedler and Senator Nikil Saval, introduced legislation to seal eviction records and regulate tenant screening practices in the past. Philadelphia also passed the Renters' Access Act in 2021 to restrict landlord's use of eviction court records in housing decisions.

A legislative model for sealing eviction records already exists in Pennsylvania: the Clean Slate legislation. It has allowed millions of old criminal records to be sealed and enabled people to access work and housing opportunities. Pennsylvania legislators can provide residents of the Commonwealth the same protection from the lasting effects of eviction records as they have for criminal records through Clean Slate.

## Recommendations for Pennsylvania Legislators

In the face of a complex issue, Pennsylvania has a clear opportunity: to forge a transformative path toward housing stability and economic vitality for all Pennsylvanians. State legislators can pass policies and employ strategies to stabilize communities, mitigate consequences of pandemic-era evictions, and create futures for Pennsylvanians that are marked by resilience and opportunity. State policymakers can achieve this by:

- 1. Advancing an ecosystem of responses to a multifaceted problem**, including modernizing court record-keeping practices, curbing data-scraping, regulating the tenant screening and consumer reporting industry, and requiring fair and objective criteria for tenant screening.
- 2. Improving enforcement of existing protections**, including strengthening legal frameworks, implementing robust enforcement practices and penalties, creating public education campaigns and stakeholder workshops, and allocating resources for enforcement.
- 3. Creating a new framework to seal, expunge, or otherwise shield tenants' names from unproven, disproven, or outdated eviction records**, including comprehensive legislative action and balancing transparency and privacy through court rule changes.

2.0

# Introduction: Housing Stability Benefits All Pennsylvanians





Consistent access to stable, long-term housing throughout the state has the potential to transform the everyday lives of individuals and communities in perpetuity. It's not hard to imagine what such a Pennsylvania would look like. Envision, for instance, the following outcomes:

- People across the Commonwealth, of all races and ethnicities, are able to maintain jobs and have the opportunity for upward mobility.
- Communities remain stable because renters can stay connected to their social networks.
- Young adults have the opportunity to go to school, learn through apprenticeships, or try various career opportunities without fear that their dreams may be put on hold because of a late rent.
- Older adults with limited English proficiency take language classes or partake in professional development workshops to obtain more meaningful employment opportunities without concerns about making ends meet for the month.
- Mothers live in environments that help them welcome healthy babies into the fabric of their community, instead of worrying about maintaining the roofs over their heads.
- Children are able to grow up, make memories with their classmates, and learn their favorite subjects in school, without much of their childhood being occupied by moving or financial stress.

Unfortunately, this is not the reality for over 114,000 Pennsylvanians who had evictions filed against them from the summer of 2022 to the summer of 2023.<sup>2</sup> Ample research shows how evictions cause a host of detrimental outcomes for the youngest to the oldest in our communities. Not only does an eviction perpetuate continuous housing instability, it can substantially affect an individual's ability to maintain stable employment.<sup>3</sup> Additionally, evictions have been found to cause financial hardship for mothers in the immediate time frame after an eviction, and have also been associated with premature births and low birth weights among children, a reality that is much more prevalent for Black and Latinx mothers.<sup>4</sup>

A 2022 study found that evictions negatively affect the overall health of children and increase children's risk for developmental challenges, especially for children under four years old.<sup>5</sup> Individuals who have experienced an eviction are also at higher risk of negative mental health effects such as depression and

are at increased risk for all-cause mortality, as well as suicide.<sup>6</sup> Evictions also have the potential to affect the greater public health. Research showed evictions were associated with an increased likelihood of contracting Covid-19 and excess deaths from Covid-19.<sup>7</sup>

Even if someone is not evicted from their home, the effect of the mere eviction filing in court does not end once the case is settled, dismissed, or finalized. People who are looking to move on to new housing opportunities or new locations are met with landlords who frequently refuse to rent to anyone with a previous eviction filing in their rental history—regardless of the outcome of the case. Further, the overrepresentation of Black and Latinx women, especially in eviction records, shows how screening tenants out of housing based on the presence of an eviction can be grounds for a fair housing violation.<sup>8</sup> One eviction filing, and the corresponding eviction record itself, can alter the possibility of someone keeping the job they love, staying connected to the people closest to them, or raising their children with a strong consistent network. This does not have to be the status quo. There is a future in which an eviction record's power to determine someone's future can be eliminated, and people can be free to live, work, and thrive in their communities.

This report first discusses the scope of the eviction crisis in Pennsylvania, the subsequent negative effects of an eviction record, and features first-hand experiences from tenants on the ways that the eviction process, and an eviction record, have affected them and their families. Second, this report outlines the federal actions and guidance that exist to shape statewide eviction record sealing policies and provides comparative examples from states, namely California, Colorado, Nevada, and Arizona, that have already enacted statewide eviction record sealing legislation. Finally, the report closes by highlighting recommended approaches to address the far-reaching and long-term harms of eviction records and give every Pennsylvania resident a chance to live a healthy, fulfilled life in the communities they call home.

**Over 114,000**

**Pennsylvanians had evictions filed against them in the last year.**

## How One Missed Bill Can Lead to Years of Housing Insecurity

When Jennifer's hours at work were cut in 2015, she fell a month behind on rent and was evicted. The eviction process for Jennifer was one riddled with frustration. Not only did she not have access to a car at the time to make it to her court date, but the location of her hearing was in a place that the bus line did not service. She missed her court date and received the final judgment with the notice of her eviction date. This eviction forced her to scramble to find a new place to live and find a place to put her belongings until she could find a new place to call home. However, it became increasingly difficult for Jennifer to locate a place to live on her own. Her rental applications were met by landlords who either automatically denied her or asked for more money upfront, all because of her eviction record. Jennifer ended up staying with a friend, but there was minimal space for her and her friend to comfortably live together in the house.

Eventually, Jennifer ended up living in her car with her then eight-month-old twins. Jennifer's eviction record and her family's subsequent bout of homelessness had substantial effects on her kids. One day, while Jennifer was going around to various organizations to seek support to get out of her difficult situation, she was reported to child protective services for being unhoused. As a result of this discovery, Jennifer had her kids taken away. Her kids ended up in foster care while she tried to find a new place to live. During this time Jennifer ended up missing her children's first birthday. For six months Jennifer worked, saved money, and tried to find a new place to live. She braved the elements of a grueling summer—extreme heat without air conditioning to conserve gas, relegated to fast food because she lacked a space to prepare or store home-made meals.

Three years later, Jennifer moved to Philadelphia and tried to start over in a new place. The eviction record followed her—even though years had passed since the eviction. When Jennifer applied to new apartments in Philadelphia, the process was the same. No one offered her the opportunity to share the circumstances that led up to the eviction: she wanted to pay rent, but did not have the means to do so when her hours were cut and she was not provided the opportunity for a payment plan by her landlord. As Jennifer notes, "Even though [the eviction] was long ago and it happened in a different place... some [landlords] wanted an additional security deposit on top of what I already had to pay. I didn't have that kind of money."

## Evictions: A River of Cascading Impacts

Evictions are not episodic life events. Their impact often lingers far beyond a court date and can trigger a chain of adverse consequences, altering the course of people's lives for many years to come. As research from places like Cook County, Illinois, Philadelphia, and Baltimore show, many eviction records do not reflect completed evictions.<sup>9</sup> Rather, what's commonly understood as an "eviction record" is often just the residual imprint of a landlord filing a complaint in housing court. Eviction records often inadequately capture a brief moment of hardship. They disregard a person's ability to bounce back from illness, job loss, or family tragedy that caused them to fall behind on rent payments. Even a minor late payment can haunt tenants for years, depriving them of access to suitable housing, pursuing new economic or educational opportunities, or staying close to loved ones.

After facing an eviction filing, individuals encounter significant challenges in finding safe and affordable housing due to their eviction record. Landlords typically employ screening practices that automatically reject all applicants with eviction records, regardless of the record's accuracy, case outcome, or the circumstances surrounding the eviction filing. There is rarely space in the application process for prospective tenants to share additional information regarding the reasons behind the eviction filing. Consequently, tenants find themselves investing considerable time away from work and family and spending hundreds of dollars on unsuccessful application fees, depleting their limited resources in the quest for housing. For tenants with dreams of becoming a homeowner, an eviction record and a negatively impacted credit score can affect their ability to realize these goals. Continual housing denials from a prior eviction record means that tenants face the arduous task of searching for housing opportunities in an unaffordable or substandard housing market, compounding their difficulties.<sup>10</sup>

**Landlords typically employ screening practices that automatically reject all applicants with a record of any eviction case filed against them, regardless of the record's accuracy, case outcome, or the circumstances surrounding the eviction filing.**

Pennsylvanians with eviction records often face limited housing options, leaving them with the choice of renting unaffordable, substandard units or becoming unhoused (similar to Jennifer's experience and that of others cited in this report). When individuals or households are forced into unaffordable housing,

they become burdened by housing costs, commonly spending more than 30 percent of their monthly income on housing. Families must make difficult decisions each month about where their limited funds should go, balancing rent with essential expenses like groceries, medications, and transportation to and from work. These choices can lead to negative and compounding consequences that affect their health, financial stability, and overall well-being in the long term.<sup>11</sup>

For example, if a household is forced to relocate to a new neighborhood, working adults may have to find less desirable jobs due to increased distance from employment hubs, or spend significantly more on transportation costs to maintain their jobs. This leaves limited time and resources to explore other new, meaningful employment opportunities. For Pennsylvanians, the average commute time in 2020 was 27 minutes, but was six minutes longer for Black residents and seven minutes longer for Black men.<sup>12</sup> The cycle of housing cost burdens and ancillary costs to maintaining employment (such as commute time, and cost of transportation) can, therefore, significantly impact a person's prospects for economic advancement and stability.

Increased cost burdens after an eviction—or simply an eviction filing—not only heightens the likelihood of facing eviction again, but also leads to displacement which prevents individuals from making meaningful investments in their communities and neighborhoods. The National Equity Atlas estimates that if Pennsylvania's cost-burdened residents paid housing costs that were affordable to them in 2020, they would have a total of \$4.44 billion of disposable income that they could reinvest into their communities.<sup>13</sup> This level of financial investment back into Pennsylvania's cities and neighborhoods would transform the state's economy and the livelihoods, health, and futures of all the people who call the Commonwealth home.

When individuals are forced into substandard housing as a result of eviction records, they often encounter significant habitability concerns, exposing them to irreversible health damage, especially when environmental hazards like mold or lead are present. People with eviction filing records often find that the only landlords willing to rent to them are "slumlords" who neglect upkeep of their property, forcing tenants to either pay for necessary repairs themselves or risk a retaliatory eviction filing if they assert their legal right to basic safety and habitability, such as doors and windows that lock, utilities that work, and basic protection from pests and the weather.<sup>14</sup> Tenants who end up renting such properties often find themselves facing an eviction filing once more because they have filed a complaint with their local code enforcement

agency or told the landlord they were going to withhold rent until repairs were made. In this way, a single eviction filing makes a subsequent eviction filing much more likely.

The health impacts of substandard housing are particularly urgent for people seeking housing opportunities with an eviction record in Pennsylvania, where the housing stock is one of the oldest in the nation.<sup>15</sup> Increased exposure to housing hazards can profoundly impact a person's health, leading to higher health-care costs. This can also create lasting damage to a child's brain and nervous system, which can lead to declines in school performance among older kids.<sup>16</sup> Ultimately, an eviction filing and the lasting record it leaves behind can not only disrupt a person's life, but also perpetuate a cycle of lifelong poverty marked by job instability, excessive medical bills, and shortened life spans.

When Jennifer's kids were in foster care and she tried to find a new place to live, it took months to locate a new home. It took even longer for Jennifer to get custody of her children back. Jennifer recalls those months of searching for a place to live as incredibly challenging because of the many landlords who denied her application due to her eviction record, and the large sum of money she spent on application fees that she would never get back. Eventually, Jennifer was relegated to searching for housing with private landlords who did not complete an extensive background check on her like a corporate-owned apartment complex would. However, she came to realize that private landlords would still charge her extra fees on top of the first month's rent and a security deposit. Even though Jennifer has a place to live now and is safe with her kids, she wishes others (and especially landlords) knew that she works hard to pay the bills, take care of her kids, and keep a roof over their heads.

Jennifer's story is just one of many in Pennsylvania. The structures that create outcomes like hers are a detriment to the state's present and future economic and social well-being. Because of systems that cause people to fall behind on their rent, paired with the fact that eviction records and their impacts are difficult to overcome, Pennsylvania tenants like Jennifer are trapped in a cycle of poverty. Studies have shown background checks are ineffective predictors of successful tenancy, yet screening measures have only become more prevalent.<sup>17</sup> The tragedy is that proven solutions exist to make experiences like Jennifer's a relic of the past. Now is the time for Pennsylvania lawmakers to step up and take action that no longer hinders potential but creates the circumstances for families, mothers, and children to thrive.

3.0

# Evictions Are a Growing Fair Housing Issue in Pennsylvania



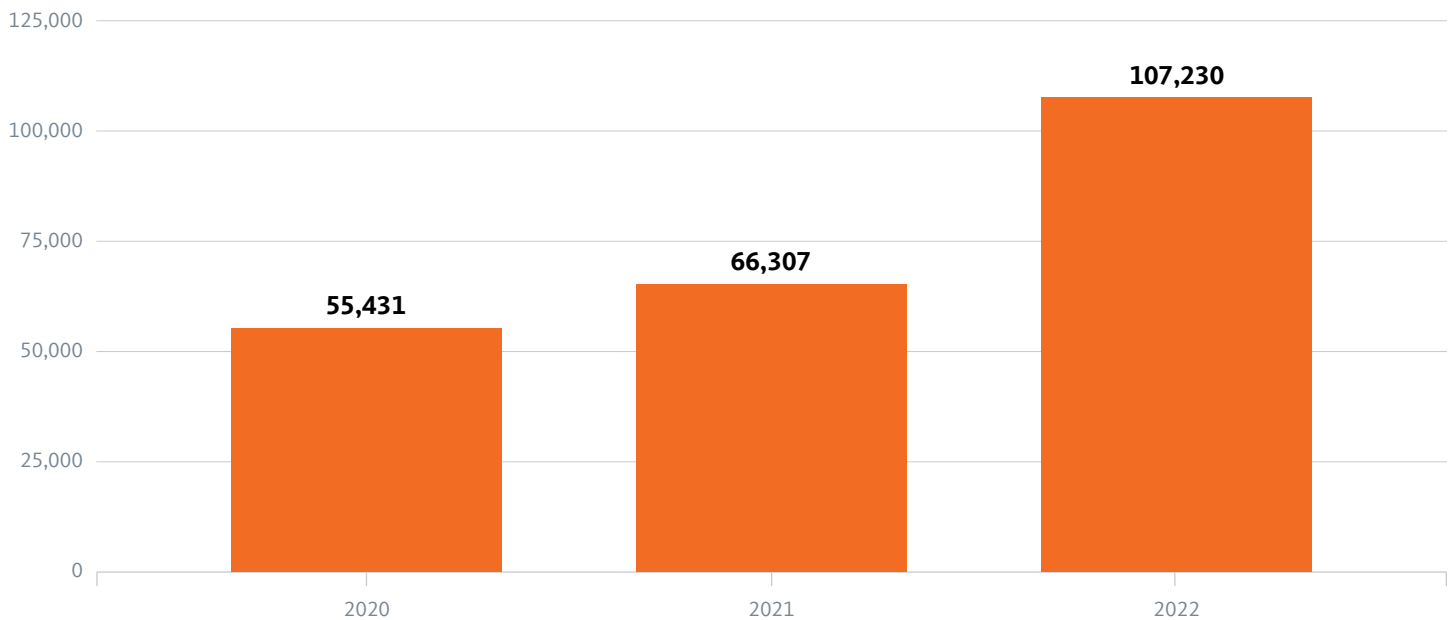
There have been over 260,000 evictions filed in the Commonwealth of Pennsylvania since the start of the pandemic (March 15, 2020).<sup>18</sup> Throughout the first six months of the pandemic, eviction filings across the state were anywhere from 45 to 98 percentage points lower than historical averages, thanks to the many local and state interventions that were employed like emergency rental assistance, eviction diversion programs, and moratoriums.<sup>19</sup> In April of any given year prior to the pandemic, an average of 8,000 evictions would have been filed, but approximately 160 evictions were filed across the state in April 2020.<sup>20</sup> To gauge the impact of interventions used during the Covid-19 national emergency, we can look at the \$1 billion provided to over 216,000 households in rental assistance.<sup>21</sup> This unprecedented level of financial support helped to curb eviction filings throughout the state during a time of significant economic turmoil. Pennsylvania also employed an eviction moratorium from April 2020 through August 2020, but eviction

filing rapidly increased once the protection expired.<sup>22</sup> After state and federal protections, such as the Centers for Disease and Prevention (CDC) moratorium, expired in 2020, filings have steadily increased across the state back up to historical filing rates.<sup>23</sup> The next series of figures, starting with Figure 1, examine this trend.

## Eviction Rates Are Rising Again

Prior to the pandemic, from 2016 to 2020, the annual average of evictions filed throughout Pennsylvania was 114,539, which was fewer than the total number of eviction filings in the first two years of the pandemic (121,738) combined as seen in Figure 1.<sup>24</sup> An average of 61 percent of those pre-pandemic filings were disproportionately filed against women.<sup>25</sup>

Figure 1.  
**Total Eviction Filings in Pennsylvania, 2020–2022**

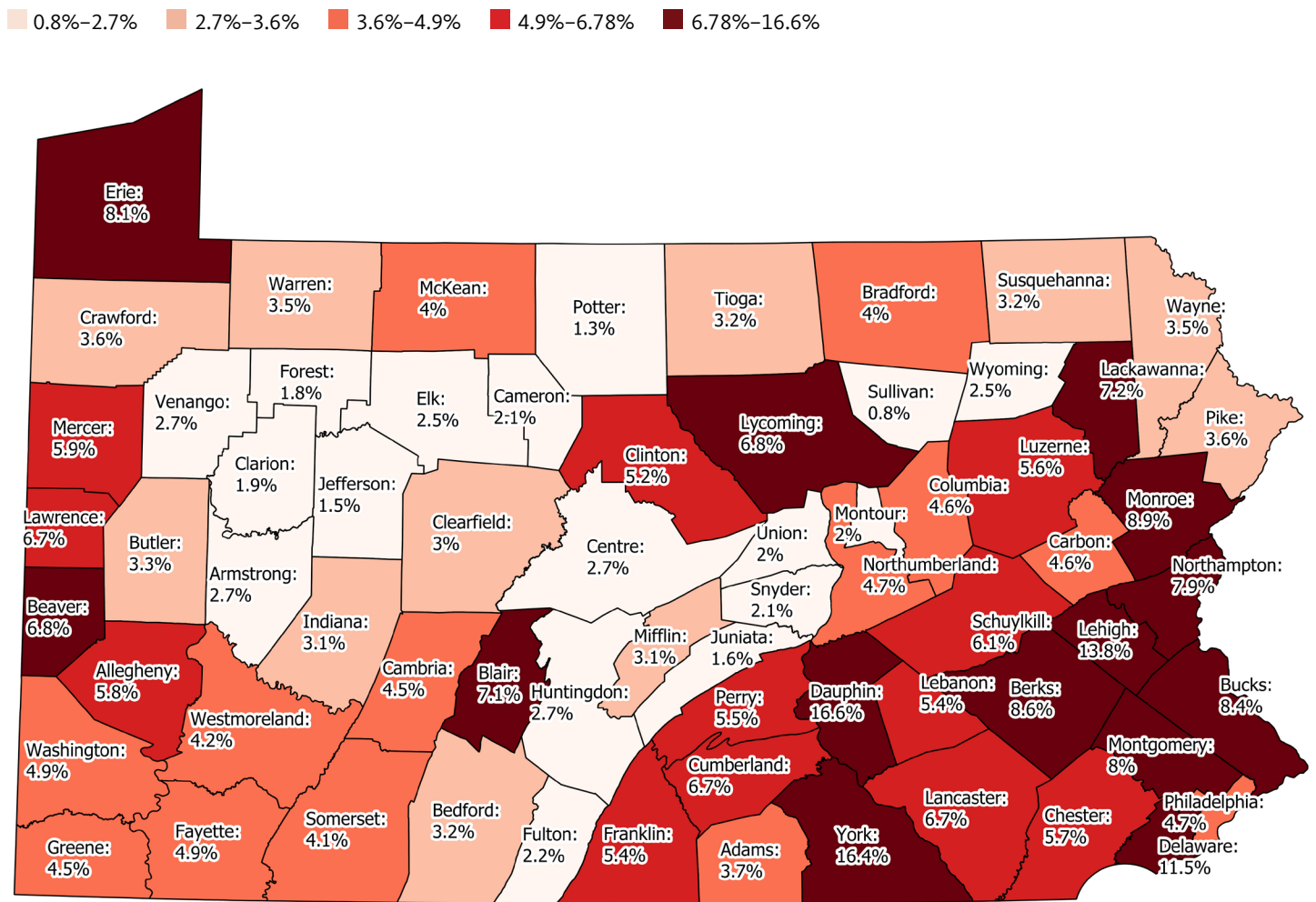


**Source:** Eviction Lab, “Eviction Tracking: Pennsylvania,” data gathered and visualized by Jasmine Rangel, accessed August 8, 2023.

Further, the eviction filing rate prior to the pandemic was larger in less populated, suburban areas like York County, Lehigh County, Dauphin County, and Berks County, than in city centers such as Pittsburgh or Philadelphia.<sup>26</sup> And while eviction filing rates in 2022 varied across the Commonwealth, there are notable outliers in places like Lycoming County and Monroe County which, as Figure 2 illustrates, show how eviction filings after the pandemic are continuing to spread to rural areas.<sup>27</sup>

**The eviction filing rate before the pandemic was larger in less populated, suburban areas like York County, Lehigh County, Dauphin County, and Berks County, than in city centers such as Pittsburgh or Philadelphia.**

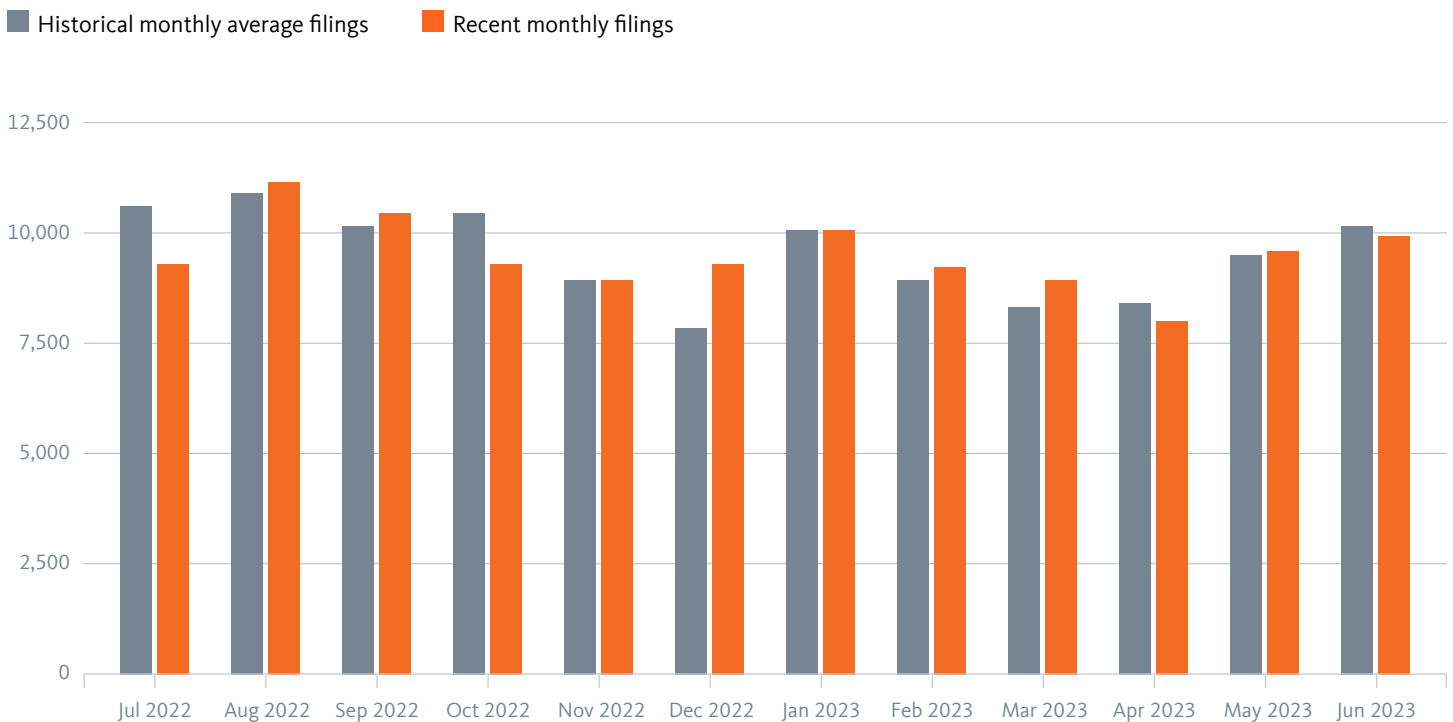
Figure 2.  
**Pennsylvania Eviction Filing Rates by County, 2022**



Source: Civil Court Data Initiative, Legal Services Corporation, 2022. Data gathered and visualized by Lauren Parker. Data accessed May 2023.

Even still, it is hard to ignore our post-pandemic reality: by the summer of 2023, filing rates in Pennsylvania were back to pre-pandemic averages. As Figure 3 shows, some monthly filing averages in 2023—such as January, February, March, and May—have met, if not exceeded, historical monthly averages.<sup>28</sup> Similar to before the pandemic, counties like Dauphin, York, Lehigh, and Delaware have some of the highest rates of eviction. There are some counties that continue to hint at what newly released research shows: evictions are becoming an even larger problem for suburban and rural communities. For example, in Harrisburg and Pittsburgh, the share of evictions in the suburban areas of these metro areas has increased 11 and 5 percent, respectively.<sup>29</sup> A looming eviction crisis during the beginning of the pandemic was prevented by the actions taken by local, state, and the federal government. But the current shift back to “normal” has also created an environment in which a growing number of Pennsylvanians are worried about an eviction filing and what that means for their ability to stay in their homes and communities.

Figure 3.  
**Recent Pennsylvania Eviction Filing Compared to Historical Averages, by Month, July 2022–June 2023**



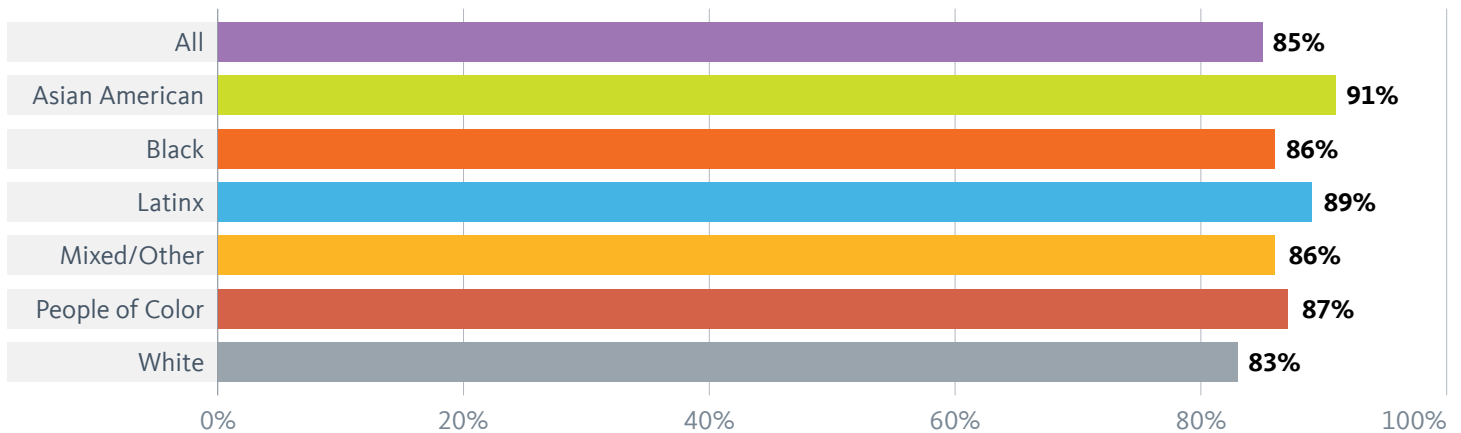
Source: Eviction Lab, “Eviction Tracking: Pennsylvania,” data gathered and visualized by Jasmine Rangel, accessed August 8, 2023.

The US Census Bureau's American Community Survey 5-Year Estimate data has recorded over five million households that call Pennsylvania home and of those five million, 31 percent of households are renter occupied.<sup>30</sup> In most parts of the state, tenants have seen their rents continuously outpace their wages. Rents have increased over 10 percent in some counties like Adams County (18.7 percent), York County (16 percent), and Lehigh County (16.8 percent) since the start of the pandemic.<sup>31</sup> This growing gap between rents and wage growth can be seen across the Commonwealth as 47 percent of renters are spending more than 30 percent of their monthly income on housing costs, according to the [National Equity Atlas](#). This impacts not only a tenant's day-to-day budgetary constraints, but also has direct ramifications on their ability to stay safely and stably housed. This is more prevalent for the 55 and 56 percent of Black and Latinx households, respectively, disproportionately experiencing housing cost burdens.<sup>32</sup> And as Figure 4 shows, 87 percent of households of color, who are living at or below 100 percent of the federal poverty line (\$26,200 yearly income for a family of four in 2020), are experiencing housing cost burdens.<sup>33</sup>

As eviction filings across the state continue to rise to and beyond pre-pandemic numbers, it is clear that simply because pandemic-era protections have been lifted does not mean the remnants of Covid-19 financial hardships have been erased. Currently, in Pennsylvania there are 189,000 households behind on rent with a cumulative \$367 million in estimated rent debt. Of these Pennsylvanians behind on rent, 79 percent are low income, 40 percent are people of color, and 57 percent are households with children.<sup>34</sup> Rental debt also varies across the state, but there are some counties that have substantially more people behind on rent, such as Philadelphia, Delaware, Allegheny, Bucks, and Montgomery counties.<sup>35</sup> Rental debt of this magnitude, and across the state, hints at a potential future where Pennsylvania witnesses a historic, mass eviction crisis and the drastic aftershocks of eviction.

**With mounting rental debt, Pennsylvania could potentially witness a historic, mass eviction crisis and the drastic, long-term aftershocks of eviction, including records that screen tenants out of housing.**

Figure 4.  
**Pennsylvania Renter Household Housing Burden by Race/Ethnicity, Below 100% Poverty Level, 2020**  
 Share of renter households spending over 30% of their income on housing costs



Source: National Equity Atlas, "Housing Burden by Tenure, Severity, and Race/Ethnicity: Pennsylvania," PolicyLink and the USC Equity Research Institute.



## Eviction Records Fail to Tell a Tenant's Entire Story

When Kiesha was just 23 years old, the place where she enjoyed the security and calmness of home turned into one where she felt unsafe. Her landlord began to harass her incessantly. After one too many egregious encounters with her landlord, she began to withhold her rent to look for a new place to live, but this was quickly met with an eviction notice from her landlord. Kiesha was under the impression that at an eviction hearing, she would have the opportunity to share her experiences leasing from this landlord and, ultimately, prevent the eviction from going through. However, during the mediation process, she felt pressured to leave the property and not have her day in court to make her case in front of a judge. The landlord and lawyers involved gave her 30 days to leave the property and she found herself living back with her mother and sister.

It's been over 10 years since this eviction proceeding, but Kiesha still remembers how her eviction record damaged her credit and affected her ability to find a place to live. Kiesha recalls how it took her more than eight months to find another place to live, and with each denial, she was also met with a disregard from landlords to hear her story and the safety concerns that led to her eviction. The eviction record also brought down Kiesha's credit report for years, which deeply affected her ability to start the process of buying a house for her and her family's stability. When she realized the many ways in which the eviction record was holding her back, she tried to see if she could pay the rest of what she owed to remove the eviction record, but even when she began to take action, the record stayed intact.

A decade later, Kiesha wants to make sure that others know, "I'm a mother of five children and my main priority is taking care of them and having a roof over their heads at all times. I'm a working woman. I'm a CNA [certified nursing assistant] and I've been a CNA for 10 years. I'm in college to be a social worker and I work full time and I still take care of my kids and make sure that my bills are paid. It has been hard."

## Tenant Screening Methods Are Often Inaccurate and Unfair

An increasing number of landlords employ some form of third-party tenant screening report, often provided by tenant screening companies, to determine a tenant's "eligibility" for a housing unit. Most of these tenant screening checks assess a combination of an applicant's financial, rental, and criminal histories, and do so by using faulty name-matching practices, vague algorithm-based scores, or recommendations to purportedly help a landlord decide on whether or not to lease to an applicant.<sup>36</sup> Tenant screening companies are not only secretive with the technology they use to produce tenant screening reports (i.e., algorithms and name-matching software) but they have been found to keep eviction records longer than the seven years allotted by the Fair Credit Reporting Act (FCRA). Further, Black and Latinx individuals are disproportionately affected and matched to other individuals' records because of poor name-matching algorithms that disregard how many people in these groups share similar last names.<sup>37</sup> Additionally, if a tenant finds an issue with a tenant screening report and acts upon the rights they have under the FCRA, tenant screening companies are seldom responsive to tenants' complaints and requests to set their records straight. The inaccuracies and issues in tenant screening companies' practices reinforce research illustrating how the records utilized for tenant screening and housing decisions are ineffective at predicting successful tenancy.<sup>38</sup>

Landlords do not have to use a tenant screening company to access an applicant's information because many of the records that landlords evaluate, like eviction and criminal records, can be found in publicly available court record repositories. This option is even more error-ridden for landlords to use as they may not be correctly interpreting a case disposition or are not mindful of the name-matching issues that may arise when trying to identify an applicant in an open database. Additionally, an individual's records can be found in publicly available repositories even if the case was brought against them for an event out of their control, such as being wrongfully named in a complaint. Both tenant screening company reports and searches in a court record repository are full of inaccuracies, and do not provide additional details about the circumstances surrounding an eviction filing, the outcome of a case, or an opportunity for a tenant to correct their own record.<sup>39</sup> As a result of being denied several times, or trying to correct their record, tenant screening practices that unfairly consider eviction records force tenants to spend their limited time and resources on multiple rental applications that may not yield positive results.

Samantha and her partner were barely making ends meet after their landlord raised their rent during their last lease renewal, so when Samantha and her partner encountered some familial challenges, one month's late rent quickly turned into two, and then three. Even though they were actively trying to catch up on back rent, it didn't take long for the eviction notice to finally come to their door. Samantha recalls this time as being especially confusing because she knew nothing about the eviction process or going to court. She was worried, but she thought that when they moved out, they could save money and try to pay their previous landlord back whenever they could without the eviction case affecting them in the long term. However, they soon realized that would not be the case.

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Samantha, her partner, and their one-year-old son had to rapidly find a new living situation, so they moved in with family members who lived close by. Samantha and her partner had to live with their respective family members, with their son alternating between the two. Attempts were made to try to live together again as a small family, but this was impossible because it quickly became too overcrowded with extended family living in the same place.

During this time, when they were trying to look for a new place to live together, Samantha notes how difficult it was to find a landlord who was willing to lease to them because of their eviction record. Landlords would repeatedly let them know that they would need a cosigner who could prove they were paying off the eviction. Neither was a viable option for the small family; they ended up continuing the housing search and hoping for a landlord who would understand and hear their story. Ultimately, Samantha and her family were able to, as she notes, get "lucky" and find a landlord that was "generous enough to understand that things happen." However, this luck does not always follow other families with eviction records.

Too many Pennsylvania residents are increasingly at risk of an eviction, have a previous eviction on their record, or are currently finding themselves in the middle of an eviction proceeding for the first time. As Samantha notes, "[eviction records] prevent people from moving away from their past or the things that they've done and just trying to start in a new place with their family. People have to be stuck in a situation that they don't want to be stuck in and it gets harder for them to do anything else or go anywhere else. I think it's unfair." Pennsylvanians need prompt solutions that address and alleviate the hardships that follow an eviction. Those solutions lie in the eviction record sealing policies that states across the country, like California, Colorado, and Arizona have passed to protect their residents in the last seven years.

## Eviction Records Give Landlords Unfettered Power Over People's Futures

When Mykeita fell behind on rent, it felt like the culmination of many terrible events one after the other: challenges with her family and her car breaking down caused significant financial stress in her life. Mykeita ended up having an eviction filed against her in 2019, and because she was not made aware of this filing, or that she had to go to court, she ended up receiving a default judgment made against her. As Mykeita was coming home from a long day of work with her children in tow, she found a writ of possession and a lock on her door. In a scramble, Mykeita called her landlord to ask what happened, when she could get inside the property to at least retrieve her belongings, and if there was a possibility of setting up a payment plan.

After some continued back and forth, Mykeita's landlord finally agreed to let her back into the premises if she could come up with \$2,000. Mykeita agreed to this, but also set her own stipulations to their agreement that the landlord would need to make some serious repairs and address some habitability issues like remove the mold and fix the vermin issue they were experiencing. However, Mykeita and her children were still out of the property for a month and even when they were back in the property, the landlord was slow to implement the repairs they had agreed on. As a result of this breach in their agreement, Mykeita withheld half of a month's rent, as is her legal right to do, in order to have the landlord make the necessary repairs. The request for an agreement to make much-needed repairs did not prevent the landlord from proceeding with an illegal eviction against Mykeita, during which he hired men to remove her and her children's belongings from the property, belongings that she never ended up recovering.

This time, Mykeita's experience with the eviction process was different. She was diligently researching her rights, conducting outreach to various organizations for support in navigating the process, hiring a lawyer with the few resources she had, and filing appeals to hold her landlord accountable for the illegal eviction he conducted. In the meantime, Mykeita and her kids were homeless and she faced even greater financial insecurity as she was on the verge of losing her job from constantly taking time off to make court dates that her landlord would fail to appear at. However, these legal efforts that Mykeita poured so much of her time and resources into were not fruitful, and she ultimately lost her job in 2019.

Two years later, Mykeita and her kids still lived with family members and did not have a place to call their own but were in the process of looking for a new place to live, which, she notes, has been extremely difficult due to the eviction on her record. While searching for new places to live, Mykeita notes how any landlord who considers leasing to her, "always wants to charge me double. The rent is already \$1,600, so you want me to put down first, last, and an extra security deposit? That's almost over \$6,000 just to move into a house." In 2021, Mykeita had a new job and was still pursuing her case against her previous landlord to recuperate lost funds. However, since her previous landlord has repeatedly failed to appear in court, she was placed on probation at work because of the time she has had to take off to make court dates and fight for her case to be rightfully heard.

4.0

## Existing Federal Guidance and Actions, and National Thought Leadership



## The Fair Credit Reporting Act (FCRA)

The most significant piece of federal legislation that aims to protect tenants and consumers alike from having their background information, like credit history and rental history, misused is the Fair Credit Reporting Act (FCRA). The FCRA largely regulates the type of information that is retrieved and reported by consumer reporting agencies (CRAs), such as credit bureaus, tenant screening companies, and medical information companies.<sup>40</sup> Specific to eviction records, the FCRA establishes that CRAs may not report eviction records older than seven years. For households who have rental arrears or a rental debt with a previous landlord that was later discharged in a bankruptcy, that information could still stay on someone's record for 10 years.<sup>41</sup>

Furthermore, landlords and CRAs also have specific obligations under the FCRA. Prospective landlords and property managers are required to notify tenants if a tenant screening report or credit report was used in their decision to deny housing. If a tenant requests to know why they were denied housing, landlords and property managers are required to provide contact information for the tenant screening company used, notify applicants of their right to dispute the information, and notify applicants of their entitlement to a free copy of their screening report within 60 days of their denial. However, landlords often do not make tenants aware of these rights and keep their own screening criteria, or the information they use to make a housing decision, ambiguous. When tenants attempt to exercise their rights under FCRA after finding errors in tenant screening reports, tenant screening companies are seldom responsive to a tenant's requests to correct a record.<sup>42</sup> CRAs also have an obligation to undertake procedures and practices that ensure the reporting information they are reporting is at its "maximum possible accuracy," which includes deleting inaccurate, incomplete, outdated, or unverifiable information.<sup>43</sup> However, as research has shown, CRAs continue to employ new advancements in tenant screening technology, such as algorithm-based consumer reports, which obscure the accuracy of their data collection and maintenance practices, leaving tenants and advocates unclear about what FCRA violations may be taking place.<sup>44</sup> As a result of these gaps in protection offered by the FCRA, state and local laws have been passed to regulate the screening protocols that landlords use, limit the type of information tenant screening companies can include in reports, and restrict landlord and tenant screening companies' access to eviction records.

## Consumer Financial Protection Bureau Guidance and Interpretations

Federal actions to protect at-risk renters and renters with eviction records picked up momentum in the months prior to the expiration of state and local eviction moratoriums and the Centers for Disease Control and Prevention (CDC) Covid-19 federal eviction moratorium. In anticipation of these expiring protections and the pandemic-induced housing insecurity for millions of renters across the nation, and in response to urging from a cross-section of consumer advocacy groups across the country,<sup>45</sup> the Consumer Financial Protection Bureau (CFPB) released an Enforcement Compliance Bulletin in July 2021 to address how CRAs should comply with their obligations under the FCRA and Regulation V.<sup>46</sup> The CFPB expressed growing concerns about how information regarding eviction records or rental arrears accumulated during the pandemic may inaccurately and unreliably provide information about a tenant, which would then impact their ability to access future housing opportunities. Further, the CFPB specifically identified instances where consumer information may be inaccurate or unreliable, such as when landlords filed evictions in violation of moratorium restrictions, tenants were informally evicted, and tenants were evicted for nonpayment of rent while trying to access emergency rental assistance.<sup>47</sup>

The 2021 CFPB bulletin not only clearly illustrated rental circumstances of concern for the accuracy of information reported to and by CRAs, but the CFPB also established clear guidelines that will be top of mind for the agencies to ensure that consumers' information is not unfairly used against them.<sup>48</sup> The CFPB bulletin outlined the following issues that they will be scrutinizing most closely in the future with regard to CRAs and data furnishers:

- Whether CRAs and furnishers are providing and reporting accurate rental information.
- Whether CRAs are utilizing enough identifying information of a consumer to match them accurately with records that produce reports on the consumer's behalf, including if they are using name-matching algorithms or limited identifying procedures that are at greater risk of inaccurate matching.
- Whether CRAs are reporting eviction information that is inaccurate, incomplete, or misleading.

- Whether CRAs and furnishers are complying with their obligations to investigate disputed information in a report and whether they are pursuing timely and thorough investigations into these complaints.
- Whether furnishers are providing information about rental arrears that were paid by ERA programs or other emergency rental relief or are providing information on fees that were prohibited by the CARES Act section 4024(b).

Aside from this bulletin, the CFPB also released an interpretive rule in June of 2022 clarifying how states and local jurisdictions have the power to create additional laws to establish regulations on credit bureaus, tenant screening companies, and background check agencies.<sup>49</sup> This interpretive rule emphasizes that the FCRA can only do so much as a federal law, and that the addition of state screening regulations can be far more protective of consumers. Importantly, the rule explicitly identified that state laws which suppressed eviction record information from CRAs are not preempted by the FCRA. In releasing the interpretive rule, the CFPB both cleared the legal pathway for states to pass additional legislation and encouraged them to do so.

## The White House Blueprint for a Renters Bill of Rights

On January 25, 2023, the Biden Administration released *The White House Blueprint for a Renters Bill of Rights* to increase fairness and further fair housing goals in the rental market. This federal directive was the result of substantial federal advocacy and national organizing from the Homes Guarantee campaign in collaboration with other state and national advocates. The Blueprint discussed the substantial challenge that tenants across the country are facing to make ends meet and afford a place to live. It also named 24 actions that had been or would be undertaken by various executive agencies to promote access to safe, affordable, quality housing; clear and fair leases; education, enforcement, and enhancement of renters' rights; the right to organize; and eviction prevention, diversion, and relief.<sup>50</sup> While the Blueprint did not specifically dictate the future of policy, it did encourage governments at all levels to support renters' rights and protect renters from unlawful discrimination and exclusion, prevent eviction, and promote fair eviction proceedings.

The Blueprint examined the impact of publicly searchable eviction filings in housing courts, concluding that “eviction case filings should immediately be sealed, including in cases of nonpayment of rent, thereby reducing the chance for people to be locked out of future housing opportunities without a chance to defend themselves.”<sup>51</sup> Further, the Blueprint also stressed that filings, default judgements, and executed judgements should be sealed for minors, tenants who won their eviction case, and for tenants who “reinstate their tenancy after the entry of judgment.”<sup>52</sup> To correspond with the administration’s articulation of the lasting harms of an eviction record, several actions were announced which include, most notably, HUD’s changes to the notice period for an eviction, the Federal Housing Finance Agency’s request for input on tenant protections in federally backed multifamily properties, and the joint Federal Trade Commission (FTC) and CFPB request for information. However, aside from the suggested steps jurisdictions should take, there is no other federal guidance for sealing eviction records.

## The American Bar Association: Guidelines for Eviction Laws

The nation’s largest membership group of attorneys and legal professionals has recently taken up the issue of eviction records. In their 2022 guidelines, the American Bar Association (ABA) called on eviction courts to shield tenants’ names from public scrutiny when no judgment has been entered or when mitigating circumstances dictate that information not be made public.<sup>53</sup> The ABA also endorsed protecting tenants’ names from public view unless some finding of wrongdoing is entered by a court, suggesting that courts “automatically seal the names of defendants before a final judgment and in dismissed cases...” and create “practical procedures for sealing or otherwise protecting the privacy of defendants where other good cause exists.”<sup>54</sup> Importantly, the ABA guidelines note that the widespread practice of landlords automatically denying applicants with any eviction record has “undermined the ... legitimacy of the judicial forum” by incentivizing tenants to move out before an eviction is even filed.

5.0

# Eviction Record Sealing Policies Across the United States



Policies that help prevent eviction records from haunting people for years, either through sealing, expungement, or tenant screening regulations, can be especially effective in protecting tenants from discrimination and long-term housing insecurity. Well over 10 states and localities have taken it upon themselves to identify and address this specific gap in tenant protections through eviction record sealing policies or tenant screening regulations.<sup>55</sup> Figure 5 shows all of the various cities and states that have implemented, previously considered, or are currently considering eviction record sealing legislation. (Gray shaded areas indicate where no statewide policies are in place although in some of those states individual jurisdictions have instituted policies. The [interactive map](#) provides more context.) This section discusses eviction record sealing laws in California, Colorado, Nevada, and Arizona.

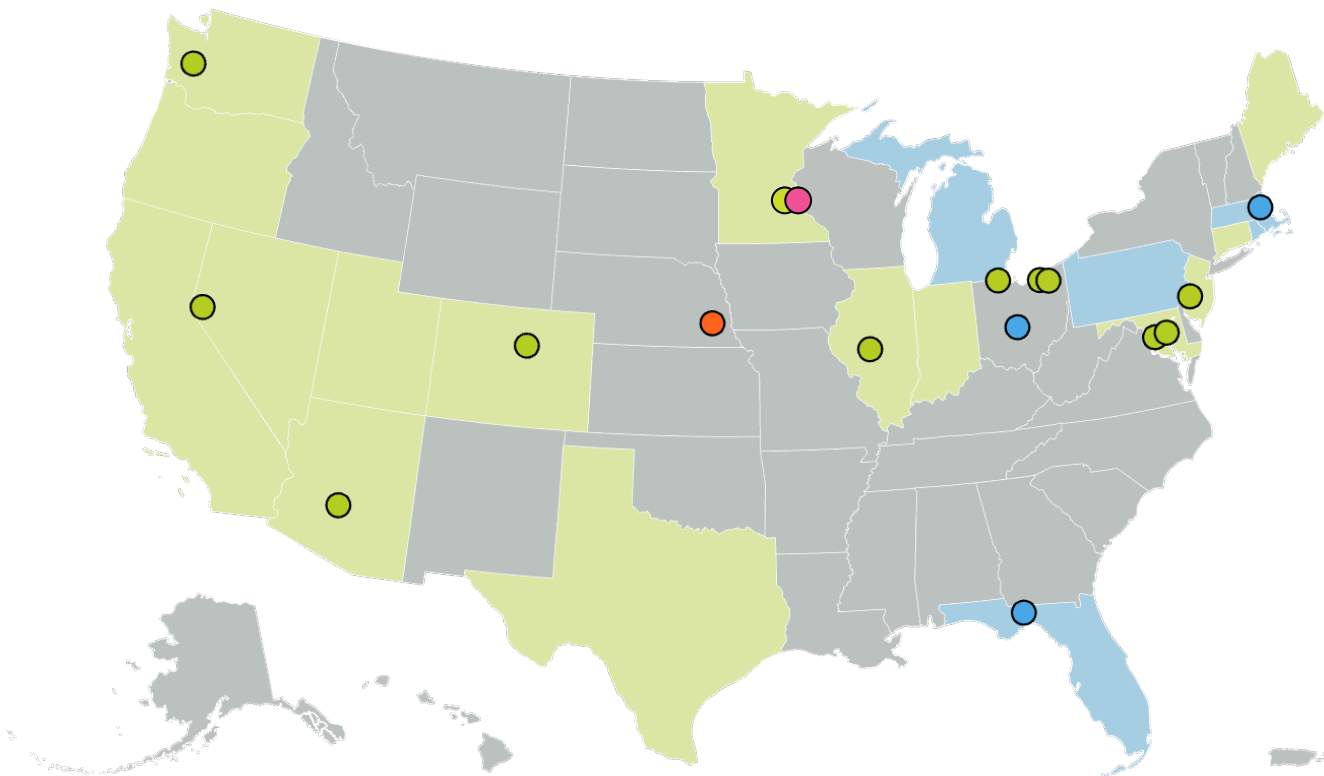
## California

Prior to the passage of AB 2819 in 2016, California tenants felt the pressure to expedite their case and win within 60 days in order to seal their record and receive the benefits of suppressing their information from the public. However, this was difficult for tenants to fully achieve given that court capacity, resource constraints, and frequent lack of representation consistently pushed eviction cases beyond 60 days.<sup>56</sup> Even if a tenant were able to win their case, court constraints permitted the eviction to continue existing on their record.<sup>57</sup> Advocates note that before AB 2819, it was nearly impossible for eviction records to be sealed, and even if tenants did win, they were constantly at the whim of a landlord's stipulations in settlements. Additionally, because landlords frequently utilize third-party, private companies to conduct background checks on prospective tenants, these companies scrape the files and provide publicly available records to landlords to make housing decisions.

Figure 5.

### Status of State and Local Eviction Record Sealing, Expungement, and Tenant Screening Policies, as of July 2023

■ Implemented   
 ■ Policy repealed   
 ■ Previously considered   
 ■ Currently under consideration



Source: PolicyLink Database of Eviction Record Sealing, Expungement, and Tenant Screening Regulations, US Census Bureau.



In 2016, California passed state bill AB 2819, which automatically seals an eviction record by restricting public access to the records at the point of filing for 60 days.<sup>58</sup> The record remains sealed unless, by the end of those 60 days, a case goes to trial and a judgment is made in favor of the landlord.<sup>59</sup> If a case takes longer than 60 days to go to trial and receive a judgment, the case remains permanently sealed. AB 2819 has also allowed tenants to file motions to address the conditions of their dwelling and request that a record be sealed as a stipulation if the case results in a settlement, without fear of a record that will have lasting repercussions. However, this process still requires tenants to avoid default judgments in order to have their records sealed, which can be difficult due to challenges in seeking legal representation and the quick pace of eviction proceedings.

Access to eviction records in California, as a result of AB 2819, is only provided to the individuals named in an eviction case, their attorney, the plaintiff, individuals familiar with the case, or the residence involved in the case, as well as people who show good cause by order of the court to have access to a record. Defendants in eviction cases are also, by way of AB 2819, provided with additional information on ways to avoid an eviction through legal aid resources and rental assistance to support their ability to have a successful trial and stay housed. While there have been significant challenges, such as the ability for researchers and tenant advocate organizations to access eviction records for research purposes, this law still helps to prevent misuse of data from external entities.

Since the passage of AB 2819, evaluating the impact of the legislation on community and tenant stability has been difficult to assess quantitatively because of logistical obstacles of identifying an individual with an eviction case (given that this law seals defendants' identities), as well as the long-term impacts of their eviction case. However, in August of 2023, researchers at the Urban Institute interviewed a sample of lawyers, advocates, landlords, and legal experts to understand the impact of AB 2819.<sup>60</sup> The report concluded that California's AB 2819 was successful in reducing the number of evictions that were collected by CRAs, positively changed the dynamic between landlords and tenants throughout eviction proceedings, and reduced administrative burdens faced by court staff and lawyers.<sup>61</sup> Ultimately, these observations suggest that, while many positive impacts have yet to be widely captured, California's eviction record sealing law promotes residential stability without a cost imposed to court staffs, systems, or lawyers.

## Colorado

In 2020, the Colorado State Legislature passed HB 20-1009 to prevent eviction records from harming future housing prospects of tenants across the state.<sup>62</sup> The legislation requires that eviction records be automatically suppressed unless an eviction is ordered by a court. When a record is suppressed, the names of all parties involved are kept from the public, and only accessible to judges, court staff, parties to the case and attorneys of the parties involved, judicial staff, and anyone with a valid court order. The policy then stipulates that a record will stay suppressed if proceedings end in favor of a tenant, or if both parties agree to seal the defendant's record in a settlement.

In 2022, advocates noted that there was a need to further clarify who had access to eviction records as the first iteration of the bill was not expansive enough to support legal aid organizations' access to a defendant's case. Subsequently, SB 22-019 clarified which parties have access to an eviction record, such as an attorney working on behalf of the attorney involved in the case, an attorney looking to provide legal or mediation services, or an individual who received permission from an involved party to access the record.<sup>63</sup> Advocates in Colorado note that this law has worked well to suppress information or improve negotiations with a landlord when settling a case.<sup>64</sup> And, similarly to California, these improved negotiations have helped to improve power dynamics between landlords and tenants in court proceedings. However, there is still a lack of clarity regarding the applicability of the law to older eviction records that advocates have identified and are actively trying to address in future legislation.

## Nevada

Nevada's original 2017 sealing law, AB 107, provides an avenue for tenants to seal their eviction record automatically in two ways: 1) after a court dismisses or denies an eviction case, or 2) 31 days after a tenant files an affidavit with the court (and the landlord has failed to file an affidavit of complaint within 30 days of the tenant's filed affidavit).<sup>65</sup>

Additionally, AB 107 provided a pathway for tenants to seal their eviction records by other means, such as within mutually agreed-upon settlement stipulations. Tenants also have the power to file a motion with the court to seal their record by making a compelling case for sealing their record due to extenuating circumstances that led to the eviction, or because of the amount of time that has passed. In 2019, AB 266 added another stipulation to the 2017 eviction record sealing law by amending the sealing of an eviction record to occur "ten judicial days after the entry of a court order which denies the action for summary eviction."<sup>66</sup> Finally, in 2021, Nevada passed another policy, AB 141, as a means to protect tenants during the economic downturn of the pandemic, allowing for tenants who received a summary eviction to have their record automatically sealed during the Governor's Declaration of Emergency for Covid-19.<sup>67</sup> This law was critical to removing eviction records from tenants' backgrounds, especially in the many cases where tenants won their case or a landlord never showed up for court.<sup>68</sup> Additionally, according to some advocates, AB 141 came at an ideal time when tenants were trying to navigate their post-pandemic economic realities. Not only did AB 141 provide tenants relief from future instability or barriers to future housing opportunities, it also provided tenants more information on their rights and how to enforce them in post-pandemic eviction proceedings.<sup>69</sup>

## Arizona

In June of 2022, Arizona state legislators passed HB 2485 which requires the court to seal an eviction record in the event that a judge dismisses the case, if the case was ruled in favor of the tenant, or if sealing an eviction record is a stipulation of a mutual settlement between the landlord and tenant.<sup>70</sup> The law also stipulates circumstances where cases can be dismissed, such as when a tenant can pay the full amount in dispute plus legal fees prior to being brought before a judge as well as for legal reasons. Further, HB 2485 identifies that the only people who would have access to a sealed record are parties to the case, attorneys who are involved in the case, the court, and the clerk. While other state laws identify restricted purposes for how eviction records retrieved by the court may be used, AB 2485 very clearly restricts any person from releasing or transferring a bulk of or individual records to third parties. In a state like Arizona, which experienced an average of 80,000 evictions filed every year before the pandemic, and sees about 30 percent of those cases get dismissed, the data suggests that this law could prevent the negative after-effects of an eviction record from following over 24,000 residents. Although some national advocacy groups have concerns about the efficacy of this law and its ability to fully protect tenants from having their information accessed by tenant screening companies, some advocates have noted that this law is "a great step forward to help protect tenants and tenants' rights".<sup>71</sup>

## Progress Toward Eviction Record Reform in Pennsylvania

### State and Local Actions

As Pennsylvanians have learned about the way eviction records are created, disseminated, and used, support has grown for a legislative framework that would seal certain eviction records at the court level. As the pandemic began in the spring of 2020, Pennsylvania Representative Elizabeth Fiedler introduced HB 2382 to establish statewide eviction sealing procedures. The bill proposed automatically sealing court files for not-for-cause, withdrawn, and vacated or satisfied evictions, and any eviction record over five years old. The bill also barred consumer reporting agencies, including tenant screening services, from disclosing sealed eviction records in tenant screening reports. In the 2021 to 2022 legislative session, similar bills were introduced in the Pennsylvania House of Representatives by Representative Fiedler, and in the Pennsylvania Senate by Senator Nikil Saval.

Statewide law enforcement has also acknowledged the way tenant screening practices can be misused to produce discriminatory impacts. In June 2022, the Pennsylvania Office of Attorney General recognized the importance of empowering renters by publishing their *Consumer Guide to Tenant and Landlord Rights*.<sup>72</sup> The guide, a collaboration between the Bureau of Consumer Protection, the Civil Rights Enforcement Section, and the Impact Litigation Division of the Pennsylvania Office of Attorney General, highlights landlords' role in reducing housing discrimination and outlines best practices for tenant screening and application procedures.

Localities have also attempted to regulate the way eviction records are used by landlords in reviewing rental applications. In 2021, the City of Philadelphia enacted the Renters' Access Act (RAA), which restricts the use of eviction court records in housing decisions. Specifically, the RAA restricts the use of eviction records from cases that happened over four years ago, records from cases that did not result in a judgment for the landlord, or records from cases that were settled between the landlord and tenant. The RAA also requires that landlords create and use uniform screening criteria when making rental decisions, to ensure that all applicants are evaluated using the same metrics. Those uniform screening criteria may not include a blanket ban on any prior eviction filings, to ensure that families who are prepared to meet their obligations as tenants are not locked out of the housing market based on an old or unfair eviction filing.

The RAA represents an important step toward housing justice for Philadelphians, and yet it cannot, on its own, ensure that tenants are not blocked from adequate housing based on outdated or misleading records. For example, even though the RAA prohibits use of old or unfair housing court filings in rental decisions, landlords still have access to this information through widely used third-party screening reports. Landlords may not know which records they are prohibited from basing a denial on, and most tenants do not know that the protections of the RAA exist. A state-level eviction record sealing framework would ensure that third-party tenant screening reports exclude information prohibited by the RAA, so that tenants with prior eviction filings can secure stable housing for their families, not only in Philadelphia, but across all of Pennsylvania.

### Clean Slate: A Homegrown Legislative Model for Sealing Eviction Records

Clean Slate, first passed in 2018, made Pennsylvania the first state in the nation to enact automatic criminal record sealing for eligible offenses and nonconvictions.<sup>73</sup> Clean Slate was passed with the support of a broad, bipartisan statewide coalition dedicated to supporting much-needed workforce development by removing barriers imposed by even minor criminal records. Automatic record sealing under Clean Slate has allowed thousands of minor criminal records to be sealed with minimal administrative burden, which, in turn, ensures that people can access work and housing to provide for their families and contribute to local economic prosperity.

Eviction records, like criminal records, disrupt housing stability and prevent people from accessing and maintaining good jobs. Pennsylvanians need the same protection from the lasting effects of eviction records as they have for criminal records through Clean Slate.

## Eviction Records Harm Families with Disabled Children

Joe owned his home, but when he couldn't afford to make structural repairs, he sold it below what it was worth because he was taken advantage of through a predatory home-buying scheme. Joe quickly ended up needing to rent for the first time and he and his son, who has a disability, moved into a new place and sought assistance to meet the rest of their needs. In the beginning, Joe was excited about this new opportunity—he was going to get to raise his son near a good school and be back in the community that he grew up in. This new place, however, was not a safe haven for either Joe or his son. Joe describes their living situation as “a hell hole,” full of vermin, random holes in the walls, and mold throughout the house, noting that he and his son became so sick that they landed in the hospital. As Joe recalls, “I [was] using everything else to pay rent, and sometimes I couldn't even pay the utilities. I was also raising a disabled child at the same time, so it was hard.”

When Joe fell behind on rent after three months because of a significant delay with his Social Security payment, he applied to a rental assistance program and received the support, but the delays in receiving and accepting the assistance by the landlord prompted Joe to miss his rent payment date. Although Joe's landlord knew this money was coming, he still filed for an eviction. A few weeks later, the landlord's lawyer knocked on Joe's door and let him know that not only did he not have to go to court, but that they were going to move him into a new place. Because Joe trusted the lawyer, he did not think twice about this arrangement.

Joe was ultimately prompted to move into a neighborhood that he did not feel safe in and a unit that did not have utilities hooked up. Until the utilities were connected, Joe and his son then moved in with Joe's partner, but when they returned to the property, Joe and his son's belongings were removed from their home onto the curb. Almost a decade later, Joe notes that they never were able to recover some of those belongings. After having their belongings removed, Joe and his son were forced into homelessness and slept on the train for two weeks where they were bitten by fleas and endured the cold.

While Joe and his son ultimately have found a place in a neighborhood that they both enjoy and that was close to the school system that his son was in, Joe does note that they got lucky to find a landlord who only cared about his ability to have a steady income. When asked about his new home, Joe notes, “I don't have to worry about my son. There's a lady upstairs who likes to cook. It's a breath of fresh air. But I really am trying to find a first-floor apartment because it is getting harder for me to go up the steps.”

6.0

## Recommendations for Ensuring Fairness and Housing Stability Across the Commonwealth



In the face of a complex issue, Pennsylvania legislators have the power to forge a transformative path toward housing stability and economic vitality. The multifaceted nature of eviction filings and their profound ripple effects demand an ecosystem of responses that address each link in the chain, cultivating an environment where fairness prevails and where every Pennsylvanian has fair access to safe and affordable housing. The path to brighter housing futures for all residents in the state hinges on policies that can nurture families, empower the workforce, and fortify communities.

By embracing the example of over 10 jurisdictions (states, cities, and counties) that have championed eviction record sealing policies, Pennsylvania state policymakers can furnish their residents with the tools they need to secure safe, affordable housing now and for generations to come. The recommendations laid out in this section offer strategies for stabilizing communities, mitigating the far-reaching consequences of pandemic-era evictions, and ushering in futures for Pennsylvania residents that are marked by resilience and opportunity.

## **1. Advance An Ecosystem of Responses to a Multifaceted Problem**

The impact that eviction filings have on Pennsylvanians' future housing stability and the Commonwealth's economic vitality is the product of several systems interacting: outdated court record-keeping practices, the data-scraping and consumer screening industry, and property owners' review of individual rental applications. Each point in this chain must be examined and modernized to restrict the ability for existing systems to produce inequitable and unfair practices and protections for tenants.

### **Modernize Court Record-Keeping Practices**

Implementing digital platforms that ensure accurate and up-to-date information on eviction cases can provide a more comprehensive view of a tenant's history, enabling fairer decisions during the rental application process. These systems could also incorporate safeguards to prevent unjust inclusion of dismissed or settled cases that unfairly impact tenants' housing prospects.<sup>74</sup>

## **Curb Data-Scraping and Regulate the Consumer Screening Industry**

Stronger regulations should be enacted to ensure that the information provided to landlords is accurate, relevant, and devoid of biases. Implementing transparency requirements for screening companies and establishing mechanisms for tenants to review and contest their information can foster accountability. Collaborating with these companies to develop standardized, nondiscriminatory criteria for evaluating tenants can promote equity in the rental process.

### **Require Fair and Objective Criteria for Tenant Screening**

The decision-making process of property owners reviewing rental applications holds substantial sway over tenants' access to housing. Requiring landlords to adopt fair and objective criteria for tenant selection can be achieved through legislation, educational campaigns, and incentives. Workshops, resources, and guidelines can help landlords assess applications based on financial stability and rental history rather than relying on arbitrary factors that may perpetuate biases.

## **2. Improve Enforcement of Existing Protections**

The Pennsylvania Attorney General took an important step in 2022 in releasing guidelines for landlord-tenant relationships.<sup>75</sup> To maximize the impact of these guidelines, policymakers must take further action by implementing robust measures that not only reinforce the guidelines but also hold unscrupulous tenant and consumer screening companies accountable for violations of state debt collection and credit reporting laws.

## Strengthen Legal Frameworks

Policymakers should consider introducing legislation that explicitly outlines the responsibilities and obligations of tenant and consumer screening companies. This could encompass requirements for accurate reporting, the prohibition of discriminatory practices, and provisions for penalties if violations occur. Creating a legal framework that aligns with the guidelines from the Attorney General's office provides a stronger foundation for enforcement efforts.

## Implement Robust Enforcement Practices and Penalties

To effectively deter noncompliance, policymakers should institute stringent penalties for violations of debt collection and credit reporting laws. These penalties should be proportional to the severity of the offense and should send a clear message that unethical practices will not be tolerated.

## Create Public Education Campaigns and Stakeholder Workshops

Investing in public education campaigns can empower tenants with knowledge about their rights and educate them about potential red flags in tenant and consumer screening practices and throughout the background check process. These campaigns can also inform landlords about their obligations to use fair and nondiscriminatory screening criteria, especially under the FCRA. Workshops and training sessions for both landlords and tenant and consumer screening companies can promote understanding and compliance with the guidelines and relevant laws. Educating these stakeholders about the implications of their actions can encourage ethical practices.

## Allocate Resources for Enforcement

Localities like Philadelphia, which have enacted protective measures like the Renters' Access Act, should dedicate resources to the enforcement of these laws. This can include hiring staff, establishing specialized units, and creating mechanisms to respond promptly to complaints.

## 3. Create a New Framework to Seal, Expunge, or Otherwise Shield Tenants' Names from Unproven, Disproven, or Outdated Eviction Records

The state should act to ensure that court record-keeping practices reflect the modern reality of data scraping and consumer screening businesses and address mounting housing instability. By acknowledging the guidance provided by the federal CFPB in 2022<sup>76</sup> and leveraging the authority granted to the state, Pennsylvania policymakers can implement a multifaceted approach that encompasses legislative reforms, court rule changes, and a comprehensive sealing process. This strategy can draw from legislation introduced in other states, like California and Colorado—who seal eviction records at the point of filing—and balance transparency with the protection of individuals' housing stability. The courts can also act through rulemaking, as they have in other contexts, to balance the public interest in open records with the specific harms caused by the release of certain records. However, Pennsylvania state lawmakers can also go beyond this and pave the way for more innovative solutions that prioritize the housing stability and privacy of tenants across the Commonwealth.

## Comprehensive Legislative Action

The Pennsylvania legislature should seize the opportunity to enact eviction sealing legislation that aligns with the principles laid out by the CFPB. This legislation should outline clear criteria and procedures for sealing, expunging, or otherwise shielding eviction records from public access. By establishing a standardized process, the state can ensure that tenants are not unfairly burdened by inaccurate or irrelevant records when seeking future housing. The legislation should define specific eligibility criteria that tenants must meet to have their eviction records sealed. This could include factors such as the dismissal of eviction cases, successful completion of payment plans, or simply the passage of time after a court judgment (in alignment with policies employed in contexts such as bankruptcy that a single event becomes less and less predictive of future behavior). By setting objective criteria, the framework ensures fairness and reduces subjectivity in decision-making.

## Balancing Transparency and Privacy through Court Rule Changes

The courts can play a pivotal role in balancing the public interest in open records with the need to protect individuals' housing stability. Through rulemaking, the courts can follow the recommendation of the American Bar Association<sup>77</sup> and establish guidelines that prioritize sealing records in cases where tenants' rights have been upheld or where eviction cases were dismissed. This approach acknowledges the importance of transparency while safeguarding tenants' privacy and future housing prospects.

## **Conclusion: Unlocking Housing Stability: A Path Forward for Pennsylvania**

A prosperous future for Pennsylvanians is possible and achievable, but the correct policies must be in place for this future to happen. State legislators have the ability to help families stay together, promote workforce development, stabilize communities, and ensure the health and safety of renters across the Commonwealth. It is critical for Pennsylvania policy-makers to follow in the footsteps of over 10 states and localities who have already enacted statewide eviction record sealing to give tenants the ability to access safe and affordable housing opportunities now and far into the future.

The recommendations provided in this report are measures that could go a long way toward helping stabilize entire communities and reducing the long-term consequences of evictions during the pandemic and beyond.



## 7.0

# Notes

- 1 For a full list of states and jurisdictions that have passed eviction record sealing policies and tenant screening regulations, please see PolicyLink's "Mapping the Growth of Eviction Record and Tenant Screening Protections" accessed here: <https://www.policylink.org/mapping-the-growth-of-eviction-record>.
- 2 Eviction Lab, "Eviction Tracking: Pennsylvania," accessed August 2023 <https://evictionlab.org/eviction-tracking/pennsylvania/>.
- 3 Matthew Desmond and Carl Gershenson, "Housing and Employment Insecurity among the Working Poor," *Social Problems*, 0:1-22 (2016), <https://doi.org/10.1093/socpro/spv025>.
- 4 Matthew Desmond and Rachel T. Kimbro, "Eviction's Fallout: Housing, Hardship, and Health," *Social Forces* 1-30 (2015) <https://doi.org/10.1093/sf/sov044>; Gracie Himmelstein and Matthew Desmond, "Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016" *JAMA Pediatrics* 175(5):494-500 (2021) <https://doi.org/10.1093/sf/sov044>; Aayush Kadka, Gunther Fink, Ashley Gromis, and Margaret McConnell, "In Utero Exposure to Threat of Eviction and Preterm Birth: Evidence from the United States," *Health Services Research*, 55(5):823-832 (2020), <https://doi.org/10.1111/1475-6773.13551>; Matthew Desmond, "Eviction and the Reproduction of Urban Poverty," *American Sociological Journal*, 118(1):88-133 (2012); Shreya Rao, et al., "Association of US County-Level Eviction Rates and All-Cause Mortality," *Journal of General Internal Medicine*. (April 2023) 38(5):1207-1213. <https://doi.org/10.1007/s11606-022-07892-9>. Epub 2022 Nov 7. PMID: 36344645; PMCID: PMC9640832.
- 5 Diana B. Cutts et al., "Eviction and Household Health and Hardships in Families with Very Young Children," *Pediatrics* 150(4):1-12 (2022), <https://doi.org/10.1542/peds.2022-056692>.
- 6 Desmond and Kimbro, "Eviction's Fallout"; Yerko Rojas and Sten-Ake Stenberg, "Evictions and Suicide: A Follow-Up Study of Almost 22,000 Swedish Households in the Wake of the Global Financial Crisis" *Journal of Epidemiology & Community Health*, 70(4):409-413 (2016), <https://doi.org/10.1136/jech-2015-206419>; Shreya Rao, et al, "Association of US County-Level Eviction Rates and All-Cause Mortality."
- 7 Sebastian Sandoval-Olascoaga, Atheendar S. Venkataramani, and Mariana C. Arcaya, "Eviction Moratoria Expiration and COVID-19 Infection Risk Across Strata of Health and Socioeconomic Status in the United States," *JAMA Network Open*, 4(8):e2129041 (2021), <https://doi.org/10.1001/jamanetworkopen.2021.29041>; Kathryn M. Leifheit et al., "Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality," *American Journal of Epidemiology*, (2021) <https://doi.org/10.1093/aje/kwab196>.
- 8 Peter Hepburn, Renee Louis, and Matthew Desmond, "Racial and Gender Disparities among Evicted Americans." *Sociological Science* 7:649-662 (2020), DOI: 10.15195/v7.a27.
- 9 Kyle Keraga, "Fact Sheet: Limiting Public Access to Eviction Records." The Network for Public Health Law (May 2021) <https://www.networkforphl.org/wp-content/uploads/2021/05/Fact-Sheet-Limiting-Public-Access-to-Eviction-Records.pdf>.
- 10 Mya Frazier, "When No Landlord Will Rent to You, Where Do You Go?," *New York Times*, October 1, 2021 <https://www.nytimes.com/2021/05/20/magazine/extended-stay-hotels.html>; M. Desmond, C. Gershenson, and B. Kiviat, "Forced Relocation and Residential Instability among Urban Renters," *Social Science Review* 89(2): 227-262 (2015) <https://doi.org/10.1086/681091>.
- 11 For more information on the relationship between housing cost burden and material hardship, please see: Shomon Shamsuddin and Colin Campbell (2021): "Housing Cost Burden, Material Hardship, and Well-Being," *Housing Policy Debate*, <https://doi.org/10.1080/10511482.2021.1882532>.
- 12 Commuting to new employment is also much more difficult for the 23 percent of people of color in Pennsylvania, disproportionately more Black and Native American women (34 percent and 37 percent respectively), without access to a vehicle. National Equity Atlas, "Average Travel Time to Work (Minutes) by Race/Ethnicity: Pennsylvania" PolicyLink and the USC Equity Research Institute, accessed July 28, 2023, [https://nationalequityatlas.org/indicators/Commute\\_time?geo=02000000000042000&breakdown=by-race-ethnicity](https://nationalequityatlas.org/indicators/Commute_time?geo=02000000000042000&breakdown=by-race-ethnicity); National Equity Atlas, "Average Travel Time to Work (Minutes) by Race/Ethnicity and Gender: Pennsylvania" PolicyLink and the USC Equity Research Institute, accessed July 28, 2023, [https://nationalequityatlas.org/indicators/Commute\\_time?geo=02000000000042000&breakdown=by-gender](https://nationalequityatlas.org/indicators/Commute_time?geo=02000000000042000&breakdown=by-gender); National Equity Atlas, "Percent of Households without a Vehicle by Race/Ethnicity: Pennsylvania" PolicyLink and the USC Equity Research Institute, accessed July 28, 2023, [https://nationalequityatlas.org/indicators/Car\\_access?geo=02000000000042000&breakdown=by-race-ethnicity](https://nationalequityatlas.org/indicators/Car_access?geo=02000000000042000&breakdown=by-race-ethnicity); National Equity Atlas, "Percent of Households without a Vehicle by Race/Ethnicity and Gender: Pennsylvania" PolicyLink and the USC Equity Research Institute, accessed July 28, 2023, [https://nationalequityatlas.org/indicators/Car\\_access?geo=02000000000042000&breakdown=by-gender](https://nationalequityatlas.org/indicators/Car_access?geo=02000000000042000&breakdown=by-gender).
- 13 National Equity Atlas, "Eliminate Rent Burden-Pennsylvania," PolicyLink and the USC Equity Research Institute, accessed May 9, 2023, <https://nationalequityatlas.org/indicators/Eliminate-rent-burden#/?geo=02000000000042000>.

- 14 Brittany Lewis et al., *The Illusion of Choice: Evictions and Profit in North Minneapolis*, Center for Urban and Regional Affairs, University of Minnesota, 2019, <https://evictions.cura.umn.edu/sites/evictions.cura.umn.edu/files/2023-04/Illusion-of-Choice-full-report-web-v2.pdf>.
- 15 National Center for Healthy Housing and National Safe and Healthy Housing Coalition, "Pennsylvania Healthy Housing Fact Sheet," accessed July 19, 2023, [https://nchh.org/resource-library/Healthy\\_Housing\\_Fact\\_Sheet--Pennsylvania\\_2015\\_7.15.15\\_final.pdf](https://nchh.org/resource-library/Healthy_Housing_Fact_Sheet--Pennsylvania_2015_7.15.15_final.pdf).
- 16 Lauren A. Taylor, "Housing and Health: An Overview of the Literature," *Health Affairs - Policy Brief* (June 7, 2018) <https://www.healthaffairs.org/doi/10.1377/hpb20180313.396577/full/>; Rebekah Levine Coley, Tama Leventhal, Alicia Doyle Lynch, and Melissa Kull, "Poor Quality Housing Is Tied to Children's Emotional and Behavioral Problems" MacArthur Foundation - How Housing Matters (September 2013) [https://www.macfound.org/media/files/hhm\\_-\\_poor\\_quality\\_housing\\_is\\_tied\\_to\\_childrens\\_emotional\\_and\\_behavioral\\_problems.pdf](https://www.macfound.org/media/files/hhm_-_poor_quality_housing_is_tied_to_childrens_emotional_and_behavioral_problems.pdf).
- 17 Cael Warren, *Success in Housing: How Much Does Criminal Background Matter?*, a research project conducted in partnership with Wilder Research (January 2019) [https://www.wilder.org/sites/default/files/imports/AEON\\_HousingSuccess\\_CriminalBackground\\_Report\\_1-19.pdf](https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf); Daniel K. Malone, "Assessing Criminal History as a Predictor of Future Housing Success for Homeless Adults With Behavioral Health Disorders," *Journal of Psychiatric Services*, (Jan 2015) <https://doi.org/10.1176/ps.2009.60.2.224>.
- 18 Eviction Lab, "Eviction Tracking: Pennsylvania," accessed August 2023 <https://evictionlab.org/eviction-tracking/pennsylvania/>.
- 19 Eviction Lab, "Eviction Tracking: Pennsylvania – Monthly Eviction Filings Relative to Average since 01/2020," accessed August 2023 <https://evictionlab.org/eviction-tracking/pennsylvania/>; Emily A. Benfer et al., (2022) "COVID-19 Housing Policy: State and Federal Eviction Moratoria and Supportive Measures in the United States During the Pandemic," *Housing Policy Debate*, <https://doi.org/10.1080/10511482.2022.2076713>.
- 20 Eviction Lab, "Eviction Tracking: Pennsylvania – Monthly Eviction Filings Counts since 01/2020," accessed August 2023 <https://evictionlab.org/eviction-tracking/pennsylvania/>.
- 21 Pennsylvania Department of Human Services, "Data Dashboard for the Emergency Rental Assistance Program (ERAP)," accessed July 27, 2023 <https://www.dhs.pa.gov/ERAP/Pages/ERAP-Dashboard.aspx>.
- 22 Housing Alliance of Pennsylvania, "Revealing Opportunities and Challenges: An Analysis of Eviction Filings in Pennsylvania," February 2022 <https://housingalliancepa.org/eviction-data-report/>.
- 23 Eviction Lab, "Eviction Tracking: Pennsylvania."
- 24 Eviction Lab, "Eviction Tracking: Pennsylvania," data gathered by Jasmine Rangel, accessed August 8, 2023 <https://evictionlab.org/eviction-tracking/pennsylvania/>.
- 25 Eviction Lab, "Eviction Tracking: Pennsylvania," data gathered by Adam Chapnik at the Eviction Lab, accessed July 27, 2023 <https://evictionlab.org/eviction-tracking/pennsylvania/>.
- 26 Eviction Lab, "National Eviction Map – Modeled Data of Eviction Filing Rate and Population for Counties in 2018," accessed on July 28, 2023 <https://evictionlab.org/map/?m=modeled&c=p&b=efr&s=all&r=states&y=2018&z=3.36&lat=38.14&lon=-97.50&lang=en>.
- 27 Figure created by Lauren Parker. Data retrieved from Civil Court Data Initiative, Legal Services Corporation, 2022, accessed June 20, 2023.
- 28 Eviction Lab, "Eviction Tracking: Pennsylvania."
- 29 Devin Q. Rutan, Peter Hepburn, and Matthew Desmond, "The Growing Risk of Eviction in the Suburbs - Figure 2," Eviction Lab, February 28, 2023 <https://evictionlab.org/growing-risk-of-suburban-eviction/>; Devin Q. Rutan, Peter Hepburn, and Matthew Desmond, "The Suburbanization of Eviction: Increasing Displacement and Inequality Within American Suburbs" *RSF: The Russell Sage Foundation Journal of the Social Sciences* February 2023, 9 (1) 104-125; <https://doi.org/10.7758/RSF.2023.9.1.05>.
- 30 Number of Pennsylvania renter households (as of 2021) total 1,586,866. U.S. Census Bureau; American Community Survey, 2021 ACS 5-Year Estimates Subject Tables, Table S2502, generated by Jasmine Rangel, accessed July 28, 2023 [https://data.census.gov/table?q=Owner/Renter+\(Tenure\)&g=040XX00US42&tid=ACSST5Y2021.S2502](https://data.census.gov/table?q=Owner/Renter+(Tenure)&g=040XX00US42&tid=ACSST5Y2021.S2502) U.S. Census Bureau; American Community Survey, 2021 ACS 5-Year Estimates Subject Tables, Table S1101, generated by Jasmine Rangel, accessed July 28, 2023 <https://data.census.gov/table?q=pennsylvania+housing+tenure&tid=ACSST5Y2021.S1101>.
- 31 Abha Bhattarai, Chris Alcantara, and Andrew Van Dam, "Rents Are Rising Everywhere. See 'How Much Prices Are Up in Your Area,'" *The Washington Post*, April 21, 2022 <https://www.washingtonpost.com/business/interactive/2022/rising-rent-prices/>.
- 32 National Equity Atlas, "Housing Burden by Tenure, Severity, and Race/Ethnicity: Pennsylvania," PolicyLink and the USC Equity Research Institute, accessed July 28, 2023 [https://nationalequityatlas.org/indicators/Housing\\_burden?breakdown=by-race-ethnicity&geo=02000000000042000](https://nationalequityatlas.org/indicators/Housing_burden?breakdown=by-race-ethnicity&geo=02000000000042000).
- 33 National Equity Atlas, "Housing Burden by Tenure, Severity, and Race/Ethnicity: Pennsylvania - Below 100% Poverty," PolicyLink and the USC Equity Research Institute, accessed July 28, 2023 [https://nationalequityatlas.org/indicators/Housing\\_burden?breakdown=by-race-ethnicity&geo=02000000000042000&povlev02=5](https://nationalequityatlas.org/indicators/Housing_burden?breakdown=by-race-ethnicity&geo=02000000000042000&povlev02=5); Office of the Assistant Secretary for Planning and Evaluation, "U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs," the poverty guidelines are updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2), accessed August 7, 2023 <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2020-poverty-guidelines#main-content>.
- 34 National Equity Atlas, "Rent Debt in America: Stabilizing Renters Is Key to Equitable Recovery – Geography: Pennsylvania," National Equity Atlas and Right to the City, accessed July 27, 2023 <https://nationalequityatlas.org/rent-debt>.

- 35 National Equity Atlas, “Rent Debt in America: Stabilizing Renters Is Key to Equitable Recovery – Debt Relief Map,” National Equity Atlas and Right to the City, accessed July 27, 2023 <https://nationalequityatlas.org/rent-debt>.
- 36 Kaveh Waddel, “How Tenant Screening Reports Make It Hard for People to Bounce Back From Tough Times,” *Consumer Reports*, March 11, 2021 <https://www.consumerreports.org/algorithmic-bias/tenant-screening-reports-make-it-hard-to-bounce-back-from-tough-times-a2331058426/>.
- 37 Lauren Kirchner and Matthew Goldstein, “Access Denied: Faulty Automated Background Checks Freeze Out Renters,” *The Markup*, May 28, 2020 <https://themarkup.org/locked-out/2020/05/28/access-denied-faulty-automated-background-checks-freeze-out-renters>.
- 38 Warren, *Success in Housing: How Much Does Criminal Background Matter*.
- 39 Adam Porton, Ashley Gromis, and Matthew Desmond (2020) “Inaccuracies in Eviction Records: Implications for Renters and Researchers,” *Housing Policy Debate*, 32(3-5):377-394 (2020), <https://doi.org/10.1080/10511482.2020.1748084>.
- 40 15 U.S.C. §§ 1681-1681.
- 41 Consumer Financial Protection Bureau, “How Long Can Information, Like Eviction Action and Lawsuits, Stay on My Tenant Screening Record?” July 1, 2021 <https://www.consumerfinance.gov/ask-cfpb/how-long-can-information-like-eviction-actions-and-lawsuits-stay-on-my-tenant-screening-record-en-2104/>.
- 42 Consumer Financial Protection Bureau, “Consumer Snapshot: Tenant Background Checks,” November 2022) [https://files.consumerfinance.gov/f/documents/cfpb\\_consumer-snapshot-tenant-background-check\\_2022-11.pdf](https://files.consumerfinance.gov/f/documents/cfpb_consumer-snapshot-tenant-background-check_2022-11.pdf).
- 43 15 U.S.C. § 1681e(b).
- 44 TechEquity Collaborative, “Tech, Bias, and Housing Initiative: Tenant Screening,” February 2022 <https://techequitycollaborative.org/2022/02/23/tech-bias-and-housing-initiative-tenant-screening/>; Lauren Kirchner and Matthew Goldstein, “How Automated Background Checks Freeze Out Renters,” *New York Times*, May 28, 2020 <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>; Kirchner and Goldstein, “Access Denied: Faulty Automated Background Checks Freeze Out Renters.”
- 45 National Consumer Law Center, “Letter Re: Request that CFPB Prohibit Credit Reporting of Rent Arrears Incurred During COVID-19 Pandemic,” May 06, 2021 [https://www.nclc.org/wp-content/uploads/2022/08/CFPB\\_ltr\\_Prohibit\\_Rental\\_Arrear\\_Reports.pdf](https://www.nclc.org/wp-content/uploads/2022/08/CFPB_ltr_Prohibit_Rental_Arrear_Reports.pdf).
- 46 Consumer Financial Protection Bureau, “Bulletin 2021-03: Consumer Reporting of Rental Information” (July 1, 2021) [https://files.consumerfinance.gov/f/documents/cfpb\\_consumer-reporting-rental-information\\_bulletin-2021-03\\_2021-07.pdf](https://files.consumerfinance.gov/f/documents/cfpb_consumer-reporting-rental-information_bulletin-2021-03_2021-07.pdf).
- 47 Consumer Financial Protection Bureau, “Bulletin 2021-03: Consumer Reporting of Rental Information.”
- 48 For a more detailed analysis of the 2021 bulletin published by the CFPB, please visit “Implications of New CFPB Bulletin on Consumer Reporting of Renters” by the National Consumer Law Center, accessed at: <https://library.nclc.org/article/implications-new-cfpb-bulletin-consumer-reporting-renters>.
- 49 Consumer Financial Protection Bureau, “Interpretive Rule: The Fair Credit Reporting Act’s Limited Preemption of State Laws,” accessed August 7, 2023, [https://files.consumerfinance.gov/f/documents/cfpb\\_fcra-preemption\\_interpretive-rule\\_2022-06.pdf](https://files.consumerfinance.gov/f/documents/cfpb_fcra-preemption_interpretive-rule_2022-06.pdf).
- 50 Domestic Policy Council and National Economic Council, *The White House Blueprint for a Renters Bill of Rights*, January 2023 <https://www.whitehouse.gov/wp-content/uploads/2023/01/White-House-Blueprint-for-a-Renters-Bill-of-Rights-1.pdf>.
- 51 Domestic Policy Council and National Economic Council, *The White House Blueprint for a Renters Bill of Rights*.
- 52 Domestic Policy Council and National Economic Council, *The White House Blueprint for a Renters Bill of Rights*.
- 53 American Bar Association, “2022 Mid-Year Meeting Resolution 612–Guideline 10” (February 14, 2022) <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2022/612-midyear-2022.pdf>.
- 54 American Bar Association, “2022 Mid-Year Meeting Resolution 612–Guideline 10.”
- 55 For a full list of states and jurisdictions that have passed eviction record sealing policies and tenant screening regulations, please see PolicyLink’s “Mapping the Growth of Eviction Record and Tenant Screening Protections” accessed here: <https://www.policylink.org/mapping-the-growth-of-eviction-record>.
- 56 *Mercury News*, “California’s New Rules on Tenant Blacklists Are Unpopular with Landlords,” September 14, 2016 <https://www.mercurynews.com/2016/09/14/new-law-protects-california-tenants-from-blacklists/>.
- 57 Fanilla Cheng, “Why It’s So Hard to Gauge the Extent of California’s Eviction Crisis,” *New America*, June 3, 2021 <https://www.newamerica.org/future-land-housing/blog/why-its-so-hard-to-gauge-the-extent-of-californias-eviction-crisis/>.
- 58 California Code of Civil Procedure, Unlawful Detainer Proceedings §1161.2, §1167.1.
- 59 In other words, if a judgment is made against a tenant (including a default judgment), an eviction record can become unsealed and publicly disseminated onto a “Tenant Registry” that can be accessed by landlords or CRAs for the next seven years (per FCRA guidelines). Legal Aid Foundation of Los Angeles, “Unlawful Detainer: Motion to Set Aside How To Guide” March 2019. <https://lafla.org/wp-content/uploads/2019/03/UD-Emergency-Ex-Parte-for-Motion-to-Set-Aside-Default-Judgment-How-To-GuideEnglish.pdf>.
- 60 Lauren Fung, Isabella Remor, Katie Fallon, and Nyla Holland, “Masking the Scarlet ‘E’: A Study on California’s Attempt to Mask Eviction Records through AB 2819,” Urban Institute, August 2023 <https://www.urban.org/sites/default/files/2023-08/Masking%20the%20Scarlet%20%E2%80%9CE%E2%80%9D.pdf>.

- 61 Fung, Remor, Fallon, and Holland, “Masking the Scarlet ‘E’: A Study on California’s Attempt to Mask Eviction Records through AB 2819.”
- 62 Colorado Revised Statutes §13-40-110.5.
- 63 Colorado Revised Statutes §13-40-110.5.
- 64 Jack Regenbogen, interview with Jasmine Rangel, January 30, 2023.
- 65 Nevada Revised Statutes, Actions and Proceedings in Particular Cases Concerning Property §40.2545.
- 66 Nevada Revised Statutes, Actions and Proceedings in Particular Cases Concerning Property §40.2545.
- 67 Nevada Revised Statutes, Actions and Proceedings in Particular Cases Concerning Property §40.2545.
- 68 Suzanne Potter, “Two New Nevada Record Sealing Laws Go Into Effect,” Public News Service, October 2, 2017 <https://www.publicnewsservice.org/2017-10-02/criminal-justice/two-new-nevada-record-sealing-laws-go-into-effect/a59648-1>.
- 69 8NewsNow, “Assembly Passes Legislation to Seal Records on Evictions During Pandemic,” April 19, 2021 <https://www.8newsnow.com/news/local-news/assembly-passes-legislation-to-seal-records-on-evictions-during-pandemic/>.
- 70 Arizona Revised Statutes, Title 33 - Property §10-4-33-1379.
- 71 Yuliya Panfil and Sabiha Zainulbhai, “Arizona’s New Record Sealing Law Shouldn’t Stop Us from Tracking Evictions,” *AZ Central* (September 30, 2022) <https://www.azcentral.com/story/opinion/op-ed/2022/09/30/arizona-law-could-hurt-evicted-tenants-claims-help/10445551002/>; Jessica Swarner, “Fewer Eviction Filings Will Show Up on Credit Reports Thanks to This New Law,” *The Copper Courier*, June 13, 2022 <https://coppercourier.com/story/fewer-eviction-filings-credit-reports-bill/>.
- 72 Pennsylvania Office of Attorney General, *Consumer Guide to Tenant and Landlord Rights*, June 2022 <https://www.attorneygeneral.gov/wp-content/uploads/2022/06/OAG-Consumer-Guide-Tenant-Landlord-Rights-v.13-web-version.pdf>.
- 73 18 PA Cons Stat § 9122.2 (2022).
- 74 See Guideline 10 of “ABA Ten Guidelines for Residential Eviction Laws”, American Bar Association, March 11, 2022 [https://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/guideline-10/](https://www.americanbar.org/groups/legal_aid_indigent_defense/sclaid-task-force-on-eviction--housing-stability--and-equity/guidelines-eviction/guideline-10/) (“A court that hears eviction cases should automatically seal the names of defendants before a final judgment and in dismissed cases, and courts should have practical procedures for sealing or otherwise protecting the privacy of defendants where other good cause exists.”).
- 75 Pennsylvania Office of Attorney General, *Consumer Guide to Tenant and Landlord Rights*.
- 76 Consumer Financial Protection Bureau, “Interpretive Rule: The Fair Credit Reporting Act’s Limited Preemption of State Laws.”
- 77 Guideline 10 of “ABA Ten Guidelines for Residential Eviction Laws,” American Bar Association.

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# Author Biographies

**Holly Beck** is a Divisional Supervising Attorney in the Housing Unit at Community Legal Services of Philadelphia where she provides advice and representation to tenants facing eviction and other forms of housing instability. She also leads the Housing Unit's work on the inequitable impacts of eviction records and tenant screening practices. Before joining CLS, Holly represented low-income parents involved in New York City's child welfare system, as an attorney at Bronx Defenders, and also as a supervising attorney at Neighborhood Defender Service of Harlem. Holly received her JD from NYU Law and her BA with honors from McGill University.

**Tamar Hoffman** is a Staff Attorney in the Housing Unit at Community Legal Services of Philadelphia where she provides free direct representation to both private and subsidized housing tenants facing eviction and unfair housing practices. Prior to becoming a housing attorney, Tamar worked as a paralegal, first at the Housing Unit at CLS, and later at the Project on Predatory Student Lending at the Legal Services Center at Harvard Law School. Tamar received her JD from Georgetown University Law Center and her BA from Haverford College.

**Jess Humphries** is a Paralegal in the Housing Unit at Community Legal Services of Philadelphia. As part of the Lawyer of the Day program, she provides on-the-spot representation to low-income tenants facing eviction in Municipal Court. Prior to joining CLS, Jess managed the rent assistance and homelessness prevention program at HopePHL in West Philadelphia. A passionate advocate for housing and economic justice who has worked extensively with Philadelphians in deep poverty, Jess received a BS in biology from Boston College and a master's in social work from Temple University.

**Jasmine Rangel** is a Senior Associate at PolicyLink where she conducts research, develops resources, and supports community leaders and policymakers to advance a more just housing system. Jasmine became interested in housing justice after an early introduction to community-engaged practices as a part of the Bonner Scholars program. She has supported housing advocacy in Charlottesville, Virginia, and conducted housing research with the Eviction Lab. Jasmine holds a master of public policy from the Frank Batten School of Leadership and Public Policy at the University of Virginia and a BS from Berry College in political science.



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